

# DRAFT

## MARRONS

### MEETING NOTE

CLIENT: Rugby Radio Station Partnership  
FILE REF: 4437-1-1  
DATE: 05 December 2012  
RE: DIRFT III

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Meeting held 5 December 2012 at 4pm at The Planning Inspectorate, Temple Quay House, Bristol, BS1 6PN.

In attendance:

Dr Pauleen Lane (PL)	Group Manager, National Infrastructure
Katharine Haddrell (KH)	Senior Case Manager & Sector Lead, Transport
Sheila Twidle (ST)	Head of Environmental Services
Tim Hallam (TH)	National Infrastructure Legal Manager
Kay Sully (KS)	Case Manager
Robin Woodbridge (RW)	Prologis UK Ltd
Chris Lewis (CL)	Prologis UK Ltd
Hugh Scanlon (HS)	Nathanial Litchfield & Partners
Morag Thomson (MET)	Marrons
Laura-Beth Hutton (LBH)	Marrons

1. PL asked for confirmation that those present were attending the meeting to speak on behalf of the Applicant, i.e. Rugby Radio Station Partnership and Prologis UK Limited – RW confirmed that to be the case and that NLP and Marrons are jointly instructed.
2. PL advised that the purpose of the meeting was to find a way forward given the recent refusal to accept the application. PL stated that they were as disappointed as anyone. The PINS team had to be stood down and are now dealing with householder appeals – they were “ready to go”. PL advised PINS do not want to be pedantic but that there were some things that represent problems from the outset which would make the Examination more difficult, certainly to deal within the 6 month Examination period.
3. PL stated that there has been a lack of clarity as to what the exact issues are and confirmed that the Section 55 Checklist has been completed. Historically PINS have not published this list where they have declined to accept an application. PL explained that, whilst PINS’ preference is to be as public as possible, they were concerned that the applicant might not wish this critical information to be in the public view. PL advised that we would return to the question of whether it should be published.

# DRAFT

4. PL set out her understanding of the application; the site is already a rail freight terminal and this application is for an extension of that. PL understood that the first round Section 42 Consultation identified a need for additional highway works, hence their subsequent inclusion. MET advised this was not what had happened. It was the case that the first round consultation did not include the Highway Works but the second round consultation did but the change was not a result of the first round of consultation.
5. RW explained that the reason for the inclusion of the Highway Works in the second round of Consultation was not because of the results from the first Consultation but because of the ongoing dialogue with the highway authorities.
6. PL stated that the application frequently refers to the main site but that the draft DCO then refers to an additional list of highway works – PL stated that PINS consider the applicant has treated the highway works in an inconsistent manner. PL explained that the problem is the inconsistency in the application particularly since the application is asking for a formal legal document.
7. MET asked for specific examples of the inconsistencies.
8. PL stated there is no single plan that has the whole project outlined, also one of the redline plans contains detail (three white road markings) which goes outside of the redline boundary – this is a problem. In addition these detailed works appear to go into the boundary of another local authority. That local authority (Leicestershire County Council) is on the Section 42 list but not in the correct designation, i.e. Leicestershire County Council should have been consulted as a highway authority and not just a neighbouring authority.
9. PL advised that in addition at least one of the Highway Works relates to a trunk road which leads directly to the question and consideration of whether this work is an NSIP – this needs a formal answer but the application only contains an assertion.
10. The ES contains a Transport Assessment but PINS expect all aspects of the ES, e.g. flood risk, construction noise impact, etc to come to a formal conclusion on the Highway Works as to whether they have a formal impact. An assertion of lack of impact is not sufficient.
11. PINS advised that Leicestershire County Council confirmed by letter of 14 November 2012 that they have not been consulted as a highway authority.
12. PL stated that there is a mismatch of the description of development on the application form, in the DCO and in the ES. PL stated that these inconsistencies make it difficult to answer the overall question and therefore the quality threshold required for acceptance. MET asked for examples of these inconsistencies.

# DRAFT

13. PL stated that she was hopeful these are all things that could be dealt with in a straightforward manner and relatively quickly. PL stated that they are required to assess the quality of the application and referring to the PINS Advice Note 6.
14. MET asked for clarification that the acceptance issue relates solely to the Highway Works.
15. RW confirmed that the applicant wants to move forward and those attending are under great pressure to resolve the issues. RW explained that the applicant's representatives were keen to walk away from the meeting with a clear list of points to action in order to get the application accepted.
16. PL explained that PINS are also looking to identify a likely date for resubmission.
17. PL stated that anything that has a redline boundary must be considered as the project and this has to be one project as a whole. PL explained that it plays out in a number of different ways as to how the works have been treated and PINS require these approaches to be pulled together.
18. MET explained that the applicant needed an understanding with absolute clarity as to what the issues are.
19. MET queried whether PINS would require one plan showing everything – MET explained that the required scale at which plans must be submitted would not be complied with but that the applicant is willing to provide such a plan should this assist PINS consideration of the scheme.
20. PL stated that it is consistency through the application which is what PINS are looking for.
21. MET asked for confirmation as to whether PINS wanted another plan or set of plans.
22. PL made reference to the difficulty of the plan showing the three white road markings in Leicestershire outside the red line which may mean that Leicestershire had not been consulted as highway authority. RW explained that the traffic impact at an early stage (i.e. the first round of consultation) was also dealing with the significant housing development proposed adjacent to the site but RW is confident that the relevant authorities were consulted and have been involved in discussions on the scheme from an early stage.
23. CL asked for clarification exactly as to what PINS require in terms of plans, i.e. one plan at A0 or a key plan with a new series? PL said A0 might be unmanageable and may not help. It was agreed that an A1 plan be provided and where the red lines were indistinct because of the scale then cross reference would be made on the plan to the relevant existing drawing.

# DRAFT

24. PL stated again that PINS consider where the applicant deals with the project in the documentation it should deal with every site, i.e. including the Highway Works. MET explained that PINS already have the relevant series of plans showing all of the works. Clarity was need as to what else needed to be produced or amended.
25. PL stated that this was set out in PINS s.55 checklist but that it would not normally be made public where an application had not been accepted. If it was discussed at the meeting it would have to be made public.
26. MET/RW/CL and HS confirmed that they wished to see the s.55 checklist and were happy for it to be made public. A copy of the checklist was distributed.
27. Reference to para 3.2 of the checklist- PL explained that LCC confirmed by letter they had no record of being consulted on the SOCC. If the three white road markings mean that the red line goes into Leicestershire then LCC should have been consulted on the SOCC. It was accepted that LCC had been consulted at both the stage 1 and stage 2 stage but not specifically as highway authority.
28. PL stated that the Consultation Report confirms that LCC were not consulted as highway authority.
29. LCC does need 28 days to formally comment, as do Harborough District Council, if any of the works are within their boundaries. Blaby District Council has also said LCC haven't been consulted as highway authority – this is contained in our Consultation Report.
30. PL stated that the applicant had only submitted two detailed highway plans and the others are general.
31. MET asked for clarification of what PL meant. There are a set of red line plans for the highway works, a set of general arrangement plans (approx. 8) for some works and a set of illustrative plans (approx. 8) for other works.
32. PL accepted that, but said it wasn't clear whether works were being done in Leicestershire and LCC are saying they haven't been consulted as highway authority.
33. MET requested a copy of the letter from LCC dated 14 November 2012. MET also sought to clarify what needed to be done to resolve this issue.
34. PL asked for confirmation as to whether LCC has seen the plans. CL confirmed that LCC have attended a number of technical meetings but only some since they explained very early on that they were simply not interested in the application.

# DRAFT

35. CL suggested that we ask for a high level response at LCC as to what is going on. If we accept PL's query about the drawing which shows detailed works outside the redline boundary then this implies that the only further consultation needs to be with Leicestershire County, Harborough (and Cambridgeshire for completeness). PL stated that PINS don't expect us to look for other authorities to consult.
36. MET asked if the actions to be taken can be agreed. Would it resolve the situation if we confirm that we wish to do white lining works in Leicestershire, we repeat the stage 2 s.42 consultation with the appropriate s.44 authorities?
37. PL stated she would not personally have a problem with that. PL stated that the applicant should make sure there are no other issues with the red line.
38. Reference to paragraph 3.4 of the checklist – PL stated that the Section 42 list is based on the main site only and we need to satisfy ourselves that all authorities have been consulted.
39. MET stated that the s.42 list was not based on the main site only and included the whole scheme. PL agreed this point is the same point as that arising from the road markings in Leicestershire.
40. PL queried works 10a as to whether additional land interests might be triggered. MET confirmed that was not the case.
41. Paragraph 3.5 - PL could not find reference to works 10g in the stage 2 consultation. MET explained that these were very minor works which had been added (designation road markings). PL stated that it needs to be explained that they were added; that we had thought about whether to reconsult and the reason for the conclusion reached. MET queried whether we need to apply this approach to any works removed between stage 1 and 2 if there were any. PL replied yes, absolutely.
42. PL stated that the website seems only to refer to the main site. RW explained that this was not correct since all of the draft documentation is on the website.
43. PL also stated that the Stage 1 SOCC only refers to the main site and that Harborough were consulted but only for the second SOCC. MET explained that the highway works had never been omitted from consultation, they had simply not been identified by the first round of consultation.
44. Reference to paragraph 3.16 of the checklist – in respect of the highway works at the Stage 2 Consultation there is at least one which needs the answer to the question of whether it is an NSIP in its own right which includes the consideration of the environmental effect.

# DRAFT

45. MET explained that if there had been significant environmental effects from the minor highway works then they would have been flagged up in the ES the role of which was to identify likely significant environmental effects, not every unlikely non significant environmental effect.
46. PL stated that the ES needs to include an adequate assessment of all highway works and it is difficult to follow a trail as to which ones have been taken out and put in. KH stated that it needs to be explicit as to where, what, how and why things have been changed.
46. Paragraph 3.21 – should refer to Works 10g and not f referring again to the inconsistent redline boundary issue. HS pointed out it is important to note that the inconsistency relates only to 3 white lines. PL acknowledged that but reaffirmed that the plans do not match.
47. Reference to paragraph 4.4 of the checklist – the ES doesn't scope out certain highway works and has slightly different wording in various places. There is also a minimal detail on the plans and the extent of assessment is difficult to understand.
48. MET explained that there are general arrangement drawings for some works and illustrative drawings for others – what more detail do PINS require? PL stated that so long as the assessment matches the detail this should be sufficient. For example, one junction looks like there are works near some school playing fields – has there been consideration to any trees which may need to be removed and to the noise impact of construction works?
49. MET asked whether PINS are saying the plans do not contain sufficient detail. PL clarifying that, because the level of detail is not clear in the ES, it is difficult to assess.
50. ST stated that a lot of chapters in the ES are silent, PINS therefore cannot understand whether there is no detail because there is no impact or whether there is no detail because the applicant has “missed it”. HS pointed out that the works were referred to in Chapter C of the ES in the description of development that had been assessed.
51. PL stated the problem is that the impact has not been always mentioned, for example, one plan shows an extra dedicated lane on the off slip on the M1 junction – has there been a flood risk assessment for this?
52. MET stated that was incorrect - there is no extra lane on the off slip and nor do the plans show anything like that. CL produced the plan which shows only signalisation and slight kerb re-alignment of the roundabout exit.
53. CL asked did PINS expect every element of works like that to be assessed in every chapter of the ES. PL stated yes unless they are scoped out.
54. MET stated that if PINS point was that a conclusion was needed on the environmental effect to decide whether the works were an NSIP then that

# DRAFT

is not assisted by scoping out – there needed to be an assessment, with a conclusion. ST and PL agreed.

55. HS explained that the ES chapters already do this. The information is there, i.e. there is nothing explicit because there is no impact. ST stated that that Chapter C of the ES is inconsistent for example, 6.1 Chapter C31 refers to 7 elements where the table at C32 refers to various plans and these plans do not identify the Off-Site Mitigation Works. ST considered PINS are on a “chase” to find out what the scheme is. ST said PINS want each section to say the same thing.
56. PL queried whether there had been a Heritage Assessment of the highway works – what have English Heritage said? MET confirmed that English Heritage had access to the same information as all other consultees for the second round consultation, including highway plans.
57. MET sought confirmation that the way in which Crown Land was shown on the plans is acceptable. PL advised she did not see any problems with it.

An action list was discussed as follows:

1. Applicant to submit a plan showing the whole scheme at maximum A1 size (whatever scale that may be) and where the red line detail may be too small to box this and cross refer to a plan showing the detail in the application.
2. To provide a replacement Chapter C which will include an adequate assessment by all “ologies” confirming that the Highway Works have been assessed and whether there are any impacts and also clarifying the description of the scheme.

There followed some discussion as to the works at Hillmorton. MET explained that these are existing footpaths and there are no ES implications. PL accepted if this doesn't affect the TA modelling the there is no problem. PL also queried the works at the M1 junction as to whether there are any works outside the highway boundary. It was confirmed that there were no works outside the highway boundary but it was agreed that the Highway Plans would be amended to confirm that the red line was the highway boundary.

3. To consider the Highway Plans and to show details or features that affect our judgement as to why the works are not NSIPs.

# DRAFT

4. To consult with Leicestershire County Council as highway authority if the resubmitted works do go into their boundary. CL stated that we would make sure the person we have been consulting with makes sure that other arms of LCC know they have been consulted as highway authority.

58. MET sought clarification that if all of the above are carried out and resubmitted that the application would be accepted. PL stated this cannot be confirmed but advised that they should not raise any other issues.

59. MET explained that we would not propose carrying out a further Section 42 Consultation on any of the above – is this a problem? PL explained that in the end it is for the applicant to be satisfied but that PINS will look at the application in the round. If the applicant feels people have been consulted and is relying on the round 2 consultation and submits evidence that we are relying on this then PINS will consider that.

60. MET sought confirmation that Section 55(8) applies, i.e. the submission of an amended application. There then followed discussion as to the timeframe for submission and we advised we are aiming for before Christmas. MET indicated that, since it would be a limited submission, we would hope the full 28 days would not be taken for a decision on acceptance PL explained PINS cannot guarantee the response would be within 28 days but it would not exceed the 28 days.

61. With regard to consultation TH explained that the safest approach would be to allow 28 days for responses before resubmission. MET queried whether the 28 days for responses could overlap with the 28 days for acceptance. PL explaining it would be very helpful if we had a reply from LCC if there were works within Leicestershire. If there were no works with Leicestershire then they would not need to be consulted.

62. MET sought clarification that if we had to consult with LCC, HDC and CCC and we had a response from LCC then we could resubmit within the 28 day period and it was agreed we could.

63. KH queried whether a new Section 46 notification is required. MET and TH agreed this was not necessary.

64. In response to a query raised a couple of weeks ago by Marrons KH confirmed that once PINS have accepted the application the applicant is



# DRAFT

required to send a CD to all consultation bodies of the accepted application and that a link to a website would not be sufficient (to accord with the EIA Regs). KH to check whether the resubmission would attract a new application fee.

65. MET explained the applicant would be extremely disappointed if it does take 28 days for PINS to accept the resubmitted application. CL explained the importance of the timeframe referring to the newt relocation in 2014. These timescales are critical.
66. PL said she couldn't promise but confirmed PINS would try to adopt a proportionate approach in connection with the resubmission.
67. MET asked for clarification as to whether it will be the same people assessing the resubmission for acceptance. PL confirmed it would be the same case team but may not be her that oversees – she is standing in for Ian Gambles. RW said he thought that would be disappointing since the applicant was looking for consistency. PL advised that Ian Gambles is fully aware of the position.
68. MET explained that she would send an e-mail later that evening with the agreed action list. KH confirmed that PINS would provide a note of this meeting tomorrow, i.e. 6 December. We said we needed confirmation of a clear audit trail – MET will send her e-mail tonight (5<sup>th</sup>) and PINS will confirm whether they agree with the action points agreed.

MET/LBH

Marrons