



Hearing Transcript

Project:	M5 Junction 10 Improvements Scheme
Hearing:	Issue Specific Hearing 4 (ISH4) - Session 5
Date:	16 October 2024

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TRANSCRIPT_M5JUNCTION10_ISH4_SESSION5_16102024

Wed, Oct 16, 2024 4:22PM • 2:18:48

00:05

Good morning everyone. It's 10 o'clock and it's now time to resume this issue specific hearing.

00:12

Welcome everyone. Can I just check that live stream and the team's function are working? Thank you very much.

00:19

Okay, I don't think there's any new parties in the room, so I'm not proposing to run through the entire introductions again, if everyone's content with that, I do understand that we have a new party online. Mr. Bower,

00:36

so just as a brief introduction, so that I'm sure everyone else is familiar, but this is obviously issue specific hearing for part two into the

00:47

application by Gloucestershire County Council for the m5 junction 10 improvement project.

00:54

Just remind everyone if they can ensure their mobile phones are switched off, please.

01:01

We were led to believe that there might be a fire alarm this morning, but I think from what we've seen, it was due to happen 15 minutes ago, but I didn't hear anything,

01:12

so we'll see. But as far as we understand it, there might be

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a practice of some sort. So

01:21

hopefully someone from the hotel will come in and tell us what's really going on. But if, if it's a real thing, then obviously it's exit straight out the back.

01:31

Meet in the car park for until we're told it's safe to come back in. Okay.

01:38

Now

01:40

we had yesterday concluded up to the point of discussing the DCO on the agenda, but Mr. Bauer is attending this morning. He is the agent for Mrs. Bruton, and he's asked if we could accommodate him to discuss the access arrangements for their land. I think he observed what was happening yesterday and wished to express his view. So we thought it was appropriate to accommodate that first thing. So hopefully that's

02:14

okay with everybody.

02:21

Okay? So if I can invite Mr. Bauer, then if you can introduce yourself,

02:27

and hopefully you can see and hear us, and we can see and hear you shortly.

02:36

Thank you. So yes, good morning. Andrew Bauer, acting as agent on behalf. This is Mary Bruton and Elizabeth Council, the landowners of land at pigeon house farm, which are joined upkington Road.

02:51

In principle, I'd like to make it clear that my clients are very much in support of the scheme, but there are some details that we've been trying to resolve with the applicant for several years, without success. And hence, I wish to put our position forward to you this morning.

03:11

But present my clients own two access routes from their land onto the a 40191,

03:17

of which has approximately 100 meters of road frontage that it would allow for any future expansion or widening to accommodate larger farm machinery subject to the necessary consents.

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However, as proposed following the DCO, this would become a single point of access only, and this would be shared with multiple adjoining landowners.

03:46

In particular, the large number of farm vehicles that would come in and out of the land at peak periods, for example, harvest, particularly when land

03:59

is in the same crop across different landowners, which is quite common for something like wheat. If there's rain coming, everyone will be rushing to get that crop off and into the barns before the rain comes, and there will be substantial vehicle movements in that period, because it's not only the combine harvester and the balers arriving on site. It's the multiple tractor and trailers that will be leaving site on multiple times per hour for each landowner. This

04:30

will also happen during the winter drilling period, when the crops are being put in the ground, and this year, it's a very good example of where you have very, very narrow weather windows, where ground conditions are appropriate, and that everyone will be out there trying to do the same thing.

04:47

Coming into the site is likely to be a major safety issue, and we're concerned about tractors and trailers in particular, backing up along the a 4019, back towards the end, five,

04:59

the.

05:00

Proposed access track that will be shared with all of the landowners is very narrow in the context of ever increasing farm machinery sizes. For example, the largest John Deere combine harvesters that are available are over four meters wide and 11 meters long, and could well be towing their header unit, which is the the large, widest part that fits on the front of the Combine when it's actually working the field, when that's sitting on a trailer, it could easily be over 17 meters long when it's being transported from field to field.

05:38

We have tried to pick this up with the applicants, and have not had any substantive changes

05:47

that have led us to believe our concerns have been alleviated.

05:54

We were also concerned that the lack of engagement from amps, because although we met the applicant's agent on site in april 2023 since then, we have nothing of substance back that has changed their position saved the site of a more recent letter dated first of October from the Assistant Director of AMS. And the key clause in there, the key gives us ongoing concern, is that they he says they will continue to work with developers and landowners to agree terms in order to facilitate suitable access from the 8419,

06:29

into the safeguarded land, subject to confirming the DCO and development of the safeguarded land making contribution accordance with The approved strategy for the recovery of the courts.

06:42

Obviously,

06:44

agreeing terms means nothing substantive legal basis, and we risk being left at a ransom situation for land that is currently free of any such constraints. Thank

07:00

you for allowing me to speak.

07:06

Thank you, Miss bear. Can I just clarify with you when I think you said AMS or amps? Is that an abbreviation for something?

07:14

Sorry? So yes,

07:17

gosh, counter councils, asset management and Property Services.

07:21

Yeah, I'm grateful. Thank you.

07:31

Yeah, I don't have any further questions just at the moment, Mr. Bauer, but the applicant will invite them to respond, and I just think it might be helpful if we display the plan, and

07:43

just about I did make a note of what it is. It's rep 4037,

07:50

just and it's sheet 12. I think,

07:56

I think the most helpful plan in that to start with is perhaps the very last plan in that document, which shows the existing land ownership boundaries and existing access points. Thank you. Applause.

08:38

Yeah, I think, I think that's helpful to start with. Thank you.

08:41

Can you see that clearly? Mr. Bauer,

08:45

yes, thank you.

08:56

Is it worth giving the applicant? Perhaps cancer response, what we've just heard first, and then I have a couple of follow up questions for Mr. Bauer, if I may. Thank you. So thank you. That'll be James Caswell.

09:11

James casimo for the applicant. I think you know the concerns that Mr. Powers raised, raised in relation to the safety of the the access for agricultural use have been explored and discussed for some time now, and there's been numerous sort of submissions from from both parties on the point the applicant has taken on board these comments. We have listened to the concerns regarding, say, combine harvester movements specifically, and undertaken sweat path analysis for a combine harvester towing its own header. There are concerns that agricultural Vehicle Sizes will continue increasing. I think there are restrictions, limits, by virtue of the wider road network that they're going to have to travel on. And there is a maximum size for these vehicles, which, if it hasn't been hit, can't be fair, be very far away. And.

10:00

Combine harvesters, specifically, you know, generally moved with Escort vehicles due to their size and the challenge. And I think, you know, similarly with balers, it's a very infrequent use, such as with with combine harvesters, in terms of the use of the access for corn carts, so tractors towing trailers during harvest, the design of the junction with the signal control will actually provide a much clearer and easier route for vehicles to get in and out of the site, not needing to wait for breaks in traffic or trying to cross live, live road carriageways. And similarly to the site further south, with Mr. Hadley, I think there's an advantage in terms of safety, from that perspective, for vehicles to access and egress from the site.

10:46

With respect to the road frontage itself, there will actually be a greater section of road frontage for specifically the land owned by Mr. Bowers clients after the scheme, it can be shown at the moment as that 102 meters on the screen that at this point, is sort of blocked by residential properties, which actually form part of the new road infrastructure. And there are plans that were provided following the compulsory acquisition hearings a few months ago, which may be useful to recirculate for everyone's benefits. Following this, this hearing, I think in terms of the sort of access position for Mr. Bowers clients, specifically, there is a very small road frontage, as is pretty well demonstrated on the screen at the moment they currently enjoy that will increase in its its size as a result of the scheme. And I think access is always going, would always be a challenge for future uses, which Mr. Barr raises his concern in respect of the ransom position.

11:51

Could I just clarify you've just

11:55

basically identified the 102 meter road frontage section and said that that will increase, presumably, that's going to increase to the west,

12:05

correct? That is the case with the slip road alterations that will happen as part of the scheme, and moving to a gyratory arrangement, there will be a greater road frontage. There will also be the private means of access crossing over the site there, that's acknowledged. And I think, as we discussed at the last hearings, there may be a greater separation in terms of verge width, say, from the carriageway itself, but actually a greater frontage at the same time. So the proposals do include a agricultural access along that lengthened section of what is 102

12:39

meters longer at the moment.

12:42

Note, so there's no agricultural access proposed in that location due to the footpath and other features that will be in that area. All Access will be via the signal control junction. So, so the length, the lengthening of that road front, which actually has no bearing in terms of access into the into the field behind, it does it not for the current use, no, but obviously, if there's any changes in use in the future, or future applications for an access that would need to be considered in its own right. Thank you.

13:14

But I just Mr. Bowers a few things I could clarify with you, if I may,

13:20

you mentioned that there would be, well, there are, and would be in the future, substantial vehicle movements, agricultural vehicle movements, particularly at times of harvesting and other peak farming activity. Are you able to provide any indication of what those substantial vehicle movements would be? To quantify them for us, please.

13:44

I think I could give those in terms of my clients land. I probably want to come back in writing, if I might. If you would like asking me to to give an estimate of what the total vehicle movements would be from all of the landowners, because they would all be sharing the new proposed agricultural access I

14:05

think that would be helpful, because clearly there is a going to be a a tipping point whereby a certain quantum of vehicles can comfortably use any proposed access arrangement. And there's going to be a point where

14:22

perhaps problems start, and it will be

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perhaps useful to find out how many vehicle movements would contribute and load onto the

14:34

onto the proposed access solution.

14:39

Second point, Mr. Barr, if I may, you referred to a four meter wide, 17 meter long combine harvester accessing that agricultural land. Is that a sized vehicle which currently accesses the agricultural land?

14:58

No, the current.

15:00

Would be, would be smaller than that. But my client, like many medium sized farmers, has to use a contractor for their combining services, because it's just not economic, economically viable to have your own. They're extremely expensive machines, and the contractors will quite regularly change change their machine, often more frequently than a single, single owner farmer would. So we're just trying to illustrate the point that whilst at the moment, the existing access works in terms of future equipment, all farm machinery, generally on the arable side, is getting larger and larger as people seek economies of scale,

15:43

understood and what, what does the applicant provided? Mr. Bauer, in terms of vehicle sweat path analysis, at the moment of agricultural vehicles, is it? Is it combine harvesters that presented to you?

15:57

I'm relatively comfortable with the information in terms of of the detail of the proposed track. What we're saying is we don't actually think it's like it is large enough to to accommodate that, because there is

16:13

an existing width, and then there is a an area of stone on to the side of it, or grass areas to the side, and during wet periods with large vehicles trying to pass each other, that's when we think the problems will manifest themselves. And when you get, you know, fully laden corn trailers with, you know, 20 plus tons of wheat on on top of a rig that empty, you could easily be in the region of

16:43

14 or 15 tons. It's a substantial load that you don't really want to be sliding around on on wet grass, close to drainage ditches with so with two of those trying to pass each other, that's where our concerns lie. And I'm not sure if you've had visibility of it. The proposed access track has a number of tight bends on it, which, you know, admittedly Can, can be accommodated, but are very different from our current arrangement, where, basically we're able to come out onto the main road and make make a single turn.

The new track is also, as I understand it, like going to be used by all of these landowners. We're not sure yet on the exact details on how these will be, how the track will be owned, and therefore, at present, whilst we it's within my clients control to apply

17:34

an enlarged gateway or a different land use. In the future, it might be that there are multiple ownerships, and we don't know if they need to give their consent for a different a different use. So it vastly reduces my clients flexibility as to what they might be able to do with their land.

17:53

Thank you. I'll ask the applicant to come back with regards to land ownership of the truck in a minute, but so just to help me understand what you've just said, Mr. Bower, there is no dispute that the agricultural access is agricultural vehicles that you require to get access into the agricultural land in the future can actually maneuver via the proposed access road. Your issue is that it can't happen as a two way movement of vehicles at the same time. Is that a fair summation?

18:28

You're correct with regards to the two way vehicle movement, and just that in the future, we're concerned that we we may not be able to accommodate the increased width of machinery

18:38

so but the increase with the machinery does that solely relates to the two way flow at the same time on the proposed DCO field access? Or is that even accommodating the widened vehicles? Just just one vehicle at a time going in one direction?

19:02

I think if we go to the largest machinery that potentially available, I don't think it will be able to go in a single vehicle movement

19:13

on the access track.

19:16

And therefore, yes, you're quite right by the definition, then two vehicles would struggle even more than they potentially would have under the current line, okay, and I think it'd be interesting for us to understand from the applicant then, whether there is the ability for the larger vehicles that Mr. Bauer is referring to, to safely and suitably access to land at the moment, as has any any work been done to assess whether those larger vehicles can actually access via the existing

19:50

locations?

19:55

Sorry? James casimo, for the applicant, it has indeed the entirety of the private meeting.

20:00

Access, which will come from the new signalized junction, has been reviewed. The vehicles, you know, at a sensible size of agricultural equipment you know, which I think we've probably hit that peak width at this stage, have been reviewed to determine the suitability for single vehicle movements, but also passing vehicles, whether they will be able to pass on, say, a bend as another point is something I think we probably need to take away and provide some more comfort on at the same time. I wouldn't anticipate that two vehicles would be approaching a bend at the same time, and one wouldn't wait for the other, for example. Sorry, but you've just talked about the DCO solution, haven't you? I think what we'd be interested in and understanding is whether the larger vehicles actually have the ability to access that agricultural land in the existing scenario, ie, is it the fact that a larger vehicle can currently enjoy access to that agricultural land today and won't be afforded the same ability to access the land in the future, following the delivery of the DCO. So fundamentally is the DCO agricultural access provision, enabling access to the to the same vehicles, the same size of vehicles as would be possible today.

21:21

James catamath, the applicant, yes, I guess, is the point I was trying to make there, sorry, by explaining the the private means of access and how that had been reviewed, whether the existing gates could be widened more easily than the the private means of access. Yes, they could. At the same time, how much wider the means of access would need to be in the future, would be the point that I was trying to make.

21:49

So you are saying that effectively, larger vehicles would be able to access the agricultural land in question today than would be the case in the future, following the delivery of the DCO scheme.

22:04

James casmo for the applicant, at the moment, with the gateways directly onto the a 4019,

22:10

the limitation would simply be the width of the gate and the width of the drop curves whether a further application would be needed to enhance the width of those accesses significantly in the existing, you know, no scheme world. I think we'd need to review and come back on. I think that would be sensible, because it does, to me, seem

22:31

appropriate to explore whether there is going to be a worsening of access provision into the agricultural land over and above what is enjoyed today.

22:44

And yeah, I'd encourage you to perhaps speak to Mr. Bauer

22:48

separately about that and see if there's any more comfort you can give him in that regard.

22:53

Mr. Bauer,

22:55

just give you opportunity to come back on anything you've just heard, if you if you'd like.

23:01

Thank you, sir. I think the only point I'd just like to follow on with, the simple solution from from my client's point of view, is that, rather than having a complicated series of bends and a shared user track, we our problem could be easily resolved by continuing straight from the new junction of the a 4019, straight, straight up onto our land through Gloucester County Council's land. We've previously made

23:33

an offer that we would meet any additional costs for that so there wouldn't be any net increasing cost to the DTO process from from that

23:42

Thank you. Could I ask the applicant just to flash up the red ownership plan again so Mr. Bower can just identify where he is talking about for this alternative access? Thank you. Applause.

24:05

So where is it specifically on that plan? Mr. Bauer,

24:10

so the new proposed junction, if you can see where the arrow and the box saying agricultural access to land owned by Brewton Stroke Council is, if you come from there about halfway along there to the next box saying shared agricultural access to Carter's.

24:30

The current, the current proposal, is to put the junction straight in the middle of that white, white field that's owned by Gloucester County Council,

24:40

and rather than coming off that land and then turning back towards the m5 as is the current design proposal, we'd like to go back to one of the original drawings that was put in front of us by the applicant, and we just carry straight on up towards the large box on the top of the.

25:00

Green where it says, land owned by Brewton Council. There just be a straight line, straight through there, and that would solve our problem

25:08

so effectively, it will be a solution which entirely avoided that white insetted field.

25:17

No, it would. It would utilize the current proposed junction off the a 4019, that goes into that Whitefield, rather than turning left to come back towards the double hatched track that you can see on the on the Bruton Council land,

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it would just carry straight, straight on to the to the north of that

25:40

of that area on and come back onto our land in a different place.

25:47

Okay?

25:51

If there was one of the design drawings available showing it that, I think that will probably be an easier way to illustrate it. I don't if that's available, there are some general arrangement plans further up within that same document, just a few pages up. So yeah,

26:14

hopefully you can see that. Mr. Bauer,

26:17

yes, thank you. So where you can see the

26:22

the new proposed junction, which then comes to a T junction once it's on the on the Gloucester County Council land. Rather than turning left and going along the brick colored strip to the to the north west, heading back to the m5 it would just carry on straight across to the north, through the green boundary line and through the red red line, and that would just reach my client's land there.

26:51

That would take a lot of the pressure off the other users as well.

26:57

Okay, understood. Thank you. Can I come back to the applicant, please, just to respond to what Mr. Bow has just proposed. Thank you.

27:06

James casmo, for the applicant, I think certainly we're happy to take it away and review the feasibility, suitability of providing that direct access. I guess the one clarification that's requested is whether that's an access purely for agricultural use that is being requested.

27:27

Thank you. I'm not sure if the joint councils are represented by the local highway authority today. I don't

27:36

know if there's any views you wish to share with regards to the adequacy of the agricultural access proposed and whether there are any concerns from the local highway authority's point of view, with regards to what Mr. Bowers said, with regards to potential safety issues and backing up of vehicles on the A 4019, thank you.

28:00

Andy padded to the joint councils. We don't have any this is a this is first time we've become aware of this issue.

28:08

We will take it away and come back at deadline six. That'll be helpful. Thank you. Thank you.

28:20

I think Mr. Barrett be helpful,

28:23

just to clarify the point that Mr. Catamole raised. Is it your desire to just accommodate an agricultural access?

28:33

No, sir, at present, my clients have unfettered rights, and I don't see any reason why the council, the applicant should seek to develop a commercial advantage by dint of a publicly funded scheme, particularly bearing in mind the hip funding is predicated on providing additional housing. All that they're doing here is frustrating, the delivery, the delivery of that. And the other point, obviously, is we are going from two current accesses down to one, so it is still a reduction on what we currently have. But you know, we think, given we do want the scheme to happen anyway, having having a single access of that nature,

29:13

and acknowledging that it would be better for exit onto the main road during peak period, would be a satisfactory result for my client.

29:26

That's helpful. Clarification, thank you.

29:33

I don't know whether you'd say anything further you'd want to say in response, but no. Thank you, sir, not

29:39

Thank you. Applause.

29:44

Thank you, Mr. Bella,

29:46

thank you. Applause.

30:37

Okay, so I think that then moves us on to Item five of our agenda, which is the DCO.

30:43

And I just wanted to start really by clarifying each party's position in respect to requirements.

30:53

Clearly, the deadline five submission has moved on substantially with respect to protected provisions, particularly for national highways. But if we can just start with requirements in the first instance,

31:06

can I just come to national highways just to see what their latest position is? Thank you. Thank you, sir. Sophie Stewart, for national highways, national highways don't have any comments on the requirements as they appear in draft DCO five. We're happy with how they're they've been produced.

31:26

Thank you. So

31:28

in all cases, you're content, so that's helpful. And in terms of the joint councils,

31:37

do you have any outstanding concerns in respect of any of the requirements as now scheduled on

31:45

rep 5003,

31:47

which the latest iteration of the DCO? It's so in respect of the requirements. Catherine Knight, joint councils, so in respect to the requirements, the joint councils have no concerns. Outstanding.

31:58

Super, thank you very much.

32:17

Okay, so we'll just move on. Then

32:20

I think the next question I had was really with regard to part two of the principal powers and item seven, the planning permission. This is obviously

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changed a number of times, and I just really wanted to seek clarity from the joint councils what the current position is, because it seems that you're still concerned about

32:44

suitability of your powers to enforce

32:48

Is that still the case? Are there? Are there any other concerns? So Catherine, I at joint councils, we've had some fruitful discussions with the applicant and legal team in the last couple of days, and we're meeting up again in the next week or so. Hopefully next week. Can I say next week? Yeah, next week. And hopefully the measure will be resolved, sir,

33:09

okay,

33:12

is there a particular element of the wording that you're concerned about as currently drafted? The reason I'm being I'm sort of pushing the point is that in the current examination timetable, we're preparing an iteration of or commentary on on the DCO as currently drafted to come out for to all parties in a couple of weeks time. But obviously we're unlikely to hear from everybody prior to issuing that so just

33:44

trying to get full understanding of what people's position is as of today. If that's helpful, that would be helpful for us as night joint councils our position as article the section subsection two of Article Seven, limits the curtails the LPA enforcement powers in respect of nearby applications that may be associated the I really do feel that we're actually going to be able to resolve the matter. Would it help if we actually undertook between the applicant and myself, or one of us to actually get back to you in writing by the end of this week.

34:22

Yes, that would be very helpful if you're able to do that. Thank you. I think I refer to the applicant, but I see no reason why we can't.

34:32

Yeah. Doug, hey, probably happy to liaise this week and try and get a result. Saka, appreciate you. Due to submit your commentary on the DCO next Tuesday, and

34:45

we'll certainly try and get you something before then, to the extent that we can't, we'll endeavor well, we'll definitely get you a final position by deadline six, which hopefully then could inform your third written questions. Yeah.

35:00

So our alternative, bearing in mind we will be issuing a letter revising the timetable, is to adjust the timing when we issue that.

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I don't know whether that's going to work at the moment, but just in light of

35:18

change request to

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probably an adjustment to the DCO to accommodate that, assuming we accept that.

35:31

Yeah, I'll just pose the question to everyone in the room, would it be beneficial to

35:36

everybody if we defer our

35:40

commentary on the DCO until, say, a week further down the line.

35:47

We'll have to look at how that fits in with the broader timetable. But is that something that people would be sympathetic towards, or is it going to give people

35:59

greater alarms in being able to respond and so on. So I asked the applicant in the first instance, thanks.

36:06

I think that looks like it should be fine. I think that still gives over about two weeks to consider your comments.

36:13

We have no concerns. Thank you.

36:16

So it goes through now for the joint councils. Timetable realignment is appreciated, and we have no problems from the joint councils

36:24

and national highways. Sophie Stuart for national highways, no problem for us. Thanks. Thank you very much. I'm not sure there's anyone else in the room or virtually who would wish to

36:37

say anything on that point, but invite you to do so if, if, if you wish to

36:44

No, okay, so we'll consider that as part of the revision to the examination timetable, It might assist us all. Thank you very much. Applause.

37:13

I've just got a secondary point with regard to the principal powers

37:18

we had commentary in the statement of common ground from St moduin,

37:25

and it picked up on a point they'd raised in their relevant representation, I think, or rep 1064,

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which would have been their original written submission,

37:36

written representation, I should say, expressing concern about the implications of

37:45

the sang that they are proposing as part of their planning application.

37:50

So just

37:52

would like to understand from the applicant their perspective on that and whether the wording within

38:02

article seven

38:04

compromises that in any way, and if it does, is it something we should be concerned about, or would the DCO take precedent? In any event? Do

38:42

Thanks sir for raising it again. We're not aware that it's continues to be an issue between the parties.

38:51

We can take it away in terms of whether it remains an issue with our drafting of Article Seven, noting that it might again go through a change,

39:00

but yeah, I think we'll have to come back on that in writing. Okay, I was just there's something that appeared in the statement of common ground as an outstanding matter, and we obviously hadn't heard anything about that between deadline one and the submission to statement to common ground. So it would appear that it's still a sticking point to an extent. So yeah, thanks. Sarah, will take it away.

39:24

Thank you.

39:27

So I think

39:29

article eight then the limits of deviation, national highways, I think we're still expressing concern about how this was phrased, and I think it's probably to do with how you propose to tie into the current highway,

39:45

if there is a deviation as currently drafted? Is that a fair summary of the position?

39:53

It is, but it's moved on slightly. I think we're coming on to provisions, but we've.

40:00

Found a resolution between us. Okay, so does that mean that you're you're now content with the wording of the

40:08

limits of deviation in Article eight safety of national highways? Yes, sir.

40:13

Okay, that's helpful. Thank you. I

40:45

I think my next point again, national highways article 10, are you now content with with the wording in there, safe for national highways? Likewise, say, yes, we've found a resolution to deal with it so we're happy.

40:58

Okay, it might be simpler. Then if I come to you and you can tell me where you're up to, rather than me going through line by line of the issues I've picked up, and then hopefully it might make things a bit quicker. But yeah, certainly. So safety Stewart for national highways, we will move on to discuss the protective provisions in the moment, because there are still a couple of issues between us that relate solely to those. But in terms of the main body of the DCO national highways, are now content as it's drafted. Could I just raise at the moment, just to point for the applicant? We are happy, as I said, with the requirements as drafted. But the explanatory memorandum, I think, needs updating, because it's not been updated since the decision maker on the requirements was shifted to the Secretary of State.

41:51

Thanks. So just come in on that. Yeah. I appreciate the explanatory memorandum. We'll be putting in a final memorandum before the close of examination to reflect all updated changes. Thank you.

42:04

Okay, that's helpful. So previously, you'd raised concerns about articles, 1115, 1820, and the deemed approvals. You're now content with how that's phrased because of the progress and protected provisions. Is that right? Safety Stuart for national highways, with the exception of deemed consent, which is still an issue between us.

42:26

Okay, so

42:32

just talk me through then national highways concerns with regard to deemed consent. And do you have an alternative wording that you would wish to see

42:41

that you're able to set out to us. Thank you, sir. Safety. Stuart for national highways, the principal concerns around deemed consent lie solely in the the issue of safety insofar as if documents come into national highways and for any reason, they fall between two stalls within the the organization, or for any reason they can't be turned round in the time

43:09

stated, it then enables a third party to enter the strategic road network

43:17

without

43:19

due approval from from national highways, and without any stipulations or considerations that they might need to put on there, on that access,

43:30

you'll appreciate the SRN. It's comprised entirely of fast moving vehicles.

43:36

There are established safety protocols, and national highways also have the role of coordinating multiple people going on to the network at the same time,

43:48

and you know, carry the attendant statutory responsibility and obligations to ensure the safety of that network. National Highways solution

44:00

to the issue is simply to so national highways Normal Preferred Position is deemed refusal after a certain period of time for those reasons. However, appreciating we national highways don't want to be an impediment to the scheme. And obviously, with the deemed refusal position, documents would have to be resubmitted, and the process started, started again, which has timing implications for the applicant. National Highways would be willing to accept simply the removal of deeming provisions altogether. So essentially, there's not a deemed refusal

44:37

at a point in time, but it gives the applicant the opportunity to continue in dialog with national highways, whilst protecting national highways concerns that they can't automatically exercise a right to enter the network.

44:52

Thank you. Applause.

45:08

So in terms of those particular articles, 1115,

45:13

1820, which I think were the

45:16

deemed approvals were referenced.

45:20

Is it just as simple as taking out that particular phraseology,

45:26

so it's just left

45:31

effectively that

45:33

how is it going to be left?

45:39

So can come back and set out in writing what would need to be

45:45

potentially amended. But yes, it would just be the deletion

45:49

of the wording, but appreciating, for example, in Article 15, where you have temporary stopping up and restriction of these streets in 15 six, they're talking about a street authority, and in this case, that might be wider than national highways, because that will obviously also include the highways authorities for the In

46:10

as Gloucestershire county council. So discussions have been ongoing between national highways and the applicant as to how we can control the deemed consent provisions only in respect of national highways. And those those discussions continue so

46:30

effectively, you'd be looking for a distinction between the Strategic Highway Authority as street authority and the local highway authority as street authority. That's right. Sarah, I obviously can't comment on the the local highway authorities position on we'll come to that shortly. But

46:50

okay, can I then come, come back to the applicant to hear what your your position is? So Gary Solomon Burgess summon for the applicant. So our position is that the Deem consent provision should remain

47:04

to replace them with deemed refusal. In opposition means that if national highways fail to respond to the to the detail, then the county council cannot proceed with the scheme. So it is a bar two delivery.

47:19

MS, Stewart's correct that we are discussing this as part of a side agreement to see whether we can come up with a compromise. If we're able to do that on the face of the provisions. I think the mechanism would be through the protective provisions, rather than amending the article. So there would be protective provisions that ensured that national highways had the ability to whether it's

deemed misused at all, silent on it, rather than amending the articles which apply to not only the strategic road network, but also the local road network.

47:55

Okay, are you in a position to

48:01

give me any advice as to how you feel about the alternative that national Irma is voiced this morning with regard to just removing the deemed element so that it's

48:16

less dramatic than it would otherwise be. So yes, it may well be less dramatic. The concern what I think we have at the moment is just a blanket

48:26

removal would would put the county council in the same the applicant in the same position that it would, it wouldn't have an approval. So we're looking to see whether there's a way of finessing that so that

48:40

they're not left in a position that they can't proceed, which is the concern.

48:48

Yeah, but what we're being told is that, fundamentally, from the strategic road network point of view and national highways point of view, it's a safety issue. And so do you have any stance on responding to the safety concern that's been identified in terms of

49:09

the implications of

49:12

you getting what you would you're asking for in safety terms?

49:17

So I think our position is that the information would go to national highways if they had a concern from a safety perspective, they would refuse the application rather than approve it. I think the reason that's been given by national highways is that internally, it may go to the wrong person, etc, which we would say isn't really a reason for

49:43

amending the provision

49:52

in terms of how

49:55

submissions of requirements are sent into national highways. Is there a.

50:01

A very clear line of travel to the point and or part of the organization which would then deal with them, you know, is there a specific email address or something so that

50:15

you're not having that risk of a miscommunication, or

50:20

it going to the wrong department or whatever happens. Sophie Stuart for national highways, we will have to take that away and have a look at it. There are certain email addresses set up, for example, for lands issues that are already set up, but I'm

50:37

not sure insofar as and things like road space bookings are established, but insofar as specific project specific information for different schemes, I'll need to take that away, if that's okay, and come back to you.

50:52

Okay, because it

50:54

irrespective of which side we might favor,

51:00

there needs to be a very clear line of communication, doesn't there, so that your team, which or teams, knows what's coming and whether it's arrived or not. So I think that would be helpful for everybody,

51:15

in terms of

51:18

advising the Secretary of State on the safety side,

51:22

is there a particular point of safe, on on safety that you have in the event that

51:31

what the applicant is asking for is favored ultimately by the Secretary of state, and the Secretary State should be considering I

51:47

uh, Rebecca Marshall for national highways, if it's right with you, sir, we'll put something in writing. It'll probably depend on what the activity was that was being requested as to, therefore, what the risk is and what mitigations might need to be. So we'd probably have to have a think about some wording that would cover differing scenarios.

52:05

Yes, obviously different activities would have greater risk.

52:11

Yeah, so it's going to potentially end up being a quite complex equation.

52:16

Okay, I

52:20

think that would be helpful in any event. Thank you, sir. Sorry if I could add as well, Sophie Stuart for national highways, we also don't want to end up in a in a situation, and it is quite a complex equation, as you say, whereby information comes in, it is reviewed, additional information is needed that comes in very close to the deemed approval

52:46

point, and national highways therefore have to issue a refusal to avoid the deemed approval biting, which I Also don't think is particularly helpful to either party. I

53:04

It's about creating a clear mechanism, isn't it, so that

53:10

the safety, which must be prioritized, and I'm sure everybody has the same view on that, is safeguarded in an appropriate way. So

53:20

Garrison for the applicant, if I can come back on that last point, the revised protective provisions, which include deemed consent provisions in relation to those protected provisions, have a two month period from receipt of the information, or where further particulars are requested by National Highways, two months from receipt of that additional information. So I think that position that's replicated in relation to the various articles, then that should satisfy, we would say national highways.

53:55

Thank you. So safe Stuart for national highways. I think possibly might be some tweaks needed

54:02

to the weddings and the if deemed consent is accepted or recommended to the Secretary of State on the basis that, as drafted at the moment, Mr. Simon's right, there has been something put in the

protective provisions, but it only applies to consents required under the protective provisions, as opposed to

54:23

the deeming provisions that are in the operative parts of the order.

54:29

Yeah, Garrison, so let's do it's right, sir, the intention would be that that could be extended to those various requirement articles. So be a similar process.

54:44

Okay,

54:48

you're obviously carrying on having conversations.

54:54

Do you have a particular sort of timeline where you anticipate you will have your final positions?

55:09

Um So Gary Solomon, we are, we're continuing to discuss. We are hoping to resolve the issue of quickly. We would hope within two weeks. I

55:24

Okay, so

55:28

that's currently deadline, six, the 30th of October.

55:35

You're looking slightly quizzical.

55:38

No, sir, we, we are working to the same timetable.

55:43

Okay, well, let's see where we get to, and

55:50

we'll obviously have to think about how we address

55:55

this in any commentary as conversations are ongoing. I

56:02

Okay. No, that's helpful to a point I think. Thank you. So I can end it comes to the joint councils in terms of any consequential effect for the local road network.

56:15

So Katherine Knight for the joint councils, so the joint councils are relatively happy with the deemed consent provisions as currently drafted, the joint Councils had understood that the procedures set out by Mr. Solomon would apply to the deemed consent provisions, and on that base, have absolutely no concerns

56:35

if I can request that if there is to be amendments based on the discussions with national highways that the joint councils are informed or brought into those discussions, just so we are aware of what is actually happening and any commentary that we may need to make. Thank you,

56:53

I would agree that sensible to include Thank you. Applause.

57:19

So in terms then this is

57:26

just a point of clarification for me, really, I think national highways had expressed concern with regard to

57:32

rights under or over streets, and in respect of subsoil and airspace. Only

57:41

now is that article 30 or article 29 you're you're concerned about because

57:48

I think

57:51

just get it in front of me.

58:02

Article 29 is about the acquisition of subsoil or airspace only. And article 30 is temporary use of,

58:09

sorry, rights over so under or over streets? Is it both articles that you have concern over there? Thank you, sir. So if you stood for national highways, it was again, we've we've picked up and moved on and found a resolution again. Is

58:29

this another example that is going to be covered via protect provisions without articles changing? That's correct, sir. Okay. Thank you.

58:37

And is it similar with regard to the tree replacement liability under schedule to require, I think

58:44

it was requirement six, actually, that's correct, so that that was around the longevity of the maintenance period, and that's also been resolved through protective provisions. Okay? Thank you. Applause.

59:13

I think finally, the one that I had on my list was again article 25 public rights of way.

59:20

Is that, again, something that is now in agreed.

59:27

I think the concern had been expressed in the latest version of the of the pads.

59:41

I may admit I may have that wrong, but that's the note I've taken so I can

59:52

find it,

59:54

so Garrison, perhaps I can help on I think on the pads, it's point of concern 10. And I think.

1:00:00

That's now resolved.

1:00:06

So for national highways in rep five, I think 038, which is the latest update to the pads? Yeah, line 10, which was the public rights way, has been agreed and moved to the statement of common ground. No, that's helpful. Thank you. I

1:00:31

Okay, so that really, then takes us on to

1:00:36

the projected provisions. I think, I don't think there were any other matters that

1:00:42

I noted that I needed to pick up with you.

1:00:48

So again, if I turn to you, if you can let us know, what

1:00:54

if there are any concerns with regard to protected provisions, and then see if it corresponds with the list I've prepared.

1:01:04

Thank you, sir. Sophie Stewart for national highways.

1:01:08

National Highways,

1:01:10

template form of protected provisions now largely appear on the face of the order. There are some deviations that deal with matters that we've just been discussing relating to the operation of various articles

1:01:26

that national highways would not normally expect to see on the face of the order they would normally go in an agreement between the parties so national highways maintain its position that its preferred form of protective provisions ought to appear on the face of the order in full, with any deviations that have been justified and agreed between the parties

1:01:50

being captured in a separate agreement, but not, not withstanding that the areas that are still outstanding between the parties. There is a typo

1:02:02

where there is a defined term that is missing, the term that is being defined that we think,

1:02:10

I spoke to Mr. Solomon the other day, and we think between us, phrase that's missing is

1:02:20

detailed design information.

1:02:25

The only other two substantive issues that remain between us are the deeming provisions that we've just discussed

1:02:35

and the matter of security of funding

1:02:41

for the costs of the works to the SRN in the event of default,

1:02:48

the protected provisions that have been included in draft DCO five are silent on the matter

1:02:58

national highways. Position remains that a bond or a cash deposit is required,

1:03:06

but again, discussions are ongoing between national highways and the applicant as to whether

1:03:16

there may be a compromise position because of the size of this scheme and the particular complexities, especially around the interfaces between the Irn and the SRN

1:03:29

that may be acceptable to both parties, but at the moment, and this issue

1:03:34

was taken back to Project Group national highways, position is that a bond is still required,

1:03:42

and they're the as far as I'm aware, the only substantive issues between us in terms of the protected provisions.

1:03:48

Thank you.

1:03:51

I can then come to the applicant and seek your views on that.

1:03:56

Thanks. Gary Solomon, the applicant,

1:04:01

our position is aligns with national highways. The two issues that are outstanding are the deeming provisions, which we've already discussed, and secondly, the requirement for bond by way of security that falls within a notice to proceed process which we are discussing as part of the side agreement. And the difference between us is whether a bond is required by default or whether a bond

1:04:31

should follow only when it cannot be demonstrated that the county council has the funds available apart from that one

1:04:41

process to give security to national highway so they can call on a bond, rather than a bond being provided by default. That's something we are still discussing. My understanding is the rest of the processes agreed. So it's that one issue. So.

1:05:03

But basically it still remains a an issue between you.

1:05:08

So as things stand,

1:05:10

we will need to make a judgment as to what to recommend to the Secretary of State.

1:05:19

So is there anything new that either of you would wish to say to us that

1:05:27

supports your case beyond anything that you've previously said? So if I come to national highways in the first instance,

1:05:38

thank you, sir. Sophie Stewart for national highways. I don't I don't think there's anything in principle new that hasn't been put before you before in terms of the justification for requirement of a bond or some form of cash deposit or other security in the event of default.

1:06:00

I think the only thing I would add is, obviously we spoke at length yesterday around funding profiles and when money is available.

1:06:10

Mr. Solomon is right. We are in discussion around a notice to proceed procedure

1:06:15

that may involve a bond if, if required and justified. I think national highways concerns, and particularly listening to when funding is going to become available

1:06:30

is the matter we need to take away and think about in light of what we heard yesterday. But significant concern does still

1:06:39

arise that the money needs to be in the bank. Want of a better phrase at the point that works start because, for example, although the HIF funding is there and guaranteed for

1:06:55

the applicant for Gloucestershire, if anything went wrong, national highways obviously doesn't have stepping rights, for example, on that funding stream. So although the applicant under the notice to proceed may justify that money is available, if things did go wrong,

1:07:12

national highways would have no ability to access that funding directly,

1:07:20

whereas, if a bond's in place, obviously national highways has a direct access in the event of default, and it would only be in the event of default to call down on that funding.

1:07:32

Is there a process where

1:07:36

those step in rights could be facilitated? Do

1:07:43

Sophie Stewart for national highways. I don't know we would need to take that away and look into it. I mean, I'm I'm assuming it would actually be down to homes England as to whether that's something that they would be willing to agree as an adjustment to the current agreement they have with the county council.

1:08:04

So if you're I assume you're having discussions in any event, with them about looking at adjusting the timetable,

1:08:14

it may well be helpful to understand

1:08:18

whether that's something that homes England would

1:08:21

consider,

1:08:23

and also if that's something that they would have delegated to authority to agree, or again, whether that's a separate matter that would need to go before Treasury or

1:08:37

mhclg,

1:08:41

equally, if you've got a you feel very strongly about that's not the way to go, then let's understand that.

1:08:50

So Gary, so I think we will need to take that away and to see what is currently

1:08:57

scope of what's currently permitted, and what could be agreed with homes England. There's also the issue that the whole process, if we can reach agreement with national highways, and this is contained in a side agreement, then that issue is resolved. If it isn't, we will need to come forward to you with some wording in any event around this process. So I think we need to, we need to take that away and come back to your writing.

1:09:24

That's fine. I'm just thinking out loud about

1:09:27

alternatives which might give everybody the greatest security that I think is trying to be achieved,

1:09:36

which,

1:09:39

with a fair wind would

1:09:42

move things forward in a positive way, because there's obviously still quite a outstanding matter on the broader funding and then the consequential effects of construction and linking into the strategic road network in particular, and how that is all brought to.

1:10:00

Neatly together to give everybody the security that the scheme is going to work on the ground.

1:10:08

So, so, yeah, yes, don't, don't disagree with that. The that we want to be able to give national highways of security they require at the same time, we don't want to have to enter into large, expensive bonds for the sake of it, if the monies are there and available,

1:10:30

I think at the previous discussions on funding, we were advised that the bonds were just not available. Is that still the case, or is it has that position adjusted slightly.

1:10:43

So I think that it depends on the size of the bond. The current process envisaged by the notice to proceed is that there will be work packages that would come forward on the strategic road network. And therefore it would depend on the size of those packages. And therefore the size of the bond,

1:11:04

effectively, it's potentially compartmentalized

1:11:07

going through the construction program part by part.

1:11:12

So that's correct. Yeah. And is that something that you can envisage as being a practical solution to allay your fears. Safety straight for national highways is something that national highways is considering.

1:11:29

The concern still remains, though, that even packaged up, depending how those packages come forward,

1:11:39

there may still be a requirement that, yes, one package is delivered, but then if the project stops, or there is a default, that package would have to be fully capable of sitting in isolation and not requiring the rest of the works to be completed to ensure the integrity and safety of of the network. Do.

1:12:05

So just just to make it clear, the current process, which is being suggested and largely agreed is that the funding would need to be demonstrated to be available to national highways. If they aren't happy with that. They can then call upon security, including a bond. It sounds like the issue is how the ability for them to then draw upon that, that monies should they require? So that's something we can look at.

1:12:35

Okay, thank you.

1:12:40

Right? I'll just

1:12:46

so in terms of the issue on the bond, then that presumably links also through to the indemnity insurance and the commuted sum side of matters. Does it

1:12:57

safe for national highways? Commuted sums, I believe are now agreed, and

1:13:05

I believe, I don't think there's ever been an issue around the indemnity insurance that's being asked for.

1:13:12

So that's correct,

1:13:14

okay, and in terms of the specific wording that you have within your protected provisions,

1:13:22

the current wording from national highways includes reference to program of works that's not listed in the draft DCO as it stands so it does that again remain a point of contention. I

1:13:49

so safety straight for national highways,

1:13:52

I will need to go and have a look at this,

1:13:56

the amendments that were made to the protected provisions on the face of draft DCA five, we were only cited on when the applicant submitted them. And I've done a side by side in comparison. I must admit, I've not picked up on that difference. So if I may take that away,

1:14:13

okay,

1:14:20

a broader question to both parties. Then, I think at the moment, the

1:14:25

draft DCO does refer to and your projected provisions refer to work outside the order limits as a subheading.

1:14:35

Can both parties explain to me why that is considered to be necessary? I

1:14:41

come to national highways in the first instance.

1:14:59

That's.

1:15:00

Sophie Stewart for national highways, this provision

1:15:03

is there, for example, if access is required from say, junction further up the network and safety signs or whatnot may need to be placed into the carriageway outside the limits

1:15:21

of the DCO as

1:15:24

as a practical

1:15:27

consequence of the scheme this this provision simply, again, ensures that national highways has control and is able to to authorize that to take place without impact on the operation of the network.

1:15:42

Okay, that's helpful. Is there anything further you'd wish to No, no, sir. I think this is a provision that is contained within national highways, protective standard, protective visions. We're happy to agree.

1:15:56

Okay, thank you.

1:15:59

And can I just clarify when you refer to CVS? Is that curriculum V ties,

1:16:07

or is it something else?

1:16:14

It is said in paragraph F on the prior approvals and security? Yes, sir, and you are quite correct. That is curriculum, vitace, okay, well, it's you have to thank my colleague to my left who

1:16:28

told me in no uncertain terms, it was, but I like to clarify these things.

1:16:34

Okay?

1:16:36

And again, I think one of the specifics that appears to be a distinction between the two iterations now is reference to specified works.

1:16:48

That's a terminology that differs between the two is that something that's important or

1:16:59

not of consequence. So

1:17:01

am I understanding? The new definition of specified Works has been lifted from national highways

1:17:07

standard protected provisions.

1:17:11

So that Gary Solomon, that's my understanding, I think it then refers to, effectively works to the strategic road network. I

1:17:23

desperately trying to find an example now where I thought I'd found a difference. I

1:17:53

So

1:17:55

you believe you've transferred that across directly. Anyway.

1:18:00

Harry Solomon, yes, sir. Because if you read the definitions of specified works and strategic road network, then though, and those phrases are used within the rest of the protected provisions. Can you just tell me what page of the DCO that is, and then I can go to it. And so page 162 sir, is the definitions of specified, specified works on strategic road network,

1:18:33

is that, is that the page number at the bottom of the page, page number at the bottom of page, and I have, you know, the electronic versions, different as always.

1:18:44

So if you're looking at the tract changes version, it'll be on bottom of the page, number 163, yeah, I can see it now as specified works is defined, yes. So specified works is defined, so which then refers to works to the strategic road network, and then strategic road network is then defined, and then throughout the protected provisions that those phrases are used.

1:19:11

Yeah, now that's helpful. I think it's probably a previous iteration in that I've picked that up. Thank you. Applause.

1:19:25

And again, with regard to provisional certificates, is that now an agreed position? Yeah, okay, thank you.

1:19:37

If I then come to joint councils, we've obviously talked about Article Seven already, and that,

1:19:46

were there any other issues that you had concerns about with regard to the broader drafting of the DCO that you would wish to raise with us this morning? So there's not we're in discussions in Article Seven. We briefly mentioned Article Nine. This.

1:20:00

Morning with the applicant, we are going to have discussions, and I do feel we'll probably resolve there's no outstanding issues.

1:20:07

Okay, that's helpful. Thank you.

1:20:16

I

1:20:18

think that's that's it then from me,

1:20:22

if we can then move on to

1:20:25

the noise section, I pass over to my colleague.

1:20:33

Thank you. So this is item six under the

1:20:38

agenda, and hopefully this will be relatively quick for us to work through.

1:20:46

I think that obviously, as we said in the agenda there, I think I'll just ask the ask the applicant first if, if, what we've set out under item six, I is actually your true position in your response to written question 12, 01,

1:21:03

I think the from reading that, it's suggesting that your position is that the

1:21:10

the noise policy statement for England, objectives are met on the basis that measures to avoid, mitigate and minimize noise have been considered. Is that, fundamentally, your position? Am I reading that answer correctly?

1:21:25

So I think, I think the position goes beyond mere consideration. It is application where that is practical and appropriate. So

1:21:40

it does go beyond mere consideration. It goes, and I can ask Mr. Cartwright, if necessary, to indicate where that approach has been applied of

1:21:52

bringing such measures into the scheme.

1:21:59

And there are a number of instances. But so that doesn't go quite

1:22:05

far enough the statement in seeking to represent our position, yeah. I mean, just to provide some context, I think

1:22:14

the question was really

1:22:16

targeting the noise issues, joint operational stage on stoke road.

1:22:24

And yeah, I'm just want to understand from reading that written question. Answer, 12, 01, whether your position is

1:22:33

in particular focusing on operational noise effects on stoke Road, is your position that the requirements of the noise policy statement are compliant, complied with with respect to those

1:22:51

significant noise effects during the operational stage on stoke Road, which I think remain unmitigated by the dcl. Thank you. So can I seek to address that in the first instance, consideration was given to the provision of Earth bonds, but that would have the effect of restricting access and also low noise surfacing, but That doesn't provide mitigation

1:23:19

at the speeds which are experienced through stoke orchard. In relation to the separate traffic calming proposals, which is the subject, effectively, of those of the question,

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there has been, there is now a greater degree of maturity I understand, in relation to that project,

1:23:42

there is a more detailed design,

1:23:45

and there's been engagement

1:23:48

both with the parish council and the local community in September 2024

1:23:56

so there is greater clarity now than when, than previously, as to the shape of the proposal, which is separately funded, and there is greater clarity about the absence of any issues associated with it. So

1:24:17

I think what I can say is that one matter that we will be giving consideration to

1:24:24

in the in the light of

1:24:26

the MPs, is whether this scheme is is something that can now be included as part of the future baseline, given that it now has greater clarity as to its shape and and as and there's no less clarity as to its timing, which would be anticipated to be well in advance of

1:24:52

operation.

1:24:54

I spring 2025, thank

1:24:58

you. I think that would be helpful, yeah, because I.

1:25:00

Think, from my reading of the response to the second written questions, I just found hard to correlate that answer to the requirements of

1:25:10

the

1:25:13

national policy statement for England. And obviously that echoes what the triple NPS requires at paragraph 5.195,

1:25:23

so if you could give me some help with regards to that in your written submission, it would be helpful. You just mentioned a couple of things again, which I think would be helpful, because in the event that the mitigation

1:25:36

and the traffic calming scheme remains unsecured in the DCO, I think it will be beneficial for you if we could have as much

1:25:45

as much certainty as possible that

1:25:48

that that's progressing and and is is likely to happen with regards to no funding, and whether indeed there has been any any tenders issued to contractors.

1:26:01

So a response on that will be greatly appreciated. We fully understand that, and we will do that. And before I leave that specific point, I think

1:26:12

historically in the application documents, there was a suggestion that the DCA will be providing a contribution, a funding contribution towards it. I think you just mentioned then that funding is now in place. Is that? Is that entirely in place? That is my understanding. Yes, sir. I appreciate there is a mention in one of the documents that it suggests that funding is part of this scheme. And I don't believe that to be

1:26:40

correct. It is a separate funding stream, part of which I understand is from HIF, but that's from the element of HIF over and above that which has been allocated to the scheme and parties from other sources. But that's my understanding, and we'll set that out in chapter and verse, that it is separately

funded. So, I mean, is that something which you think is sensible to submit a deadline six, or is there still going to be further developments from the local highway authority, separately about the delivery of that scheme and the funding of that scheme, which may run, run further to the close that further to the close of examination, I don't think funding will be the

1:27:26

the matter which would indicate any later submission.

1:27:33

I think it's possibly a question of just collating

1:27:37

the position in relation to

1:27:41

any associated issues with it which we don't understand there are but, but we want to draw that

1:27:48

forward. So it may well be that deadline six is that's

1:27:54

just under a fortnight away, isn't it? So I think we could meet that. Yes, sir, thank you.

1:28:00

I don't think I need to go any further with that, unless Mr. Mond wants to raise anything. No, thank you. Excuse me, sir Catherine Knight, joint councils. So the joint councils would request that the funding of the mitigation measures are set up quite clearly by deadline six and can be taken to account with the funding statement. Please,

1:28:22

understood. Thank you.

1:28:27

Thank you, or at least an update provided to the joint councils. If this remains uncertainty with regards to the funding of the traffic calming Mitigation Scheme, I think that was the intention, wasn't it from the applicant, and it's been carried out by one of the constituents of the joint councils. So

1:28:47

Thank you. Thank

1:30:17

So I think that concludes the noise section.

1:30:23

I've just got one sort of, sort of, any other business really,

1:30:29

in the submission rep, five, oh, 27

1:30:34

from the applicant. It makes reference to a response from NEMA being appended, but I don't think it was. Now it may be that that was one of the corrections that came through in the later additional submission, which I haven't quite picked up on,

1:30:54

but

1:30:56

I don't think we have it at this stage. I just wanted to clarify that I so it doesn't appear to be appended, and we will

1:31:19

take steps to rectify that. I'm grateful. Thank you.

1:31:25

On page 23 of the same document was just, I think, I think this was picked up in the later submission that you've just provided. But I was just wanting clarification of the date, because it seemed to me that it was a, probably a typographical error.

1:31:41

So there were a number of

1:31:46

there was one earlier passage where the text appeared to become a little bit garbled, and there's one incomplete sentence, and we will complete that next in the submission next week. But on page 23 at little Roman three, the third paragraph

1:32:02

penultimate line should say, March 28 not march 24

1:32:08

Yeah, it's great. Time Machine moving backwards, yeah. Now that was grateful for that. Thank you.

1:32:18

So I think really then that just takes us to

1:32:23

just check with any other parties whether there are any matters that they would wish to raise under any other business. Mr. Badam.

1:32:35

Peter

1:32:36

president, Sir, I don't know whether

1:32:40

you would like me to

1:32:43

make my comments which substantially are about noise

1:32:48

in the general sense, in particular relating to acoustic barriers at this stage, or whether you would rather

1:32:55

I see we can coming to the conclusion of the agenda, whether you would like to take it under any other business?

1:33:02

No, I think it'd be quite sensible to do that now. Fine, thank you. Well, I'm happy to proceed.

1:33:10

Thank you, sir.

1:33:12

I'm Peter Badham.

1:33:15

I'm the landowner of property known as Elton law and huckingham.

1:33:21

This property

1:33:24

has a frontage which butts on the north side of the a 4019,

1:33:31

and is shown on sheet 13 of 16 of the land plans.

1:33:39

It includes a meadow to the rear of some two, two and a half acres,

1:33:47

which runs to to the north and finishes at the south side of the librook. And it provides that that is the meadow provides

1:34:01

recreational and immunity value to Elton lawn as a whole.

1:34:10

My comments relate to your second written question. Q, 11, stop zero, stop one,

1:34:18

with regard to acoustic barriers, under the general heading, landscape and visual and the responses of the applicant and joint councils.

1:34:29

I note that this has been dealt with, firstly as to the landscape and visual aspect, and secondly, as to the noise aspect,

1:34:42

as to the landscape and visual aspect, the applicant's response appears to assume that barriers will comprise a two meter high barrier of non specified material that could be a symbol a simple timber board design and.

1:35:00

And that a vegetated solution is not required.

1:35:04

However, it goes on to say that should a vegetated design be identified as a preferred option from the consultation undertaken at detailed design stage, space for such planting would be then considered.

1:35:23

I have to say, I find this all very confusing. And indeed, the response of the joint councils is that there appears to be some ambiguity in this regard, where they that is the joint councils acknowledge that the landscape and visual impactment assessment. Assessment assumes an enhancement to a standard plane barrier. But also say

1:35:52

at the current preliminary design stage, the proposal is for a timber acoustic fence.

1:36:01

With respect I consider, as the landowner affected, I am entitled to certainty at this stage by way of an upgraded version of acoustic barrier, because I do not consider the basic version would provide the mitigation expected and to which I am entitled.

1:36:22

My view, appears to be confirmed by the assessment of slight adverse in year one, and again, slight adverse in year 15.

1:36:33

But that the key aspect of this is the proposed lighting columns.

1:36:38

My reaction

1:36:41

to this is that it is simply not good enough.

1:36:45

And further, I would strongly object to lighting columns being located directly outside the property, as I find it difficult to see any reason why they could not be located otherwise,

1:37:01

as to the noise aspect in the applicant's response, I note the reference to the importance of reducing noise impact.

1:37:12

Again, my position is that I consider I am entitled to an upgraded version of acoustic barrier, since I have my doubts that the basic version would provide the necessary protection and mitigation.

1:37:29

I have to say, I'm not clear as to the meaning of the statement that open quote, the noise barrier contributes. It contributes five decibel improvement, moderate in future year, leading to a combined noise reduction of up to 10 decibels, major in future year for the scheme overall, close quote,

1:37:56

as I mentioned at the preliminary meeting, I have major concerns that the acoustic barrier, as currently indicates, terminate some distance prior to the eastern boundary of the Elton lawn property.

1:38:13

I find this unacceptable and inconsiderate,

1:38:18

as well of as well as failing to provide any protection for a large part of the garden,

1:38:28

noise generated east of the current termination point would inevitably impact upon the property,

1:38:37

as I also mentioned at the preliminary meeting, rosenoy generated from a single, modest sized vehicle traveling at a modest speed is alone significant, and the extent to which this is compounded by large volumes of vehicles and HGVs of various description, is The reality one is faced with.

1:39:01

I therefore, again request that serious consideration is given to the extension of the currently proposed Eastern termination point

1:39:14

so that the appropriate and necessary protection and mitigation can be provided.

1:39:23

I would welcome dialog

1:39:28

with

1:39:30

appropriate noise specialists involved and any other relevant

1:39:37

representatives of the applicant. And indeed, I think a side meeting would be sensible to the applicant and myself.

1:39:51

And I would like to

1:39:53

stress the what I see is and the importance that should be attached to that i.

1:40:02

This would well address

1:40:06

the points I'm concerned about and take the issue forward.

1:40:14

Lastly, I would like to mention

1:40:18

that Elton Dawn and the now adjoining property landing is a divided property built in approximately 1820

1:40:30

and being the vicarage force Mary Magdalene church at Elston Hardwick from 1832

1:40:38

to 1921

1:40:41

after which the division took place, and Elton lawn has been in my family since 1926

1:40:50

the Conservation Officer at Houston Borough Council has confirmed that Elton lawn and land Dean should be regarded as non designated heritage assets. And have also and also consider I should apply to heritage England for full listing as a designated heritage asset.

1:41:14

I therefore, respectively request that the design specification and quality of the acoustic barriers,

1:41:26

both as to the landscape and visual and noise aspects. Take my comments fully into account.

1:41:37

Thank you very much, Sam,

1:41:40

thank you. So can I just clarify with you, Mr. Badam, that

1:41:45

I think you've made it quite succinctly at the end there, your concern is both about the visual appearance of the barrier itself, but also its acoustic properties

1:41:54

and its ability to screen the noise or absorb the noise from the road relative to your property, then that is correct. I mean, if they, if you ask me

1:42:06

if I wanted to put, put those put a priority. I think the noise is the issue which I am

1:42:15

most concerned about. But I am also concerned about the landscape and visit aspect. Thank you. And you made reference to wishing to see the barrier actually extended further. Well, indeed, indeed, and because,

1:42:35

as it is shown on the plans at the moment, it doesn't run to the to the boundary edge on the eastern side, and seems to me that

1:42:48

the traffic will, so to speak, come round the end of the barrier,

1:42:54

both affecting

1:42:56

the house itself and also the garden. And I think if it's going to work properly, is going to it should run

1:43:08

some yards, some 100 yards, perhaps, I don't know. I'm not an expert, but I'm not a noise expert, but I think it should run further in an East, in in

1:43:22

any eastern direction towards Charleston.

1:43:27

But, I mean, I think

1:43:31

my, I mean, I stand to be corrected, but I think a slightly casual approach has been taken by the applicant with regard to the specification and quality and design of

1:43:48

the barriers, the acoustic barriers, and

1:43:52

frankly, I consider

1:43:55

I'm entitled To

1:43:58

the best product

1:44:00

available in order to provide

1:44:04

the best possible result.

1:44:09

You added at the end there, the

1:44:14

Conservation Officers indicated they regard your property as a non designated heritage asset. Correct? Do you have a letter from them confirming that to be the case? I don't have a letter

1:44:29

directly to me on that point, but I can provide documentation from another planning application

1:44:36

adjacent to my property where it is set out that

1:44:44

Elton law and landing, indeed, the next property going down,

1:44:50

called post box cottage,

1:44:53

should all be recognized as non designated as assets. And I'm quite prepared, because.

1:45:00

Happy to let you provide a copy of that you may not need to, but I just wanted to explore it a little bit. Can I just ask the applicant then, because I can't recall, off to the top of my head at the moment, whether you have already

1:45:18

recorded these properties as non designated heritage assets, and therefore have covered that concern.

1:45:28

Andrew Tate,

1:45:31

we hadn't anticipated Mr. Baden was coming forward, so we may not have chapter and verse at our fingertips. I'm afraid we'll do our best to respond to

1:45:42

as many of the points as we can.

1:45:45

So if I can introduce Colin Cartwright, please,

1:45:50

Hello, yes, Colin Cartwright, for the applicant,

1:45:54

in answer to that first question on the designation, it's something we will have to check in terms of our records on that we have got designated receptors within ockington, and I'll review what we've got across the whole of the village.

1:46:19

Thank you. It's not something that the joint Councils had raised, as far as I can recall. So,

1:46:28

sir Catherine Knight from the joint councils, it's not something I recall that we've raised, either

1:46:34

I can take it away, we have raised the difference between the timber and vegetation barrier. But that my knowledge recall is the extent at the current time.

1:46:46

No, that's fine. I think it would be helpful to hear from both yourselves and the applicant on the

1:46:55

non designated heritage. I suppose you may have covered it already, but I honestly can't recall

1:47:01

whether you had picked that up. And obviously, if you haven't, we need to have a commentary as to what difference that may make. And equally, if the joint councils presumably will be able to confirm that you agree with Mr. Bellam that they are non designated heritage assets each of those three properties, and then whether there are any concerns that you would have from a heritage perspective,

1:47:31

Circassia from night, joint councils will take that away and provide that in writing, too. Thank you. So that then takes us to the noise and the landscape and visual side, so you're able to respond to the concerns Mr. Bottoms raised, so calling car tripe for the applicant. So regarding the design and assessment of the barriers. So as a starting point for the assessment, for the noise assessment, and also for the landscape assessment, the barriers have been assumed to be a two meter high, simple timber board structure. That's the basis of the assessment set out within the ES.

1:48:12

We then got subsequent commitments within the REAC, so item LV six of the REAC,

1:48:19

and that is setting out a commitment for consultation to be undertaken as part of detailed design with

1:48:30

affected parties on the noise barriers, on their subsequent design. So that brings in the consideration of vegetated

1:48:40

planting and a vegetated design for those barriers on a barrier by barrier basis. And I believe this is something that we picked up in the in the last hearings in August on the on the process for that, for that consultation to be undertaken. So the comments from Mr. Badam in terms of

1:49:03

seeking changes on the noise barrier at buckington, on the eastern side of buckington, on the north side of the a 4019, is something that will be picked up as part of that consultation process, in advance of as part of detailed design

1:49:22

and you're confident that there is sufficient space to accommodate both the barrier and planting, should that be seen to be necessary,

1:49:33

so the space available would need to be considered as Part of those design developments for those particular barriers.

1:49:44

But that gives us the slight conundrum that if you're you still need to consider it whether you have the space to accommodate both the barrier and possibly some additional planting, and you can't.

1:50:00

Make a commitment to a consultation to consider both elements if you don't actually know you could accommodate those So surely, that's something that we would reasonably expect you to know at this stage.

1:50:15

Otherwise, your consultation that you're indicating is

1:50:19

without being rude disingenuous,

1:50:23

we will have that information, and I'll confirm what

1:50:28

the space that we have for that particular barrier,

1:50:31

but it goes beyond this barrier. I know Mr. Badams specifically talking about this barrier, but my understanding is that it will be potentially all of the barriers that you'd be seeking consultation on and you would therefore need to be

1:50:46

capable of accommodating the barrier, plus planting, if that's deemed ultimately to be necessary. And it seemed to me, from what was said at the last hearings, that the joint Council's landscape officer was

1:51:04

particularly concerned about the landscape and visual because the assessment had assumed that there would be planting in front of

1:51:14

or maybe on both sides of the barriers, because clearly they were going to be viewed both along the road itself, but also

1:51:25

fronting properties either the north side or the south side, depending on which barrier it would be. So it seems to me that's something that we would need to be confident you could facilitate. And I think the local highway authority need to be able to confirm that their content, because ultimately it will be their road, presumably, and they'll need to be confident that the planting is going to be something there,

1:51:55

I assume, would ultimately adopt and maintain, along with the specification for the barrier.

1:52:09

So common car try for the applicant, that's something we can confirm for each of the barriers in turn. In terms of space available, the expectation is, is there is space available on the barriers,

1:52:27

and

1:52:29

is there expectation that there is space for planting on both sides?

1:52:37

That's something I again need to confirm with you. I think

1:52:41

that'd be helpful, because it seems to me that there's two there's two different aspects, isn't there? There's the

1:52:47

approach into Cheltenham or out of Cheltenham, depending which direction you're traveling and how you the barriers would appear as you're traveling on that journey. And equally, if you're a resident looking out towards them what you're appreciating from your respective property. So it seems to me that both aspects need to be thought through and covered.

1:53:11

Yes, agreed.

1:53:13

Thank you.

1:53:22

Mr. Bell, Olsen indicated that he would

1:53:26

be willing to have a meeting with yourselves to talk through the the issues is that something you'd be able to accommodate.

1:53:35

Tony cartf, the applicant, yes, that's something we should better accommodate. Thank you.

1:53:42

Okay. Are there any other concerns? Mr. Badam,

1:53:53

no,

1:53:55

sir, I think that that covers that, and I'm I'm grateful for you

1:54:01

raising those points. Okay, thank you. And again, from the Joint Council, is there any further points you'd wish to raise following those conversations? So Catherine, like joint councils and I say you've raised everything. We have no more comment. Thank you. Okay, thank you. And any final points from the applicant, yes only to say that in in rep

1:54:25

527,

1:54:27

in response to question, your questions, 11, point 0.1,

1:54:33

there is an indication of The scope for particular screens and hedges in particular locations,

1:54:45

and a recognition of some of the space constraints, but we will elaborate on that further in response.

1:54:52

Thank you. Applause.

1:55:12

Okay, I think that moves us towards the end of the agenda. I just quickly look around the room if there's any other business, any final comments or concerns that people would wish to discuss.

1:55:26

No, okay, so I think that will then take us to a list of just going through any action points that have arisen from today and yesterday. I'll just check with my colleague,

1:55:41

Mr. Regan, can lead us through these. Thank you.

1:55:49

Thank you, Mr. Mond. Obviously we've not had time to discuss the ones which relate to the actions this morning, so please do interject if you've any different recollections, and please everyone around the room. If you have any different recollections of anything I'm about to say, please, please do jump in. Thank you.

1:56:14

So the first group of action points relate to highways, issues from yesterday.

1:56:21

The first matter, action point one was for the applicant to set out the differences in the retail park junction and had on Hayden lane between the geh figure and the figure in the model. So effectively, a more detailed, written explanation of what we should be taking from the traffic flow variance, as shown in the geh statistic.

1:56:46

All of these are for deadline six on their side, state otherwise,

1:56:54

action two is for the applicant to provide a note, a written note which we can read alongside the active travel provision plans which are submitted at d5

1:57:08

having regard to what the triple NPS tells us that paragraph 5.211,

1:57:14

please.

1:57:20

Action Point three is with respect to the traffic diversions on the on the sign posted routes. And there was discussion yesterday about how specific traffic increases, such as doubling of traffic, may lead to specific decibel increases and moderate impacts, and how a lesser increase of around 25%

1:57:44

may give rides to a minor effect, if we just have confirmation, really, with regards to where those traffic flow increases are actually stipulated.

1:57:56

And that, again, all relates to table 2.1 in as oh eight sorry, as oh eight zero, which is the signposted route assessment.

1:58:10

Again, with regards to the signposted route assessment, please, can the applicant set out whether there are any residual issues or concerns that we should take with regards to non noise effects of the use of those routes, with regards to, for example, road safety, additional pedestrian severance or congestion in the effect that drivers are minded to use the promoted, signposted route, please.

1:58:40

Action Point five is for national highways, please. And that really relates to the discussion yesterday in your submissions, with regards to whether the scheme before us represents the optimum solution, and indeed, following the PCF stroke dmr design process,

1:59:02

is there any policy context or support for those positions? Please.

1:59:10

Action Point six is for the applicant and national highways, and this really is to seek for you both to have a discussion about

1:59:20

how the scheme has been progressed, and whether there is need for any additional documents to be shared, either between yourselves or indeed within the application documents. And if we could have an update to that deadline, six again, please.

1:59:41

And

1:59:42

Action Point seven

1:59:46

is for law homes, and it requires, really an access plan to be provided into the safeguarded land, which seeks to demonstrate that at.

2:00:00

Access, appropriate access could be provided into that land in the no DCO scheme world.

2:00:11

Following on from that point, action point eight is for the applicant to consider if a commitment could be made that would facilitate the adopted highway boundary being contiguous with the safeguarded land.

2:00:29

And Action nine relates to Mr. Hadley's land plot. And I think there was a request there please, if he could be provided with some supplementary information with regards to vehicle swept path analysis, which can demonstrate to him what

2:00:48

can appropriately access his plot in the future via the DCF access proposal.

2:00:59

Action Point 10 was for the joint councils, and this now moves us away from transport and looks at flood flooding points. There was a discussion yesterday whereby we were seeking confirmation with respect to the local flood authority's position regarding flood mitigation requirements at Stabberton Brook. Please do

2:01:25

and action point 11

2:01:28

relates to pollution safeguards and the EA position with regards to whether validation needed to be included within the wordings of requirements. 8384, and eight, five. And if we could have an update on the respective positions from the EA and the applicant, please.

2:01:52

Action Point 12 is for the applicant.

2:01:56

And this really relates to the discussions around construction program from yesterday and please, can the applicant demonstrate how the activities required,

2:02:08

the activities regarding requirements and pre commencement, could be completed by October 2025,

2:02:17

Action Point 13 follows on from that, and is perhaps a wider point. We thought it would be helpful if the applicant could provide a detailed Gantt chart or timeline, which shows that the full construction program can be met as they are proposing it to be alongside any necessary milestones with regards to surveys and licensing, etc.

2:02:47

Action point 14, again for the applicant,

2:02:51

please, can we have sight of any evidence regarding the extension of the contract period from homes England to march 2028,

2:03:02

and is there also any subsequent updates or progress with regards to the government or Her Majesty's Treasury for an extension beyond that time? Please?

2:03:15

Action Point 15 is for Bloor and persimmon and also the applicant, please, please, can we have written submissions with regards to the likelihood of any subsequent hope value claim to the lands tribunal, and if so, is that, or does that need To be covered within the applicant's funding

2:03:41

action point 16 is for the applicant and national highways, please. And it's really just a deadline six submission with regards to where you've got to with regards to scheme cost and any scheme variances, please.

2:03:59

Action Point 17 is for the applicant, please, and it's a position statement at deadline six, with regards to any agreements or relevant

2:04:14

correspondence that you've had with the UK infrastructure bank that the cost to scrap and she over and above the homes England HIF money so effectively the Circa 81 million pounds can be funded.

2:04:35

Action Point 18 is for the applicant and the joint councils, please. And it's a d6 position statement with with regards to the ability of section 106 monies to effectively contribute towards a highway scheme where, by the highway works have already commenced. So.

2:05:01

Uh, Action Point 19.

2:05:04

And I've noted here that perhaps there's a discussion we could have about when this can actually be provided, but it's it relates to an updated funding statement, which includes the CIL position,

2:05:18

the three or four items that I've just referred to as

2:05:24

items 14, 1516, and 17,

2:05:29

within a and 18, within an updated funding statement, so seal position items 14, actions 14 to 18, and also the funding statement updated to include change requests one and two as necessary. Now I've annotated that.

2:05:49

Maybe we could expect a version, well, two versions of that, one in a couple of weeks at deadline six, and obviously a further iteration at the close of examination. I don't know if we are thinking that both of those timescales are acceptable.

2:06:19

That's understood and agreed, yes, so we can do that. Thank you.

2:06:26

Action Point 20 is for the joint councils, please. And it's it was with respect to the SIL funding policy, which I think you said that yesterday, that there's going to be a joint committee meeting on the 11th of November. So please, can we have sites of that ASAP and the first available deadline after the 11th of November, please,

2:06:55

21 again for the joint councils, and it relates to a deadline six submission please, with regards to providing an update with regards to the secured CIL monies, please.

2:07:11

Action Point 22 is for the applicant.

2:07:15

Please. Can we have at deadline six, confirmation of the position of the status of within the examination of the signatories of the letter and principal support. So it was the largely the house builders that we were talking about yesterday. The letter and principal support is rep 5031,

2:07:41

action point 23

2:07:44

is for the joint councils, please. And it was really with regards to the same letter and principal support. I think there was agreement that we could have a planet deadline six please, which effectively shows us the location of all of all of the planning applications which relate to the signatories of that letter and principal support. Thank you.

2:08:10

It was just providing the details of which applicants were for which applications. Thank you.

2:08:20

And you'll be pleased to know that action point 24 relates to a discussion we've had this morning. So we're on the home straight.

2:08:31

Is for the applicant and Mr. Bauer, please, can we have it deadline six relevant updated information with regards to agricultural access into the Brunton and council land, including consideration from the applicant with respect to what Mr. Bauer was

2:08:51

inquiring about in terms of whether a effectively a straight spur could be provided to provide agricultural access via the proposed signalized arrangement that is shown at the moment.

2:09:08

Action point 25

2:09:10

is for the joint councils, please

2:09:13

and please, can we have at deadline six,

2:09:18

your consideration of the suitability of the DCO agricultural access that the shared arrangement that we were talking about this morning, and the ability of that from a highway point to provide safe and suitable access into the Brunton and council and adjacent agricultural plots. So is it fit for purpose, from your point of view, to serve those collective agricultural plots in terms of providing safe and suitable access, and indeed, with regards to any possible congestion issues it may may or may not create on the A 4019, thank you.

2:09:58

Action Point 26

2:10:00

Yes, and these now relate to the DCO, please, can we have at deadline, six or indeed, earlier, I think there was talk about being an ability for the joint councils and the applicant to provide something this

Friday, which is an updated position, really, with regards to where you have both got to with regards to protected provisions.

2:10:24

Was it?

2:10:26

Mr. Mond informs me it's national highway. No, I think it was no articles, Article Seven, to clarify with the joint councils, yeah, I knew, I knew that something wasn't quite article seven, yeah, not, not protected provisions. I think that's that will be national highways, but the article seven was joint councils.

2:10:44

Okay, so that's amended action point 26 updated position regarding article seven, Friday the 18th, or deadline six, please.

2:10:55

Action point 27 is for the applicant, and

2:10:59

it's a request, really, for consideration of the Sint modwin issues raised within their representation, with regards to Article Seven, as per rep 1064,

2:11:13

please.

2:11:17

Action point 28 is for national highways and the applicant, and it's a d6 submission please, which sets out where you've got to and what the any remaining differences that you may have between you with regards to articles 11, 1518, and 20 and the deemed consent discussion that we were having this morning.

2:11:44

Action point 29 is again for national highways and the applicant at deadline six, please, can we have an update with regards to your respective positions, with regards to the need for a bond and funding,

2:12:00

including if there has been any clarity with regards to if the HIF monies could be tweaked to include a step in right if that would be beneficial to anybody's positions. Thank you.

2:12:16

Action point 30 is for the applicant, and this is to do with the Stoke road noise mitigation position. Please, please, can we have an updated deadline, six with regards to where that currently lies, with

regards to funding for the Stoke road Mitigation Scheme, and indeed, where, where the council have got to with regards to the wider consultation, implementation and development of that scheme, please.

2:12:50

Action Point 31

2:12:54

relates to Mr. Wong's query with regards to the emission of the name or amended plan and the date and typos included within document reference, rep 5027, on page 14. So if the applicant could provide the plan and look at that by d6 please.

2:13:15

Action Point 32 relates to the discussion we've just had with Mr. Badham, and as for the applicant and the joint councils of deadline six, please to provide an update with regards to what Mr. Badams voiced this morning, with regards to the acceptability of the noise barriers and the level of mitigation that they would be would would provide, and also an update from the joint councils in terms of whether the property is actually considered as a non designated heritage asset, and views on what the implications of that would be, please.

2:13:54

And action point 34 before I stop for a breath,

2:13:59

relates to acoustic barriers more generally, and this is a d6

2:14:05

request for the applicant and joint councils please to set out

2:14:11

your respective positions with regards to the ability for vegetation to be included on acoustic barriers on both the road facing and the

2:14:23

residential property facing sides within the space available. And a follow on to that particular question to the joint councils as as to whether the

2:14:35

provision of any vegetation and any future maintenance activities associated with that would be acceptable with regards to the local highway authority,

2:14:47

and I think that is all I have, unless Mr. Maunder or anybody else around the table has a record of anything else, which we should include on the list.

2:14:59

Yes, I.

2:15:00

So can I just clarify action point 25 please, regarding the agricultural access

2:15:08

off signalized junction? Is it the currently proposed

2:15:13

agricultural access you're after, or is it the proposal that was put forward by Mr. Bauer that you're asking for the highway authority's position on. Well, I hate to answer questions with questions, but have you seen the proposal that Mr. Powell was referring to? No, yeah. So my take on it when I was posing the question really was, Are you content in the capacity of local highway authority with the agricultural combined access solution that the DCO proposal currently offers is that, is that current DCO agricultural access proposal into those plots of land suitable to provide suit and safe and suitable access, and does it create any any issues for The local highway authority with regards to any congestion or blocking back in the main road, which may or may not happen if two vehicles were to concurrently meet on the side road. So it relates to the DCA proposal, as it's before us. Thank you,

2:16:18

sir Ketter Knight, Joint Council, just a point of clarification, the soil allocation meeting is late on the 12th of November, and we will provide the CIL allocation policy after that when it's and any amendments that the committee may need. Thank you. So my my recording on action point 20, where I said meeting was taking place on the 11th of November result during the 12th of November is actually the 12th. And amendments may actually be need to be made by officers, but it will be provided as soon as possible a meeting on the 12th and will be provided the first available deadline thereafter. Yes, sir. Thank you.

2:16:59

Thanks. I note the request for blars to provide a plan in respect of access in an own scheme world. I think there was an additional access point that we raised for laws to raise, which is in relation to their

2:17:14

response at rep 5033, page six refers to an appended plan which wasn't included in their submission. Sorry. So this relates to action point seven,

2:17:27

if an access can be provided into the safeguard of land in the no scheme world plans to be provided. But there's an extra action point which I'm going to put on the end so shamelessly, don't have to renumber everything.

2:17:39

And

2:17:40

this is action point 35

2:17:44

of law

2:17:47

that's d6 to provide

2:17:52

omitted plan from

2:17:56

rep.

2:18:00

5033,

2:18:02

thank you very much.

2:18:04

Is there anything anybody else wishes to raise with regards to what you've heard, or any anything which you feel should be on the action point list?

2:18:15

Thank you. Applause.

2:18:24

I think then that just leaves me to formally close the hearing. It's now 20 past 12. Just say thank you to everybody here in the room and then anyone who's still with us online for your attendance and your contribution. So thank you very much, everybody. Thank.