

# TEXT\_LittleCrow\_Prelim1\_Session1\_20042021

Tue, 4/20 12:25PM • 1:50:07

00:02

Good morning, everybody. It's now just gone 10 o'clock and time for me to open this preliminary meeting. Miss Evans, can I just confirm that I'm coming through loud and clear?

00:14

The streaming the event has begun.

00:18

I can confirm that you're coming through absolutely fine. And we're just going to check on the live streaming.

00:27

Should be opening up now.

00:48

Pages just loading up.

00:54

Okay, thank you. Finally, our stream is up. Yes, it is up and running. Great. Thank you very much.

01:07

For anyone that is watching via the live stream, I can just advise that should we adjourn any point this morning, we will have to stop the livestream and then re commence it. So as a result of that, if there is a German and then resumption anyone using the live stream will need to refresh their browser page to view the restarted stream.

01:33

I'd welcome everybody to the preliminary meeting.

01:40

My name is Graham Gould. I'm a chartered town planner, and I'm employed by the planning inspector. I've been appointed by the Secretary of State to examine the submitted nationally significant infrastructure project application and I constitute the examining authority for this application.

02:00

In the arrangements conference, which preceded the start of the preliminary meeting, you already spoken to Louise Evans, who's the correct case officer for this project. This morning she supported by to make a hole from the case team at INS plannings breakthrough. I would also add that a colleague Tracy Clark, has joined the preliminary meeting purely as an observer as part of the inspection as part of the inspector its commitment

02:29

to internal continuing professional development.

02:34

In addition, there is a technician from a company called production 78, who is in attendance solely for the purposes of managing, recording, and live streaming of this meeting.

02:50

Before we go on to the agenda items, I will deal with some preliminary housekeeping type matters and general observations.

03:02

I would say what that means is that as far as agenda items one, two,

03:11

and three are concerned, there is a little bit of merging, but that shouldn't cause

03:18

any confusion.

03:25

I'll try and get through the sort of housekeeping matters as quickly as possible. Firstly, I need to say a few words about the general data protection regulation.

03:36

The GDP Are

03:41

you will note from the examining authorities letter of the 23rd of March 2021, which are referred to as a rule six letter from here on this is when this event is being recorded, as well as being live streamed to interested parties. Digital recordings are returned and published. And that's and as such they form part of the public record and can contain your personal information to which the GDPR applies. The inspectors practice is to retain and publish recordings for a period of five years

04:15

from the Secretary of State's decision on this application. Consequently, if you participate in today's preliminary meeting, it's important that you understand that you will be recorded

04:26

and therefore consent to the retention and publication of the digital coding is being given.

04:33

I will only ever ask for information to be placed on a public record that is important and relevant to the termination to the determination of the application.

04:42

And it will only be in the rarest of circumstances that I might ask you to provide personal information are the type that most of us would prefer to keep it private or confidential. Therefore to avoid the need to edit the digital recordings, I would ask that you try your best not to add information

05:00

To the public record that you wish to be kept private or that is confidential.

05:07

For the participants joining via Microsoft Teams, I think that's everybody.

05:14

You do have the facility to turn off your camera if you do not wish your image to be recorded. That said, I'm quest that those leading for the applicants,

05:26

North Lincolnshire Council and the occupiers of Heron Lodge,

05:31

keep your cameras switched on throughout the discussion of

05:37

some of the later agenda items where I will be inviting discussion, I'll indicate those in a little while.

05:46

Before I move on, does anybody have any specific questions about the GDPR?

05:56

If you have, can you please indicate by using the raise hand facility in teams,

06:06

I'm not seeing anything. So I'm going to take that that was content with those regulations.

06:15

I hope you all have a have a copy of or have access to the rule six letter, which contains the Annex A the agenda for the PM.

06:26

And it's my intention to stick to this order, as set out, albeit that as I said earlier, there is a bit of a blurring between items one, two, and three, because they are largely sort of introductory type remarks for myself.

06:50

I am aware that there are matters that the applicant and Heron lodge wish to speak to. And I'll return to those shortly as we progress through the agenda.

07:08

I'll just now make a few comments about how this meeting will run. Once I've written introduce an agenda item and made any introductory comments,

07:19

I'll then invite interested parties to speak to that item.

07:23

After that, I will ask any other IP

07:26

if they wish to speak.

07:31

If you wish to speak at any point during the PM,

07:36

I would ask that you please use the raise hand function in teams. If that's not available to you through your setup of Microsoft Teams on your device.

07:49

I would then just ask that you raise your hand in the traditional way, having switched your camera on and I can pick up your request to speak at that point.

08:10

Once I've heard from the likes of Heron lodge or the council,

08:16

then I'll ask the applicant to make any final comments about a particular point before we move on to the next agenda item.

08:25

I do not anticipate this meeting should take too long however, should it be sitting for more than an hour and a half. We may need in the German to avoid screen fatigue, and then resume after 15 minutes or so. And I will look to find a convenient point in the agenda in which to adjourn.

08:50

You are here in attendance this morning. This morning either because you are the applicant or a representative as the applicant.

09:00

You represent

09:02

the host local authority or you're representing

09:10

another interested party.

09:14

The focus of the pm is to consider the way in which I'm I intend to examine the submitted application.

09:22

This morning we'll be discussing only the procedural aspects of the examination. The purpose of the pm does not include receiving any any evidence or or involve any discussion of the merits of the proposed development. discussion about the merit to the donor and any concerns about it will only be considered following the close of this preliminary meeting. And when the examination begins, which in this instance, will be

09:52

with the holding of issues specific hearing one this afternoon.

10:01

Then the examination will proceed as per the finalised taint timetable, which I will be issuing as part of a rule six Sorry, I wrote eight letter next week.

10:19

This is a working mini meeting. And in running it, I intend to balance efficiency with fairness and will allow you all to have your say, if it's relevant, and to allow you to inform me of all

10:34

I need to know at this stage, however, I will endeavour to make sure that you and

10:43

my contributions are to the point and focused so that we make the best use of the time available and allow everybody the opportunity to speak as they wish to raise points.

10:57

The recording of the preliminary meeting will be published on the planning Inspectorate website for this application, as soon as practicable following the closure of the preliminary meeting.

11:15

I'd also ask you also to bear in mind that the only the official recording of this meeting, and then any notes and the audio recording that are to be published on the inspectors website

11:29

will form the official record of the meeting. Things like tweets, blogs, and similar communications arising out of the meeting will not be accepted as evidence in the examination of this application.

11:47

I've been notified.

11:51

Have those who have joined the meeting.

11:56

And I'm just going to quickly run through that list.

12:02

And I'm also going to confirm who is leading for whom

12:07

in the meeting.

12:10

So turning to the applicant first.

12:15

In the meeting, I have

12:18

Paul, male of the applicant solicitors. Nor Beth Hutton of the applicants, solicitors. Then for the applicants, David Dean, and also for the applicant in Gannon. And then for the applicants consultants, Gareth Roberts and Henry Scanlon

12:42

for the council, North Lincolnshire Council, that is, I have Andrew law and for Heron Lodge, and attending is viven sedgley.

13:00

Can I just check?

13:03

Is it Mrs. Sexually Miss sexually or ms sexually that you prefer to be referred to?

13:12

sexually? Thank you.

13:25

I'm turning particularly to the applicant.

13:30

Mr. Man, if at any stage you feel you need to bring in a colleague to respond to a point

13:36

or raise a matter then by all means please do so.

13:41

When you do that, can you just introduce who that person is?

13:49

And as a general point,

13:52

before anybody starts speaking, I would just ask

13:57

that you introduce yourself

14:00

on each occasion, I know that can get a bit repetitive but it's for the benefit of those who are watching

14:08

or possibly catching up on a recording at a later stage. So example would be

14:15

Andrew law for the council.

14:29

At this point, does anybody have any questions before I move on with some other

14:35

preliminary type matters which are embedded within agenda items two and three.

14:45

Not hearing or seeing anything so I'll crack on

15:01

I'm now going to really talk about some of the

15:08

procedure for the examination,

15:11

which is set out in Appendix B to the rule six letter. Does everybody have ready access to the rule six letter and particularly annex B? Otherwise, I can ask for it to be put up on screen.

15:29

I certainly do, sir. For my on behalf of the applicant. Thank you, Mr. Male. Can I take the law that you've got access

15:38

to the letter?

15:41

Yes, I have access to you. And essentially, have you do you have access to the letter? Yes, I do, sir. Thank you. So I think we can avoid needing to put it up on screen. Thank you.

15:59

In a anexpert, you'll see that I've made written remarks on how I intend to carry out the examination. I'm not going to go through an X being in the U turn, but I would like to draw out some key points.

16:14

As has been alluded to in the rule six letter, the COVID-19 paddock dynamic has led the Inspectorate

16:23

to have to adapt the way applications are currently being examined.

16:29

Due to the restrictions on travel and public gatherings caused by the Canada pandemic,

16:35

I had to make a procedural decision to hold the preliminary meeting and the first issue specific hearing virtually,

16:44

it's recognised as may not be particularly agreeable, or may present some difficulties for participants.

16:51

But currently, there is no other way of conducting the examination safely.



16:59

The general decision about holding virtual events is one that's been made jointly by the government and the planning spectra.

17:07

If anyone have any concerns about the appropriate notice of holding virtual events,

17:15

that is something that should be directed to the planning Inspectorate via

17:21

the case office or email address that's included with the rule six letter.

17:27

As the examination for this case progresses, it may become possible to hold hearings, should they be required later on, in person.

17:39

But that again, will all be dependent on where we are with the COVID restrictions that are enforced at that time.

17:50

For the same reasons, it's currently unclear whether it will be possible for me to conduct what is

17:57

a trend a traditional accompanied site and spec inspection.

18:05

As such, and the company site inspection is not planned for or relied upon in the draft examination timetable, included in Appendix D in the rule six letter

18:18

I have already undertaken an accompanying site inspection to familiarise.

18:25

I will struggle familiarise myself with the order limits and the nearby area.

18:32

And I undertook that inspection on the sixth of April. And a note of it has been published on the website for this application, and therefore forms part of the

18:47

examination library.

18:51

There will however be a discussion about future site visit arrangements a little later on in the meeting under agenda item five.

19:06

Right I'd now like to turn to agenda item four, which concerns the initial assessment of the principles issues. And those are set out in annex c to the rule six letter.

19:21

I'm required to identify principle issues under Section 88 of the Planning Act 2008.

19:33

Again, I'm not going to run through that list verbatim. But there are just a few points that I feel I need to highlight.

19:45

The principal issues have been set out f alphabetically

19:50

and that therefore does not indicate any order of importance

19:57

and the list of those principal issues

20:00

is neither a comprehensive nor an exclusive one.

20:04

It acts as a framework of issues for the examination. But it does not determine the whole scope of the examination, it may be that as the case progress or the examination progressive, other issues will arise during

20:19

the examination,

20:22

which will appear to be more important and relevant. Those other other issues will be considered and examined thoroughly as they arise equally, issue issues can't be shown on a list may turn out to be less important than they appear at the moment.

20:38

And therefore, they may not be subject to discussion at a hearing, or much in a way of questioning in a written form for myself.

20:58

A number of the principle issues interrelate and overlap with one another.

21:05

And this will be reflected in the examination.

21:11

So I'd ask that you bear with me.

21:15

It's actually quite difficult, sometimes to deal with overarching type issues that cut across

21:24

and number of individual issues.

21:32

And with respect to the initial assessment of principles, issues that I've identified,

21:39

are there any comments that anybody wishes to make on the list as set out in annex c? in particular?  
Does anybody consider that I might have missed anything?

21:52

So if I turn first to miss sagely for her in court, have you any comments to make in that regard?

22:03

Thank you, sir. The only comment I had was in respect of the diversion of the footpath. And that may simply be asking for guidance from yourself as to exactly which heading you would like that to be dealt with under

22:18

I suspect it's going to be a bit of a landscape

22:22

because it but also socio economic. And also in the the immunity category. In fact, it probably will end up primarily being in the the immunity category, because of course, uses that footpath

22:40

will be out possibly just exercising or walking a dog.

22:46

But they might be using that route as a preference because they they like how it appears visually, compared to some other routes. So yeah, that's a slightly tricky one. But I think it's primarily going to come up either in the immunity type category, or via landscape.

23:04

I have a number of questions about footpath for the issue specific hearing later on today. So that might become a bit more apparent as to the best way we're going to handle the footpath issues.

23:17

Okay.

23:19

Weather any other points? No, not relation translations. Thank you.

23:26

Mr. law for the counsellor? Have you got any matters to raise on principle issues?

23:32

I have no more comments. That was quite helpful clarification with regards to the public rights of way. But no, no more comments. Thank you. So what I can say on public right away is probably later on today. You're gonna be quite busy.

23:46

I think I've got a few questions of clarification more than anything else. But yeah, I can, I can let you know that.

23:54

I will have some questions in that regard. As the night allows you for clarification. It's helpful to know. Thank you, sir.

24:03

And, Mr. Male for the African. Are there any issues or matters on principle issues that you wish to raise? No, sir, seems a comprehensive list and I'm nothing, nothing to add to that. That's helpful.

24:18

That then takes us to agenda item five,

24:26

which is the draft timetable. And that course, is contained in annex d to the rule six letter.

24:38

Again, that's quite lengthy. So I don't propose to run through it verbatim.

24:45

But there are some headline

24:48

type data in it, which I would like just to draw attention to. And summarise a few points.

25:00

During the course of next week, as I've indicated earlier, I will be issuing new issuing under Rule eight of the examination regulations, what's known as a rule eight letter, and that will contain the finalised timetable.

25:17

And its content

25:21

will be informed by the discussion we're going to do have about the draft timetable.

25:32

And in a few moments,

25:37

I would also indicate that as part or

25:43

of that process of issuing the rule a better

25:46

I will also be issuing what will be my first round of written questions.

25:53

As the application or the for the examination progressive progresses,

26:00

it may well be that I will be issuing further rounds of written questions. And you'll see from draft timetable that the opportunity for further rounds of questions being issued has been incorporated.

26:19

And you should also all note that I can also at any stage within the examination, make specific requests from name parties.

26:32

If I consider that I need some information,

26:36

and that would be done under Rule 17 of the regulations. And that would be done via the issuing of a letter.

26:45

If I need to issue anything under Rule 17.

26:49

That correspondence will be published added to the examination library.

26:56

and thereafter,

26:59

other interested parties will have the opportunity to comment on any responses that have been made to those requests.

27:15

Right when I'm now going to embark on a bit more sort of detailed discussion about the timetable. And I'm going to do that under really two broad headings. General timetabling matters.

27:27

And then I'd like to deal with site inspection arrangements as a separate entity within that or within the discussion of the timetable. So just looking at timetabling in general.

27:42

The first key deadline is deadline one which in the draft timetable is set at

27:50

Monday the 10th of May. And that deadline one I will be expecting to receive written notifications from those people or organisations who wish to speak as an open for hearing.

28:10

I'll also be expecting to receive

28:17

written representations

28:21

from interested parties. And that's the opportunity for interior interested parties to elaborate upon what they have stated in their relevant representations.

28:36

And we'll also be setting a deadline one request from any statutory parties who are not currently registered as interested parties and suggested locations for me to include in future site inspections.

28:52

And there is a raft of other information that I'm expecting to receive at deadline one and that is all set out in the draft timetable.

29:01

Then deadline two, which is currently timetable for the 24th of May.

29:08

I will be expecting amongst other things,

29:12

the council's local patch report.

29:17

Mr. Law, are you proposing to submit a local impact report?

29:26

And are you content that you understand what a local impact report is?

29:33

I thank you sir. Yang Andrew Laufer nothings Council. Yes, we are intending to submit a local impact report. And we have produced a number of local impact reports in the for the DCM examinations in the past so we're, we're content that we know what we're doing on that matter. In other words, I'm just going to draw your attention to the guidance note that the inspector has published available on on the

29:56

worthy infrastructure website not just available via the project.

30:00

website.

30:03

And actually, in this case, the local impact report is going to be quite important.

30:12

Because

30:16

of the way the the national policy statements for energy relate to this particular proposal,

30:24

the overarching

30:26

DNS one does have quite a lot of relevance to this case.

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But in an N three, which deals with

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a number of energy types, does not include solar.

30:46

So, for this case, there is likely to be more relevant or reliance on

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the National Planning policy framework,

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and also the development plan. So the local input impact report from that perspective, we'll need

31:10

to

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make it clear which local development camp policies you want me to have particular regard to.

31:23

And I will indicate in the rule eight, but again, not to give Mr. Law early notice. When you produce the local impact report, I think it's gonna be very helpful if you can ensure that appended to it are copies of every local plan policy that you wish me to take note of. And therefore wish the secretary state to take note of.

31:49

That's noted. Thank you, sir.

31:58

deadline to

32:03

that will be the opportunity for the response to my first written questions.

32:09

There will also be the opportunity for the applicant to give an update on where it is with the production of various statements of common ground.

32:24



And deadline to also gives the opportunity for parties to make comments on submissions that were made at deadline one.

32:46

There are various items listed for deadline three, which is the seventh of June.

32:55

There is an extra item, which is an oversight on my part that will need to be added

33:01

to the matters for submission that deadline three.

33:06

And that relates

33:10

to any material arising out of the holding of

33:17

any hearings on the first to June.

33:26

So that will be

33:30

written cases that will may or presented at any hearings at all of that time

33:38

by the written version of the or oral cases and adjuncts to those cases or any action point material that's arising out of

33:50

the holding of any hearings at that point. So that's something

33:55

that certainly will be added to deadline three.

34:09

The draft timetable then sets out five further deadlines as deadlines for two deadline eight.

34:18

And again,

34:21

at each stage there are various items that have been requested for submission.

34:27

But I don't think I need to go through all of those in detail has a lot of that material is fairly repetitive

34:36

and is largely given the opportunity for comments to be made and or responses to be made to proceeding deadlines.

34:48

I'd now like to turn to

34:52

some suggested changes that the applicant has made

34:57

and they have been presented in the

35:00

Couldn't proceed or deadline a letter, which was of

35:07

the act of April 2021.

35:11

And that's document PDA 001 in the examination library,

35:19

turn it turning to the first point, which revolves around making some some amendments to knotek notifications that I need to make visa via the holding hearings.

35:34

So that the applicant has got sufficient time to notify the local newspaper and place a request for adverts.

35:46

The applicant has indicated that for

35:55

the June hearings,

35:59

rather than notification on the first of June for the hearings, that would be a week

36:09

would be late on that needs to be brought forward. And the suggestion has been

36:16

that I will need to notify everybody of the holding the hearing. By the 31st of May, actually, I'm going to suggest that that date be changed to the 28th of May I that's the date that I notify

36:32

the applicant that I held a hearing needs to be held and that they need to advertise.

36:41

And I'm suggesting that date be brought forward to Friday the 28th of May rather than 31st of May, because the 31st of May is a public holiday.

36:52

And then as far as the hearings scheduled, or provisionally timetable for September.

37:00

The suggestion is that the notification that I need to issue to the applicant be Monday the ninth of August,

37:09

which

37:12

is understandable given the explanation the applicant has given. So in terms of these deadlines that the what the IRS to keep tuned in terms of notifying of the holding hearings? Does anybody have any comments to make on those dates being changed? Firstly, for the first instance to an eighth of May, and then

37:38

in the second instance, to the ninth of August?

37:43

Sure. come in from any party, particularly looking to the upcoming Mr. Male.

37:50

Yes, thank you. Thank you, sir.

37:53

Can I just pick up on something that you mentioned earlier, when you were running through the additional points to be added? And you noted that there will be an additional item to be added the deadline three, which I think you said was relating to the submission of written summaries for hearings that were held at the start of June? I'm not sure whether that's actually the case, because it's the

notification of the hearings rather than the hearings themselves. Yeah. And I also got, I think I got the date of the the June hearings incorrect because the June hearings on the timetable, I think of the seventh of June.

38:31

This, of course, is all about being being able to ensure that there's proper 21 days notice being given both in local press, and on site of the holding of those hearings. And the critical thing in all these is that you need a bit of lead in time

38:49

to be able to get the local newspaper geared up

38:55

so that they can publish 21 a good 21 days in advance so that we don't fall foul of the requirements of the regulations. Indeed, indeed. So just raise that point, then. I think that works then for the potential June hearings. One point did occur to me after the submission of the letter in response to procedural deadline a in relation to the potential dates for the September hearings, which is if you will, if you were waiting to see the submissions at deadline five

39:31

before deciding whether you wanted to hold those hearings, deadline five is on the ninth of August and is potentially a fairly substantial deadline within the process. Another way of looking at this may be to move those suggested dates for the September hearings to the ninth and the 10th of September, which would

40:00

The the Thursday and the Friday of that week, which would enable you to keep

40:06

the original date of the 16th of August for the notification of the hearings, because by moving the dates of the Thursday and the Friday, the publication, date of the newspaper being the Thursday would still enable the 21 day

40:23

periods of it to be given.

40:47

I saw the easy either way.

40:52

Mr. Law, do you have any observations to meet about the possible moving of those September?

40:59

meeting dates?

41:02

Thank you, sir. yondu law for nothing's counsel. And no, I sort of mirror your own comments, sir. I've lbz the way it wouldn't cause any issue to local authority with those, those hearing dates to be moved, as proposed.

41:24

Mr. G, do you have any observations to make about a possible change to the September dates?

41:31

No such luck for the interested parties that are in large? No, sir.

41:36

Thank you.

41:48

I think the way I'd like to play that, Mr. Male is thank you for the offer.

41:54

I will I will have a look at that. I'll discuss that with the case team.

42:01

Particularly Miss Evans and some of her colleagues who are responsible for doing notifications in the background, just to see whether or not that creates any difficulties, in turn, tourney that I might not be aware of. One of the things inspector has to be a little bit wary of, if you like corporately, is what other events, particularly for national infrastructure might be being held that weak. And whether that creates any resourcing issues, particularly in the background from an IT point of view.

42:38

Because what we have for virtual events, if we're still running with a virtual event, is not only

42:46

the case officer and case manager, but also in the background, we have it support on call to assist us if we run into any issues.

43:00

And the availability of it port support is somewhat governed by what is going on within the rest of the organisation.

43:09

So we will need to check internally whether moving those dates might present any sort of issues that

43:17

are not immediately apparent, just to this examination or this examinations team.

43:25

Thank you. So for my for the applicant, I simply raise it to know that there was some flexibility about how we might deal with how we might deal with the issue. That's helpful. And of course, there is as I indicated earlier, the possibility that by September,

43:42

we might be looking at in person events, which would then create a different set of circumstances to be considered the availability event of a venue with thankful switches more back to what the applicant can find in a convenient location.

44:20

Oh, okay.

44:23

The applicant has also suggested in its its letter,

44:30

that some tweaking needs to be made visibly, its submission of any statements of commonality

44:41

because there is an inconsistency in what I set out those are procedural requirements.

44:49

In annex F of the rule six letter that statements of commonality be submitted at deadlines one to five Where is in the timetable, as

45:00

Currently drafted, there is only a requirement for those to be submitted at deadlines, three to five. And it seems eminently sensible, sensible that

45:12

deadlines one and two be amended to allow for those statements of commonality to be submitted, if there's any need that arises for them to be issued by the app and at deadlines wanting to.

45:28

Given that there may not be an awful lot of movement in the content of the statements of common ground, which the statement of commonality will be reporting on at those early deadlines.

45:45

But of course, if the applicant is making good progress in concluding various statements or common ground,

45:52

and the earlier they're the they are available, the better, I would suggest, because that might be narrowing any issues or focusing areas of any disagreement,

46:07

then certainly, I'm not going to be resistance and would encourage Firstly, the the early conclusion of statements of common ground and the Regulus submission of updates, I statements of commonality indicating what the position with all of the various statements are common ground are.

46:32

Mr. Male, do you have any observations to make on tweaking the timetable to make sure that students have common statements of commonality that can be submitted readily at deadlines? One and Two?

46:45

No, not at all. So I think I think that that clarifications, that clarification is helpful. And just generally on statements of common ground, you'll have seen some progress has already been made with with some of those that were submitted a procedural deadline A.

47:00

So we're quite happy to to update those early stages in the examination.

47:05

Oh, yeah. Oh, just indicated.

47:10

I have a very strong preference for having statements of common ground, submitted early. That's why you will see, perhaps as a difference to other examinations.

47:24

I've, I've set quite an early final date for their lodging.

47:30

Because they can be something that tends to drag on

47:34

something about doing not only infrastructure work, but I also do when I'm wearing my appeals hat as well.

47:42

And some appellants in particular,

47:45

have had quite a lot of reminders about moving on and getting those resolved.

48:03

Then, moving on to another point raised by the the applicant, relating to the opportunity

48:13

for all comments to be made on responses made at proceeding deadlines.

48:25

Deadlines four to eight. Unlike

48:29

deadlines, two and three do not expressly provide the opportunity for comments to be submitted

48:34

in response to submissions made at a proceeding deadline.

48:41

The acceptance of documents is a matter of my discretion anyway.

48:47

But that said, I have no objection to the timetable being amended at deadlines for to wait to express to refer to this question of comments

48:57

in response to submissions that were made at preceding deadlines,

49:03

turning particularly teams to law for the council and Miss sedgley.

49:12

Do you have any observations to make about those additional or the additional opportunity to make comments at those deadlines being added into

49:25

the timetable?

49:27

Still. Thank you, Sir Andrew, la funnelflix. Council? I've no comments to make in that regard to no objections to that whatsoever. Okay.

49:37

Thank you, essentially,

49:43



for the interested parties that herring Lodge. Thank you, sir. And on that specific point, I don't think I do. Save that there are some general points I'd like to make about the possibility of streamlining the involvement of interested parties that I represent and allow

50:00

And to perhaps better understand the application before they give me an opportunity to comment. I don't know if you'd like me to cover those points now or wait to a more convenient moment. Can we hold that because I have got a note

50:15

or a response to the point that you've raised or has been raised on your client's behalf in the letter of

50:28

the ninth of march from sils Betteridge that hasn't yet been included in the examination library, but it will be the next round. I say that, most particularly for the benefit the applicant, because the applicant may not have seen that correspondence yet.

50:47

But yeah, that's something that I've got to know. So if we can just hold

50:53

that thought there, and we'll come back to it shortly.

50:57

Especially the comments I've got may be of assistance to you.

51:02

most critically, your clients.

51:10

Mr. Male, on this issue of commenting on proceeding, responses earlier deadline? Have you got anything that you wish to add? And no. So I just think it would be helpful to formally add it to the timetable, principally because were you to ask a third round of questions are indeed a fourth round of questions, then the opportunity to respond to responses of other parties to those questions, I think should be set out within the timetable. Yeah, I think it's fair to say that for this examination, because we've got quite a small number of interested parties.

51:52

It's likely that I'm going to exercise quite a lot of leniency anyway, in terms of the submission of documents.

52:02

As the examination progresses,

52:07

I do expect the deadlines to be a did too.

52:12

But in terms of

52:14

things being submitted at deadlines as a there's likely to be a leniency that if something got missed in terms of specific instruction or the opportunity to respond, it's unlikely they're going to throw my arms up and say, No, you can't submit that.

52:30

just purely because we're not dealing with unlike some other cases with hundreds, or even 1000s of IP interested parties. For the management in this case, it can be a lot easier, I think, for everybody engaged in it.

52:54

And then just turning to another suggestion made by the applicant.

53:03

And that revolves around

53:06

their opportunity to respond to

53:12

my proposed schedule of changes to the decio. As has rightly been pointed out, at deadline seven,

53:24

the applicant should have the opportunity.

53:28

Deadline seven is the 20th of September

53:32

to respond to any observations that I've made in the proposed schedule of changes to the decio.

53:43

So that's a change that does need to be made to deadline seven and Sonia, I'm content for that to be incorporated.

53:54

I would say particularly for the benefits of

54:01

Heron Lodge and therefore, Mrs. Lee's

54:05

clients.

54:08

The fact that throughout the examination, there will be quite a lot of either oral discussion

54:15

of the draft event consent order or written questioning of the draft consent. consent order should not be taken as any indication

54:28

that I've already come to a view as to what my recommendation to the Secretary state is going to be.

54:37

It is standard fare for the examination of nationally significant infrastructure projects for the examining authority to spend probably quite a lot of time looking at the drafting of a draft order. Just so

54:57

the order is

55:01

In a fit state,

55:03

for the Secretary of State's consideration, irrespective of whatever the examining authorities recommendation to the Secretary of State is.

55:15

And therefore, all the discussion revolving around the draft order is rather like

55:24

discussions that concern planning conditions or planning obligations in the appeal environment.

55:34

I thought I ought to make those observations, just in case

55:41

particularly for interested parties who are not used to dealing with infrastructure projects.

55:49

Why, sometimes, so much time might be seen to be looking at something that may or may not

56:01

come to bear later on, either in the reporting stage or at the final recommendation stage.

56:11

Turning particularly to Mississippi, Are you clear as to

56:16

why there may be so much time spent looking at the draft order throughout the examination renam I'm reading that something that you may be able to relay particularly to your clients if they're a little bit unsure.

56:35

Vivian sexually interested parties at her Lodge. Thank you, sir. That will certainly be passed on. And just to reassure you that, of course, representatives are familiar with the DCA process. But thank you very much for that clarification. Thank you.

56:55

Mr. Law, I'm going to take it as read that. You're familiar with that? Because you've you've indicated that your counsel is familiar

57:05

with the onset process because of other applications having been submitted within all its areas or neighbouring authorities.

57:18

That that's correct, sir. We're very familiar with the process. Thank you.

57:33

I've just make a few further observations about the holding hearings. The draft town timetable

57:40

has some dates in it reserved for hearings, in both June and September.

57:50

Those reserved dates are for issues specific hearings,

57:55

If required, and for open for hearings, if requested.

58:06

If no requests for open for hearings are held, will they then they will not be held.

58:13

And as far as further or future issue specific humans are concerned

58:21

as to whether or not they are needed. That will largely come down to what I see of the evidence that's presented.

58:29

And whether or not I take the view

58:33

that the evidence

58:36

needs.

58:39

oral examination by myself, really to get a fuller understanding of the cases has been made in writing.

58:47

Remembering, of course, that the application process for infrastructure casework

58:55

is largely a written one.

59:03

As I previously indicated, if we are

59:09

holding hearings, or having hearings later on in the process,

59:15

then depending on where we are with COVID-19

59:20

and the government's restrictions, there may be opportunity to switch from virtual events to one's held

59:32

in person.

59:38

And if we are in the territory of holding something in person, then I will aim to give as much notice as possible.

59:49

So that that assists in the finding of a suitable venue to hold those hearings.

1:00:07

But as as things stand, those reserved dates for future hearings are between the ninth and 30th of June.

1:00:15

And

1:00:17

currently 78, September, although was being discussed earlier,

1:00:23

there might be a slight movement of those dates in September,

1:00:28

just to aid

1:00:31

the issue of advertising.

1:00:41

If any individual or organisation wishes to pursue participate in open floor hearing,

1:00:48

then the notification for that will need to be lodged.

1:00:55

By Monday, the 10th of May.

1:01:04

Miss sagely, are you able to indicate for your clients behalf, whether or not they're likely to make over request to be heard and then open for hearing?

1:01:16

Or is your client more likely to be content to be participating in issue specific hearings?

1:01:26

This may relate actually to one of the general points I was hoping to cover. So there is certainly a wish to attend at a hearing. The preference on behalf of my clients would be to attend and make representations at one hearing whenever that hearing may be rather than at multiple hearings.

1:01:52

Right. I mean, currently,

1:01:58

it it looks like your clients are the only interested party well, other than the council, of course, who are an interested party, but they're also a statutory party.

1:02:12

If you loosely use the term third party,

1:02:16

it's looking like your clients are the only active

1:02:21

third party who is likely to be in attendance at hearings.

1:02:31

The open for hearing is an opportunity for

1:02:35

an interested party to set out an oral case.

1:02:46

But

1:02:48

if a written case is being made than at an open floor hearing, that the interested parties should not be elaborating too much further from whatever their written case might have been. And of course, at deadline, one for the examination.

1:03:08

all interested parties should be making

1:03:13

their written case as full as they can make it based upon the application documentation

1:03:22

that's available, and also any other comments that have been made by other parties that are available at that point,

1:03:30

which in this instance, will be the relevant representations?

1:03:35

And potentially cause anything that flows out of

1:03:41

the issue specific hearing one that will be held later today and or tomorrow?

1:03:56

So do you have any further further thoughts as to how your client might want to engage in hearings? Hence, forward?

1:04:07

You'll have you'll have seen of course the rather than representations that have already been made. Of course, you'd have seen that the heart of the point is to make an objection on behalf of my clients. It seems to me that what is likely is that following the provision of further information by the applicant at hearings such as that timetable to take place this afternoon, or indeed by some of the earlier deadlines, there may well be some more points in response to those my clients would wish to make. I don't think I could commit at this stage to say whether or not they would wish to do so in writing. And however I am certainly instructed that they very much would like it to be heard at a hearing or for example at an open floor hearing.

1:04:49

Yeah.

1:04:51

Because there is there's a subtle distinction between open floor hearing if somebody requests that one be heard then one has to be held sorry. Then but yeah, if they wish

1:05:00

To be heard, and one has to be held, whereas cause the holding issue specific hearings is a discretion that I have, depending upon the flow of evidence. And

1:05:15

so it your clients, based upon the advice that you and their solicitors give them will need to come to a view as to whether or not they are going to make a formal request for an open for hearing.

1:05:29

But they if that's to be the cause that has to belong deadline one.

1:05:35

Just just need to make sure that everybody's aware. Yeah. If

1:05:42

if you're going to make the request, then that has to be a deadline one.

1:05:50

Thank you. So that that's very helpful, and certainly will be noted. And it seems to me perhaps the crucial point that I would be making is that if your content for multiple issues to be covered by the



interested parties that I represent at such an open floor hearing, that may be a convenient way of dealing with some of the timetabling issues that were flagged in our relevant, sir, in the procedural letter that you refer to at the end of March? Well, yeah, because open floor hearing

1:06:21

is less structured, in that, in effect, the interested parties that want to be heard, in effect, just address me

1:06:32

with respect to whatever matters, they want to address me on. And then the applicant has the opportunity to respond orally to whatever has been said.

1:06:43

Or they can elect to make possibly at some comment at that hearing, and then make more of a written response at the deadline that follows.

1:06:56

So in some ways, at the open for hearing, you set the detailed agenda.

1:07:02

And like my particular myself, I'm there just to hear,

1:07:06

what would you have to say?

1:07:12

What might assist in all of our calls is

1:07:16

the publication of my first round of written questions

1:07:20

where you will see that I will have a number of matters that I'm raising with the applicant.

1:07:27

For that instance, there'll be a bit as I've indicated earlier for the council, and there may be some other points raised with some other statutory parties.

1:07:40

And that might also assist you in terms of understanding some of the direction of travel, and the sorts of issues that I'm likely

1:07:50

to be asking further information about, particularly of the applicant,

1:07:56

where I may feel there might be gaps in your submission at this point.

1:08:04

Yes, I think that would be tremendously helpful. So

1:08:08

it seems to be perhaps, following today, it would be convenient for us to confirm whether or not we would wish to have an open parole hearing, as you say, or simply restrict ourselves to written submissions, although it seems likely to me now that the former would be preferred. Yeah, I mean, because gonna another option in that is that an open for hearing might be requested.

1:08:33

But then you see how the examination pans out, particularly deadline one, and then make a view could come to a view that actually you with a request or hold an open floor hearing might be withdrawn?

1:08:51

Yes. That's much appreciated, sir. I should perhaps explicitly flag to you, although I'm sure you've seen it implied from that letter. And one of the aims of those that I represent is to limit the amount of resources that would be needed to contribute to this process. And so I should perhaps make it explicit that what would be anticipated is perhaps confining ourselves to making one such representations either in writing or at the openflow hearing, rather than participating in each of the separate deadlines throughout the process. Yeah.

1:09:27

I somewhere in my notes,

1:09:35

so it's funny, you type these things, then you print them out and things don't quite look where they were on screen and the running order isn't quite as you thought they were.

1:09:47

Actually, yeah, we have conveniently I think, got to the bit that was specifically directed to your client.

1:10:07

Now, actually,

1:10:10

my note just follows in probably won't be a couple of minutes. Can I come back to that in a couple of minutes? Just to keep the flow going and making sure that I don't miss

1:10:19

it anything?

1:10:35

Yeah, with within the draft timetable on Friday the 10th of September.

1:10:43

The intention would be that I would issue my report on the implication for European site, If required, as well, as the examining authorities proposed schedule changes to the draft consent order.

1:11:00

There is a slight question mark. And that's hence the reason why we've got if required against the report on the implications for European sites.

1:11:12

I will be touching on this issue in first written quick questions for some clarification.

1:11:20

Depending on how the applicant responds,

1:11:25

it may well be that I come to the view that actually there will be no need to issue that report

1:11:33

on European sites

1:11:36

at that deadline.

1:11:38

So that's a slightly fluid matter at this stage, but will firm up as the examination progresses,

1:11:53

the examination

1:11:56

period is set within the act. And it is a sub six month period, which begins on the date after the close of the preliminary meeting where the preliminary meeting is being held today, 20th of April.

1:12:12

And therefore, there should actually be a tweak

1:12:17

to the end date for this examination.

1:12:23

And that

1:12:26

should be by one day, so rather than Wednesday, the 20th of October 2021.

1:12:32

The date should actually be Thursday, the 21st of October, because that is the end of the six month period following the day on which

1:12:43

the preliminary hearing.

1:12:47

Sorry, the preliminary meeting was held.

1:12:51

So that's a change that I'm proposing to make in the final version of

1:12:58

the timetable.

1:13:03

Mr. Male, do you have any any observations to make on that change, ie the closure of the examination by one day?

1:13:16

I I don't, sir, other than to confirm that the analysis is correct that if the if the analysis is correct, that the examination starts today, then the six month period, I think I tend to agree with you if the examination proper in terms of the six month period starts the day after the preliminary meeting, then the the original deadline will be correct. If I could just sort of reserve my position. And they'll confirm that in in our deadline one submissions, which includes sort of the summary of the points that were raised already here, then that I'm quite happy to do so.

1:13:59

Well, actually reserving to deadline one would be to relate because timetable will have be published.

1:14:11

Right. I've actually got the act on one of the numerous screens.

1:14:20

And what I think

1:14:29

what I might do to add all of that it's just read the relevant bit. I think what where slight confusion has arisen with examinations recently is it has become

1:14:46

much more of a norm for

1:14:50

at least one issue specific hearing to be held back to back with the preliminary meeting, when the regime first was put in place.

1:15:00

That did not happen.

1:15:03

But I think what was particularly happening with the draft

1:15:07

orders was the examining authority were finding that there were issues arising that they wanted to deal with very early on, just so that it gave those drafting the order on the evidence, the opportunity, early warning, and the opportunity to go away and try and resolve whatever those drop. So it has become the norm,

1:15:28

to, to hold an issue specific hearing on the decio, in particular, straight after

1:15:37

the preliminary meeting. And also, I think, to hold some open for hearings straight after

1:15:42

a preliminary meeting. And that's where there's been a bit a bit of grain.

1:15:52

But I'm looking at section 98 of the Act. And I'll just read it, because there's not a lot to it.

1:16:03

The examining authority is under a duty to complete the examining authorities examination of the application by the end of the six month period, beginning with the day after the start day. So that's 98 198 to the start day is the day on which the meeting required by section 88 is held.

1:16:28

Or if that meeting is held on two or more days, the latest of the latest of those days.

1:16:38

And the meeting being

1:16:42

held is a reference to the preliminary meeting.

1:16:50

So my reading of what 91 and 98. Two are saying is that you definitely start the six month clock on the day after

1:17:01

the holding of the preliminary meeting, which in this case would be tomorrow. Yes. Even though we have held or will be holding an issue specific hearing this afternoon. Yes, that does not count against that one day after. Yes, that being the case than the original date was correct, I believe, which was the 20th of September because Tomorrow's the 21st of April.

1:17:31

No 2020. If if the six month period starts on the 21st of April, it ends on the 30th of October.

1:17:40

The original the original date, in effect, assume start on the 20th of April end on the 20th of October.

1:17:49

But

1:17:51

reading 90 812 way the prelim meeting is on the 28th. But the day after the prelims meeting is the 21st. And the 26 month period, therefore ends on the 21st of October.

1:18:10

I

1:18:12

understand the argument. So I just I just

1:18:16

I, you know, I would want to just go away and confirm that I agree with that analysis.

1:18:24

And I can I can certainly do that. And after, you know, potentially the close of this hearing and submit a response to the case officer. Yeah.

1:18:39

I think

1:18:42

if in fact, we make that an action arising out of the preliminary meeting.

1:18:51

I think that that will address

1:18:54

that.

1:18:56

I mean, it might become slightly academic anyway.

1:19:03

Because at the back end of the timetable, there isn't an awful lot that's expected for submission, on or around whatever the closure date ultimately turns out to be. For another case that I was involved in. It was of significance, because our timetable was affected by postponements due to COVID.

1:19:28

And we had a much shorter resumption period than we thought we were going to get and had hearings in amongst a much shorter extension period, which did mean that there's an awful lot of delivery of stuff very tight to the back end deadline.

1:19:52

We essentially just to help in all that

1:19:55

project Have you any roadblocks to make on the back end day or the

1:20:00

The closing date for this examination

1:20:07

essentially, for the Heron lodge interested parties,

1:20:11

I have to say my initial reading was that the original date would have been correct. But it may well then be helpful for the applicant to confirm it.

1:20:22

Yeah, I mean, the other thing is that I will go away in the background. And just Also make sure

1:20:28

if ultimately we decided to take safety first approach, and it is remained at the 20th of October. I don't think it's going to be of any particular concern to any party or prejudice to any party. We're talking about one day, it's not not we're talking about matter of weeks.

1:20:51

Okay, really then,

1:20:56

just a general point about meeting deadlines. And I've already touched on this.

1:21:06

The finalised, timetable will set out a series of deadlines, it's important that parties keep to those deadlines, there is some discretion that I have in accepting

1:21:20

material outside of those deadlines.

1:21:26

The preference course is not to do that. So so avoid jeopardising examination timetable.

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But as I did indicate earlier, in the case of this examination,

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I may well show possibly a bit more leniency than I might otherwise do.

1:21:47

In other cases, because

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of the number of interested parties involved,

1:21:56

in relative terms quite small for this case, compared to some other instances.

1:22:01

And therefore,

1:22:04

this case is a bit more contained. And it's less likely that if I were to exercise discretion,

1:22:12

it's it is unlikely that exercising that discretion would be of much prejudice to other parties.

1:22:28

For those of you who have been involved in the process previously, there is a bit of a change that the the inspector is introducing, in terms of the way that you make submissions at each of the deadlines.



1:22:45

That should now be done by the inspectors specific web page for this application, rather than by emailing things to the case team. And in that regard, there will be available on the project web page for this application, a tab, as I understand it, that will enable you to make those submissions.

1:23:14

And that tab will be similar to the one that was used by the

1:23:18

interest interesting, interested parties when they launched their relevant representation. So it should be all fairly straightforward when you go to the website.

1:23:31

Miss Evans, have you got anything that you would like to add to the way parties go about actually submitting documents?

1:23:40

Thanks, Graham, just to say that the methods for submitting representations is not actually live as yet it will be made live following the plenary meeting and specific hearing ready for the next deadline. So that'll be done on our project website. And it'll be on the tab next to where parties made their own representations, but it's just not available yet. If you do to contact us before it is made live you can use the the project mailbox as has been done before, but during examination we will be asking for representations to be submitted via the project website.

1:24:26

So I just occurred to me just to add up the party's sorry have made that function available on their websites already. So it wants to check for an example of that one that could be used is the

1:24:42

and 25 Junction 10

1:24:46

mg m 25 Junction 23 wesleyans change improvement project has that function going on at the moment so if wants to have a look at how that would work for this project, that's a good one to have a look at

1:25:07

Thank you, Mr. Evans. Is everybody clear about that process?

1:25:12

Mr. Male for the applicant?

1:25:16

Quite so, sir. Yes. Thank you. Good. Mr. Offer counsel.

1:25:22

Yes, that's very clear. Thank you, sir. and

1:25:26

Mrs. Lee, I suspect you'll need to relay that to your instructing solicitor. But that is a bit of a change for the way

1:25:38

the Inspectorate is handling things,

1:25:41

that it should hopefully make things a bit smoother and mean that once the documents are received by the Inspectorate, we are then able to get them published and available to all parties a bit quicker.

1:25:56

Thank you. So that's noted.

1:26:01

Right, really, really turning to the point that

1:26:06

Heron Raj has raised in its letter.

1:26:13

There is no compulsion on an interested party, such as Heron Lodge, to make submissions at each and every deadline.

1:26:22

And as I indicated earlier, really,

1:26:28

the reps written representations which build upon the relevant representations to miss submitted at deadline one are the opportunity to make the fullest possible case.

1:26:42

So that's, that's in this instance

1:26:46

10th of May.

1:26:51

But

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there certainly is no expectation that an interested party has to make

1:26:59

submissions at each and every subsequent deadline. And what I would say, particularly in respect of written questions, as as the examination progresses, their number is likely to reduce and possibly become more focused upon particular areas.

1:27:24

Where

1:27:26

matters might be, I suppose, more in dispute between the applicant and other interested parties, and where I might require further clarification.

1:27:38

So Miss Sachi, is there anything that you want to learn or seek further clarification on that particular matter?

1:27:49

Thank you, sir. The only further point I wanted to raise I don't have now is the most convenient time is about the provision of information to the interested parties, and essentially sort of highlighting most relevant documents in relation to each issue. And that, again, relates to the point I raised earlier about the comparatively limited resources that the interested parties have, in comparison to example for the applicant.

1:28:14

I don't know if now's a convenient time for me to comment on that, sir.

1:28:19

I think it probably is.

1:28:22

You'll have seen from the letter and the relevant representations that the interested parties have so far, encountered some difficulty in giving adequate consideration to the large number of documents on the project webpage, and in particular, in identifying the relevant parts within those documents that relate to their particular concerns. What is suggested, and you'll have seen that there's a proposed amended timetable that was set out, I think, in that letter at the end of March. And that the the main point of that proposal, which may be dealt with in another way, depending on your judgement, sir, is for the applicant to highlight the relevant documents in relation to the issues when providing their representations. That certainly would be of great assistance to the interested parties and would make sure that they are commenting on the actual position, they're not missing something that may be relevant.

1:29:33

Thank you. Certainly, my expectation is that when anybody and that's the applicant,

1:29:40

or any of the other IPS, including paranoid, you all need to be in effect cross ref referring

1:29:48

to documents using the referencing system

1:29:52

that is contained within the examination at the library.

1:29:58

We said you do know whether you're

1:30:00

client has had the opportunity to see the examination library.

1:30:07

I understand I'm not sure exactly what form they looked at the documents. Yeah, well, I think at the point that they made their relevant representation, the library was not available.

1:30:18

And

1:30:21

when things go up on the website,

1:30:27

the they do for whatever reason gets scrambled, I think is the best way of describing it. The applicant sent stuff in an orderly manner, but the Inspectorate somehow with the system that we've got at the moment, manages to set things up on the web page in in a logical manner. I scratched my head.

1:30:48

However, if the examination library is used, Miss Evans Can Can you bring that up on screen, because that might assist?

1:31:00

Everything is much more logical.

1:31:04

The environment statement chapters, for instance, follow neatly from one to 11.

1:31:12

The annexes follow neatly, in you know, in an order,

1:31:19

it then becomes an awful lot more straightforward to navigate. Can you run? I didn't have to pay five or six? Because I think that's what we'll start to see. I'm after the documents.

1:31:32

Can you will see that? I can certainly see it. Yeah. So the application documents wanted you, if you if you run on to about page four or five, we should we're actually already there.

1:31:48

So

1:31:50

AP

1:31:52

is having Are you able to just expand that slightly larger?

1:31:57

Give it a go? It should be at the I think it's a bottom right hand? You can do that? Yeah.

1:32:05

Is that enough? Yeah, if you've run on maybe about 4840 or so? Because I think that's where the environment statement starts.

1:32:26

Okay, now, we're not quite there yet. Keep on going. Sorry.

1:32:32

Right. So if we look at AP zero 58. That is chapter one of the environment statement. If we go to 59, that is chapter two.

1:32:44

Everything runs sequentially from that point, using the library, there is a link to that document.

1:32:56

And that, therefore makes it much easier to navigate all of the documentations the library appears on the web page for this project as a specific tab on the documents page.

1:33:14

And using that may I suspect assist? Those representing him lodge greatly?

1:33:26

Yes, I think that's correct. So thank you very much. And then then examination.

1:33:32

Progress is for each deadline, there will be a separate area within the library that contains all of the submissions made by all of the parties at that deadline. Usually what happens is the first block will be the applicant. There are the submissions run alphabetically, I think, normally alphabetically

1:33:56

for the interested parties.

1:34:06

Yeah, it's separated out by deadlines. And as they're added, I think

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it clearly clearly does, unfortunately, because this examination is in such an early stage. We've got stuff interprocedural deadline, a Yeah. But of course, there is nothing else to see because we haven't reached any of the other deadlines. Sorry, Louise can just go back because that's where the relevant reps. Yeah, well, they're

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just

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so yeah. So hopefully, Mr. g that should address I think some of the points that were raised by your instructing solicitor.

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Yes, thank you very much. So that's really helpful to see on the screen.

1:35:00

It may be that the further information that's provided on behalf of the applicant will make it easier for the interested parties to digest the information if that referencing system is used.

1:35:11

I note the expectation, you've given that that will happen, sir. And so think of

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it doesn't happen, then as the examination proceeds, there will be an ever growing frown on my face, metaphorically speaking.

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And,

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increasingly, reminders will be issued of two offending

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parties, including AP, the applicant, because we've had that in other cases, reminding everybody that they should be using those examination references, because it makes it easier for all parties. But not only that, when I come to write my report, those are the numbers that I will be using.

1:35:55

And the Secretary of State will also be using the examination library references to find his way around the documentation.

1:36:07

And therefore, from day one of the examination, it is good practice for everybody to be using those reference numbers. Because once you start, you tend not to forget to do it.

1:36:23

I think if it helps pull me off of the applicant. That's also how I navigate my way around the application as well. So that's something that certainly I'll be insisting that my team does on on all submissions.

1:36:37

One, one thing that you might find, depending on how you're

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what sort of reader you everybody's got set up their end.

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Reading, it seems that if you use the examination library and run it through Acrobat Reader, rather than running it through, I think the reader in Microsoft Edge,

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what you will find is that as you go in and out of that library,

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if you use Acrobat Reader,

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you will find that as you navigate between the documents, so you might open one document and then need to go back to the library to open another one side by side. If you're using Acrobat Reader, the library will stay open at the point that you last had it open. Whereas if you're in a reader, such as that available through edge, it takes you annoyingly back to the top of the library and you have to scroll all the way through to wherever you might laughter been.

1:37:52

To pick up another document, maybe one of the annexes say?

1:37:57

Because certainly the spectrum has recently been through the process of making everybody

1:38:05

instal the reader in edge. But we've begun the option to re instal Acrobat, which is what I've done. And I have found it much more easy to navigate the documents going back to Acrobat.

1:38:30

And can I also ask of the applicants

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that if those representing

1:38:41

the

1:38:44

Heron lodge are finding any particular topic difficulties in terms of getting around documents, or they in effect need to speak to somebody to be able to understand property changes in the document with the applicant Be prepared to in effect have an open dialogue with those representing Heron lodge just to aid the process?

1:39:10

Certainly, sir. Yeah, if help is needed in in identifying particular documents, then then we can assist with that.

1:39:22

As one of the procedural decisions I've made, I've also asked for documents particularly those that are going to be submitted on various occasions and that most particularly relates to the

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draft event consent order.

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That tracks changes that are used again, it just helps

1:39:44

understand where how a document has evolved.

1:39:48

Miss as your client my find that assists and in fact in the procedural deadline, a documents that the applicant submitted



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they

1:40:00

Have helpfully

1:40:02

I think that there are a couple of chapters in the Yes, that have been updated. they've submitted a clean version, but also a tracked version,

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which just makes it easier to work out where the changes have been made.

1:40:17

And that also saves a bit of time in terms of completely rereading a document.

1:40:25

Thank you. That's all very much appreciated. Thank you. And I, just to pause there, and I won't ask for any personal information to be displayed during this hearing. But I wonder if I could just in response to the applicants kind offer of assistance to interested parties suggest that if it's not immediately obvious, which point of contact they should use when contacting the applicant? If this perhaps could be passed on, via Miss Evans, perhaps.

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I'm sure that that can be arranged by

1:40:58

exchange of emails outside of

1:41:02

the meeting.

1:41:08

Thank you, sir.

1:41:19

I'm, I think I'm conscious that we've been sitting for the best part of an hour and three quarters.

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What I might suggest is, I'm going to give the opportunity for

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each of those representing each of the parties to

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if you like, raise any points on those general timetabling matters,

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then, I'm going to suggest that we do have an A German before we talk about site inspections

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and conclude the rest of

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the agenda items for the preliminary meeting, which shouldn't take too much longer.

1:42:04

But I think that might be appropriate. As a general rule of thumb, the inspectors been working

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an efference, while suggesting to inspectors because some of us will just carry on into an item that inspection so generally sit for no longer than an hour and a half per session, just to enable people to stretch their legs and avoid screen fatigue.

1:42:30

So I think as I say, if I turn first to miss CG on general timetabling matters. Is there anything else that you'd like to add on behalf of your client? In terms of comments or suggested?

1:42:46

suggestions?

1:42:49

Thank you, sir. Over in surgery for the hair and Lord interested parties? No, I don't believe so. There's only one procedural matter that I wish to flag and it may be more relevant to this afternoon. But simply to highlight that if the this afternoon's hearing does progress onto Tomorrow, I will not be instructed to attend due to the limitation of resources. And so I regret the fact to be borne in mind if there's anything in particular that anybody wish an interested party to comment on.

1:43:17

Thank you. That's helpful. And certainly I will bear on mind

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as I progress through

1:43:28

the matters that I wish to raise. And I think for the avoidance of doubt, I think you've probably already gathered, the issue specific hearing that he's scheduled for the ask this often will proceed.

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That largely is that it's going to deal with some sort of higher level matters relating to the environment statement.

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But we'll also cover some drafting points within Well, I'm intending that it should cover drafting points within the draft and consent order.

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So it may well be that as this afternoon progresses.

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If we don't get to the drafting of the order

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it if Heron logic got anything to say about the draft order. We'll need to make sure that you have the opportunity to raise whatever comments you might have.

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Before we finish sitting this afternoon

1:44:29

Thank you

1:44:33

Mr. law for the council. Have you got anything on general type timetabling type matters to raise at this stage?

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I think you say yeah Andrew law for No thanks, Council. I've got no comments on on general timetabling matters. Thank you, sir.

1:44:50

And Mr. Male for the applicant or anybody else amongst your team who may have

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picked up on something that they wish to raise at this point.

1:45:00

Yes, thank you. So this this, there's just a couple of points in relation to some of mistakenly submissions about how

1:45:09

her clients may engage with with the examination, I think it will be it will be helpful to the applicant that

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if effectively those various interested parties are a joint interested party, that where submissions are made, that they could be that there could be a single submission made on behalf of multiple interested parties, as opposed to the same submission being submitted on behalf of each.

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Now, if there are differences, it may be possible to do sort of a hybrid approach where there is a single submission on shared points, but any

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interested party that that has an additional point to raise that could be submitted separately.

1:45:58

But that then saves the the applicant sort of sifting through documents to try and spot the difference as it were.

1:46:05

Which which would assist. Yes, Mr. Male, and that also assists me as well. Mr. G, are you able to provide any sort of assistance with how it's thought the Heron lodge will make their representations and or respond or engage generally when they're making written submissions?

1:46:25

Thank you, for that point, it will certainly be passed back. And I don't see any reason why it won't be borne in mind. On the next occasion that written submissions are provided.

1:46:35

I suppose it might be that within if you'd like for want of a better way a collaborative submission, where either one of the owners or one of the occupiers of Heron road, I've got a slightly different points. It could still all be made in one document or series of documents, but it's just highlighted that x is taking a different view to y with respect to matter. A

1:47:03

possibly that might be a way of dealing with it.

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Make sure that's passed on for

1:47:11

you. And

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that was one of your points with respect to

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Heron lodges engagement, what was this something else that you were storing that was which is which is just if, if active participation is not

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taken up by those interested parties in the in the early deadlines, but there's a request effectively to present a case at an open floor hearing, which would be sheduled, I think, either for the 29th and the 30th of June.

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If technical documentation is presented or sought to be presented by those interested parties at that hearing, then I think it's unlikely that the subsequent deadline of the seventh of July,

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which is only a week later, will necessarily give the applicant enough time to review and comment substantively on that documentation. Now, it may not be something that arises in practice, but I simply I simply flag it now that that if that is the case, what you may find for me at that point is a request that that submission comes in a deadline five rather than deadline for

1:48:38

Thank you, Mr. Mayor, I think we might have to play that by by ear.

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But as I said earlier, for this particular examination, that may not present too much of an issue.

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Because it's it's unlikely that we'll all be dealing with multiple IPS, making multiple submissions and having to try and

1:49:04

keep on top of all of that within the six month period.

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Were there any other matters on general timetabling? Mr. Male that you wish to raise? Not for me, so No, thank you. Okay. Then.

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What I'm going to suggest to is that we adjourn to what

1:49:30

do people want? 1015 minutes? It does. That's if we go for 15 minutes. resumption would be at 1205. Does that sound reasonable?

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That would be reasonable from my point of view. So thank you, Mr. Law. Yeah, that's mother Mason. Well, thank you, sir. And essentially, yes, sir. Thank you. Okay. Then this preliminary meeting is adjourned till five

1:50:00

Post 12 Thank you