

TEXT_A1iN_ISH1_Session2_23022021

Tue, 2/23 1:42PM • 1:32:08

00:04

So the time is now 12 o'clock time to resume this hearing.

00:10

Can I just confirm his pattern that the recording is continuing or recommenced?

00:18

The recording is continuing and the live stream

00:24

is live. Okay, that's good. Thank you.

00:29

So if we can continue, then work your way through the

00:36

VCO. And if could have that back up on the screen, please. And we are now looking at

00:46

article 38. Geez operators and rights of such trans takers in startup streets. And the question we asked this about this first written questions was TCL 157.

01:04

I, the reason I had this on my list of questions was to seek the views of any statutory undertakers, but

01:15

we have none. attending today. Is there anyone wishes to make comments on that? I missed the past for the see you've got your hand up.

01:25

And I'll continue in a moment. Anyone else wishes to comment on this article?

01:33

No, in which case, Mr. Buffett,

01:45

it was not, in fact, in relation to this article, but it was in relation to our undertaking to look at article 22 for Mr. Hawes during the break. Okay. And so I wonder if you'd like to take that now. So if we look, yeah.

02:01

If we look back at it was your point one point 47. And

02:08

this has to do with the term relevant water costs. And you asked if that was sufficiently precise. Yes. Now, the thing to remember here, and Miss Mr. Hawes added concern they don't said that he was he his comment was, if his interpretation is correct, this would appear to be quite draconian with minimum protection afforded to offered to the property owner. First thing to

02:38

say. And that, of course, would take account of a good point. It's a good point of view is good point.

02:51

I am back. Can you hear me? Yes. can hear you now. Again, is it's good to be beneficial to turn your camera off. So that are you able to Yes, yes. Can you hear me now? Thank you.

03:06

Okay, though,

03:09

I can hear you Mr. Password.

03:17

Hello. Hello, Mr. Buffett.

03:21

I understand from Mr. Gregg that you are able to hear me, I can continue.

03:28

So Mr. Hawes raised the concern that this was draconian power, and about protection to the property owner. The first thing to remember is that article 22 two enables a property owner to claim compensation if they are if they are.

04:02

We appear to have lost Mr. passwords. time being.

04:07

Hello, back again. Yes. Hi. Thank you. My apologies.

04:14

So the first point was to say that in terms of protection for a property owner there is article 22, two and three, which relate to the payment of compensation. So they're protected in that way. And the second point is the parasitic point, which is that this is not the only power and the only constraint in relation to works to watercourses and to the river Rhine environment. And that is because we're only allowed

04:54

things within the order limits and we are only

05:00

allowed to do the things the order authorises? And so, anything we do is constrained by the requirements and constrained by the other restrictions of the order. So this is not an unfettered power, the overall works powers are constrained by the requirements, and therefore, there is a protection for the environment and of course, protection for the landowner.

05:28

Thank you.

05:33

Mr. Hawes, if you're still with us through so anything further you wish to add to that, or you attend to those response? Yes, yes, please don't mind. I'm reassured by the fact that it isn't open ended certainly been reading it first time round. It gives the impression that it is open ended and there's no constraints and how that applies. I'm reassured by that. It still feels

06:01

a little bit unfair in the sense that there's no right of appeal, but this is standard practice and willing to to, to let it go and move on from there. But what is it or is it sometimes compensation isn't really what people are after here? And clearly, quality of life and impact of lifestyle is equally important.

06:23

Thank you.

06:31

Anything further, you want to add? Not for now, sir. Okay.

06:46

Okay, then, if we can

06:49

move on to

06:53

see

07:00

if we can move on to Article 38.

07:06

I practice and rights of stuff tend to take us in startup streets. As I said, I think my thinking on this was to seek the views of statutory undertakers attending, but since we don't have any, I won't compare that to them. Is there anything further that tie was England's wishes to comment on this provision? And in relation to any discussions with

07:36

Splatoon sakes about this article is the best for

07:42

what you have a separate agenda item in relation to progress on steps common ground and protective provisions with Secretary Undertaker. So my suggestion would be that we pick that up there. I don't have anything else in particular to raise here just now. Mr. Mr. Jeffries will address you on that in due course. Okay, thank you. That's helpful. So let's move on then to Article 40, which is the felling or lopping of trees and removal of hedgerows.

08:15

And we asked the questions TCL 1.58.

08:20

And

08:22

responded.

08:27

And the big thing I want to pick up here is through in the response, it says this would allow the consent of the relevant planning authority to be sought to remove any additional hedgerows beyond those identified in part one of sheduled nine without the need to seek an amendment to the TCL. I just wanted to check with Northumberland county council, whether you have any comments on that is Robbie.

08:54

Thank you. I've no specific comments other than

08:59

to say regarding the timing of any of those works in terms of season seasonality, and

09:07

and the quality, the quality assurance relate to those works that will be undertaken in us in accordance with British Standard quality. Okay.

09:20

Susan I to quality. Mr. Bass, would you want to come back on that?

09:26

Well, you can explain whether that is relevant to this particular

09:31

article.

09:33

So the this is actually a point very like the one I just made in response to Mr. Hawes on article

09:44

22 because we are thinking here about a power to carry out works to hedge rows, which would be subject to approval by the relevant local planning authority. So

10:00

Northumberland county council here, and we would, and that power is parasitic on the works powers again, those words powers of constraint, of course, by the requirements, the requirements include the OIC camp. In a second, I shall refer you to Mr. JACK fenech, who is an ecological specialist at the consulting engineers, W. Sp, who advise highways England in relation to this scheme. And he will be able to speak briefly on the use of the British Standard, the extent to which that is captured in the camp, and also how quality assurance would take place if any hedge roadworks are undertaken. But the critical point is that, again, Article 40 is subject to the requirements. And so it doesn't get you around the need to ensure that you're complying with them. And the camp, which they secure. Mr. panic, perhaps you introduce yourself to the examination, and you would then explain your role, and then address the couple of points in relation to the bridge standard and quality assurance, and they're being secured in the camp, as I have indicated.

11:23

Yes, thanks, Mr. Buffett. And so my name is jack fenech. I work for a DSP and the environmental consultant on behalf of how is England as the applicant, my role has been bioversity lead for the one in Northumberland, North Carolinian scheme. And with regards to the matter that was discussed, and the British Standard is British Standard 5837, which describes the way that trees and hedgerows would be protected. And this includes protection of the root system. So where any tree or hedgerow is to be removed, and the works would be undertaken in accordance with with that British Standard. And that's captured in item s I five of the outline construction, environmental management plan the camp.

12:13

And

12:15

in addition, any hedgerow tree that is retained would also be subject to the provisions of into that British Standard, which would mean implementing suitable buffer zones are protective measures to ensure that that tree is is protected in situ.

12:31

That's really helpful. Mr. fenech. And I think just to remind you, sir, that it is that the decio itself and the requirements that it contains that the things secured by the requirements, of course, are afforded the force of law, because the decio, if made would be a statutory instrument. And so that is how we ensure the protection that Miss Robbie is seeking is properly applied to the scheme and all being well, that should address I hope has Robbie's concerns here.

13:09

This will be the ones come back on that you can send to this ones. Now. That's fine. I'm content with that response. That was a useful use explanation. Thanks very much. Thank you.

13:19

Good. Let's move on then to

13:26

shedule. One,

13:35

just page 35. So

13:42

the first item is in the preamble there.

13:47

And it's the reference to Section 115 to be

13:54

of the 2008 Act.

14:01

I think the previous iteration of the TCL.

14:07

The issue of the the footnotes was addressed.

14:17

Maybe that is the issue.

14:21

In actual fact section 115 to be

14:26

is

14:28

it seems to relate to

14:35

residential development.

14:39

I think is somebody misconstrue what the B applies to is the B of Yes.

14:47

Yes, yes, this is an unforeseen

14:51

consequence of the the opsi template which gives footnotes

15:00

At the same font size as the text, which they refer they're not, they're not elevated, as you might see in a, an academic text.

15:10

And so, that B is not in fact, the sub paragraph of Section 1152. It is, in fact, the footnote, which is down at the bottom there and refers to Section 1152.

15:24

itself. So, so what I suggest we do is we will have a look at the order of words there and see if we could separate the

15:35

footnote from the

15:38

paragraph number section, in order to avoid that mistaken construction.

15:48

I have just turned up on the screen the the article as you were speaking, and immediately looked at to be and had the same immediate response, but I, which means I fully understand the if we can address that we should. Okay, that that's helpful. And

16:09

it confirms then that you weren't looking to constructed dwellings, as opposed to

16:16

thank you. Okay, I've

16:20

had a few questions now on sheduled. One, which is the authorised development itself, and certainly don't need to go through all of the works, but just pick up one or two. Maybe just worth highlighting

16:36

that

16:38

work number five, a relates to Westview. And we heard from Mr. Moore collymore. yesterday

16:49

about the works that are proposed in the vicinity of Westview. That is the actual

16:58

work number that that is relevant. There's nothing I wish to pick up, specifically there.

17:06

Mr. basford? Is there anything you need to address this point in view of Mr. Moore's comments yesterday? Or can they all be picked up?

17:16

Following the discussion we had there before hearing?

17:21

I suggest that those are matters best addressed with Esther more and added writing rather than detaining you now. That's good. Yes, thank you.

17:32

Okay, well, let's move on then to work number 26.

17:37

quite some way down,

17:39

you're sure that I'm not going through them line by line.

17:42

So 26

17:47

and maybe

17:52

maybe there is in the tier two city to briefly look at the works plan as well. Well, Twin Cities construction of new maintenance access trapped the detention base. And this seems to commence from hectic cottage and not extend past the house to the basics 341.

18:15

And

18:19

seven, quite make sense to me what that work was trying to achieve, tend to miss the bus with if that's something you can address or one of your colleagues, you need to come back to me subsequently on that, we shall need to respond to you in writing, but the this is on sheet number 12 of 19 of the works plans. And as you rightly say the dumbbell for the extent of the work by Heche cottage is, is the extent in that direction and then on sheet 11 you can see that there is also the connection to the right of way down to broom house. Now, the critical point here is that access has to be available from the public highway. And the point that we need to check is that the stretch of the lane from the public highway, the the B road by hacking, which is a public highway, because if it is then we don't need to carry it any further works on there. And if it is not, then we can change that. The other thing just check here

19:43

is the land plan

19:47

which are being well is going to be a similar number.

19:52

The

19:54

well

19:56

with luck

20:00

Yes.

20:01

So if you refer to land plan

20:09

12 of 19,

20:12

you have that available. So just as

20:17

I think I can answer this, based upon the drawings from this point onwards, we'll confirm it obviously, in our written submission, I've got that you have that. So if you look, you can see that sort of T shaped arrangement at the foot of the page there and the pale blue colouring

20:39

and you can see there's an existing track within the pale blue colouring in parcel number 12 oblique three little a, yes. Now, that means that there's already a work that we don't need to construct any more works, but what we will do is take powers of access over the whole of the existing track and the new track that we would construct. So that is what is taking place there. Okay, that makes sense.

21:12

Okay, thank you.

21:15

So,

21:17

if we can move on then to work number 29.

21:24

And,

21:27

and this is 29. I think it is.

21:37

That's on the screen, construction of local access road linking childminders junction and DC linkle. Sorry, forgive me. So this is 29. Yes. Hi. I thank you. Sorry, I was just updating my notes there.

21:56

I very good. Firstly, just want to clarify that

22:01

in response to relevant rep o 22.

22:06

And that response was provided rep one Oh, 64.

22:11

And table numbers table one point 21 to two This was relevant from Robert John Fenwick thought

22:23

and the applicant stated the proposed East link Hall access road. Book number 29. I will provide access from Chalmers junction to the properties and agricultural lands East existing Awan continues.

22:40

My initial question is

22:43

because of the way

22:45

the font or the weights written in that response, just clarify isn't 29 I or 29? I.

22:57

And assuming it is 29, I

23:00

know that

23:02

pretty light, which is which is pretty nice. I is to the north of the junction. Yes. When Charlton Mo's junction and 29 out or to the south of the junction Now assuming it is 29. I, what we're dealing with here in either case, I think is the the represent tours comment that the relevant access road that they're concerned about the standard of its provision and maintenance. Yes, yeah. So

23:42

where is it and confirms that this road will be two lane and not a single lane with passing points? 29 i?

23:54

Where's it This is 29 i.

24:00

So,

24:02

that will be in the general arrangement plans? I think so.

24:09

So if you turn to very lucky that's turned up at exactly the correct page, but it does follow it is

24:20

sheet 50 of 19 and the general arrangement plans and you will see the passing bays are indicated on that drawing.

24:34

Page Number, cheat sheet number 15 of the general arrangement.

24:44

Okay.

24:47

And if you look north of the junction there you can see detention base base and 27. And then immediately to the north of detention base and 27 you can see passing day and then on

25:00

Paper it's about two centimetres in a sort of diagonally North westerly direction. There's another passing day. So you can see so that those are those are part of the design.

25:11

Okay, so

25:16

that's helpful. Thank you. I had a number of questions like this, all emanating from the relevant representations, where people wanted reassurance that roads were going to be provided as two lane carriageways rather than single carriageway with

25:40

lay bys and passing points. And so

25:46

I think

25:48

if I Well, I can probably avoid asking too many questions, specifically, because you've directed me to the general arrangement plan, which seems to be to a place to look. So that's good.

26:04

The status then of the general arrangement plan, does that provide adequate reassurance to individuals that the works will be carried out to their standard, if that isn't included within the decio?

26:21

And then just before you, you respond to that, and now Mr. Payne, you've got your hand up, I'll come to you shortly.

26:29

Okay,

26:31

so Mr. bassford. So the place to which to turn in relation to this I'm working from a clean version of the order is detailed design, which is a requirement three brackets, one on page 44, it should be on the same page on your version there on screen, sir.

26:52

Now, you will see their national just read from it. It says the authorised development must be designed to detail and carried out in accordance with the preliminary scheme design shown on the engineering drawings and sections. And then we have one of these tailpieces, about needing to have it agreed by the Secretary of State. Now, what are the engineering drawings and sections? Those are

27:16

defined in the definitions, which are on

27:24

page five? And

27:29

it is the document of that description. I suspect we may have a discrepancy between the general arrangement plans and that

27:42

that reference and so that is probably something that we need to need to address. Yes. Yes. Make sure the to marry I'm just checking sheduled 12 here.

28:01

Yes. So if you refer to page 125, the engineering drawings and sections for those are referred to

28:13

as

28:16

we have those in is 2.4. I think that is not the case. But I think what we want to do is to make sure that relevant provisions are captured,

28:28

accept what you say about them being within the

28:33

tokens be certified.

28:37

So we have a don't appear within any definition are not tied. Yeah, as you say, and requirement three. So I think I think we need to make sure that that that marries Yes, because obviously, there is a need to ensure that we are in accordance with those so far as necessary. So we will check that that's helpful. Thank you.

29:05

So,

29:08

I will just run through the other situations where this type of issue came up though, just for reference. So it was relevant rep o 24.

29:23

With the response

29:27

in

29:31

that one oh 64 states the Africans also confirmed new accesses will be provided to fields to the east and west of the existing a one where an existing access has been severed.

29:46

So this is separate points actually. What standard of access would be provided and how is this secured?

29:54

So this is at which locate do Forgive me sir. I was

29:59

still

30:00

extracting myself from fee sheduled? Well, this was item

30:08

its response to relevant Rep. 24 applicants respond site rep one oh 64.

30:19

And it is in response to

30:23

Paul grey.

30:28

And it's about standard of the access provided.

30:33

Yes. What standard of accesses will be provided?

30:39

I am going to, at this point introduce Mr. David Morrow, who is the engineering project manager, advising highways England, as he will have at his fingertips.

30:55

I hope, if not, he'll know where to look the

30:59

the relevant information about the standard of accesses that that are to be provided. Mr. Morrow, I wonder if you were just in mind before Mr. Morrow comes in, can I

31:13

bring in begin Miss Payne haven't done Mr. Penguin

31:19

yet. Thank you. So it was just with regards to the general arrangement drawing in our view of two that is the original general arrangement of drawing first submitted and therefore does not show the two lane carriageway that we've requested in in our response and has been confirmed to us that it will be delivered and will be achievable within the red line by Ws P and our direct correspondence with them. Prior to Christmas, that one. So we would be seeking a revised version of the general arrangement of drawing in order to demonstrate that the layout for works 29 I, and also works to East link Hall road are in line with what has been agreed with this as to how that layout would be, would be presented. So I think there's at least one revision of that general arrangement drawing to be prepared to give clarity and to demonstrate that there is that those road widths are as per what we've discussed. Yes, yes, Mr. Payments apps, let's say absolutely right. And I understand from my clients that there is sufficient room for two lane road within the limits of the order, and that this will be provided as a two lane road, which presumably also addresses the passing place. Question at the representable. Mister.

32:50

Yes, because we wouldn't need the passing places. If it was a two lane road. So did not.

32:56

Is that then confirms to us that that will be a revision to the generator enjoy. There needs to be a revision to the general arrangement drawing to be submitted.

33:07

revised. Yes.

33:10

Excellent. We look forward to that.

33:13

Thank you. That takes us forward. That's good. So since Mr. Smith, did you want to bring Mr. Mario in at this point? Or is the matter addressed?

33:25

If it is, if the point is about the eastlink, call, access, and so forth, I probably got that description incorrect. But if the if it is about that road, then we need to say nothing further, but if it is about field accesses that Mr. Morrow can assist, but I think we've addressed the point, we'll look at our notes. And if there is anything more to add, I think we can add that in writing.

33:50

Yes, let me just check again.

33:58

So, the response was in connection to this link called access road, the applicant stated that new accesses will be provided to fields to these the West with existing a one or an existing access has been severed. And it was about the standards of access to be provided. So this so I think that this addresses the point because it will be too late access rating. Good. Thank you. It's tomorrow was bad this time. Okay, thank you.

34:31

So, similar points. I'll just give you the names of

34:38

numbers of the relevant reps and perhaps you can check that everything is going to be updated on to the revised general arrangement plan. So there's a points from relevant pro 23. Matthew Thomas grey

34:55

can construction of local axes linking chart has changed

35:00

With linkable

35:02

and same points in relation to relevant nepo 34 Jill Mary grey West link farmhouse

35:16

rather than raphoe 2500. Riley, you access road to Blue 30 B will be single lane could permit two way traffic movements.

35:30

Similar point to be picked up.

35:35

rocker states will record 26

35:39

African responded new accesses will be provided to fields where there's an existing access has been severed. Same points we discussed earlier.

35:50

Relevant retrofits to change Douglas, and relevant we are post 36. Mr. Mrs. Kelly, and we

35:59

are sorry. Relevant Rep. Oh 40. Robin? True.

36:06

And finally, relevant. 37 kneeland. Elizabeth elder. So there's quite a few there, Mr. basford. That I think if your client could just go through the list of relevant reps make sure that everything is confirmed in terms of works to access is that picked up through general arrangement plans, which as you said, would then be

36:32

I think you said it could be linked in with requirement three. So hopefully that that's that's clear.

36:43

And

36:49

then the next points just wanted to raise in terms of works was

36:55

work number 29 L and 30. A

37:18

29. Our condo see points was making. But certainly 38 refers those 29 k sorry, and 30 a, there's reference there to realignments and resurfacing roads.

37:36

Mr. basswood can ask what's realignment resurfacing means and is that's something that's defined, is that clear to us? counsel, are they consent with that terminology? Is it understood what what is required? Those works.

38:01

Credit critical element here in terms of works is of course, the realignment, because this is presently not a junction which has a

38:15

that has the arrangement which is proposed. And it's it's again, it's the same sheet of the works plans. And it's sheet 15. And so it is making sure that the on and off slips on the

38:33

the

38:35

eastern side of the improved road will perform appropriately. So you have to realign the existing road. In order to make sure that we're taking sufficient powers we then go with the works as far back as we would resurface. And that's to ensure that there's no question about the works as a whole being sufficiently authorised. And so we include the resurfacing of those works would just be given their plain English meaning we don't need to define those or use particular terms.

39:08

Mr. Payne obviously was about to comment on this as well. Thank you.

39:14

Yeah, looking at those two particular work items,

39:19

that the specimen said, we understand the terms in relation to the works in a sort of engineering day to day basis as to what's required, as shown in the general arrangement drawings and subject to the detailed design as well.

39:33

Okay, thank you.

39:40

Just a couple more comments since this agenda item. So

39:49

moving down towards the end of sheduled one,

39:54

I think is

39:57

page 43.

40:04

Yes work you

40:07

establishment of site construction compounds, which is clearly covered here

40:15

as a catch all elements at the end of the list of works. And

40:27

our question DCR 166 asked, Why construction compounds are not part of the list of numbered works. I always respond to a site construction compounds have not been identified as individual works as their temporary nature.

40:46

That's a clear distinction except that, but in other gcOs, they have been given specified numbers works, including in

40:58

other highways, England's vcOs.

41:02

So why wouldn't it be appropriate in this scheme to number the works is the past when we have to have to ask ourselves, why one would do that. The The, the point is, whether it is apparent what the DCR authorises, and it is apparent without having to number them. So it's, it simply is unnecessary. If, if you consider it to be helpful to do so, we can do so it it just isn't necessary as a matter of drafting practice, because it's perfectly apparent what is intended from the from the various papers that are with the application and certified.

41:47

Okay, I'll take that away and think about it because Mr. Pin turns is obviously,

41:54

obviously we want to satisfy you, sir. So if you feel it is necessary, we can do so. But as a matter of drafting practice, it isn't necessary, but that you are the inspector, you're the one making a recommendation. And

42:10

I suppose my query goes back to why then it has been done in other cases, that maybe you can't answer that without looking at those. But I can probably say without much fear of contradiction that it will be a drafting style and gcOs are

42:31

different people approach them in different ways. So So depend upon the draughtsman question. Okay, thank you. And that final elements of this shedule item next on that list at the bottom of the page

42:47

Midas

42:50

I think CCTV is well understood is

42:56

what that's abbreviation is my this may not be as clear Can that be set out in full?

43:05

Yes, it can.

43:09

And would you like to explain what it is for those of us who aren't entirely sure you'll be familiar

43:16

with in person hearings where a yellow post it note is at this point from behind to an advocate at present the electronic equivalent of you can tell I'm filling here

43:29

the electronic equivalent of a post it note should be being passed to me

43:46

do this because all guess I suppose Yes.

43:52

Is the swan Yes, it is a motorway incident detection and automatic signalling scheme. Thank you very much.

44:04

For thanks for various you will note that highways England and dmrh very much like acronyms as opposed to abbreviations they do like pronounceable abbreviations like Midas so that is what it is. Yes. Okay. Thank you. That's helpful.

44:25

And then the final item under this assign points in this agenda item. And you've already touched on it is the password sheduled nine, which is documents to be certified.

44:40

And within that list, it is right at the bottom.

44:46

The last shedule.

44:51

Let's keep going on five issue there. Yes.

44:56

All the way down to the bottom of the page is the document

45:05

Sorry, if I go wrong, this isn't

45:08

shedule, nine

45:11

to 12? Well,

45:14

this certification, page 125.

45:19

Thank you,

45:28

Brother, I think.

45:30

So.

45:32

My question about this really is

45:36

should the outline camp

45:40

and the construction traffic management plan be certified documents, then

45:48

outline camp is there at the one two, third entry on that page?

45:57

A ctmf. may be a it may be as it is a doctor document of the of the camp. But we can certainly look to include that. Thank you. I've got further comments questions on the

46:19

construction traffic management plan, which we'll come on to shortly. That's helpful and spotted.

46:27

Okay, so that's completes item two on the agenda,

46:38

which was articles and schedules t Co. Apart from those items, which can be dealt with subsequently. So unless anyone has any comments or questions on item two, let's move on to item three, which is article 16 and sheduled. For the decio. This is the one that relates to permanent stopping up streets, public rights of way and private means of access. And as set out in the agenda

47:11

to begin with by asking Northumberland county council to explain and expand on its response to

47:22

question decio 144

47:26

which was grep. One Oh, 73. And then I'll ask the applicant to respond.

47:37

So

47:40

yeah, to begin with, so yes, I'm just looking at our response, and stands that the first point article 16, to be has been amended in the latest version. And I think there was a query with regards to the term stopping up. And the term extinguished. Having reviewed that and review the applicants response to then we're satisfied that you don't see extinguished

48:07

is the correct term in this in this instance, colleagues that will come to me on it, we're very much on that sort of streetwork side of it, rather than the wayside of its confusion

48:20

on the drafting of 16, and the shedule, as we've already mentioned, the road classification numbers

48:29

to you, and there will be amended accordingly.

48:35

And I will pass

48:38

we are still in discussion with the terms of the extensive of stopping up and understanding what those mean and what happens under the stopping up powers as to where sections of local road etc revert back to, and we've got another meeting with the applicant next week to to further

48:57

enhance our understanding of, of what will actually happen in respect to that. And what forms part of future the future highway be IRn or SRM

49:10

in in conjunction with the other sort of plans in the landscaping, etc. And we're obviously we've got a little bit of a better understanding, since we prepared that response

49:21

of the stopping ups, etc.

49:24

But again, we'd like to say we've got a meeting next week to just further understand that the practicalities of that on the ground. and subsequent to that, any amendments that we may see fit will report upon as, as required. And I will, I think that covers everything that I was looking at in terms of the sort of the stopping ups, etc. I'll pass on to my colleague, David Brooks, who's in the meeting to comment on the rights of way Ireland in response to Article 16. Thank you. Thank you.

50:00

Hello, sir, yes. Can you hear me? Yes, I can. Thank you. Yes. And what was your specific query on on the rights of way?

50:12

At this stage? I'm, I'm thinking I mean, I have a number of items, which appear to be unresolved between yourselves and the applicants. And I was looking for a general overview of what items remain outstanding. Okay, maybe that's because, as Mr. Payne has said, further meetings or plans that we don't need to get into this too much in detail today. And let's move forward to

50:40

either written submissions or another hearing. So just a brief overview be helpful, I think, just confirm whether outstanding matters. Yes. Okay. Thank you. So, yes, you're quite right. Since these comments were first submitted, there has been significant

50:59

changes made. I held a meeting last week with the consultants W. Sp, where we went through the proposed changes, I have never had time to look at the latest version of the earth decio, published in February 2021. And the vast majority of the comments that we had made in relation to the public rights of way, have been amended.

51:29

And there are no real outstanding substantive issues

51:34

that remain between ourselves and W LSP.

51:40

There are just a few very minor typos in the latest draft of the decio. But I'm quite content that we can just forward those detailed comments to W. SP. And they can be included in a later version of the decio.

52:01

But as I say, the main substantive issues have all been covered covered. don't really think unless you want further explanation, that there is any need for for detail at this stage.

52:15

Thanks.

52:17

Because you have further meetings, plans, and dialogue is ongoing. That's a good sign.

52:25

There's no need to calm down in detail now then.

52:30

I will

52:32

look to review that when you receive the further information. And we can come back if anything still outstanding. Yes, that's okay. As far as the county council is concerned, that sounds a sensible approach. Thank you for Thank you. Just the best for you consent with that. I'm done with that. So yes, thank you. Okay, that's great. Thank you.

52:54

So

52:57

I think then, we can probably move off from item three

53:03

wasn't as extensive this stage as I thought it might be. So that's good.

53:10

If no one's Any further comments on item three, then we'll move on to item four, which is sheduled. To the decio requirements.

53:29

Sir, Mr. Michael, Greg will

53:33

address you in relation to this part of the DCA.

53:38

Thank you very much. Mr. Buffett. Welcome, Mr. Gregg. And good morning. Can we borrow an afternoon, actually? afternoon now? Yes. Can we begin then, if you want to make any general comments regarding the proposed requirements?

53:55

As it sets out in the agenda particular focus on requirements three, four and five. That would be helpful. Thank you.

54:04

Yes, certainly, sir. what the requirements are obviously a standard part of a decision.

54:13

And really the form the equivalent function to two conditions on conventional grants or planning permission.

54:22

We've already touched on requirement three

54:27

and essentially requirement 360 condition constrain

54:33

the nature of the development which can be constructed to the design shown within the relevant drawings.

54:42

And as we've touched on, we're going to look at whether that needs to be amended to include general arrangements plans, as well as the engineering drawings.

54:51

requirement for requires the

54:57

development to be conducted.

55:00

In terms of construction environment management plan,

55:04

and no part of the development can commence subject what we already discussed in relation to what the definition of pins means.

55:12

Until the finalised, Kim has been approved in writing by the Secretary of State

55:20

and that finalised camp has to be in accordance with the the main camp, which as we just touched on,

55:30

is it's a it's a development set that is a document which is certified in terms of

55:38

of sheduled 12.

55:42

regulatory requirement for also sets out the videos component elements, which required to be included within the camp. And that has been added to in terms of the various iterations of the DCU. So far, and you can see them there sir. In terms of requirements for two, paragraph D.

56:05

We then also have in requirement five, the landscaping requirements. So again,

56:13

before the development commands, there needs to be a landscaping scheme

56:21

approved by the Secretary of State. And that landscaping scheme requires to reflect all the mitigation measures which are set out in the React which again forms part of the outline camp.

56:33

And given the specific nature of this particular development.

56:37

Within requirement five three, we could ask specifically what specific

56:43

sub requirements for what needs to be in the landscaping scheme. In particular,

56:49

competition compensator II woodland planting for the ancient woodland element which we lost. And that must be based on the ancient woodland strategy, which again is a defined term earlier on.

57:04

Then we've got a series of fairly standard type camp as a standard type requirements which follow similar wording within other developed consent orders for contaminated land ground water, protected species, drainage and archaeological remains.

57:26

We've got a specific requirement and requirement 10 in relation to the skin protection videos listed milestones, that's a very much a scheme specific requirement, taking into account the existence of these stones within the within the order limits.

57:46

And then requirement 11 requirement for traffic management plan, which I think we've touched on already.

57:55

And a site specific element

57:59

terms or requirement 14 for a specified footpath at the Riverside. And then part two, we've got the mechanism for discharge of requirements. And in this case, it's been done in line with other

58:17

highways England type D seals, requirements procedures with the Secretary of State. And so again, that's very much for what was preceded process

58:28

in numerous other high V sdcos. With the application is going to to the Secretary of State, and the mechanism for Secretary states require further information to be submitted should not be necessary. So that's a general overview. So that's very helpful. Mr. Gregg, thank you very much for that leads nicely into the detail questions ahead.

58:53

If we can go back please to the start of this shedule to

59:01

quirements one, which is interpretation.

59:04

And

59:07

Firstly,

59:09

the European protected species

59:15

has paid the definition has been updated to the 2017 regulations, which is something we've raised in leading questions.

59:28

But I don't think that the reference to the paragraph numbers has been updated, I think

59:37

currently shows 40 and 44. And I think in the 2017 regulations, that is 42 and 46.

59:50

If you can check that I mean yeah, yeah, we can check that obviously update as necessary. Yep. Okay.

59:56

Let's move on then to require

1:00:00

Three.

1:00:06

I'm going to address this more, as you'll have seen in the agenda for issues specific hearing two on Thursday, the whole issue of the design.

1:00:20

But I want to ask

1:00:22

about this requirements itself. How does it address design quality?

1:00:31

Including paragraph 433, and footnotes 63, of CNN. Sorry, then national networks, national policy statements, and then NPS.

1:00:47

Can you give me just an overview, has that been taken into account? Well, it just been lifted as a requirements, it has been taken into account as set out and the answers to the questions or occurrence the the general development of the scheme.

1:01:05

It hasn't been taken into account for like in terms of the

1:01:09

specific wording of this the requirement. But clearly,

1:01:15

these elements would need to be would be taken into account in terms of the general design of the schema as brought forward by the applicant. Okay. I mean, I don't want to push too hard on this. Now, I think what I'm doing is flagging this that this needs to be thought about for Thursday, because I,

1:01:39

as an example, another highway scheme, the a 14, there was an additional element of detail design inserted into that, and a lot of debates about design quality. So as far as articles, sorry, requirement three is concerned.

1:02:02

Our position is that is not necessarily the finished article at this point. So we'll come back to that on Thursday.

1:02:11

That's the general general point.

1:02:15

just picking up on what we spoke about earlier with Mr. bassford 10. So he refers to engineering drawings and sections should refer to engineering section drawings.

1:02:33

And because that's the, what's shown on title page, rather than engineering drawings and sections

1:02:44

I don't think the drafting is as tight as he could be, the terminology just needs to be tightened up on this. Obviously, we can have a look at that because clearly, the the idea is that the list of certified drawings in sheduled 12 should reflect the names of those drawings on the plan. So we'd obviously check they were the same. So again, sheduled 12 of the measurements, the first two engineering drawings and sections which is what's referred to and common three, so if that can be picked up and grateful

1:03:23

Okay, so let's then move on to

1:03:28

requirements for

1:03:32

and you've given a brief overview of this

1:03:41

but I think

1:03:46

I'd like to understand how

1:03:50

the construction environment management plan a camp the outline camp relates to other documents of control

1:04:01

and

1:04:04

how it relates to

1:04:07

some of those documents which are listed in to be

1:04:12

fi

1:04:15

why the React is not a separate documents

1:04:19

where any landscape environmental management plan fits in

1:04:26

and where the landscape

1:04:30

but Leslie landscape with mitigation plans to later because that's under requirement five but if you can give me a general overview of the camp as set out Well, yeah, the camp involves

1:04:48

like to get the campus a I feel like a parent document.

1:04:52

I think that was the phrase I think Mr. Password. Use previously it's It comprises a variety of

1:05:00

different documents, which effectively as was form appendices to it, and are listed within t. So all of those documents form part of

1:05:10

the camp. And similarly, the riak also forms part of the camp. So they're all the same thing.

1:05:19

Why is the React not separate from the camp, as in other highway Indian schemes.

1:05:28

Once it's still, it's it's all it's all still part of the same, the same document. It has its own status in the sense that react is a defined term.

1:05:41

And there's a requirement for or for the mitigation measures within the react to be met in terms of the camp. So, it all does fit together as

1:05:57

as a whole and ensures that the over mitigation measures which are

1:06:05

initially

1:06:08

come to light within the within the ies and are then Seto within the reorg, or need to be

1:06:17

or need to be delivered in terms of the camp and in terms of all the other requirements within the church.

1:06:27

Okay, so Mr. Mr. Greg, is absolutely, it's important to think about the camp and the riak, as marching hand in hand. And the rear contains the specific environmental measures, but it is,

1:06:46

it is a register, so it is part of the camp. And it's another one of those points where it's a drafting approach. And our view is that it is better to have one living documents than a plethora of documents. Now, the wreck involves some strategies being worked up in due course. And those include the various plans that you can see listed there in item two D. And so those will eventually come to life as the D.

1:07:20

This is the structure which was accepted by the Secretary of State only last month in relation to the one Berkley to help house improvement scheme. So, it is a structure which is acceptable, but there are different drafting approaches, as I said, in other contexts,

1:07:36

okay. And yes, I mean, I have certainly seen different approaches,

1:07:42

in different PCs and different approaches and different powers, England, the CEOs, but

1:07:50

and

1:07:52

I think

1:07:54

through the way the campus set out to the moments, as

1:08:01

have the sections to begin with, and then the riak comes as table 3.1.

1:08:09

And it covers

1:08:13

about 140 pages. And then there is reversion to further text beyond that. And just as a document to manage. That seems unwieldy to me. It doesn't, it's not an easy document to get one's head around. And then we'll come into the detail of that in a moment. But

1:08:40

on that basis, if the React was taken out of the camp, I think the camp would be fairly limited.

1:08:49

Other schemes seem to have a react, a camp, a Lemp

1:08:53

landscape environmental mitigation plan. And then landscaping strategies of some sort. As you said, the landscaping is dealt with under

1:09:04

requirement title, we'll come on to that. But I think there's a lack of control here that deals with other environmental matters.

1:09:15

And I've, I've seen somewhere this suggestion that's highways England doesn't normally produce lamps during the application stage or examination stage and they come late, although that's not entirely

true GPS can influence five junction eight, so junction 10, projects had a length within it. And it comes down to the level of detail is provided upfront to reassure interested parties that the commitments are there. So essentially what I'm saying on all of that is the high level I think the structure does need looking at again, and it's here to convince us that

1:10:00

If you want to retain the structure, why you should do so. Or if you want to change it, then please give reasons for doing that. Well, actually, it's not that way around the Secretary of State approved something of this form last month, this is acceptable in our application.

1:10:20

And you would have to find that this was so woefully inadequate to protect the environment as being appropriate to grant the development consent with it in its current form. The Secretary state was perfectly satisfied with it, and the suspect was satisfied with it on Berkeley to copass scheme. So we know that it is acceptable in this form. And this is the same team that promoted the Berkeley to coalhouse scheme. So we need to understand from you where the substantive problems are. So where the there was a lack of control. So you mentioned the landscape plan. But we are not we do not understand from you or from any objector that there is any suggestion that the landscaping proposals are substantively inadequate, which is to say that there isn't a suggestion that the mitigation doesn't work, or that the landscape and be harmed.

1:11:24

Okay, well, we'll come on to the detailed landscape plan on Thursday,

1:11:28

as in the detail, the principles i'll come on to in a moment. And

1:11:37

I accept that the Secretary state is accepted and other examining authorities way of doing things.

1:11:45

Each case is different as you recognise, Mr. bestfriends. And when I look at this, I can see that it doesn't fit in with other

1:11:56

countries, I've seen

1:11:59

it, I don't think it is that helpful for people having to read it and having to follow it. And that was my point. Let's go into there is no, there is no object there is no objection. So people, which is to say, the local planning authority, who will have to be consulted on it, and the Secretary of State who will have to discharge it are content with it.

1:12:23

Okay, let's pause. For now, I don't even concern that they'll be they'll be critical stakeholders.

1:12:31

Okay, yeah.

1:12:34

Let's go to the React then.

1:12:37

So,

1:12:40

can you take me through the React please, because as far as I can see,

1:12:46

and it's all table 3.1 or 140 pages of it? What does the referencing column one mean? So what is s I one, I get that I, I think relates to landscape What does this mean?

1:13:04

So, it isn't necessary to have a meaning for a letter, it is simply that there has to be a unique reference.

1:13:14

And s in these circumstances refers to it being a scheme wide matter so to scheme wide and landscaping. So that is its unique signifier for the relevant provision. And then if you were to scroll on your later find that there are other

1:13:34

items which are prefixed with letter A, and that refers to Part A and B, which refers to part B.

1:13:43

That is, that that is the it is simply a signifier. It could be a number, it could be numbered in numerical sequence for one to have a high number it was or they could be

1:13:57

alphabetized. But it's just the relevant provision.

1:14:05

So II, S is scheme wide for that that's it doesn't come through in reading it's a one one has to observe that the table is divided. So that is set out at the head of the table.

1:14:26

Okay, let's

1:14:29

so table three. So the first one is this, it's in relation to the scheme.

1:14:49

If you refer to the switches

1:14:54

on PDF page three of the camp

1:15:01

See that the rack is divided into three tables rather than being a single table. That's just a navigation.

1:15:18

page three of the, it, it's the, it is the knops that numbered page three, it is the third page of the PDF.

1:15:28

The page was

1:15:31

there your tables See?

1:15:35

Yes, yeah. Okay, so a lot easier for me to direct you to the contents page than it is to flip through and actually find the individual headings for the tables because of the length of the document.

1:15:47

You see that? That's my point. I don't think it's a very accessible documents for people to find out whether the commitments that you have set out elsewhere within the environmental statements and other documents, whether they transfer to the React.

1:16:06

I'm not sure I follow, sir. Okay, well, let's move on then to

1:16:13

this specific point I had on this, which was

1:16:37

so if we look at the environmental statements,

1:16:43

and is a fairly random

1:16:47

reference, I was looking at table 9.3, Part A cheese documents, a ppm 48. So in general terms, that's the chapter that deals with ecology, biodiversity. So within that table 9.3 there are measures

1:17:10

which are referenced tm, which delivery mechanism process, and tm, which is ecological mitigation, or design.

1:17:20

And then table nine point 12,

1:17:24

which covers designing mitigation measures and their delivery mechanisms are p.

1:17:30

f, and so 14 line that has references EC, h, b, and b.

1:17:37

When I look at what those measures are, where do I find them within the react or the coastline construction management plan?

1:17:50

I will have to take that away, sir. And if that isn't, isn't clear, then we may very well take your point. But I don't have those documents immediately to hand

1:18:03

at speed. But for my note, this is table nine point 12. In part B of the environmental statement, yes. And then it's a matter of making sure that the references there are accurate and that they are to the relevant part of the reacts we can follow those through and 9.3 of party my point three of part A.

1:18:29

Okay.

1:18:31

Just going back to the to react itself. I am told however, that the relevant provisions will be found on page number

1:18:45

148 of the

1:18:50

camp.

1:18:59

So this is part B, obviously.

1:19:02

So the page 148 starts reference b, p two five.

1:19:16

Okay. But

1:19:20

how

1:19:22

is that reference BB two, five, covered in the s in that table in the s that's what I'm not clear about.

1:19:36

Now, they the two should marry. So what what we will do is we will provide you with a worked example so that you can you can see out how these operate and to the extent it doesn't work, we will we will make adjustments to make sure that it does. Okay. Thank you. So that said there's also within the fourth column. It does give a source reference Richard the

1:19:58

React measures

1:20:00

helps. Well, it does. But

1:20:06

is the wrong way round, though, is it?

1:20:09

What you're looking for is that is to be able to see in the chapter? Yes.

1:20:18

But the reference can be picked up. So there's a person reading the environmental statement with no art rights, this is item B, whatever it is, if it's item B, and I'm in Section B of the s, I refer to Section B of the react, and then I'm able to read find it readily. So that I think is your point. Yes, there needs to be a crossover between the environmental statements and the

1:20:48

fact that it may be that this is something that in instead of dealing with isep. I think whether it's a separate document or not, is is not the key point. The critical point is that someone, let us say, you were a new planning officer coming to it. in Northumberland county council, you would want to be able to find the relevant information. And so when we look at page 14 of the Kemp, which introduces the react, you'd want to see the instruction manual there for its operation. So if I'm, if I'm looking for it, it doesn't matter whether we separate this out into a separate individual document where it's here, the instruction manual should say, I'm looking at a part B chapter of the environmental statement. And so therefore, it's either going to be a scheme wide commitment, or it is going to be a heartbeat

commitment. If it's a part D commitment, I should then turn straight on to the relevant part of the React which would be table 3.3, as opposed to 3.2 or 3.1.

1:22:01

That's right, I think

1:22:03

some form of instructions would help. And there are various subheadings within the table,

1:22:10

or tables. And so design starts on page 15. Then the next heading I think starts on page 34, which is pre construction or construction measures. Again, I just didn't find it easy to work my way through.

1:22:27

I think given the number of headings and sub headings, and sub sub headings, there are, I think, yes, a navigation section here, I take your point about things being specific to a given scheme. So the Berkeley scheme is shorter, this is a very long scheme, and stretching as it does all the way from

1:22:49

multipath to L engine. And so therefore, there are a lot of measures. And they're split over two sections plus the scheme wide elements. So from that point of view, to be able to get into it in the circumstances of this scheme, I can see that that's that's beneficial. So let us take that away and see if we can work up a signposting navigation type section to go into this part of the document, which will then help the reader to get rapidly to the relevant sections. So that the our imaginary new planning officer is able to find the relevant point as quickly as possible, or a member of the public who happens to turn it up because they're interested in it as well. Thank you that would be helpful and bodies like the Environment Agency who

1:23:39

I know are here.

1:23:42

And they will want to be reassured that they can find the evidence they're interested in quickly as well. Miss Bolton, I have frequently worked on schemes in order to ensure that things are clear and work properly in order to protect the environment agency so so any comments that they are able to feed in here would undoubtedly be valuable. Thank you.

1:24:09

Okay, that's

1:24:13

it.

1:24:18

I don't spend too long on this, but I'll just pick up a few of the points.

1:24:33

How does the proposed ecological or environmental management plan which is measure e c? 15.

1:24:44

Table 912 chapter nine, Rp.

1:24:50

How does that how is that captured within the outline camp or the react?

1:25:01

Again, maybe, maybe don't answer that now have a look at that as an example.

1:25:08

So

1:25:12

I think yeah, I think there's what was it dealing with is a decio, which is in a state of evolution. I don't think that the current iteration hasn't quite caught up if you like, with that particular document. And so the intention would be to pick up on that within the next iteration.

1:25:33

We need to probably think about where the best place for that would be. Whether that would be one of the management plans that's referred to within requirement for two D, or whether it's better to go within requirement five, I think we need to be a bit of consideration to that. Yes, I mean, related point is how does that ecological or environmental management plan relate to the landscape mitigation master plan? Well, exactly. So I think that that's something which I think we need to reflect on to decide what's the best way from a drafting perspective to capture that, so that

1:26:11

that that document

1:26:13

is reflected within the requirements in the same way that it currently is within the cab? Yeah, the landscape mitigation master plans give them much more priority in the in the decio. It's got its own definition. It's got its own requirements. And yet,

1:26:33

it could be argued that the ecological management plan is as important if not more so and should be given equal weight. So I think that sort of thing needs looking at as well. And maybe they need to be combined. But I'll leave you

1:26:48

to think about those.

1:26:53

And then coming up to half one, but probably just about finished with

1:26:59

requirements. For two, let me just check the

1:27:05

number the points to raise on this.

1:27:14

Yes, requirement for states that the camp must include the construction traffic management plan. Now, requirement 10 deals with the traffic management requires a traffic management plan to be submitted and approved by sector stateful in consultation

1:27:32

and

1:27:36

is in so to refer to the construction traffic management plan in requirement for

1:27:46

is that something different from what's referred to in requirement 10? thing? Again, there's a lack of clarity there, I think.

1:27:58

I think we probably need to look at that as well. So

1:28:04

I think we can aim to consolidate that to make sure that we've not got duplicative provisions, and it may well be that we consolidate into requirement 10. The critical point, obviously, as you all know, servers that the the ctmp is secured and that it's applied by requirement, and that it refers back to the draft the OSI TMP,

1:28:33

like we have an old camp, and so that tells us that there should probably be a sheduled 12 reference as well.

1:28:42

Yes, thank you.

1:28:45

Yes, I think there's a few things to pick up there. The at the moment, I think the the

1:28:54

there's a reference to the ctmp being a finalised document, just trying to find out where that is,

1:29:04

rather than outline and I would have thought that that would have been something that should be subject to further consultation

1:29:10

and

1:29:13

crime requirements 11 as well, no parts of the authorised developments

1:29:19

to commence until the travel management plan has been submitted to the SEC to states.

1:29:30

Why don't I guess the question is, why would the Secretary of State need to approve something if it's finalised already, so I think

1:29:39

something around whether or not that plan is outline or finalised, it'll be addressed.

1:29:48

That's probably it's

1:29:53

and then the definition

1:29:56

of ctmp

1:30:01

Should it be defined as outlined ctmp means a document with that description sets out in shedule 12 tokens to be certified.

1:30:14

And if that can be taken on board.

1:30:19

So I think just rounding up then on

1:30:24

that I have raised in quite a number of issues, some fairly detailed, some more strategic and on requirement for and that's the only requirements 11 thing that that covers all of that for now. I've a few more, just a couple more

1:30:48

questions on the requirements.

1:30:52

And then we'll move on to item five on the agenda. So we'll do that on return. It's now 131.

1:31:04

As we set out this morning, Mr. Pinto indicated. We're looking to adjourn now until 230. And then the final session will be 230 until four o'clock if we need it, but I've not envisaging it will take all that time.

1:31:23

Can I just check with my colleagues? If there's anything else I need to raise before I adjourn? Lunch?

1:31:33

Just

1:31:35

enough for me just just that

1:31:38

everybody just needs to remain with their connections open with their microphones and their cameras off please. Thank you for that.

1:31:48

Mr. Pinto.

1:31:49

Nothing from me either. Thank you very much, Mr. Gleason. Okay. So on that basis, I'll adjourn the hearing now. And we will reconvene at 230 Thank you very much.