

TEXT_ISH3_Part2_A1iN_Session1_22042021

Thu, 4/22 11:41AM • 1:26:57

00:07

Good morning, everyone.

00:10

I hope that you can all hear me clearly.

00:15

Miss Breton, can you please confirm that you can hear me in depth the live stream of this event has commenced, please, I can hear you, Mr. Pinto, and I can confirm that the live stream has commenced. Thank you very much for that confirmation. The time is now 10pm. It's time for this human to resume. This is day two of the issue specific hearing three into environmental matters in relation to the application made by highways England,

00:51

excuse me.

00:54

For the a one in Northumberland

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enik. To ailing Jim. My name is Andre Pinto, and I am member of a panel of inspectors appointed by the Secretary of State's.

01:07

To examine this application. I am joined by my fellow inspector Kevin Gleason, who is the lead member of the panel. And together we constituted examining authority.

01:19

I understand that there is no one attending today's session who has not attended in an earlier hearing. But if this is not the case, please indicate now and I can provide a more comprehensive introduction.

01:37

I'll take that as

01:40

that being the case. So

01:43

everyone has attended a previous session. So I will continue on that basis. As we have no additional attendees, I can simply confirm that the same preliminary comments made at an earlier hearing in Early Hearing supply. Consequently, we can dispense with federal introductory comments. As details of people wishing to speak or provided at the start off the hearing yesterday. There is no need to ask people to reintroduce themselves now but I will ask that they do sell the first time that they speak this morning and during this hearing.

02:21

Therefore, before moving on to item six on the agenda, are there any other any matters arising which needs to be addressed immediately pertaining to the previous item of the agenda? Or the introduction?

02:41

I'll take silences No, I can't see any hands raised. So in that case, we will now move on to item six, transport and traffic which will be led by Mr. Gleason. Mr. Gleason.

02:58

Thank you, Mr. Pinto, and good morning.

03:02

So item six, the first bullet point we're going to consider is as follows. It's considered the outstanding matters in respect of the outline construction traffic management plan.

03:16

And I'd like to begin by turning to documents, rep five oh 15

03:23

which is the statements of common grounds between the applicant and

03:29

counsel.

03:33

This section 14 which covers the construction traffic management plan.

03:56

Okay, so,

03:58

under that heading, we have

04:02

10 matters which are identified as remaining under discussion.

04:08

I'd like to ask the applicant and counsel just to provide a brief overview of the position for each of those, and the likelihood the rest resolution for the entity examination.

04:21

I'm not expecting huge debate on this. I just like to understand where discussion has got to and that things can be hopefully resolved. or alternative though there is a fundamental disagreements, least that's can be identified. So from the applicants point of view, Mr. passwords, are you there and able to begin this please. Good morning, sir. Thank you very much. I suggest that the most time efficient way to deal with this as I just say in summary, we provided an updated draft of the

05:00

ctmp I believe on the 15th of April to Northumberland county council, or thereabouts. They, it is with them. And our objective obviously is to satisfy them as much as possible. It is therefore probably easiest for you if they take you through the points here. And then we respond to them rather than me saying, we think everything's fine. And then simply contradicting. That's very helpful. Thank you for Mr. passwords. So Miss Robbie, are you able to tell this was one of your colleagues? And it's probably best if Matthew Payne deals with within in detail if that's okay. That's fine. Thank you, Mr. Payne. Thank you, Mr. Gleason. Yes. And, as you say, we've gone through the revised document that Mr. Bester says comes come through, we've just had confirmation from our st. Works coordinator, the sort of the final outstanding matter in terms of stuff that we hadn't discussed in detail at the meeting was acceptable. So in broad terms, all those items in Section 14 under discussion we've discussed previously, as agreed to the points made, obviously, we've just want to once once the next version of the ctmp is issued at the next deadline, then obviously, we'll make the final comments. But certainly, there's nothing outstanding, as far as we're concerned in terms of what's being presented to us in previous meetings and discussions and meeting notes.

06:32

That causes any particular concern now, but they say, well, we'll wait for the next few, like the final version is to just to make the double w Sure.

06:42

Okay, that's helpful. That's a good summary. Thank you. So I mean, in looking through those items,

06:51

turn off and it struck me that most of them will capable of resolution through providing a bit more information and clarification and just agreeing the way forward. So we'll think maybe one or two, which appear to me to be a little bit more fundamental. So if we could just highlight on those

07:14

seven day working during the works, how its presented.

07:21

Yes. NCC suggested coaching seven day working subjects are the factors and the applicant disagreed.

07:29

What's the position from the county's point of view on that? And at this stage?

07:36

It was it was something that we suggested encouraging, you know, we would have had no objection to seven day working, but often in those further discussions that we've had with the applicant, we understand as to why

07:47

factors that prevent them from doing seven day working.

07:52

So, and obviously, that will be further refined as the design and construction partners take over the

08:00

project should permit should be granted. So it would be a case that if there are particular

08:09

types of construction projects, that required seven day working weekend closures, that type of thing. You'll negotiate those on each individual basis, as principals have said, Yes, yes. Okay. Yes, absolutely. Yeah. We've had a detailed discussion about you know, how to minimise potentially minimising weekend foreclosures, because we have issues of the past with foreclosures with the gay one.

08:35

I've seen sensitive times summer, etc. can stand. Certainly in the in the revised plan, there's certainly an agreement, the construction partners will will be in dialogue with us constantly, things choking.

08:49

And then, I think just the last two, so be 14.9 14 point 10. Just

08:56

look at those. So 14.9

09:03

impacts of organising formal diversion traffic,

09:07

showing the works. And the particular concern was traffic using va 697 through long calls and long fremington which is something

09:21

I know you've highlighted previously. So I can see there your comments and the applicants reply.

09:32

Are you close to agreeing on what happens there? Absolutely. And certainly in terms of what was in the dial and aren't allowed to put on in terms of variable message signings to vmss, we've got a better understanding of what can and can't be installed on there. Obviously, we've got the traffic flow figures from there, set construction, set and model,

09:56

what kind of vehicles numbers that we're looking at which will be useful for

10:00

For us in potential dialogue with stakeholders moving forward, especially for local parish councils, etc.

10:08

And I think the key thing for us is, is making sure that the, the contractor is agile to any issues that occur for which we further assurances from them that that is what they'll do. So that, you know, if there is a problem early in the construction period that does impact on the 697 that they're quick and agile, working with us to try and resolve those unforeseen events. Yes. Okay. And that ties in with the next point about concerns on villages, impacts on villages Chang diversion route so that that's fine. I understand his opposition. Yeah. Okay. Thank you very much, Mr. Payne. So Mr. password to want to come back and any of that.

10:52

So, nothing more to add safe to say we're continuing to negotiate with North American Council whereas I hope I adopt again t crossing stage and very much the impression Mr. Payne has conveyed to you working together in order to ensure the impacts mitigated through the CNC ctmp

11:18

is the method that is being pursued. Just to note that, of course, it is in highways England's interest to make sure that the main line continues to function properly, that people are not diverted. And it is always concerned about the communities and stakeholders that may be affected, which is how we end up with the understandable but reverse position that Northumberland suggests seven day working in highways England has in mind respites that obviously, we understand the position of Northumberland county council and the parties are resolving that that last item

12:00

as required. Thank you. And Mr. Payne mentioned contractors.

12:08

This stage has a contract to being appointed. Is that cost?

12:14

St. Jacobs partnership. Okay. So have they been involved in discussions? I know we had some representatives from them yesterday. So.

12:25

So see JP are involved in discussions? I think they're already involved in the discussions with

12:33

with North American code Council, they're involved in the calls with Mr. Payne and his team. The reason being that the objective of highways England is to move seamlessly from the decio stage to implementation, should the Secretary of State get the go ahead with the decio? And that they understand fully what's expected of them. And matters just pass off? You'll be aware so that DCA assigns them but but there's an important point about continuity here and parent then being involved early.

13:05

Yes, absolutely. And that's why I raised that because it does occur on some projects where a contractor is appointed after a decision is made, and wants to start again. So it's encouraging if even this stage before any decision is taken, on the TCL itself. That's contractors looking at the measures, which the applicant has in place, that's helpful, thank you.

13:34

I reckon recognise the problem, you refer to

13:38

us as well. And she'll, that's what is that is very much was intended to be addressed. Good.

13:46

Okay, is there anything else anyone wishes to raise in relation to the construction traffic management plan?

13:57

Okay, in that case, let's move on

14:02

to

14:04

the second bullet points, which is the effects of the proposed development on public rights of way and non motorised users.

14:13

And this was a matter which we discussed at issue specific hearing, too. And one of the action points action points 36 was for the applicant and Ken's counsel to summarise their positions on non motorised transport.

14:36

You'd like to

14:39

focus on a Council's response to that start with

14:46

which is in documents rep five oh 42.

14:54

And page five, has the response to point 36

15:00

sets up sets

15:03

of quite a number of pages for councils position in this respect. I just like to go through some of those comments, clarify them and ask the applicant to respond as well. So that you giving the reference 502 3200 1442 sorry, forgive me, thank you. That's my Miss hearing

15:35

okay to have that name as the password, I do thank you sir. Okay. So page five starts the response to point 36

15:49

Yes, so we have responded to these in writing

15:58

okay. And the response who

16:05

who who say you responded to this in writing? Yes, sir.

16:10

Which references that?

16:14

I just tried to find this if we haven't then we are doing so the reason I can say that with confidence is that the colourful diagrams that you have seen before you there are there it do believe that is with you, but we are responding to these points in writing. So

16:37

in order to manage timing, do go ahead and forgive Okay, interrupting. Now, the reason I was slightly alarmed because this was deadline five submission those thinking you want to reply to deadline five yet, although I'm sure it is in hand, as you say. So.

16:55

And some of these points were raised in the previous

16:59

discussion anyway, so there won't be unfamiliar parties. But let's go through so the basic point is think summarising the council's position, there is potential to provide a complete non motorised transport link for maurepas to Felton to and to address the north south severance. And since then north south severance, which is at the heart of these comments.

17:28

And there's a reference

17:39

on page

17:43

nine, I think it is them just

17:59

as reference to previous design guides

18:03

TLB ta 4697 which is now withdrawn.

18:08

This is in relation to the council suggestion that the current cross section is not suitable for future flows. and allowing for the reallocation of highway space for non motorised transport would be beneficial. Can I check first of all, Mr. basford? Has that previous design guidance been replaced by something else?

18:34

I will have to refer here to my note of witnesses.

18:41

I think this is probably going to be a matter of Mr. Morrow, although he will hand me a virtual post it note that is not the case.

18:50

Notes tomorrow. Are you able to assist the inspector with the status of ta 46? oblique 97?

19:06

Sorry, so just finding the unmute button. David Morrow here from the VSP. I will have a look online. I think we could just clarify here that the points that you're reading here against point 36.

19:19

Mr. bassford is Raxiom. remembering correctly, we have responded already. I've just very quickly been checking back. the fullest respond to you've got from NCC is effectively a correction to something they submitted a deadline for so it's a near wholesale

19:38

repeat of point 36 again, with that correction to the table that they mistakenly put in a deadline for so there is a response to that deadline five, which clarify some of the points including that item the question.

19:53

Okay, and what's the reference then of your reference

20:00

Let me just double check. I've just got it up on the screen, it's rep 5029.

20:07

applicant respond to the deadline for submissions.

20:18

And in that documents, you will see

20:25

a specific heading of tables. Table one slash three is the response to quick 36, which runs for 10 pages of our report.

20:39

Okay, let me get my notes on that pen.

21:17

Okay, I've got

21:25

five Oh, 29. Open.

21:31

More if you'd help, Mr. Gleason and I with the reference again, in the document, we've we have to assist we have numbered the paragraphs in the left hand column. They're not the numbers that yes, yeah, that's to to help us to find a new to find your way through this.

21:49

So that's tomorrow, the relevant reference is please.

21:56

Not too sure. So

21:58

I am it's number 11. On page 13, of the document, which is numbered page 10. Yeah, I see that. No, thank you. I can see earlier than that the

22:13

extracts from the CDU? ATC traffic speed dashboard is all very colourful. And your response on that? Yes.

22:23

Okay. I've just checked in. And I don't think we have said that there is

22:33

as a replacement for the previous guidance, but we are confirming that the information we provided just consistent with the

22:45

with the withdrawal by state.

22:48

Okay, that's fine. Thank you.

23:15

Okay, let's move on then to

23:18

this issue, which

23:21

we stay with documents. We have five Oh, 29.

23:27

Because I think as you say, Mr. passwords,

23:31

it's likely that that

23:35

counsels response,

23:38

headline five is the same with you look similar and show the counsellor advise me if there are any significant differences. But I think I can pick up the same points anyway. So stay with just five.

23:52

Thank you.

23:54

Yes.

23:57

I haven't been able to check quickly, but it may be in our original deadline for submission, one of the tables was incorrect. And we updated that table so that it may be the same document as deadline for submission, but with the correct table, which is why it's remarkably similar. Okay. It's going to be very similar. If anyone spots any differences, then we can come back to that. I think my questions, I'll try and look across the two documents anyway and asking the questions, but from looking at this comment from the applicants, I think they it's not going to make a lot of difference. So close on that basis. So my my first question then was

24:43

related to item 17. On the applicants list, which concerns local transport notes, 120

24:54

cycle infrastructure design

25:00

And

25:03

let's just see the applicants response on that one.

25:16

Yes, the comment then the material appropriately for new local highway schemes will changes.

25:27

See whether it's just been highlighted. That's fine.

25:37

Let's just go back then.

25:45

There's a comment about

25:48

the assessments has been undertaken

25:53

a state one road safety audit. This highlights the road has been unsafe.

26:03

Much, which is item 14, I think.

26:09

So jump back a bit.

26:14

So the comments from the council

26:17

understood the stage one road safety report indicates the teaching taywan may be subject to vehicle speeds, who's left his current state.

26:31

to design this response to this identified problem was the designer accepted the problem and recommended details of the section teach chunks a one should be determined and agreed with the applicants and council with a view to be developed and confirmed from detailed design.

26:49

So the applicants response on that

27:02

case reported within stage one road safety audit does not automatically generates requirements change the scheme design understood normal courses for eleven Highway Authority to review the recommendations and determine what mitigation measures. Okay, so that's that's a response which is helpful to me and understanding the council's position.

27:28

Mr. Payne, having seen the council's response to you wish to come back further on that.

27:35

I think you mean it's the applicants response

27:39

to the applicants response? Yes. Yeah.

27:44

I think for us is that we've not seen the next stage from the designs response and agreed that full

27:53

solution to the issue.

27:56

The it is correct, that the the design response doesn't automatically create the need for a cycle.

28:04

Lane however,

28:06

I think it's a drug benefit in reducing the cross section of the road to reduce the speeds

28:13

a element of highway is made available

28:17

to facilitate the cross section that we've we've sent through to to the applicant in 2018. I think it was so it if you'd like you address one problem that gives me an opportunity. Yes, cyclists off the carriageway using the available highway space that has been made through reducing the character width to address that potential speeding issue raised in the road safety audit. So you know, the provision of a cycle lane isn't necessarily the solution to that's been bombed it is an opportunity that is made available by narrowing the carriageway to address that speeding issue that he's raised in the in the road safety audit.

28:58

Okay.

29:00

So, then picking up on that relating it to local transport notes

29:10

as comments which is headed down to item 21 is considered that there is sufficient space within the cross section to provide an L tn 120 compliance scheme on the teaching section.

29:28

So

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I think

29:34

you're saying that this is a possible way forwards

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Are you saying it is necessary?

29:52

It is a

29:55

it is an opportunity that the scheme can provide cycle it

30:00

Prove cycle connectivity. As we've stated before,

30:04

the there is a necessity to address the road safety. implication.

30:12

Sorry, can you say that last point is complete? So there is this there is a necessity to address the road safety audit

30:19

issue in relation to speeding on the cross section.

30:26

I suppose what I'm getting at is,

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are the two things linked?

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If there's a road safety issue,

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should it be dealt with through

30:44

a measure, which

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is

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compliance with that local transport notes guidance?

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Can it be dealt with in some other way?

30:58

It local transport, no guidance, New Delhi informs a local Highway Authority, how to address sustainable transport improvements and the provision for sustainable transport connectivity. So it is one of the tools the design tools to which we would work work to innovate, the government's push back to travel and sustainable transport connection that's led to what was coincided with the publication of that document directs us to, to consider the sustainable transport aspect of highway schemes

31:37

is a council you're also promoting the idea that there is a potential here to address the matters in that guidance notes. And to prove the north south severance, he described it. So you come forward with an idea which

32:02

came from wrong in this perfect, you're saying that's what he would address safety issues,

32:10

too. It would address surveillance, generally. And three, it was accommodates latest guidance in terms of cycle provision.

32:24

Yeah, that's correct. Yes.

32:27

And are you proposing that as a

32:33

to the examination that those measures should be incorporated into the dcl?

32:42

It is a position that there is the opportunity to to incorporate those, I think that is probably the best way, you know, we're fully supported of the of the scheme. But we're also obviously mindful of the network that we inherit and potential safety issues that result for that, I think, you know, all of those three points are interlinked.

33:05

And to address one issue, the road safety issue is the first one. That's the key point in terms of speed on the detail section, that then opens up the opportunity to address the severance North sales, which then links towards providing dedicated facilities because that, that also, you know, that that helps them that reducing that severance. And obviously, indirectly or by segregating vulnerable road users from from vehicles, you're assisting in this in the safety of those users as well. So it's sort of a holistic, yeah, the whole picture really. Yeah. So have you then looked at whether or not this could be

33:49

could be accommodated within the decio as proposed?

33:57

And by that, I mean, would you need to change provisions to the TCL documents itself? Would you need to change plans that are submitted?

34:08

And in ultimately, would you need to change the scheme so to the limits of variation, ferried and things like that, and I'm wondering how far you

34:18

hold to what depth you've looked at this and

34:23

what the implications might be. In terms of implications on the decio. My understanding would be that it is deliverable within the scheme extents.

34:38

There may be some rights of way designations to the south of between priests bridge and the

34:47

Hebron junction that may need to be designated as public by the ways as part of the DCM is to safeguard cyclists being able to use those public rights of way with the surfacing and the detail

35:00

With that being resolved at the detailed design stage

35:04

potential changes to the schedules of footway, cycleways to incorporate that. And I think we set that out in our last response in terms of what would need to be potentially amended.

35:19

And minor, minor alterations to the area around to north or West view,

35:26

ran by the a 697. On well off on slip, just to make those final connections so that there isn't a significant amount of amendment required in terms of the plans other than sort of the property rights away designations and mine. Remember the shedule is to incorporate those areas, and then your items such as cross sections, detail designs, final alignments are all are all sort of covered up in the deal design process and under the requirements of DCF. So there are some minor changes. But from initial view, it's I don't I don't think there's significant changes required to the DCF as it currently stands to to safeguard if you like the the delivery of a continuous link.

36:16

putts. Are you intending making

36:22

any

36:26

proposals to change that any of that further information? I will, I believe in us latest submission to deadline five, I put together some some commentary to that effect.

36:43

That is, I can certainly read that as commentary on what what could be achieved. It's not.

36:57

It's not suggesting specific wording of the applicants submission to it to allow that to happen. I think there is a difference there. Okay, let's let's pause for now, and come back to Mr. passwords, to both responses to what Mr. Payne has said. But also,

37:18

let's start with

37:20

the road safety audits, if you can, just to expand on what we said on that. And then whether there is sufficient space within the cross section to provide a compliant scheme

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on the trunk section, Mr. Password.

37:38

So thank you, Mr. Payne has been very helpful and very, very straightforward about this. And he he has made clear that you're you're not being told that for safety reasons, it is necessary to provide a cycle way the safety audit has identified a speed issue here. And needless to say, there are a number of measures, which could be taken that short stop short of the reengineering of the D Trump section of the a one as a result of this, as a result of this point Mr. Payne is making. So the you will see for instance, and this goes to the question of space, you'll see for instance, that we have said that white lining is possible as a means of providing separate segregated sections that the applicant would support. Northumberland county council if they chose to reduce the speed limit, which would of course address the speed question. And of course, we assume that motorists will obey the speed limit. As a matter of planning law. One assumes that people are lawful than their behaviour. And, of course, the road safety audit made no recommendation of specific provision for walkers, cyclists or horse riders. So so the road safety audit does not prescribe a given solution. It doesn't mention

39:17

an amuse. And it is. And whilst there is a theoretical space and we've made a suggestion how that could be addressed. Ultimately, that's a matter for Northumberland county council.

39:31

Okay, thank you.

39:36

But on the specific issue of the space available

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within the cross section, could a

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local transport network compliance scheme be provided?

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I would have to in fact, I will check with Mr. Morrow. My understanding is that there's a

40:00

theoretical possibility, but it is not necessary. And therefore it will come on to that there is no mitigate no mitigation of the scheme required here. Well, we'll come on to that, because that's a separate issue. I wanted to answer first of all about whether it would be possible. Mr. Morrow.

40:20

Hello again, sir.

40:22

Yes, within the existing cross section of the carriageway, The Verge, I have not checked personally for specific pinch points alone there, but there would theoretically be enough room using the existing carriageway to create

40:39

an A new provision in areas where there isn't already because there are some areas which already have a footpath already. Along the section to be D trumped, I think there's only approximately about two and a half kilometres where there is no provision of anything at all. But the rest of the trunk length, there is certain provision in terms of the order limit and whether or not it's possible within the order limits. And the combination of solutions that might be put forward to make a provision may require changes in the surface drainage to make sure we're not getting ponding or pulling off of surface water, and the runoff of those two outfalls, where we've shown our order limits for D trunking. The boundary is relatively close, particularly on the eastern side, rather than to the west where we do have a new carriageway. And so the

41:29

general arrangement or the works plans would show that the redline boundary of the order limits on the eastern side is quite close in there for any changes to drainage to outfalls would potentially be a problem on that eastern side.

41:45

Thank you.

41:50

So let's look at that local transport notes a bit further than

41:56

I see that the applicant has responded.

42:02

In

42:03

paragraphs 17 1819

42:10

some of the points.

42:13

But

42:15

if you could summarise please Miss passwords,

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the relevance of that note to cycle infrastructure,

42:25

cyclical infrastructure design, to the sense of what is your position? How should we as the examining authority, consider that alongside the national networks, national policy statements.

42:41

Three local transport note does not apply to this scheme. It applies to schemes carried out on the local highway network, which are not being which is not the case here. And so therefore, whilst we've responded properly to these points, we point out that it is for local highway schemes, not for the scheme. That is before you now.

43:05

And you're taking that from the comments, which I saw it earlier. Yes. Your second points. And item 17. says is appropriate for new local highway schemes. Is that what you're basing that on? But that's correct it where we are providing local roads, where new local roads are provided, then highways England does apply this. So where we are making cycleway provision it is the standard which is used. But in relation to roads that already exist. We do not apply it because that would be the same as saying that

43:47

North American Council should look at all of its roads and retrofit them all at once.

43:53

Because there isn't there isn't a trigger. If she were to mean for

43:58

for the requirements to apply the note on an existing road otherwise, Northumberland would have to do it on all all the bits roads as well.

44:07

Okay, let's look then

44:10

her work notes to say so paragraph 1.3. point one says the guidance should be applied to all changes associated with highway improvements, new highway construction and new or improved highway facilities. Doesn't the phrase applied to all changes associated with highway improvements and new highway construction apply to this scheme

44:38

to the extent that it is relevant to the local highway network, then you would apply it.

44:46

So, so there are certain parts of the scheme, for instance, where the scheme that were a link road is provided from

44:58

from the new

45:00

The new alignment of the A one, two, the old alignment.

45:04

And that will be in the ownership of Northumberland county council. Now in those circumstances, the new stretch of road is provided in accordance with LTM, one oblique 20 and that is applied there. But the existing a one form or a one does not engage this.

45:29

Why not? It's within the decio boundary.

45:34

Because it's an existing road, the policy, which is what, which is what that paragraph I've just read out says, The guidance should be applied to all changes associated with highway improvements. That's what you're doing, isn't it? We're not improving the existing alignment of the a 102 says changes

associated with highway improvements. This is a cherished note VCO there is no change to the existing alignment of the A once it will be handed to Northumberland county council as it's not a change to is a change associated with

46:12

and there is no change associated there is no change to the a one existing track carriageway associated with the new a one you will not change. So so there isn't there isn't. So the highway improvement improvement scheme is the improvement of the a one trunk road. As a result of that there will be no change to the existing alignment or the a one it will be handed as it is to Northumberland county council therefore, it does not engage this provision.

46:46

Okay, I hear what you say on that. Let me tell you then to

46:50

another point within the summary principles, which says cycle infrastructure must join together or join other facilities together by taking a holistic connected network approach, which recognises the importance of nodes links in areas that are good for cycling.

47:09

So just give me that reference. Would you just give me the reference? It's in the summary. Let me get the actual documents open so that we can see it in context.

47:48

So the actual guidance notes, this is in section one summary principles. And it is

48:00

on principle eight hate. Just give me a moment, I'm just turning that up, suddenly, of course, the law in relation to guides of this nature is that one should not construe it as one word or legal documents. So one has to take a certain amount of care with with the sorts of document that certainly agree with that.

48:29

One moment

48:55

we turn to the summary. So it's page 11, top of page 11, item eight

49:04

is numbered page 11.

49:14

Yes, sir, I see it.

49:17

So, how would that relate to

49:20

this

49:23

scheme?

49:26

Well, this applies where there are changes being made to the local highway network. So as well as I explained, there are points where new road will be constructed. And the

49:42

and the

49:45

in those circumstances LTM 120 will be applied, meaning that there is a connection between the old alignment of the a one and other facilities. And so that that

50:00

match.

50:03

So in your scheme you're proposing

50:07

improved East West connections for cyclists and non motorised users at New junctions. And I think everyone's agreed that those would be benefits. Counties certainly is welcomed those.

50:24

But aren't those

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elements isolated proposals and this is where

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the those that lack of

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cycle infrastructure being part of a connected network,

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but so that there is a connected network, because those East West connections will connect with the old a one and as Mr. Morrow points out, there are existing footways on the existing a one and the the a

one itself will still exist. And indeed it will be a much less trafficked much less trafficked highway which will be available for use by nm us. So, so it isn't the watch that what the what the principle we have there is, is preventing is what what in other fields are known as stranded assets. So where one would provide a beautiful piece of cycle way that one could only reach by going up a a dual carriageway from which cyclists were were excluded. Now in those circumstances, it would not of course, be joining to another network. And so it has to be plugged in. But that's not the situation here. There will be links on the old a one which will be better than they are currently. And there will of course be the east west links to achieve just referred. Okay, thank you.

52:04

Staying on this issue is positive. Mr. Payne, I'll come back to you in a moment to respond to these comments. So how does this guidance notes relate to the advice on sustainable transport in the national networks national policy statement?

52:24

They are not inconsistent, so.

52:28

Okay.

52:31

So national policy statement saying there's a direct role for national

52:37

network to play in helping pedestrians and cyclists.

52:42

The government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians and the design of new schemes. This is paragraph 3.17. The government also expects applicants to identify opportunities to invest in infrastructure in locations with national road network service communities, and acts as a barrier to cycling and walking by correcting historic problems, retrofitting latest solutions, ensuring it's easier and safer for cyclists to use junctions doesn't not all backup what the cans Council is trying to promote here.

53:23

So what that does is it asks Are we doing those things? Yes. And the answer is, Yes, we are. Because we are addressing historic, severance East West, we are identifying where the existing Awan acts as a barrier and correcting those historic problems. In relation to north south journeys, those will of course become easier because the D trumped a one will be a more hospitable environment for cyclists and other walkers and other news because it will not be trafficked as a trunk road and you'll you'll recall from the last hearing that we showed you the dramatic reduction in tracks will take on that if Northumberland county Council's wishes wishes to reduce the the needs on that road and that is something that I was thinking that would support and, and although these items are not

54:26

these items are not to be

54:30

to be solved as part of the scheme. Housing this also looking with Northumberland county council to to identify whether there are potential designated fund interventions which can support Northampton County Council but they don't flow from this scheme. That is because designated funds are not for mitigation playing from a scheme. They are matters where we're looking to see if we can support them in their their role of improving access.

55:00

to transport links.

55:02

And we discussed that last issue specific hearing test noted funds approach.

55:11

And my recollection is that Cannes council felt that's this was all a bit too late and lacked that coordination, which is what the national networks statements is suggesting. isn't the point that you're saying you're you're achieving, you're addressing these matters in the national policy statement, but it's not a question of

55:42

whether it's not a binary response. It's how far you're going in responding to these matters. And that's consideration. So in the national networks, national policy statements, you will be familiar with the fact that the document is divided into a number of sections. And if you look at the different sections, they perform differently. So if you look at section five, that assists terms of decision making, so for each of the topics, you'd have an introduction, you have the applicants assessment, which is what we were supposed to do when we did our EIA, and looked at policy, and then the decision making section and mitigation which which shows how the Secretary of State expects us to assess you to consider and him to make decisions. Now, that is very clear. And that is how that is how section five is dressed. Section four of the national networks national policy statement looks at the general principles of assessment. And then section three is a question of broad,

56:56

broad policy at most, but it is not directed squarely at decision making. What it states is there is a role for the national road network in helping pedestrians cyclists, which of course, always England accepts, which is why we have taken steps we have in addressing the matters arising out of the scheme. Were then to use reasonable endeavours. So you would have to conclude that we had not used reasonable endeavours now reasonably that raised the legal term, and it means you do something that is reasonable, not everything that is reasonable. That's all reasonable endeavours. And so you, you have to look at, are we doing something to address the needs of cyclists and pedestrians? We would say, Yes, we are.

57:42

applicants to identify opportunities to invest in infrastructure locations, whether it's severance, we've shown you how that applies, and acts as a barrier. And we've explained how that applies. We're talking about the historic problems, retrofitting latest solutions, which is what we're doing by providing the crossings, and it will indeed be easy and safe for cyclists to use the junction so that that is exactly what we're doing in three point 17 when we provide the solutions to sufferance.

58:13

So finally, then,

58:17

how to how should the examining authority address local transport notes 120 is it's an important and relevant matter if this examination

58:33

just keep me on.

58:38

So, it is an important and relevant matter for this examination. However, we should we say that you should apply your mind to whether it has been complied with in the provision of link roads in our in our written notes, we will address the specific areas of the scheme where it does apply, so that you can look to those. And so it is important and relevant to the consideration of those elements of the of the project. And so that's though is as far as it goes in as much as it relates to the D trumped a one. I was not proposing any changes to that road. It will be handed to the to Northumberland county council in interstate cities with which

59:32

which is being the proposal throughout Yes. And we would say that LTM 120 does not apply to the consideration of that de trunking.

59:44

So you should you should afford it only very limited. Wait in relation to considerations related to the D trunking.

59:54

Thank you.

59:56

That's clear. Thank you. So Mr. Payne, you had your hand up

1:00:01

So, before Mr. Payne speaks,

1:00:05

when you consider the the trunk section, we would say it does not apply to that, which is why it is afforded limited way to look at it and then consider it not to be applicable. That is the way one should look at it.

1:00:21

Thank you, Mr. Payne, just to have the opportunity to reply to some of those points as well as the sort of points you've made Mr. Gleason in respect to to ltn 120. I don't think we need to get into any detailed debate here of a new series of points. I think some of the key sort of phrases that you've mentioned as well, in terms of joining up provision. Yeah, the moment we've got a scheme that only provides a dedicated facility for walkers and cyclists within partay on sections of brand new road, and in relation to the new link road between Westboro and broken fields, and and on the over bridges and under bridges that are proposed on Part A, but they don't join up to a wider network. So for your East West connections, for example, call to park and then rather, there is a foot way over the new junction and the under bridges. And then there's a gap before you make a connection to the existing footway on the current a wall. So when there isn't that joining up, again, on the north south side, a nice brilliant fan, you know, new cycle route from West mall. And then cyclists are deposited for want of a better phrase onto the onto the D trunk day one. And then when they get to the southern end of the ditch on day one, because of the current pearly whites way designations, they would then effectively be left having to divert onto a wider local road network on the existing quiet country lanes, or be faced with with the choice of having to cycle illegally on a public footpath or a public already booked way

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to get from fen rather down to corpus.

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So that, you know, there is some mis connectivity, both existing and proposed, as it currently stands. In response to weather, the weather, the D trumped a one

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isn't part of the

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the scheme royalty and 120, therefore doesn't apply. Well, at the moment, that's a strategic part, the CG road network isn't within our jurisdiction as a local highway, it is a new piece of local highway network that we will inherit as part of the DCR process. So

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it is new, whilst it is old, older infrastructure, it is a new designation of highway for us as the local Highway Authority. And in order to address the road safety issues in respect to

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the speed of the road, there may be interventions to that, to address that road safety issue. And the Mr. Best was talked about just reducing the speed limit. But in order to reduce the speed limit, you have to you can't just put a 50 or a 40 on and hope that people will adhere to it. If the infrastructure is

designed for higher speeds, you know, we would need the police sign in to enforce that. And if during the tiara or the trends, try regulation order process to drop the speed limit. If we don't get police approval, sign up enforce it, then it's it wouldn't necessarily go through. So

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you know, reducing speed limit is one option. But it's not the option to to address those potential speed limit concerns.

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So it is our opinion that the ltn 120 would apply

1:04:02

to the detriment in so far that it is new local authority road, even if it is older infrastructure.

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Just double checking my notes to make sure I've not missed anything.

1:04:16

And obviously that is definitely the destination funds discussion is ongoing. Yes.

1:04:22

So, you know, we're working working to on that. So I think that sort of sets our stall stall out in respect to that. I don't think you Yeah, that's fine. Thank you, Mr. crosswords. You have your hand. And

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just very quickly, sir, as I suspect we we should wrap up and

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take my hand down before I forget.

1:04:46

It's very helpful to have Mr. Payne

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as before to identify the areas where they are where they consider LTM 120 applies to

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New works that was most useful.

1:05:03

It's important, though, to recognise, to actually hear the words that Mr. Payne has used, because he has said that the cycle routes

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enable people to be deposit on to the a word, whereas t trumped opposition is that that is an improvement. And it means that there is connection. It is, of course, therefore, in accordance with ltn 120. And that, Mr. Payne, he's, he's been really helpful, really proper with you. And he has pointed out that people would be then passing on to the, I think was us were quiet country lanes,

1:05:37

at either end of the scheme. So it is not the case that this is a stranded asset, this would be this would be moving on to

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a network, to the extent that it already exists. And it's important to realise that this is not a change, this is not an an adverse impact that needs to be mitigated. And similarly, very properly, Mr. Mr. Payne says that changes to the road

1:06:03

profile, the cross section are, and he was very straightforward, he said, a solution, he does acknowledge that imposing a speed limit could be a solution as well. And obviously that that means that it is not just one answer to the item that the road safety audit has identified. As we pointed out, white lining will achieve the the segregation that previously has been suggested. So we'd invite you to look at our our response to Mr. Payne's submission.

1:06:38

We can reissue that with the substituted table if that sort of systems but I hope that it's relatively straightforward to read across between the two. Yes, I think we've certainly that's, that's journal issues now. Fully enough, I think.

1:06:56

And I think probably got all the written submissions that we need to address this. But so thank you, to both of you for your contributions on that point.

1:07:10

There was just one of the points under this bullet points of

1:07:18

effect on public roads for non motorised users. And this can refers to picks up from fees stamps, common grounds with council rep five oh 15.

1:07:33

Section 15.

1:07:38

Section 12 covers the effects on these public rights of way.

1:07:44

Network and on cyclists, pedestrians and horse riders. I just

1:08:14

yeah, section 12 12.1, which is an item under discussion, extensive widths of new rights of way to protect rights of way in stopping up existing rights of way.

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And

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the applicants comments is that councillors consent for the proposed rights of way, with width to be captured in stamps, common grounds. As long as this is agreeable, the examiner

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actually does not in that section, is it worth reading from?

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tries to turn up the state of common ground here is it?

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That's reference it is quote, it isn't in the section.

1:09:16

Anyway, my point is,

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so to ask counsel, what is the reason for including the widths of the new of the new public rights of way? And for the applicants? Why is this not going to be covered in the TCL left within statements of common ground? So Mr. Payne, can I start with you on that, please?

1:09:48

I'm afraid I can't assist you on that one. It would be putting rights away officer who isn't on the call as to as to why that

1:09:58

those requirements

1:10:00

Set out.

1:10:02

In that response in the statement of common ground, notice that this is sort of deadline to date draft DCs. I know he has reviewed

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the last one. So I'm afraid I can't help you on the on the reasons as to why that that is there.

1:10:19

But what I do know is that you know, he's in. Yes.

1:10:25

He's been involved previously.

1:10:28

If Mr. Password can't give us the answer, perhaps you could confirm it in writing for next headline, Mr. basford, to know what's happening on this, I will check with my team. So the the point, though, is that if if widths are designed to be achieved, then there is a particular

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that there is a there isn't a particular objection to their provision. Now.

1:10:58

The relevant point is that whilst the widths are generally acceptable, there are certain pinch points where we wouldn't wish to be tied to those. We understand or I understand that we're in discussions with the public right of way officer.

1:11:16

And, at present, this is not a point that we consider live between us and North thundercat. Council. But what we will do try and confirm the position in our written submission to you, sir, thank you.

1:11:30

That's fine, then, that points, I think, covered all of the second bullet points on the agenda. So let's then move on to

1:11:42

the third bullet point, which is to consider the extent of highway adoption, in relation to teach in Taiwan, and the new local highway network

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teaching section again.

1:11:57

So I think the relevant documents for this discussion, actually, the proposed highway adoption and maintenance responsibility plans, which are wrapped for hope 42.

1:12:19

And the

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council's response to action points in hearings, web five oh 42, which we referring to earlier.

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So I think within that documents,

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the council's response to action points, it says the plans only consider the future carriageway elements of the scheme not the full extent of the highway associated with these sections of carriageway, and goes on to say

1:12:58

council seeking this level of detail for all elements of the scheme to ensure clarity over future maintenance responsibilities.

1:13:08

And then specifically,

1:13:12

extensive new local highway network forming this link called road which is workpackage 2129. High may require amendments in relation to future destination designation to local highway network.

1:13:28

So Mr. Payne can start with you is there anything further you want to add to explain to what the issue is here? I to update you, we had a meeting with the applicants consultants on following up from from the earlier discussions on surface water drainage, etc. Where this point was raised about the maintenance boundaries

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on Friday of last week,

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our initial concern it was in terms of level of detail

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to make sure that we're effectively we don't find ourselves in a position that we don't want to be in come subsequent GCL

1:14:06

However, in discussions of that meeting last Friday, we were given we It is our now our understanding that the the precise locations of maintenance boundaries, how that affects the stopping up to time with with the the access and the rights away plans are, do not need to be in that level of detail. So what we asked as a as an outcome of that discussion last Friday was the short paper was prepared to outline that position to give us the confidence that we don't need to go into the

1:14:44

edge of highway to edge of highway level of detail for mains boundaries.

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Because that is subject to design because things things may change within nothing variation of limits within the works orders anyway. So your precise location of is

1:15:00

topping up may change as part of that disease design process. So I think

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our concern, in terms of level of detail has been allayed in that respect. So at this point, we're just waiting for that, that short paper to be prepared to give us the confidence. And the assurances that that we had all these sort of maintenance issues, etc, will be resolved, moving on, I believe

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may end up being a requirement on the decio, you may wish to ask

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the the applicant on that, just to confirm whether that would be their intention that it would would form a part of the requirements as well on decio. I think the RFC things have moved on a bit since since we made that submission. And I can say that the meeting last Friday was very useful in just understanding the level of detail excetera, that needs to be as part of the DCR process on this limits of adoption and maintenance boundaries. So that actually, what you're describing is well then covers the next bullet point, which was maintenance arrangements at junctions, including management and adoption of the softest state, is that tall Tiger that would eventually be tied up with that as as well. Yes. I mean, there are.

1:16:21

Yeah, and as part of that, you know, what, what is done to stop the road? How it's handed back to land? And as it was previously discussed before? So, yeah, it certainly is a great leap forward, that that that meeting last week in terms of understanding what level of detail we need to be discussing and agreeing to at this stage. And then obviously, links from the maintenance boundary plan into the rights of rightaway access plans, which then leads into the text of the DCF. Yeah, yeah. Okay. So

1:16:55

picking up on your points of a great, great leap forward. I'm sure Mr. password will be pleased to hear that and taking notes. Mr. password, do you want to say anything further on both of these items?

1:17:11

Yes, in good Maoist. Before, yes, sir. Journey of 1000 miles begins with a single step. And we're very glad of that step from Mr. Payne there. Now, our understanding is that discussions are ongoing, where it is necessary or appropriate, and the parties agree something should be recorded in the order, then

we will introduce that into the examination. But much of this is being dealt with in the normal run of discussions between the strategic and local highway authorities. As, as we've noted before, the the delivery partner CJP is also engaged in those discussions. So so you and Northumberland Can,

1:17:54

can be confident that the discussions will flow through into delivery

1:18:02

goods. Thank you.

1:18:04

So are you content and it's nothing further to say on the fourth bullet points, maintenance arrangements, building management and adoption? So the softest state? Can we then move on?

1:18:21

I believe so. So we may have some additional wording to the decio. But we will flag that for you where it takes place, the objective being to satisfy the local Highway Authority.

1:18:33

Okay, thank you.

1:18:35

Let me just check. Nothing outstanding, then, for my notes.

1:18:46

I think that's everything can be picked up subsequently if we need to. The progress has been made.

1:18:55

The time being here.

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Okay, so it's

1:19:01

now 20 past 11 widgets break at 1130.

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Just considering the next item on the agenda is item seven. mitigation of construction impacts. We could dive into that now into 10 minutes before break. We could break now. for half an hour come back 10 to 12.

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to any

1:19:30

comments on the way forward, we're happy to carry on Mr. Smith. Were in your hand, sir either way. Okay. Mr. Pinto, do you have a view?

1:19:42

Thank you, Mr. Gleason. And I'm happy for us to carry on. if you so wish.

1:19:48

Thank you. Thank you, sir. Let's make a start then. We're not going to cover it in 10 minutes, but we'll make a start

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and then break

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so this

1:20:00

Item though three bullet points under the heading of mitigation of construction impacts. The first one is whether the outline, construction environmental management plan camp,

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which is rep five oh 12 enables the environmental commitments made within the react the register of environment,

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actions and commitments to be adequately actioned.

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I think this bullet point probably can be dealt with quite quickly.

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So the stems of common grounds between the applicants and can't counsel, section 13 covers

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the camp. So just one row 13.1 says an outline camp has been submitted with the application this documents provided is an appropriate vehicle for identifying mitigation measures for the scheme that will be included within the final camp. And comments from the applicants. He's agreed. The camp will be kept under review on that basis.

1:21:16

If he's, if it is, clearly the there'll be an outline camp.

1:21:23

Sorry, a final camp to be developed. Is that the reason why this is listed as being under discussion? Or can it actually be

1:21:33

signed off as agreed at this point? Is there anything to be added to the outline campus? My question, Mr. basford, needless to say, so we would be very happy if this was simply agreed. I suspect this may just have been a placeholder whilst Northumberland county council went through the detail of the document. But we of course, there may well be other items added as we continue to discuss matters with you. But we believe it's the firm foundation for a for a mitigation and management and monitoring process. I suggest that says something for Miss Robbie. Yes, certainly. Miss Robbie.

1:22:12

Thank you. So

1:22:14

yeah, I think it was just a placeholder while we still kept things under review. We think that it's probably almost almost there. In terms of discussions. If I could just

1:22:26

come back. Next deadline, and we just have a chance to do a final review. And then we could probably agree that item. Yeah. So it's kept under review in case anything else goes into it. You'd need to discuss, but what you've got in there at the moment, presumably you're happy with is that fair? I think that's a fair. I think that's a fair comment. Yes. Yeah, I think that's I think that's why we originally thought so to keep it under review. You up this upstart? because things were changing, changing? Yeah.

1:22:56

Yeah.

1:22:58

I characterise it as that, which is there now is agreed. But were any new, any changes made to it or new measures introduced as a result of our discussions, then, then, as Robbie and and our team would like to just be able to agree that that also is fine. So So rather than closing it and set it up? We'd say that that's under review, but broadly, it is.

1:23:26

Thank you.

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And the stems come grants with environments agency lists, the outline camp has under discussion.

1:23:39

I'll start with the environmental agency, this time, other matters, which are still to be addressed

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within the campaign. So can you outline briefly what they are? Where discussions have gone to? Miss Mo's? This is for you.

1:24:01

Hi, it's Lucy mo from the vironment agency. We're still in the process of reviewing the update itself. But we want to work with the applicant to ensure that the measures outlined in the React are appropriate and provide the necessary mitigation and or compensation for any impacts from the scheme.

1:24:21

Thank you. So we talked yesterday about various matters

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related to the COVID mitigation strategy and

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see,

1:24:37

see additional planting for instance. Those are the types of issues that are still under discussion. That's correct. Okay, thank you.

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Mr. password is something you want to add.

1:24:51

Only to observe so that we entirely understand the environment agency's position, they're still looking at matters. We are still discussing mitigation comp

1:25:00

And other measures with them. And if those discussions result in a change position, then they will want to see that reflected in the bootcamp. And so I fully understand that they would reserve their position until until that point.

1:25:17

Okay, that's fine. Thank you.

1:25:30

Yes, thank

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just reviewing my notes,

1:25:37

see varmints, agencies, deadline five submission. Rep five, oh 47.

1:25:43

Comments on the outline camp

1:25:47

will confer the details of how the uplands going to compensate for the loss of the riparian and marginal habitat. So that's one of the matters.

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So I can see all that is progressing. That's fine. So I think that completes that first bullet point, I think

1:26:11

let's take a break now, rather than jumping into the next bullet point, which is whether a landscape ecological management plan lamp is required to be provided as part of the examination. I think this will take us some time. So

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as it's just about half 11, let's hope

1:26:34

and start afresh on that points where we come back. So let's say with a trend the hearing now 1126, let's come back at 12 o'clock. Thank you very much.