

Hinckley_ISH6_24 Jan_PT2

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FULL TRANSCRIPT (with timecode)

00:00:05:14 - 00:00:39:14

It's 1145. So we're hearing is resumed. Team is back. Can I just confirm that the recording is continuing and that the and the live stream is working as well. So thank you very much. So we can now move on to uh, Narborough um level crossing dealing particularly with the roads and non-motorized users effect. Um. Moving on. I was slightly confused in reading the D4 submissions. The reason for this I was expecting results of further survey work and then commentary upon them.

00:00:39:27 - 00:00:55:00

Uh, now, I may have missed it, and it's not clear to me whether there's so second set of surveys were undertaken. Uh, but in any event, the applicants view that the worst case scenario is that of the Wednesday, which had done previously survey and that its analysis has been undertaken on the basis on that basis. Is that correct?

00:00:55:28 - 00:01:27:02

Yeah, that is correct. Uh, Andy Passmore for the applicant. Um, we, uh, um, uh, took on board, uh, comments from Leicestershire County Council, uh, regarding concerns that two of the days that were previously assessed were where during term, um, holiday and school holidays. Um, so we did another um, week, uh, of surveys which demonstrated in terms of traffic and total downtime and numbers of, uh, downtime that actually that Wednesday was was the most representative for us to, to assess.

00:01:27:04 - 00:01:33:16

So that's what we, um, it was consistent with what we did in, in, in, in, uh, deadline three. So I think it.

00:01:33:18 - 00:01:36:03

Does anybody else want to make a comment about Leicestershire County?

00:01:37:08 - 00:02:16:05

Thank you, sir. Yes. Correct. Mr.. Was correct in that we, um, agreed some survey locations of cameras to re survey, um, the impact of the barrier downtime on queuing traffic in the villages of neighbouring little thought. Um, with regard to your question, we're slightly at a loss as well that in the deadline for submission at 4119, the applicant has not actually provided the survey data, nor has it actually provided the details of the queue lengths on all of these arms in terms of numbers.

00:02:16:21 - 00:02:33:28

Nor is it clear with the increase in barrier downtime what the impact on those covenants will be. So yes sir, we did agree the survey locations. Um, but unfortunately we haven't been able to analyse the data because it hasn't been provided.

00:02:34:17 - 00:02:38:13

Okay. Does does the applicant response to that?

00:02:39:18 - 00:03:25:09

And impossible for the applicant. I mean, in terms of the report. Um, are you correct that the I don't think the raw survey results were, were provided and therefore they can be, uh, provided to you in terms of their analysis? We we are doing a report them for that for that particular day. Um, in terms of one of the tables in the, in the report, um, and then we go on to look at how that would change as a consequence of, of the additional trains, uh, train paths and the change in traffic flows from the, from the PM model, um, in terms of both queues and clearance time, uh, through the construction of, of models for each hour of, of that particular day.

00:03:25:16 - 00:03:47:16

Um, so, yeah, the background, um, survey information, I think we will in Q surveys, we can, we can provide um, but obviously 14 days worth of, of um, analysis. Um, is, is, is quite an undertaking. So we've tried to narrow it down to what we consider to be a representative day. Okay.

00:03:47:24 - 00:04:00:06

Could you provide obviously, Lester, with that data sooner rather than later so they can have a look at it. And then can you both be able to make further comments on that? No, it does depend on the data coming through.

00:04:00:15 - 00:04:15:20

Yes. Sorry, sir. Um, just just to clarify, it's not just the data we need. It's clearly identified the length of those queues and clearly identifying as a consequence of the impact of the development, how those queues are likely to extend. Yeah.

00:04:15:24 - 00:04:17:25

No, no, I appreciate that.

00:04:17:27 - 00:04:38:03

Sorry, sir. As well. Um, the deadline for submission discounts all of this data stating that the deadline three note included for um, higher flows. And so it's actually discounted anyway and reverted back to the original October survey. So we're slight we're slightly confused by that.

00:04:39:12 - 00:05:03:05

20 possible behalf of the applicant. We do include a summary of the worst case surveys from the second to, uh, survey period, due to the request for additional cameras. Uh, what we've done is in terms of the assessment of, um, uh, extended queues, um, we've assessed that on the, that, that first Wednesday as it is still the most representative day we believe.

00:05:06:03 - 00:05:20:16

But notwithstanding that, you will provide that information to to the applicant at the County Council. Thank you. Thank you. Um, uh, Mr. Mannix, I have realized you've got your hand up. I'll come to you after when I've gone through 2 or 3 of my questions. Um.

00:05:22:29 - 00:06:02:12

Now looking at the survey, I'm sorry, because it's when the PM peak hour is. Take a look at the results. It appears that peaks of traffic at this crossing may be earlier than in the normal peak hour. Um, I between 1500 and 1600 hours and 1617 hundred hours. And from what we heard back in October and the information provided by Labour District Council, um, it looks like that's a function of the school closing hours in the vicinity. Um, I was wondering and then whether the participants here had any comments on this and whether there are any implications for the modelling, um, as to whether because obviously the peak, the.

00:06:04:12 - 00:06:13:29

Since. Lest have any comments on the the nature of the peak hours through the junction, as opposed to the peak hours and the PR model.

00:06:14:22 - 00:06:23:07

Um, there would be potentially some differences, but I think the key point here is that the applicant hasn't has chosen not to model the junction.

00:06:23:09 - 00:06:23:24

Yeah.

00:06:23:26 - 00:06:28:22

So in terms of its impact on modelling, there isn't any because there isn't any modelling of the junction.

00:06:29:03 - 00:06:42:15

Well, I've done some number crunching which you would, you'd have seen in SSC two. So I'll look forward to seeing the applicant's response to. I think I think my, my number crunching is accurate.

00:06:43:08 - 00:07:17:07

And he passed me on behalf of the applicant. We have modeled, uh, for every hour during the day that we've, uh, during our assessment day. And you are correct that between 4 and 5 that the peak hour cuz the, the flows are higher, um, in between 4 and 5 than between 5 and 6. Um, we've used the pre m peak hour flows and the flows to try and synthesize future 20, 36 flows um, across. Um, and yeah, we've, we've, we've assessed that in terms of your, um, assessment.

00:07:17:12 - 00:07:49:00

Um, we concur with your overall, uh, uh, um, downtime, uh, an increase in, in downtime. We've reviewed in detail the three time periods that you assessed. And what we would say is from the, uh, information that we submitted, it was maximum Q in that particular hour. So not the same Q for each of the downtimes. So we've done a further detailed analysis of that, uh, which demonstrates that the, the the five. They check the.

00:07:50:23 - 00:07:53:28

It's 515, I think. Period.

00:07:54:29 - 00:07:56:21

So. You might.

00:08:01:18 - 00:08:09:02

Yeah. So those those paths, um, there's two trains at 5:05 a.m. and 510.

00:08:09:04 - 00:08:09:19

Yeah.

00:08:09:21 - 00:08:23:03

Uh, where the queues do, uh uh, um, interact. Yes. Um, with the introduction of the indicative, um, additional train path slightly afterwards, it would there would still be queuing traffic when that, that train they're.

00:08:23:05 - 00:08:29:13

There in that particular period. Yeah. They're in longer times when they don't, don't dissipate through. Yeah.

00:08:29:15 - 00:08:49:16

And then there's, but there's 12 minutes after that indicative path. Uh, uh, indicative um rail freight, um path that could be used for that to move. So these were indicative time period. So yes, clearly if it was 2 or 3 minutes later then it wouldn't cause the path that it's shown.

00:08:49:25 - 00:09:12:28

The problem we've got, you know, it's whilst those are indicative through this junction that doesn't necessarily you can manipulate them so that the traffic the the eight the train flows. So that they have less an effect on the level crossing. But that doesn't necessarily mean that they can fit within the overall wider Network Rail timetable. So it's a compromise on both.

00:09:13:00 - 00:09:47:05

It is and what we're what we're saying is that yes, there are additional times of the day where people will be be delayed. Um, we we believe we've quantified what the additional queuing will be throughout the day. Uh, there's the situation that you're, uh, uh, highlighting is where there is already a situation where there is a path, there is a queue, and then before that queue can dissipate, another path comes in. So that queue is then further extended, although it is obviously dissipated.

00:09:47:07 - 00:10:05:04

So it's not it's not that a queue on a queue. Um, um, and what we're showing here is that if that additional freight train came at the time suggested now, yes, it would exacerbate that situation, but there is plenty of scope to to to move it, providing it fits in with the wider.

00:10:05:15 - 00:10:11:29

You know, it's got to work on the wider network on the right. Uh Network Rail. Yes. Network. But we'll, we'll.

00:10:12:06 - 00:10:17:00

A deadline five will provide the, uh, detailed assessment of those three, three periods. Yeah.

00:10:17:02 - 00:10:45:21

Because my, my, I think there are some times when queues which when it would have. Clear. Don't mention that. So it does. It. One of the questions I did ask for Network Rail, and obviously you may know the answer to this, is whether there's a minimum clear time for, uh, a level crossing. I don't know whether you're the applicant is able to provide that information. Could you come to a microphone, please?

00:10:48:12 - 00:11:22:01

Baker. Baker. Rose for the applicant. Network rail checking what the minimum time is on the overall analysis of that was undertaken. It's shown it can be it will be very, fairly short because there are times when it's under a minute it's lifting and then going down again. Yeah. I was wondering if there was because obviously when I did the number crunching, um, there are there's some gaps which occurs, but then comes back down again fairly quickly. I was wondering if there was a minimum time where if or say, if it was going to be less than 30s picking a number completely at random.

00:11:22:04 - 00:11:30:01

Yeah, the signal has said no, it stays down. They're going to check. They're checking for you. So thank you. Thank you. Okay. Yeah.

00:11:30:27 - 00:11:42:16

Mrs.. Rebecca county council, um, Mr. Passmore just clarified that the junction was modeled, and therefore, we'd be grateful if that modelling could be shared, um, with us.

00:11:43:22 - 00:12:08:10

Could you please ensure that happens? And and into the examination as well. I'll if you can probably the county council sooner rather than later. It exists. But then we can have comment upon it at D5. Generally, yes. Okay. Um, I'll come back to you to in a minute, but I want to do Mr. Mannix, who's online because he's he's been had his hand up a little longer because I know he wants to speak on this item.

00:12:11:00 - 00:12:12:26

Thanks. Uh, thanks, Mr. Jackson.

00:12:12:28 - 00:12:52:04

Um. Charlie. Maddox. Bill. Alberto Costa, MPs office. Um, Mr. Costa has just asked me to flag his concerns about Narborough. Um, the missing survey data. Q modeling is missing. That's been mentioned, so I won't repeat that. But, um, he's just asked to interrogate the idea that 45 minutes is an acceptable downtime for a level crossing barrier. I know the applicant is relying on a letter from Network Rail dated 23rd of October 2003, which mentions that the 45 minute number, uh, is a general consideration, but I don't know if the examining authority recognizes that 45 minute number as an acceptable downtime.

00:12:52:06 - 00:13:32:14

But there's no official industry standards as far as I can see on that. So the question is, has that downtime number been properly assessed? Are the scientific studies or environmental impact assessments relating to the 40 plus minutes of stationary traffic? Because, you know, if free flowing traffic is going to be stopped, then surely the barrier downtime guidance that the applicant is relying on needs to be sound scientifically, and it just seems that there's nothing to back it up. And, you know, it seems that it's being bluntly applied to any level crossing, this level crossing with no regard for pre-existing levels of traffic, which I know you've already got to the heart of that issue.

00:13:32:16 - 00:13:34:06

But yeah, that's the point I just wanted to raise.

00:13:34:23 - 00:14:07:26

You probably haven't noticed there. Excuse me. There is an excuse to to ask Network Rail of what? Uh, because that 45 minutes is and is an in an urban location. Um, whether they have different standards in different locations and where they are from, um, hopefully the Network Rail will provide that information. Um. Otherwise we will have to I have to go to a different source to see if we can find the information, because clearly, there is a debate as to whether the Narborough crossing is quote unquote, an urban location.

00:14:07:28 - 00:14:08:16

Anyway.

00:14:09:18 - 00:14:12:24

That equates. Thanks.

00:14:16:27 - 00:14:29:07

Yes. Yes. Not that those on. I won't have heard that joke, which is an excellent joke. This is the signal going off that the level crossing is about to close.

00:14:31:16 - 00:14:32:02

Yes, please.

00:14:34:01 - 00:15:05:18

David Baker for the applicant. Yes. Network rail will respond to the 45 minutes issue. And it's understood to be general, as I've been told. But we will get definite confirmation from that. But just to respond to the previous submission that the data has actually been taken from the survey. So it's actually assessed from the survey. And you've done your own assessments of the timescales which we don't dispute. And it is showing it is well below 45 minutes.

00:15:06:03 - 00:15:28:16

Yeah, I've got, I've got like the time it is. I'm just wondering whether there are different standards in different locations. So I will confirm. Yeah. Okay. And and what the generation of the gestation of that particular stand was anyway. Yes. There were a couple of other people who had hands up at the front, gentleman in the centre from, I think from Friends of Narborough Station.

00:15:31:24 - 00:16:11:09

Thank you very much indeed. Um. This business as far as the level crossing is, concerns been dragging on for ages. Friends of Narborough Station have been doing their surveys on and off ever since we started and we did a report, will Narborough be ready? Many, many years ago and clearly before, um, we um, deduce that Narborough will not be ready. Um, at the moment, the actual traffic queues are horrendous, particularly during the morning peak when there are children going to school.

00:16:11:20 - 00:16:27:24

Uh, we've got the narrowness of the pavement, uh, on both sides of the crossing, and it is quite a dangerous place. And if the barriers are going to be down for a long period of time, that is only going to make things worse.

00:16:29:13 - 00:17:00:10

I feel that, um, reading the Network Rail report on capital delivery. It says, although not directly impacted. Now, that is a quite farcical statement that to say that these extra trains will not impact on the crossing. And then it glibly goes on to say, um, about specific local sensitives.

00:17:00:12 - 00:17:32:28

Well, if you live in Narborough and you see the traffic queues that take place on a daily basis, then those statements are not acceptable. I know we've discussed about the acceptable level of 40 to 45 minutes. Well, if the barrier Narborough is closed for 40 to 45 minutes, I just can't imagine what effect that's going to have on the local villages and on the local roads.

00:17:33:13 - 00:18:06:01

And also, it says the assessment concluded that much of the problem that occurs at Narborough currently stems from highway centric constructions. Is it constriction. Sorry to free road traffic flows to the north side of the crossing, and poor driver discipline in blocking back over the crossing when the highway is congested. I've observed and look for this and that is a total red herring.

00:18:06:08 - 00:18:39:21

And also I've observed it at the Derby Railway Operations Control Centre so that I. Item 8.5.5 is a red herring and needs to be discounted. Uh, I think it's already been mentioned about discussions have got to be held between Network Rail and Leicestershire County Council. Uh, that is important that that takes place now as a matter of urgency. And any surveys that are done by critics or anyone else.

00:18:39:23 - 00:19:21:15

Can I also ask that there shared with the Friends of Narborough station. This aspect of Narborough station and in particular the impact on the crossing, I feel, um, Mr. Jackson has not been taken seriously throughout this whole exercise and kind of just finalized. Um, we keep an eye on different incidents. Um, just as recently as December, just before Christmas last month, a passenger was taken

ill on a train that is 1718 from Leicester to Birmingham, and they called the ambulance at um Nabeel and the train was stopped.

00:19:21:24 - 00:20:02:02

The ambulance couldn't get to the station because of the congestion, because the barrier was protecting the train. And in the end, the train was held for 43 minutes and they gave up trying to get the ambulance to the poor patient who was struggling on the train and effected the evacuation of the seriously ill patient at Nuneaton. So it doesn't take much to stop things. And if the if the crossing is going to be down for 40 to 45 minutes, which our studies have said it will be, then this should not take place.

00:20:02:04 - 00:20:13:21

And quite frankly, on a wider thing, I really think it's time that the whole RFI proposal is terminated. Thank you, thank you.

00:20:13:23 - 00:20:25:03

We'd be aware that we asked question of of you to justify how you would make the made the 40 to 45 minute, um, calculation, because obviously the applicant's calculation is notably less than that.

00:20:27:06 - 00:20:30:26

I'm not aware of that. There is a there's a there's a question.

00:20:30:28 - 00:20:37:19

Never I never heard an if that cross in if it's okay and acceptable which I doubt it would be.

00:20:37:21 - 00:21:07:27

I excuse me, I asked a we have asked you a question in the SSC two are you aware of that? Yes. Right. So you will be able to answer that question whether whether the standard is correct or not is a different matter entirely. You have put an assertion in your evidence, in the evidence you provided to us that there was a 40 to your calculation, so that the closures would be between 40 and 45 minutes. I've asked you to justify that. You've got a question. You can provide that at deadline five. Correct.

00:21:07:29 - 00:21:09:28

Well, we'll do that. We'll probably.

00:21:10:00 - 00:21:12:01

Do. Shall we move to the expert next correspondent.

00:21:18:18 - 00:21:19:03

To.

00:21:21:27 - 00:21:56:18

Richard Chapman, Marlborough Parish Council. I'll try to be brief, and I will not go back. I'll not duplicate what we've already put in writing. Um, we disappointed that we haven't seen more of the data, especially that we were promised that we would see that. Um, however, data and analysis only takes you so far, and it's the judgement that you make about what the data is telling you. And that is where we differ substantially from the applicant, because what we are saying is the impacts are significant.

00:21:56:22 - 00:22:26:22

And the reason for that, and we accept that the position at Marlborough is not one of the applicants making. But our assertion is that because things at Narborough are already in such a bad state, um, it

is only takes a relatively small or marginal increase in downtime to tip it into something which is totally unacceptable and unsustainable.

00:22:26:24 - 00:22:54:26

And that is why we maintain our position that the impacts of the additional downtime, however you quantify them, are significant and significant for the population at Narborough, but also have a severe impact on community cohesion, which is something which the Secretary of State is obliged to take into account in the National Planning Policy Statement for national networks. Thank you.

00:22:55:11 - 00:22:59:10

Okay. The gentleman must not countenance.

00:23:02:28 - 00:23:03:13

Yeah.

00:23:05:09 - 00:23:37:07

Thank you councillor, terrorist and leader of Labour District Council. I will add, I have a slightly more personal interest in this because my ward is actually Narborough, so I do represent the residents. I think what's been missed here as well is um, we talked earlier about the dissipation of the traffic. Once the barriers are up. It's not quite as simple as that in Narborough because the width of the road is quite often you have to wait for one direction to go first. If there's a particularly wide vehicle before the other direction can go. So it's not a question of modeling it on a normal framework.

00:23:37:09 - 00:24:10:12

You have to model it on the type of vehicles. Now, I appreciate there is a weight limit restriction going through the centre of Narborough and over the crossing, but if you're there any day of the week, you will see dump trucks and everything way over the weight limit coming through and blocking the traffic in both lanes. Now, in addition, we haven't talked about the pedestrians crossing. So if you're coming from little Thorpe into Narborough, that downtime, particularly if you're walking to get to an appointment of the doctors to get to an appointment dentist to pick up your children can be severe and a lot of people cannot walk over the bridge, which.

00:24:11:13 - 00:24:47:17

In addition, I has been asking my role as a county councillor to try and use some of my members funds, have signs put up on every lamppost calling for people to switch their engines off when stationary, going all the way along Riverside way to Whetstone and all the way up to the B4 114. Now we wouldn't be asking for people to turn off their engine signs if the traffic didn't regularly go back that way. In addition, as a Blamey District councillor, our offices, as you know, are on the road there and frequently at any time of day, you cannot get in and out of the offices because you're stacked back.

00:24:47:19 - 00:25:13:08

So this is a serious problem. But there is a common theme here, isn't there? Uh, you ask a question of the applicant. Um, they say something. We then get the county council saying we've not had the information. The applicant then comes back saying we've got the information, but we didn't really want to give it to you until you told us. Mr. Inspector, we have to. Why is it we're dragging blood out of the stone here? And we as people here?

00:25:13:10 - 00:25:30:06

I don't think we need to need to have that. That's sort of a rhetorical question. I think we can leave that and that. That's the last point. Thank you very much. Nobody wants to make a comment on that. Before we move on to Snapchat. I don't there's nothing I need. Don't think I need from the applicants. And unless you something you particularly want to say.

00:25:35:07 - 00:26:09:00

Okay, fine. Moving now to SAP. When we were discussing SAP cut back in October, particularly the issue of trying to reduce redirecting traffic through the village, the applicant made much about the gateway feature on the B4 669 to the east of the village, as a visual cue that this was not an area for HGV to traverse through. Comments from the county council at the time were that gateway features were generally utilized, raising speed issues rather than discouraging the traffic, and following the stage one road safety audit, I noticed that the formerly proposed gateway features have been removed.

00:26:09:13 - 00:26:32:22

While I can follow why it's been removed on the base, that didn't raise speed issues. What I am concerned about is now the applicant's changed. The applicant's case of lots of subliminal message about this not being an HGV area that will have regard to traffic flows through the village, which the applicant is trying to show and whether it's had any effect on the modeling. I have any kind of have your comments on that.

00:26:34:29 - 00:27:23:08

Sam Carter on behalf of the applicant. The gateway feature to the east of the village was removed from the scheme off the back of the interim stage of one road safety audit and consultation with Leicestershire. Um, the reason for which being that Leicestershire made comment about a number of other features in the area, such as frequent parking of vehicles, um, accesses, driveways and what have you, which, uh, it's our view that given the comments in the safety audit and that feedback from Leicestershire, the these would have, uh, the same impact as, as would a gateway feature in terms of giving the visual clue that you are entering a built up village, uh, area.

00:27:29:17 - 00:27:32:24

And just listed in the comments in light of the change.

00:27:33:16 - 00:28:05:09

Um, Mrs. Rebecca Henson county Council. Um, you're correct in your recollection. So we did raise the issue of the gateway features, physical gateway features in the form of build outs as proposed or generally used as traffic calming features. And given there was no evidence presented of speeding. It wasn't clear what was included. Um, Mr. Scott is correct. The ensuing road safety audit did throw up issues with this and any other parts of the design in subcommittee, which I welcome.

00:28:06:27 - 00:28:19:09

Yeah. Because yeah, there was a similar one on I think it was on Hinkley Road coming in from the southwest, up from the the new signalized junction at the bottom. So I'm assuming similar considerations would apply there.

00:28:20:06 - 00:28:20:27

Yeah that's correct.

00:28:23:11 - 00:28:27:10

That's correct. All right. Benefits from traffic congestion.

00:28:27:19 - 00:28:28:11

I thank you.

00:28:36:23 - 00:29:07:17

Okay. Um, that's that's the only stuff I have questions I had on Snapchat, and now I want to move on to, um, the A5 8426 Gibbet Hill junction. Um, could we have up, uh, the the same document as we

had last time, appendix B, transport 23. The 2023 update 413131 and I and it's paragraph, uh, page 56, paragraph 6.8.

00:29:19:20 - 00:29:25:06

And 6.6.8. Just after it. It's apparently.

00:29:26:21 - 00:29:49:01

There we go. Um, the statement is. National highways have informed the applicant that they have a new proposed scheme, albeit not in the public domain. They are seeking to use existing and new contributions to fund the air and RFI. Fortunately, consideration. A contribution will be secured. Um. National highways. Can you provide me with an update? As the situation is for sure.

00:29:50:22 - 00:29:51:07

Thank you, sir.

00:29:51:09 - 00:29:52:11

Mr. Benson, half.

00:29:52:13 - 00:30:09:24

The national highways. So National highways. Well, originally had a committed scheme which is part of the Magna Park improvements at Gibbet Hill, which was undeliverable or for the benefit that was going to be provided with quite a large amount of disruption on the network. We've been jointly working alongside Leicestershire County Council and Warwickshire.

00:30:09:26 - 00:30:10:13

County Council.

00:30:10:15 - 00:30:11:27

To find a solution to that, and.

00:30:11:29 - 00:30:14:12

We have a third scheme.

00:30:14:20 - 00:30:18:03

That we're currently developing and signing up, but also being in discussion.

00:30:18:05 - 00:30:18:23

With various.

00:30:18:25 - 00:30:19:27

Developers about securing a.

00:30:19:29 - 00:30:21:03

Contribution approach.

00:30:21:05 - 00:30:25:14

To that, including Magna Park and Earthed as the.

00:30:25:24 - 00:30:26:25

GCSE in.

00:30:26:27 - 00:30:35:22

Terms of in terms of their requirements at location as well. We have proposed the same approach with Hinckley National Rail Freight Interchange, but we haven't.

00:30:35:24 - 00:30:36:10

Discussed.

00:30:36:12 - 00:30:44:00

An amount or a contribution percentage. So because we are still working through the modelling to understand whether and under finessing.

00:30:44:02 - 00:30:44:19

To understand.

00:30:44:21 - 00:30:59:03

Whether the the and to understand what the impact is, that location. So we can come to a conclusion on what the likely contribution would be, and that the approach that National Highways is taking is proposing to take forward and has the support of Leicestershire.

00:30:59:05 - 00:30:59:25

County Council.

00:30:59:27 - 00:31:06:28

And Warwickshire County Council, um, in that approach rather than identified scheme from the developer.

00:31:07:03 - 00:31:08:17

But at the moment you haven't got a scheme which.

00:31:08:19 - 00:31:09:09

You are seeking.

00:31:09:11 - 00:31:18:16

Contributions at per se, because the normal rules are you can't have you can't ask contributions for essentially a feasibility study for something which might happen.

00:31:20:09 - 00:31:21:17

And so.

00:31:23:18 - 00:31:34:03

We do have a scheme, have one that's costed. However, because it's still improving design, we can't put it out into the public domain. It's got to go through the public domain process. But. Um.

00:31:35:18 - 00:31:49:10

We've been advised that we can take contributions on it, but we're also working where we've got section two, seven, eight agreements in place already. Costs. We're working out the cost of those schemes as well to to to reinforce that point as well. So I may have misunderstood your question.

00:31:49:12 - 00:32:12:24

Well, you know, it's one of those it's one of those things. Second one. Second 106 is it's fine if the applicant, the the policy tests are that they have to relate to the development of being admitted and the scheme as it stands at the moment, if until it exists, it can't relate to the development that's going to be permitted. The rest of the county council, they might be able to help.

00:32:13:12 - 00:32:45:12

With Accounting Issue Account Council. So where other developers in the area have identified impact at this junction, they have indeed identified a scheme which would mitigate their impact. That scheme has then been costed and a contribution in lieu of that scheme. Hold and our colleagues at work, your county councillor, the keeper of the funds, um, um, to a wider scheme which we are jointly working on and development.

00:32:45:14 - 00:33:06:14

And so other developers have identified a scheme and that's how it's been calculated. Um, um, we are slightly concerned there is a comment in this document that a contribution will be made, but it does not appear in the section one over six term. So, nor a Warwickshire County Council.

00:33:08:15 - 00:33:10:27

That's for sure. Have any comments before I turn to the applicant?

00:33:14:22 - 00:33:30:09

Oh thank you, sir. Nicholas Dorsey, Berkshire County Council. Um, just before Joe comes in. Um, I think it's true. What? Um, um, my colleague from Leicestershire County Council, Mrs. Rebecca Henson, has said about Warwickshire not being party to the 106. Um.

00:33:32:06 - 00:33:35:10

I don't know whether Joe Archer, my colleague, needs to, to add anything to that.

00:33:37:23 - 00:33:58:23

At Georgia Warwickshire County Council. I think I just reiterate what Mrs. Henson has said. It's been the approach that we've used with other developers, but they have carried out modeling within the vision, um, to identify at least their level of impact on the existing layout, and that's helped in order to assess things moving forward.

00:34:02:02 - 00:34:06:22

Does the applicant have any comments to make on what's been said on the discussion so far?

00:34:10:14 - 00:34:12:04

That Mark Marsh for the applicant?

00:34:12:09 - 00:34:12:26

Um, I.

00:34:12:28 - 00:34:16:08

Think, um, um, yeah, we concur with.

00:34:16:10 - 00:34:17:23

The comment from.

00:34:17:25 - 00:34:18:15

From Mr. SIM in.

00:34:18:17 - 00:34:21:18

Terms of, um, the, uh.

00:34:21:29 - 00:34:22:26

The discussions that we'd.

00:34:22:28 - 00:34:23:21
Had in terms.

00:34:23:23 - 00:34:25:09
Of the, the, uh, a.

00:34:25:11 - 00:34:26:17
Scheme that is being.

00:34:26:19 - 00:34:28:27
Developed by National Highways, we haven't.

00:34:29:08 - 00:34:30:09
Been party to that. We haven't.

00:34:30:11 - 00:34:31:00
Seen a copy.

00:34:31:02 - 00:34:31:17
Of that.

00:34:31:19 - 00:34:32:15
Uh, to date.

00:34:32:17 - 00:34:33:05
But we will.

00:34:33:07 - 00:34:33:22
Work with.

00:34:33:24 - 00:34:34:12
With, um.

00:34:35:06 - 00:34:36:07
Uh, Highways England.

00:34:36:23 - 00:34:39:09
National Highways on that regard. Um.

00:34:39:27 - 00:34:41:00
We have reviewed.

00:34:41:02 - 00:34:41:17
The.

00:34:41:19 - 00:34:42:12
Junction in.

00:34:42:14 - 00:34:42:29
Its current.

00:34:43:01 - 00:34:43:29

State, um.

00:34:44:01 - 00:35:16:09

And provided percentage impacts, um, from the development, um, which can be a starting point in terms of the contribution. Um, we have looked at previous schemes in the transport assessment. So we had an earlier version of the um, mitigation from the Magna Park scheme that we had, uh, modelled within the the original transport assessment, um, which was during uh, the original submission date. Um, but we understand that this this has moved on since then.

00:35:16:11 - 00:35:23:18

Um, so we're happy to work with the, the, uh, the national highways and the authorities to agree that contribution.

00:35:23:29 - 00:35:26:19

Okay. So how would it be secured?

00:35:31:06 - 00:36:03:08

Laura Beth Hanson for the applicant. Um, as has been alluded to, because those discussions are ongoing, there are two options, um, at the moment. Um, if if there is sufficient time, uh, within the constraints of the examination, there is a possibility it could be dealt with through the section 106 agreement. The, uh, the mechanism being that because we have the applicant has no land to bind in Warwickshire and the land would be bound and the contribution possibly paid to Leicestershire for onward transmission to the National highways.

00:36:03:10 - 00:36:26:02

If that mechanism can't be agreed between the parties, then we could, uh, we would impose a requirement in the DCO. Um. Restricting a certain occupation or a trigger to be discussed. Until a section 272 agreement has been entered into with National Highways, which would be based on financial contribution.

00:36:29:07 - 00:36:59:13

My sister had some kind counsel. With all due respect, sir. Um, it is just mentioned if there is time with the one who sex. We and colleagues at National Highways and Watch have been raising this matter for a number of years. So, um, there has been enough time to to progress this matter. Um, I'm just going back to the modeling as well. Um, we've also all consistently advised and in our submissions that we need to see this. Mrs.. Mrs.. Arches just mentioned it.

00:36:59:25 - 00:37:03:29

Um, model Division one. We still haven't seen that modeling of the junction in.

00:37:07:09 - 00:37:24:24

In respect of Leicester shareholding, the 106 monies. As I said earlier, Warwickshire are the keeper of the funds for this junction and already hold funds from several other developments. So that is the mechanism, um, that's set out and at present precedents being set for that as well.

00:37:25:03 - 00:37:34:11

We'd be fine for 106, but if it would have to go to workshop six, two, seven, eight or through a pre-emptive pre-emptive requirement, then that would be necessary. Correct?

00:37:34:15 - 00:37:41:17

278B very complicated. So on the basis there are three highway authorities. Um, but.

00:37:41:19 - 00:37:42:23

That's not it's not beyond the wisdom.

00:37:42:29 - 00:37:51:13

It's not beyond the wish of man. But again it, it noting that the comments about pressures on time would require amendments to the DCI.

00:37:51:24 - 00:37:52:21

Well, yeah.

00:37:58:02 - 00:37:59:10

Did you hear about that?

00:38:00:27 - 00:38:29:24

Uh, Mr. Benson of National Highways. Um, our preference would be to maintain it within the section 106 and the funds to be transferred to Warwickshire, because they hold all the pots of money for, for for this in terms of a section two, seven, eight approach, we would need a scheme that would be gone through, um, through detailed design funding designed through us and then potentially have to go to technical approval. In terms of timescales, I think that could be a lengthy process that could add delay into the decision making process. So I just wanted to make that point. So.

00:38:31:18 - 00:38:46:06

And impossible on behalf of the applicant, is it is it possible to get confirmation of the approach to the to to quantifying the contribution? Is it indeed us identifying a scheme and getting that costed? Is that the approach that you would prefer.

00:38:46:08 - 00:38:49:12

That that did sound like what was previously used?

00:38:50:03 - 00:38:53:28

It's one of the items that I wanted to base with you on and in our meeting on Monday.

00:38:56:08 - 00:39:04:09

Thank you, Sir Laura Hudson, for the applicant. Just a couple of points. The point I was making about time was, um, enough time to agree. They figure.

00:39:05:12 - 00:39:10:06

Together. I appreciate the I realized it was before the 12th of March. Yes, I was fully aware of that.

00:39:10:08 - 00:39:23:06

And then, um, in terms of the section two, seven, eight approach, our understanding is that it's a national highway scheme, rather than it being a 278 that would need three authorities. But again, if that is the case, that doesn't mean it's it's insurmountable.

00:39:24:19 - 00:39:46:25

What I'm hearing at the hearing around this table, I suspect it's more likely to need to be dealt with by requirement than by a section 106 clearly doesn't need one. If not, there's two more iterations of DC. Oh still potential. So it's it's up to you as to how you deal with it. And that Monday may well clarify matters. Um, but clearly that means resolving.

00:39:47:03 - 00:39:55:25

Mr. Benson, on behalf of National Highways. I think that that's the point. So I think we need to have a discussion on Monday. And so I find identified way and I speak to our legal colleagues as well.

00:39:56:06 - 00:40:09:27

And equally. Well, you're obviously be aware that the comment from the Leicestershire County Council about not having seen a building model for this junction as yet, which is kind of needed if you're going to work out what the relevant contribution will need to be for the other works in question.

00:40:10:02 - 00:40:21:11

Andy, perhaps on behalf of the applicant, I think part of the issue is that the vision model is quite an extensive area, and we're looking at a standalone junction. I think obviously discussing that on Monday would be probably beneficial.

00:40:22:27 - 00:40:42:12

Sansome. Um, yes. Obviously. We were invited to the meeting on Monday. We can we can discuss it, but ourselves and and, um, Warwickshire County Council and National Highways have consistently advised that there is a standalone business model for this junction that has been used by several other developers. So we've consistently advised.

00:40:43:21 - 00:40:48:29

Hopefully Monday we'll be able to resolve that. And there are two potential ways forward which is useful.

00:40:51:00 - 00:41:03:13

Okay. Um, now moving on to the Crossing Hands junction. Um, in the same league, please leave this up the same bit up, because in the same document on page 56, it's going, uh, it is um,

00:41:05:09 - 00:41:09:13

on page 56 on junction 27, which is slightly further up the page.

00:41:10:29 - 00:41:43:24

Um. What's that? Bottom line? Bottom line at the table. That one. Um. And in rep for 1011010 indicates a revised proposal to this junction. On the basis of the various changes and updates to the active travel plan. Um, so that there should hopefully should be less of an effect on on the junction. Um, well, I think I've understand the reasons for this, for the merits of this. Those today are grateful to the applicant. Explain why lesser works required and then go back to other interested parties for comment.

00:41:45:09 - 00:42:12:17

Smart commercial on behalf of the applicant. And the as we've talked about throughout the session is the the revised 2023 surveys and furnishing, um, have meant that we've remodeled this junction with those additional flows, with those changed flows, um, and the impacts at the junction have changed. Uh, in line with that. And therefore we've ended this, uh, mitigation package accordingly.

00:42:13:23 - 00:42:16:10

Do any of the highway authorities have any comments on Mr. Smith?

00:42:17:14 - 00:42:36:08

Mr. Benson, on behalf of National Highways, we were only alerted to the change in in the requirements for the submission. So we we still currently looking through the modeling as I've said previously. Um, but it we need to review whether the sustainable transport strategy is deliverable to meet that change in stance.

00:42:36:13 - 00:42:40:16

I'm comfortable with that. And that's how many comments on that.

00:42:41:03 - 00:43:04:27

Mr. McKenzie. Um, yeah. Um, very similar to to colleagues in National highways. We weren't, um, aware of the change, but, um, the improvements that have been removed from the A4 three three, Leicestershire's road network. Um, we clearly need to review the new survey data. Um, and.

00:43:06:17 - 00:43:07:17

A new model that.

00:43:08:02 - 00:43:27:08

Has been submitted and come to a conclusion of whether that's appropriate or not. Um, Warwickshire County Council pointed out earlier that there are concerns with the survey data presented and the interpretation of that in this junction, so we probably seek clarification from the applicant on that.

00:43:29:08 - 00:43:39:16

Uh, if you if you happen to do it while you were here today. So at least you be able to have the information with you. We had your meeting on Monday. Or would it be beneficial? It's going to get more action next just before I come back to the applicant.

00:43:41:07 - 00:44:19:14

Thank you, sir. Joanne Archer for Warwickshire County Council, similarly to National Highways and Leicestershire, we need to review the modelling and the Furness data. We have had a quick look at it. We've noted that, um, this there seem to be some very different turning flows that were probably observed in 23 previously. There was a significant U-turn on the A5. That doesn't appear to be there now, so we want to examine things like that. Um, I think the other points to raise, um, on the crossing hands, um, is that the interim road safety audit? Do you want to touch on that now as part of the junction or.

00:44:19:16 - 00:44:33:06

Yes. Yes, please. Okay. It raised two points, um, of concern at the junction and we would need those dealing with rather than um, except the designers response.

00:44:43:16 - 00:44:44:08

Just applicant.

00:44:45:12 - 00:45:13:05

Welcome on behalf of the applicant. I think in terms of just relating back to the sustainable transport strategy and the crossing hand, the distance that we've got between the sites and the crossing hand means that the impacts of the sustainable transport strategy not significant, not not significant in this case. And however the Furness flows that we have done and have accounted for, though, for those changes since the last survey information was available.

00:45:13:27 - 00:45:14:12

Thank you.

00:45:14:21 - 00:45:26:06

Ali. On behalf of the applicant, I think the point is that the change in mitigation is driven by the recent modeling because of the 2023 surveys, not because of the sustainable transport strategy.

00:45:33:28 - 00:45:57:01

Thank you. All right, now move on to item J, which is HTB routine enforcement. We've already discussed some of this before because of the protection of the junctions on the A47 and A5. Um, then a few points I'd like to discuss in a minute, but before there are any updates that the applicant would like to give or where they where they consider they are.

00:46:02:20 - 00:46:33:11

Thank you, sir. Malcolm Marshall, on behalf of the applicant. Um, I think in terms of the HGV routing and enforcement, um, there have been additions, um, in relation to GDPR, um, uh, um, requirements, which were inserted the deadline for submission, um, paragraphs 3.5.3 9 to 5.43. And to address some of the comments that received during during the last hearing from from Leicestershire and endeavouring to make sure that those are covered off within the documentation at this stage.

00:46:34:09 - 00:46:49:03

Um, otherwise the general clarity is on, on the, um, uh, the, uh, figures that were in the report as well to make sure that they aligned with the text that's in the document itself. So there's been, uh, updates to that as well.

00:46:51:09 - 00:46:58:29

Yeah, right. Um, any any comments on the generalities before I go, specific queries I've got on it.

00:47:02:10 - 00:47:30:24

Um, thank you sir. Um, whilst we note the inclusion of reference to GDPR and commitments to producing a data processing agreement and data protection impact assessment. It remains unclear how this will be shared, and there doesn't appear to be any commitment to, um, the implementation of the the findings of those assessments once carried out.

00:47:32:15 - 00:47:36:05

I have a couple of other points to make on the written agreement, but I'll wait for you.

00:47:36:17 - 00:47:52:14

We'll come, we'll come. Yeah, I think I'll do my probably next. After that, I'll come back to the applicant at that point and I'll go through my other points and then we'll come back to it. General, any other general comments you've got? Um, any response to that particular point from the county council?

00:47:53:18 - 00:48:19:13

I think in terms of the GDPR issue, that is a requirement on that the data owner and the data controller and the data processor, and that is a legal requirement for them to undertake that assessment. And so that assessment would be would be undertaken. Um, whether whether it needs to be secured through, through through planning, I'm not an expert, but in terms of a legal responsibility for the sharing of data, that's it depends.

00:48:20:05 - 00:48:37:01

My understanding of the GDPR is it depends on the purposes for which you collect the data and which whereby if you if you ask the person, can they use my data in such and such a way that they have given you, then they will have then given you permission to use that data in the way it concerned and.

00:48:37:03 - 00:49:01:25

Personal on behalf of the applicant. The the assessment is of is a requirement on the data owner and the data processor in terms of how they are going to use that data and how they are going to ensure the integrity of personal data. It's not to the individual, it's what their system is to protect the individual. And that is a legal requirement.

00:49:03:25 - 00:49:04:13

All right.

00:49:04:18 - 00:49:18:23

Um, I guess we'll come back to some other things, but I'll go through my specific questions for us. The first is the location of the Anpr cameras. Um, outstanding in Leicestershire. They've been agreed. Is that correct? The mechanisms are slightly different. Question.

00:49:19:09 - 00:49:44:12

No. So you'll probably see from our last two submission that we've stated that whilst it says, um, the locations have been identified on plans, the plans haven't been submitted by deadline three and we can't find them appending to form forward deadline for either. So we're still not clear of the locations of those cameras.

00:49:46:05 - 00:49:51:23

I've got uses that I was planning to move on to Warwickshire. I'm semi assuming that that's the same answer.

00:49:52:16 - 00:50:15:17

Yes. I think what we've suggested in our response to, um, deadline for I think it was um, we asked one of the proposed cameras to the north of Moncks Kirby to be relocated, um, to cover Stretton under Fosse and an additional camera to the south of Amnesty Village. So I think those were the two material changes to the Anpr locations that we were requesting.

00:50:18:24 - 00:50:19:21

Um, and.

00:50:23:12 - 00:50:26:15

You know. That's that. I thought I thought I went away again.

00:50:28:09 - 00:50:28:24

Uh.

00:50:30:22 - 00:50:46:26

Yeah. Oh, yes. That's what this is how they how once they've been agreed, assuming they agree within the terms of the how they will be secured, given the majority of the sites will be outside the red lines of the application. Because I was going to be on assumed permanently, predominantly, if not totally on highway land.

00:50:48:29 - 00:51:12:10

Yes. So that's Malcolm Ashland, behalf of the applicant. Um, the locations of the Anpr cameras, uh, sets out in very generally within the, um, the strategy itself, um, purely because we wanted to make sure there's agreement with the strategy before we start, um, you know, defining the where the those locations stand, um, the.

00:51:12:12 - 00:51:13:06

The, the.

00:51:13:15 - 00:51:26:15

South. So the cameras themselves would be, um, likely to be delivered under section 50 of the Highway Act, um, uh, as private, um, uh, operators in highway land.

00:51:28:19 - 00:51:30:24

Anything else, I'll have to make a note on that.

00:51:31:15 - 00:51:58:11

And just just to confirm, as we've said, the locations that haven't been agreed. Um, we understand the intention is to carry that out under section 50 and covered by the development consent order. But we've made the point that we need to know the locations to ensure that those roads are included within the DCO. So we would welcome those locations on the drawings and plans that are referenced in the document. The copy of the plans.

00:51:58:13 - 00:52:04:20

The problem is, if that includes additional land outside the red line, there won't be time now to include it.

00:52:06:20 - 00:52:15:13

That's my understanding. Um. We will. We have, as I say, we have the general locations. Um, but we can, um, define those more readily, if that's I.

00:52:15:15 - 00:52:47:20

Think I think there needs to be for both, um, Warwickshire and for Leicestershire, clarity as to where they are and the mechanism within the DCO to secure them, given they will be outside the red line, therefore they can't be dealt with, um, in that they would have to be dealt with through a I that's sort of what the equivalent of a Grampian condition or um, or something similar. So that there needs to be a mechanism. Otherwise there's no I'm wondering how they're going to be secured.

00:52:48:02 - 00:52:55:21

Andy Passmore um, on behalf of the the applicant. Yeah. The reference to section 50 is the actual implementation of them that rather than the.

00:52:56:14 - 00:53:09:04

But but they need to be secured. They need to be secured in through the DCI. We in some way shape or form and it really should be specific to the sites and sites they are going on. Because the implication that they may have implications for other implications or for.

00:53:13:29 - 00:53:15:27

It happens. Well.

00:53:16:16 - 00:53:24:29

Thank you for my for the applicant. I think there's a couple of points there. Firstly, the plan is secured, um, through, uh, requirement. 18.

00:53:25:01 - 00:53:26:17

So that's an 18 requirement.

00:53:26:19 - 00:53:28:13

18 um.

00:53:29:06 - 00:53:31:25

Secondly, there's then powers under article nine related.

00:53:31:27 - 00:54:04:27

To the undertaking of street works. As you say, those relate to street works within the order limits, but that provides statutory authority to undertake those. The the mechanism in the Street Works Act would

still apply effectively, um, to the undertaking uh, of those works uh, more widely, um, to the extent that a location was agreed outside of the order limits, then that article wouldn't apply and would have to process in any event that the compliance, um, at point is covered by requirement 18.

00:54:07:01 - 00:54:07:24

Look at that.

00:54:10:13 - 00:54:28:18

There was no next question about what? Whether they would be proactive monitoring of the cameras once in place, who would do that, etc., etc., etc. and how that would be secured, and whether that should be in the section 106 or whether requirement 18 would be sufficient.

00:54:32:28 - 00:54:33:13

Matthew.

00:54:36:06 - 00:55:05:25

Impossible on behalf of the applicant in terms of the practicalities of who would monitor it. It would be obviously an automated system, uh, with uh, uh, identified heavy, uh, redacted uh, information provided to, um, the trouble we would see it being the travel plan coordinator who would who would deal with those, uh, issues. That's what we've done on other sites. Um, in terms of of of that ongoing monitoring, how it would be secured. I'll have to pass that over.

00:55:24:27 - 00:55:36:20

Think I'll take that point away over terms of how that mechanism and that monitoring is, um. Uh, is actually enforced, depending whether it's through the strategy itself that's actually a requirement or some other mechanism. Several points.

00:55:37:12 - 00:55:37:27

Thank you.

00:55:40:07 - 00:56:13:17

And moving on to the question of the fines. Um. Paragraph 5.48 if the HDB management plan says. In addition, financial penalties will be incurred for those considered to be persistently breaching the strategy. In keeping with the legal penalties for contravening weight restriction order, the NH and R5 financial penalty will be set to a maximum £1,000 per breach. An index linked well. Any funds collected from the private final will be used to offset the estate management charge for those tenants complying with the HGV management plan and or use to stop them.

00:56:13:25 - 00:56:32:26

Mentioned in 5.26. Firstly, and we've been here before, is how any reductions in the estate management charge mitigates any harms for those who don't comply, and that's whether it complies with the policy and legal test for planning obligations. Because honestly, I'm having difficulties working out how it does.

00:56:36:19 - 00:56:37:15

And the person.

00:56:37:17 - 00:57:01:18

On behalf of the applicant. The the intention has been based on your comments at the last hearing and, uh, the discussions internally that that any funds that were um, uh, collected would be put, uh, towards a pot for dealing with, uh, any routing of background traffic and background achieves through, through SAP code. So, um, but that's not.

00:57:01:20 - 00:57:09:26

What that's not what what the active route management plan, it says that it would be offset the management estate management charge for those components complying with it. Yes.

00:57:09:28 - 00:57:11:12

That's, uh that's incorrect.

00:57:11:22 - 00:57:15:13

Thank you. So it's going to be drawn and reissued. Yes D5. Yes.

00:57:22:14 - 00:57:37:22

Right next. Notwithstanding that, um, my thoughts are whether it's a financial matter, it should be covered with the Senate 106, uh, planning obligation and whether and probably whether it's also should be clear as to what index the index linking is to.

00:57:39:26 - 00:57:46:29

There are umpteen name and index links. You need to specify precisely which one you're referring to.

00:57:52:19 - 00:58:06:09

But more important for the applicant. Um. The definition of index linked refers to the relevant index, which is then defined as being the all items index of retail prices. Um, it.

00:58:06:11 - 00:58:07:11

Needs to specify that.

00:58:08:05 - 00:58:09:06

It is.

00:58:09:20 - 00:58:11:19

Where was it specified? I didn't pick it up on my list.

00:58:12:23 - 00:58:15:18

I'll go and I will check that in there.

00:58:20:14 - 00:58:20:29

Um.

00:58:21:19 - 00:58:30:07

And notice that and also whether, whether the whether the as a financial matter. The providing of the funds to.

00:58:31:29 - 00:58:45:00

And to do necessary works should they be required after the event to deal with harms that are created by the development and haven't been specified? That should be in 106. Going to assume probably the county council? Yes.

00:58:45:15 - 00:59:21:14

You're correct, sir, that um, the um strategy submitted it deadline for includes a paragraph where it states that there's a £50,000 commitment to mitigate the impact if the strategy isn't successful. We're not quite clear how that's been calculated. And indeed, £50,000 may sound like a lot of money, but it doesn't provide much in terms of signing in associated traffic regulation orders, if that's what the proposal is. But ultimately, this, again, doesn't appear in the heads of terms of the section one Essex County Council.

00:59:21:16 - 00:59:50:07

On behalf of the applicant. The proposal is to have a range of measures identified as potential um improvements. Um, off the back of the work that's been done, uh, identifying the initial, uh, scheme, um, and, and for that to be a commitment that with the HGV working group, if there are increases identified, um, that there is agreement on what those, um, um, improvements should be.

00:59:50:12 - 00:59:53:29

Because clearly it might not just exact because it might be in other locations as well.

00:59:54:23 - 00:59:55:21

Essentially, yes.

00:59:55:23 - 01:00:02:17

So it should be wider than just that. I'm not saying I'm not saying that it shouldn't be applied in SAP, because I'm just saying it may be other locations as well.

01:00:02:23 - 01:00:40:21

So, um, if a package of measures has been identified, be really grateful if they could be shared with the highway authorities. And indeed, I suggest they need to form part of the strategy as the requirement. Um, the delivery of the strategy. In respect to our role in enforcement and monitoring. Um, as we said in our our submission, we are a public body and don't have the resource to be funding the enforcement and monitoring of the private developers strategy. So if that is what our role is partly to be doing, then and again, that resource needs to be.

01:00:41:06 - 01:00:44:18

10606 yeah, yeah, I got that.

01:00:44:20 - 01:01:14:21

Andrew Passmore on behalf of the applicant. Um, first of all, a package of, uh, of improvements haven't been identified as it's a package of potential mitigation measures that could be implemented and they would be agreed application neutrality. Um, in terms of, um, the commitment for monitoring, that is the commitment that the applicant takes on board. Um, and in order to keep the local highway and planning authorities informed, provides a quarterly report of all breaches, uh, all notifications and all breaches.

01:01:14:23 - 01:01:41:20

This is something that we are currently doing with Warwickshire County Council. Um, and there is an annual meeting, um, that is this is held, um, to review the strategy and identify whether there are any changes that are required, any improvements that can be made, or indeed, um, if there's any, uh, mitigation required in any particular location. So it's, it's effectively a meeting a year. That's the requirement from the, from the local authorities.

01:01:42:07 - 01:01:46:12

Since Warwickshire's been mentioned in that. Can I have their comments please.

01:01:48:22 - 01:02:24:27

Like I said, I don't see Berkshire County Council. I think Joe Archer also wants to comment on this, this aspect. But in terms of the the regular and those periodic meetings that we have in Warwickshire already, and therefore the Redditch Gateway development, they've actually proved quite effective. So I think if the, the same approach is proposed for, for this application, this application, um, that would probably be something that we would be, um, quite happy to sign up to. Uh, in terms of that, that liaison between, um, the Highway Authority and the applicant, I totally agree with what Mrs.

01:02:24:29 - 01:02:45:04

Henson has said about none of that responsibility falling on the the local highway authority is the sort of enforcer or monitoring agency. Um, we don't have resources to do that. We would favour the same approach that that is being adopted at Redditch Gateway, which Mr. Passmore has just described.

01:02:46:26 - 01:02:49:12

Uh, can I ask, do you know how that was secured?

01:02:50:13 - 01:03:00:23

I'm a little hazy on the history to that, because it was all done prior to my sort of involvement with it, but I think, strangely enough, Mr. SIM might have, um, who now works for National Highways, might.

01:03:01:11 - 01:03:12:23

Say, stay on the line because I asked him if he might know, because if not, I'm going to ask you to do some digging for the next headline. Mr. said, do you happen to know, you know, the gestation of that and how it was secured?

01:03:15:15 - 01:03:19:24

Sorry, sir. I was zoned out for a moment. Would you mind repeating what?

01:03:19:26 - 01:03:30:21

The question of the rich, rich bracket gateway scheme as to where the how the, uh, monitoring and liaison or. Yeah. Meeting how that was secured.

01:03:32:01 - 01:03:36:03

Yes. Sorry. I want to cast my memory back when I was at Waukesha County Council.

01:03:38:20 - 01:03:47:03

And actually worked on that scheme. Um, but, um, I can't speak on behalf of National Highways.

01:03:47:16 - 01:03:49:26

I appreciate your talking on a private capacity.

01:03:50:05 - 01:03:58:27

Yeah, and talking on a private capacity. Um, I believe it was secured to condition. Right. That's what I believe. And I can remember.

01:03:58:29 - 01:04:20:20

In the in the distant memories of your mind. But that's what you. Can I ask Mr. Johnson, since obviously it's a more extra scheme, could you dig through the records and find out the mechanism that it was secured, and let us have that for D5? Um, and obviously providing that to the applicant. And I would suggest that probably the best thing is to copy and paste in how it's done. Obviously, the detail will need to be.

01:04:20:25 - 01:04:45:13

Added on behalf of the applicant. Uh, the, the originally the the HGV routing strategy was for a Redditch was identified and produced in consultation with the resident steering group. Um and that it was secured via a planning condition. Uh so there was a planning condition to produce it in consultation with the steering group, and then there was a planning condition to implement it. And, uh, that is what we said.

01:04:45:18 - 01:05:02:13

So the as it stands at the moment, we are at 18. Might need some more work to it to to do some more, to, uh, pull through those other things strike a second requirement because obviously requirements of the consent order equivalent of conditions. Yeah.

01:05:02:15 - 01:05:06:11

If it assists we can provide that information. We have that on our records.

01:05:06:13 - 01:05:12:07

And can therefore be included within the D5 submissions on on that point. Yeah. Thank you.

01:05:15:09 - 01:05:16:21

We have. We have got some.

01:05:20:01 - 01:05:27:13

But I just wanted to decide where we were and where we're stopping for lunch. Um. Given where we are. Sorry. Curry.

01:05:30:24 - 01:05:31:21

Thank you to Gerald.

01:05:32:08 - 01:05:34:01

Uh, for CPR.

01:05:34:24 - 01:05:36:11

Um, I did want to just.

01:05:36:13 - 01:05:37:23

Raise the question.

01:05:38:07 - 01:05:38:22

Um.

01:05:38:24 - 01:05:41:22

About this. And it relates in.

01:05:41:24 - 01:05:42:15

Particular.

01:05:42:17 - 01:06:00:07

32 the changes that have been made to the breach triggers and other mechanisms between, um, the, uh, table two, it is from the November 14th.

01:06:00:19 - 01:06:01:15

And now the.

01:06:01:17 - 01:06:15:06

January 19th version, and particularly in relation to fat Coat. The flow trigger breached stage three. That's been increased from.

01:06:15:08 - 01:06:16:06

67 to.

01:06:16:08 - 01:06:17:20

I one seven.

01:06:18:14 - 01:06:48:25

Significant increase. I couldn't find a lot of paperwork, but I couldn't find an explanation for why that breach level had been increased. Makes a significant difference as to whether breaches will be, um, will occur, and even when management issues will occur and find will occur because they all go up together. Yeah. So the ability of the thing to actually impact.

01:06:50:12 - 01:07:29:07

Someone could argue that if you looked at it again and discovered that you are likely to have breaches, you've increased the number. I mean, that's the one one explanation, but there is no explanation that I can find. The other change that's happened. Um, and if you went back to the, uh, written statement of oral issue to appendix F, which was the assessment of HCV impact to 12 with an HIV strategy working group on a quarterly basis, would look at background traffic growth in SAP code.

01:07:29:27 - 01:07:49:09

That's been changed. The feeling I can't get the reference I'm feeling in the road safety audits. It still refers to the quarterly, but in 5.25 of the management strategy that 5.26 I think it refers to a yearly basis.

01:07:51:13 - 01:08:18:14

So the analysis of that, that, that even track changes, the changes could take too long. Um, for some reason. Um, so if one considers this, it also affect movie where it's gone up from 10 to 127. Quite a dramatic increase in the, uh, breach figure, um, which is another obvious, um, cut through route. Um.

01:08:19:17 - 01:08:20:03

I mean.

01:08:20:05 - 01:08:50:09

It doesn't suggest that. H-e-b aren't going to go through that code, and I will have something to say on the traffic modeling on that, if I may later on. But, um, the question from me is an in discussion with people, and I'm not the technical, but how would it work? Because you would, first of all, have to have sufficient branches for it to go to the strategy working group.

01:08:51:04 - 01:09:34:26

You'd have this annual monitoring, and I'm not quite clear how that would work, whether it would be through averages or whether it would pick up daily, uh, breaches and how many daily breaches. It's a bit unclear. So it's got to get to a yearly basis. So it comes one year, but they've been sufficient to this very high standard that anything happened that year. Or does it have to have another yearly working group that's already taken a couple of years before anything happens? It's also not clear in respect to that what will happen in the background.

01:09:34:28 - 01:10:21:11

Traffic rights. The written statement on issue two refers to background traffic growth being monitored as part of the HGV Route Management Plan, a strategy, but the route management plan and strategy is only really about development traffic, so it's not clear what would happen if the background traffic growth in HGV exceeded those figures that are put out in, or what figures they would have to exceed, whether it would be the HGV impact figures given in table three and four of the um if H two appendix F, or what would trigger it with background traffic growth.

01:10:22:00 - 01:11:01:00

So assuming all those things happened and something was triggered at SAC, and I assume that would apply everywhere else, there is this £50,000 toward additional measures. But which are not defined. And I noted the point that Leicestershire County Council made. So we don't know what those will be when it comes to Fat Coat. We do know that the only one that was actually put forward by the applicant, or the main one that was put forward, have been withdrawn because it won't work in terms of the entry to the to the village.

01:11:01:04 - 01:11:36:13

So there's no other. Um, obvious. Uh, and that's another obvious thing that they can actually do, in fact, which would affect HGV. And if so, why isn't it on the table now? What would actually happen? And certainly this 50,000 if it would of a nature that the situation was so intolerable that the only resolution to it with some kind of. Uh, you know, scheme to take traffic out of sap Coke, which was what was originally on, on, off a bike path.

01:11:36:21 - 01:11:52:25

Well, 50,000 if not going to go anywhere near that or be anything close to it. So you're left with the situation that you have a problem, but you don't have a solution. So I have a problem with the increase and therefore what happened? Sorry that you lost.

01:11:52:27 - 01:12:00:03

No I got I got there. Thank you very much. Uh, Miss Archer. Yeah. Just put a hand up to come to her, and then I'll let the applicant do this.

01:12:00:08 - 01:12:40:03

Yes. Uh, Joanne Archer, Warwickshire County Council. I just wanted to make the point that our deadline for submission. We've made comments in regard to the breaches. Um, I don't think they're particularly helpful as part of the strategy. Um, I think any breach is unacceptable and needs to be investigated. And waiting a year, as you've just pointed out, is too long. And there may need to be, uh, interim meetings around. If that was to be found to be the case, it might be helpful in the way that they've set out the various, um, levels of, uh, transport coordination, addressing the matters they might help.

01:12:40:05 - 01:12:46:03

But I don't think tying them to specific breaches related to background traffic is in any way helpful.

01:12:46:28 - 01:12:51:13

Thank you. Does the applicant wish to respond to either of those two comments?

01:12:51:17 - 01:13:29:27

Andy. Andy Passman on behalf of the applicant, I'll deal with the management side and then hand over to Mr. Carter in terms of the measures. Um, yeah. The, the the way that it works at Redditch is that we provide quarterly reports, um, that identify all notifications that have been received by the Ampol system. Um, and then those that have been identified as, as breaches. Um, we, we analyse that information to see if there's any patterns, if it's um, if there's, for example, a high incidence of breaches on approach or on departure from, from the uh, development where the particular vehicles are coming from.

01:13:29:29 - 01:14:00:24

And we share that with, with the relevant authorities. At any point, there is the potential to have a meeting to discuss issues. Um, should it be necessary? Um, but there is an annual meeting where we go through the whole process, um, looking at the cameras, the, uh, the overall trends, whether we

think things are, uh, whether we think the regional strategy is working, whether we think there's any amendments need to be made.

01:14:00:26 - 01:14:41:00

Does reporting need to change? Do we need more frequent meetings, those sorts of things? Because, as has been alluded to opposite, there is a balance between, um, the level of intervention from the highway authorities. And, uh, and that's got to be commensurate with there being any impact. If the monitoring is showing there is no impact, then then there's no need to to intervene, but they need the information to make that judgment. In terms of um, breaches, those breaches, um, uh, are really levels at which, uh, increasing interventions are, are um, required.

01:14:41:02 - 01:15:15:03

So initially there is a certain number of HGVs, uh, that where that is uh, sort of um, accepted in terms of the um. Occupies, not having full control over everyone who arrives and departs from there, from there, from their development. Um, that is that should be very small. The next one, the next level, is the ones where we say that the tenant needs to implement management measures themselves with support from ourselves. Um, and then we go up to the next level, the final level, which is when fines are implemented.

01:15:15:13 - 01:15:58:15

Um, there is also, um, obviously that the opportunity with this information from the local planning authority or whoever to, to enforce in terms of breach of, of, of planning, uh, um, permission, which is, is what the intention is for the scheme. Um, but um, yeah, we we've obviously got to revise this, this document and those and we'll take on board County Council's use in terms of, of whether that is helpful to have those breaches in here because it is it is um, um, uh, on a, on a rolling basis that we're monitoring this and, and whatever, if there is unacceptable, um, consequences, then we need to be addressing it as soon as we as soon as we can.

01:15:58:17 - 01:16:00:03

But can I hand over to Mr. Carlton.

01:16:00:22 - 01:16:03:06

Over the numbers themselves, having the decrease the numbers.

01:16:04:24 - 01:16:54:27

Sam Carter representing the applicant. Uh, just to, uh, comment on the proposals in South Africa. Um, it was mentioned there about removing the gateway feature to the east, which I've covered already. But just to be clear, um, our approach in Saka is that we still have mitigation as part of our highway plans within the centre of Saka. Uh, we have proposed those on the basis of utilizing, uh, the Traffic in Villages toolkit, which is a document that is promoted by other local authorities, but which has recently been utilised on the Coventry Gigafactory scheme with a view to implementing design led uh mitigation to, uh, try and reduce vehicle traffic within villages and preserve the character of villages.

01:16:55:11 - 01:17:35:02

Um, that has been applied to the village of Babington in relation to that scheme I mentioned. And here we've used a similar approach to Southcott. So our scheme does still involve changes to the centre of Sark, but we've responded to the road safety audit, um, with respect to the points raised there and updated our, um, our proposals deadline for to, uh, account for those responses. And we would be happy in terms of other potential measures that could be put forward in future and in terms of our thinking with respect to this, to provide a short note at deadline five, if that's that would help.

01:17:35:04 - 01:17:36:04

I think it would be useful.

01:17:36:14 - 01:17:37:05

I'm thinking.

01:17:37:07 - 01:17:46:02

Yes, I think you as to how those triggers have changed from the lower figures I've mentioned to the high figures. Uh, I'm conscious of time, so I don't really want to be very quick.

01:17:46:07 - 01:17:55:19

I just wondered if we could understand how the background traffic will be monitored. Will that be through the Apna as well, or some separate mechanism?

01:17:57:01 - 01:18:39:15

The proposal is to use the UK MPR system because it will identify it will collect the population of HGTV's routing through the purpose of it. It's obviously for for um identifying specific HGTV's um associated with the development. But but the cameras because they have a camera that that picks up the registration plate and also identifies whether the vehicle is an HGV. We can interrogate that information or get the data processor to interrogate that information, to provide us with information in terms of whether there have been an overall increase in HDTVs, or it may be the preference of the highway authorities that we lay automatic traffic counters, um, if they would prefer for longer periods of time.

01:18:40:09 - 01:18:42:15

I think you had a point that Mr. Wright.

01:18:43:08 - 01:18:43:29

Said, thank you, Al.

01:18:44:01 - 01:18:44:23

Noon, on behalf of.

01:18:45:26 - 01:19:05:21

The council. So just two points to make, really, about the SUV strategy. I think that points you guys for one is the A47 and the use of it, which I think, um, you raised or discuss it briefly earlier. So today, 47 um, is not shown as a desirable route in the. So she's not shown as an undesirable.

01:19:06:01 - 01:19:12:00

But it's now it's now with the. Link credit centers are not prohibited. Route.

01:19:15:09 - 01:19:15:24

I think.

01:19:17:10 - 01:19:17:25

I think.

01:19:17:27 - 01:19:18:12

I think, I think the.

01:19:18:14 - 01:19:25:18

Previous version of the strategy showed it to be primitive. The current version shows it not to be that. That's my business.

01:19:27:04 - 01:19:42:02

So the basic concern is that the modeling shows it'd be pretty attractive for HGVs to use that route, even though the desirable route is the M61 and the A5. Um, and in the applicants text, it refers to the fact that the A47 will be used for local access by.

01:19:42:04 - 01:19:42:20

CVS.

01:19:42:26 - 01:20:13:05

And for high sided vehicles. And obviously we've heard about the hedgerow farm scheme, which will remove the need for that, and they can then reapply them, the M6 nine and the A5. So we really think it's worth considering whether the the A47 should be a, um, undesirable route for HGVs to and from the development with local access only, and that that will mean that, um, there'll be there'll be a far lower impact on HGVs on that route, which is quite sensitive in terms of the western end is 30 miles an hour.

01:20:13:17 - 01:20:44:15

It's not really designed for a traffic. And secondly, we have the, um, the bowel and the, the other urban extensions across the road from the the A47 becomes a barrier between the growth of Hinkley and in those areas. So that was the first point. And the second point is that the strategy seems to have no recognition of the issues in Hinckley. There's a big focus on the eastern villages. There's no real enforcement, no cameras, no targets, no anything exceptions to do with Hinckley.

01:20:44:17 - 01:20:54:07

And we think that's a real omission, because the issues in Hinckley are also very important, and that needs to be accounted for in the strategy. I guess the only two points to make.

01:20:55:07 - 01:20:56:13

And maybe not so much.

01:20:58:21 - 01:21:31:03

Sir Duncan O'Connor, Labour District Council. Just a general comment about Labour's role in enforcement of the Htt management plan, and paragraphs 5.375.38 refer to the lady's role in enforcement. Um, we think that gives a misleading impression of Labour's role and ability to take enforcement action. It maybe is obviously for the local planning authority. It refers there to tools available and powers available to the planning authority.

01:21:31:11 - 01:21:51:00

It was obviously in relation to planning permissions under the 1990 act. So we're not not clear that um. Well, Labor's ability is to enforce, um, the Htt management plan and the procedures in it, which we're looking at that further to understand. Um.

01:21:51:14 - 01:21:56:02

You would have the local planning authorities do have enforcement powers under the Planning Act 2008.

01:21:56:15 - 01:22:28:06

The the I suppose the point I make, uh, we can put this in writing is the. Compliance with the management plan is secured by the requirement, but the procedures in the management plan could be complied with and it would still result in breaches. Breaches. Vehicles taking the wrong route. In the case of those breaches, it's not clear what role Blaney would have and that we're still looking at that, sir. Right. Mr. Stacy would just like to make some additional points.

01:22:29:04 - 01:22:37:20

Thank you, Mr. Stacy. The district council. I also just wanted to point out that there isn't anything currently in our section 1.6 agreement to contribute towards ladies.

01:22:38:02 - 01:22:38:17

Um.

01:22:38:19 - 01:22:48:16

Enforcement of this process. Um, and uh, perhaps we can sort of talk further with the applicant about trying to work out exactly where these triggers, at which point baby would be involved, as opposed to.

01:22:48:18 - 01:22:49:20

The private.

01:22:49:22 - 01:22:51:09

Enforcement, I think would be quite.

01:22:51:14 - 01:22:52:18

Helpful to understand.

01:22:54:09 - 01:23:10:00

Those discussions can take place outside. Is there any final comment that the applicant wish to make on the points from the two district councils on the A40, essentially the A47 and and A and B are all similar in Hinckley per se?

01:23:11:09 - 01:23:44:29

On behalf of the applicant. I think in terms of the A47, given it's it is part of the the HGV route for the county. You've got the the part of the purpose of the the A47 link is to distribute um HGVs from the site as is as uh, efficiently as possible and obviously routing HGV through the site, um, at a certain time. So I'm not so sure that that is um, uh, something that we would be looking for in terms of Hinckley.

01:23:45:08 - 01:23:50:29

Uh, obviously the the intention would be for HGV not to to route through the centre of Hinckley, and that's something we can take away.

01:23:51:27 - 01:23:53:28

Thank you. And related to anything.

01:23:54:00 - 01:23:56:16

That will be had. Any comments on what the baby said?

01:23:58:21 - 01:24:20:29

Um. In terms of lady's role, uh, we were the the intention is to provide them with information to take enforcement action, um, under sort of, um, normal legal processes. I'm not sure whether, uh, from a, from a planning perspective, whether that is, uh, the same thing or whether it's, uh.

01:24:21:08 - 01:24:35:21

Um, at the problem is it's probably one stage removed. I suspect the point is, if there's a breach of planning control under the Planning Act 2008, it's that's relatively simple because it's a criminal offence. It's more to do with if it's one stage removed, which is the point you're making. Uh. Um, yeah.

01:24:35:23 - 01:24:37:02

That's where we are in.

01:24:37:04 - 01:24:40:15

In which which therefore needs probably tying up in a lot of things.

01:24:43:23 - 01:24:53:20

If I don't, I don't see. I don't particularly see this issue as being different to a condition under a Town and Country Planning Commission, which secured compliance.

01:24:54:10 - 01:24:54:25

In.

01:24:54:27 - 01:25:07:18

Terms of the enforcement position of the council, because the council under a condition could have forced for non-compliance with the condition, um, for, uh, a DCO, it could enforce for non-compliance with the terms of the order under section 161, as you identified. So

01:25:09:05 - 01:25:11:17

there are different differences.

01:25:11:19 - 01:25:40:28

I see it and as I say, we are still looking at this is, um, we could breach non-compliance with the strategy, could enforce non-compliance with the strategy. But that doesn't that's different from breaches of the permitted routes. So the strategy, the procedures in the strategy or the management plan rather could, could be being complied with, but that could result in that could still end up with vehicles taking routes that they're not supposed to. And and it's that we just want to check what does the.

01:25:41:00 - 01:25:42:01

Secondary the second.

01:25:42:03 - 01:25:48:24

One I understand. So it's a point for me about the content and operations strategy rather than the enforcement process.

01:25:50:22 - 01:25:56:15

Yes. Thank you very much. Um, it's now 1:10. I'm sure we could all lose some lunch. Um.

01:26:05:23 - 01:26:17:07

We're thinking just because of where we're doing on the agenda. Probably slightly shorter than an ounce of 50 minutes. So we came back at 2:00. I'm really happy with that case. Hearing is adjourned until 2:00.

01:26:17:09 - 01:26:17:24

Thank you.