

**APPEALS MADE BY CUADRILLA BOWLAND LIMITED AND
CUADRILLA ELSWICK LIMITED
PURSUANT TO S78 TOWN AND COUNTRY PLANNING ACT 1990**

NOTES OF THE PRE-INQUIRY MEETING HELD THURSDAY 19 NOVEMBER 2015
AT BLACKPOOL FOOTBALL CLUB HOTEL AND CONFERENCE CENTRE,
BLOOMFIELD ROAD, SEASIDERS WAY, BLACKPOOL, FY1 6JJ

PINS REFS: APP/Q2371/W/15/3130923, 3130924, 3134385 and 3134386

Introduction

1. Wendy McKay LLB, Solicitor (non-practising) has been appointed by the Secretary of State to hold the Inquiry and determine these appeals. The purpose of the Pre-Inquiry Meeting (PIM) was to discuss the administrative arrangements for the Inquiry and not the merits of the case. It was stressed that if anyone was not present or represented at the PIM, this did not prejudice any right they had to appear at the Inquiry.

Inquiry venue, dates and times

2. The Inquiry will open at 10.00 am on Tuesday 9 February 2016, at Blackpool Football Club Hotel and Conference Centre, Bloomfield Road, Seaside Way, Blackpool, FY1 5JJ. The Inquiry is set down for 12 days, namely, the 9th to 13th February 2016, the 16th to 19th February 2016, and the 23rd to 26th February 2016. The Inquiry will normally sit between the hours of 10.00 am to 5.30 pm, with an hour for lunch at about 1.00 pm and short mid-morning and mid-afternoon breaks.

Programme Officer

3. The Programme Officer is Mr Andrew Curtis. He is an impartial officer of the Inquiry and will offer support to the Inspector, the Appellant, the County Council, the Rule 6 parties and other persons appearing at the Inquiry. He will provide the initial point of contact for all parties. His role includes drafting and maintaining the Inquiry programme, to ensure efficient use of Inquiry time. He will maintain the Core Documents List and the Inquiry Documents Library during the course of the Inquiry. He will oversee the room where copies of those documents will be available for visiting members of the public.
4. His telephone number prior to the Inquiry is 01772 533254 and his mobile number is 07825842743. His email address is Andrew.curtis@lancashire.gov.uk

Appearances

5. Nathalie Lieven QC will represent Cuadrilla Bowland Ltd and Cuadrilla Elswick Ltd. She will call: Mr Mark Smith, Arup, planning and general issues; Mr David Hiller, Arup, noise; Mr Andrew Tempany, Arup, landscape and visual amenity; Mr Johnny Ojeil, Arup, highways.
6. Alan Evans of Counsel, will represent the Lancashire County Council (LCC). He will call four witnesses on matters relating to planning and general issues, noise, landscape and visual amenity and highways.

7. Peter Whitehead, Solicitor, will represent the North & Western Lancashire Chamber of Commerce. He will call five or six witnesses. The topics to be covered are skills and jobs, supply chain opportunities, economic impact and local business benefits, training and skills development and overall economic benefits.
8. Estelle Dehon of Counsel, will represent Friends of the Earth. She will call: Professor Kevin Anderson BSc, MSc, PhD, Professor of Energy and Climate Change in the School of Mechanical, Aerospace and Civil Engineering at the University of Manchester and Deputy Director of the Tyndall Centre for Climate Change Research, climate change; Mr Alan Watson BSc (Hons), CEng, Director of Public Interest Consultants, waste; Dr David McCoy BMed, PhD, Global Health Teaching Director at the Centre for Primary Care and Public Health, Queen Mary University and Director of MedAct, public health and Mr Richard Bate MA, MPhil, MRTPI, Partner at Green Balance, planning.
9. Robin Green of Counsel will represent Roseacre Awareness Group (RAG). He will call seven witnesses on matters relating to landscape and visual, noise, traffic and transport, planning policy, and the monitoring of ornithological matters.
10. Ashley Bowes of Counsel will represent Preston New Road Action Group (PNRAG). He will call two to three witnesses on matters relating to planning, landscape, and noise.
11. Cllr Mrs J Brickles and Cllr James Taylor will represent Westby-with-Plumpton Parish Council. They would like the opportunity to address the Inquiry.
12. Cllr Peter Collins will represent Newton-with-Clifton Parish Council. He does not intend to call witnesses but would like to address the Inquiry.
13. Cllr Gillian Cookson of Treales, Roseacre and Wharles Parish Council confirmed that they would liaise with RAG in the presentation of their case. A Statement of Case had been presented by RAG in joint agreement with the Parish Council and they would be represented in that way at the Inquiry.

Rule 6 parties – clarification of status for different appeals

14. It was confirmed that the Rule 6 parties for each appeal are as follows:
 - (i) *Appeal reference: APP/Q2371/W/15/3130923* - North & Western Lancashire Chamber of Commerce;
 - (ii) *Appeal reference: APP/Q2371/W/15/ 3130924* - North & Western Lancashire Chamber of Commerce; RAG (with Treales, Roseacre and Wharles Parish Council);
 - (iii) *Appeal reference: APP/Q2371/W/15/3134385* - North & Western Lancashire Chamber of Commerce; RAG (with Treales, Roseacre and Wharles Parish Council); Friends of the Earth and the Parish Council of Newton-with-Clifton;
 - (iv) *Appeal reference: APP/Q2171/W/15/3134386* - North & Western Lancashire Chamber of Commerce; PNRAG and Friends of the Earth.

The proposed change to the Preston New Road monitoring application

15. The Appellant has sought a change to the Preston New Road monitoring application, the subject of appeal reference APP/Q2371/W/15/3130923. This would result in a reduction from 10 to 9 in the number of surface seismic monitoring stations. This change was discussed at the PIM. It was explained on behalf of the Appellant that a further technical assessment had revealed that the proposed monitoring works could operate satisfactorily without that particular site. The change therefore represents a reduction in the scope of the application that had been considered by the LCC. Given the nature of the change, it was entirely appropriate for the appeal to be considered on that revised basis. The LCC agreed that this change to the application should be considered on appeal. No objection was raised to that approach by any Rule 6 party.

The implications for the Inquiry timetable of the Judicial Review proceedings in respect of the Roseacre Wood monitoring permission

16. The LCC's decision to grant planning permission subject to conditions for the Roseacre Wood monitoring permission is the subject of Judicial Review proceedings brought by Elizabeth Warner of RAG. That permission is the subject of appeal reference APP/Q2371/W/15/3130924.
17. Prior to the PIM, the Planning Inspectorate sought the views of the parties as regards any implications the Judicial Review proceedings might have for the Inquiry timetable. This matter was discussed further at the PIM.
18. The LCC by e-mail dated 12 November 2015 drew attention to the wide powers of the Secretary of State on an appeal made pursuant to s78(1) (a) of the 1990 Act. By virtue of s79(1) (b) of the 1990 Act, the Secretary of State may reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance. The LCC indicated that it was writing to the Judicial Review Claimant pointing out the powers available to the Secretary of State on appeal to reverse the grant of planning permission and inviting her to seek a stay of the Judicial Review proceedings to await the outcome of the s78 appeal.
19. At the PIM, the LCC advised that a date of 12 April 2016 has now been set for hearing the Judicial Review proceedings. Given that the Inquiry is programmed to take place before that date, LCC is no longer seeking a stay of the Judicial Review proceedings. However, it might do so if the decision on the appeal has not been made before the Judicial Review hearing date.
20. At the PIM, all parties present, including RAG, agreed that the Judicial Review proceedings should have no effect upon the timetabling of the Inquiry. Those proceedings should not be seen as acting as any impediment to the Inquiry proceeding as intended. Given the public interest in these appeals, they should not be unnecessarily delayed. The Appellants pointed out that, if the Judicial Review application were to be allowed, then that might involve further delay should there be an appeal against that decision to the Court of Appeal. The parties all agreed that there was no need for the start date of the Inquiry to be postponed and that all four appeals should still be considered together.

The Inquiry venue and facilities

21. The Inquiry venue will be the Blackpool Football Club Hotel and Conference Centre, Bloomfield Road, Seaside Way, Blackpool, Lancashire, FY1 6JJ. The main suite can accommodate up to 350 people. It has a speaker system and this will be in operation at the Inquiry. The speaker system must be tested before the Inquiry opens and an appropriate number of microphones made available so that all persons taking part in the event can be heard by those attending.
22. There will be separate break-out accommodation for the Inspector, the Appellants, the LCC and the Rule 6 parties. There will be secure storage in the break-out rooms overnight whilst the Inquiry is sitting but these rooms have to be vacated at the weekend. There are printing, scanning and copying facilities. A room will also be available for the Programme Officer to host the Inquiry documents and oversee access to them by members of the public. A nominal charge will be made for copies of documents.
23. Refreshment facilities will be available on the premises to the parties, subject to them making their own arrangements with the club. There will also be refreshments available on the premises for members of the public attending the Inquiry to purchase.

The initial assessment of main issues and the matters to be addressed at the Inquiry

24. The Inspector set out her initial assessment of main issues from her preliminary reading of the documentation. She explained that this list was not intended to be exhaustive or definitive and her initial assessment of main issues would not constrain the consideration of other important and relevant matters.
25. The issues identified from the Statements of Case for the Appellants and the LCC together with the reasons for refusal, and from the reasons given for the imposition of condition 5 on the permission granted for the Roseacre Wood monitoring permission, were as follows:

Appeal reference: APP/Q2371/W/15/3134386 - Preston New Road Exploration Works

- (i) The effect that the proposed development would have on the character and appearance of the surrounding rural landscape and the visual amenities of local residents.
- (ii) The implications that the proposed development would have for the living conditions of local residents with particular regard to noise and disturbance.

Appeal Reference APP/Q2371/W/15/3134385- Roseacre Wood Exploration Works

- (i) The implications that any increased traffic generated by the proposed development would have for the safety of people using the public highway with particular regard to vulnerable road users.

Appeal Reference APP/Q2371/W/15/3130923 - Preston New Road Monitoring Works

- (i) The effect that the development would have upon the character and appearance of the surrounding countryside and the landscape character of the area with particular regard to any cumulative impacts.

Appeal Reference APP/Q2371/W/15/3130924 - Roseacre Wood Monitoring Works

- (i) Whether it was necessary and reasonable to impose condition 5 attached to planning permission ref: LCC/2014/0102 dated 25 June 2015.
- (ii) Whether the proposed variation of condition 5 would provide the appropriate level of mitigation for overwintering birds having regard to the advice provided by Natural England in connection with this matter.

26. The Inspector also identified the following additional issues arising from the Statements of Case for the Rule 6 parties:

Appeal reference: APP/Q2371/W/15/3134386 - Preston New Road Exploration Works

- (i) The adequacy of the proposed arrangements for the production and treatment of waste fluid from the proposed development, including any cumulative impacts.
- (ii) The implications that the greenhouse effect of the proposed development would have for national objectives in relation to climate change.
- (iii) The public health implications of the proposed development with particular regard to transport, light and noise.

Appeal Reference APP/Q2371/W/15/3134385- Roseacre Wood Exploration Works

- (i) The adequacy of the proposed arrangements for the production and treatment of waste fluid from the proposed development, including any cumulative impacts.
- (ii) The implications that the greenhouse effect of the proposed development would have for national objectives in relation to climate change.
- (iii) The implications that the proposed development would have for the health and wellbeing of local residents with particular regard to transport, light and noise.
- (iv) The effect that the development would have on the character and appearance of the surrounding rural landscape and the visual amenities of local residents.
- (v) Whether the Environmental Statement (ES) is defective in that it fails to describe and evaluate the significant environmental effects of the entire exploration Project in a single ES.

27. At the PIM, the parties discussed the identified issues and matters to be addressed at the Inquiry. The Appellants do not consider that there any additional ‘main issues’ other than those identified by the LCC in the reasons for refusal, or for the grant of permission for the Roseacre Wood monitoring permission. However, they agree that all matters raised by the Rule 6 parties would need to be considered at, and addressed by, the Inquiry. The Appellants do not propose to call any additional witnesses to deal with the points raised by parties in relation to these other matters. These would largely be dealt with by way of reference to the grant of all relevant permits required under other regulating regimes and legal submissions. The matters raised by the North & Western Lancashire Chamber of Commerce in support of the appeals relate to the claimed economic and other associated benefits of the proposed development.
28. The LCC pointed out that the Appellants had also taken issue with two conditions which had been suggested by the LCC officer’s report for the Preston New Road Exploratory Works application in the event that planning permission had been

granted for the proposed development. These are conditions 29 (noise) and 36 (landscape) which relate to specific noise levels that are not to be exceeded and the restriction on the height of the drill rig. This will also need to be considered at the Inquiry.

29. RAG highlighted its objection to the Roseacre Wood Exploratory Works appeal on the grounds of the inadequacies of the Appellant's noise assessment and that the noise condition proposed by LCC would be unlikely to provide adequate protection for the communities that would be impacted by the proposed development.
30. As outlined in its Statement of Case, RAG also raises an 'in principle' objection to the grant of planning permission subject to planning conditions for the Roseacre Wood Monitoring Works. This raises matters relating to the need for the development in the light of the LCC's refusal of planning permission for the Roseacre Woods Exploratory Works (Ref: LCC/2014/0101); the cumulative visual and landscape impact of the development and the impact of associated activity and traffic movements on the character and tranquillity of the surrounding area.
31. The parties agreed that the matter raised by PNRAG in relation to the accuracy of the ES should be addressed early on in the process. PNRAG invited the Inspector to indicate whether the ES should be regarded as defective in its current state and, if so, how it should be made effective. PNRAG referred to the power available under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to seek "further information" in certain circumstances.
32. It was agreed that this matter should be dealt with in advance of the Inquiry in accordance with a timetable for written submissions to be made on that issue. For PNRAG, Mr Bowes indicated that he was satisfied that he had fairly made his point in the Statement of Case and he did not seek to make any further written submissions. However, other parties did seek the opportunity to comment including LCC and Friends of the Earth. The Inspector therefore seeks comments on this matter from parties other than the Appellants by **Tuesday 1 December 2015** with the Appellants to submit comments by **Tuesday 15 December 2015**.

The Inquiry timetable

33. Rule 8(1) of the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 requires the preparation of a timetable for an inquiry lasting 8 days or more. But Rule 8(3) does, of course, allow the Inspector scope to vary that timetable at any time so it is not set in stone.
34. The initial assessment of an appropriate length for the Inquiry is 12 days. At the PIM, the parties' views were sought as to whether that is, in fact, an appropriate length for the Inquiry and how it should be timetabled. The parties provided time estimates insofar as they were able to do so at this stage. The Appellants will be calling four witnesses. Nathalie Lieven QC indicated that examination-in-chief was likely to take about half a day at the most for each of the Appellants' witnesses. However, that was a pessimistic estimate and it was likely only to apply to the planning and general matters witness, Mr Smith, with the other witnesses more likely to take about one and a half hours each in-chief. The Appellants' cross-examination of the witnesses for the Friends of the Earth was unlikely to take more than an hour each. The cross-examination of the noise and traffic witnesses for LCC would take about one and a half hours each. The cross-examination points would not be repeated for subsequent Rule 6 witnesses, if they had already been put to earlier witnesses. In terms of programming, the Appellants propose that the four appeals and evidence should be

heard together. If witnesses have to keep being recalled, then it would be difficult to avoid overlap and repetition and the Inquiry would inevitably take longer. The proofs of evidence would set out those parts of the evidence which related solely to one appeal or another.

35. The LCC will call four witnesses and also proposed that the four appeals should be considered together rather than separating them out, as that would take additional time. The proofs of evidence would nevertheless identify the approach taken to each separate appeal. The LCC favoured the party by party approach compared to the appeals being considered on a topic basis. The completion of the Inquiry in 12 days was achievable with a fair wind but the programme did appear to be slightly tight at the moment. In terms of timing, the presentation of the LCC's evidence-in-chief should take about one to two days. No precise estimate of cross-examination could be given, but Mr Evans did not anticipate that he would be unduly lengthy.
36. PNRAG will call two to three witnesses; RAG will call up to seven witnesses and Friends of the Earth will call four witnesses. The North & Western Chamber of Commerce will call five or six witnesses and estimated that the time taken for evidence-in-chief would be about one to one and a half days.
37. RAG explained that in terms of equality of arms, it did not have deep pockets. If the appeals were all dealt with together then it would need to be present on each day of the Inquiry. There were two separate sites and each should be looked at separately to avoid placing an unfair burden upon the Rule 6 party. The case advanced by RAG was on specific issues and the scope for repetition should be small. PNRAG supported an approach that dealt with each site separately. The Treales, Roseacre and Wharles Parish Council also drew attention to the four separate applications that are the subject of these appeals and the resource and time implications that the consideration of the appeals would have for small groups.
38. Friends of the Earth endorsed the submissions of RAG in relation to the Inquiry proceeding on an appeal by appeal basis in the interests of fairness and equality of arms. Their witnesses would cover both appeals, for example, in relation to climate change, so a session on that topic could deal with both appeals together. Their evidence in relation to waste and public health was also general to both sites to a certain extent. There needed to be a balance struck between dealing with each site separately and the need to consider the evidence overall. Given that both the Appellants and LCC indicated that their proofs would readily identify which parts applied to which site, there was no practical obstacle in the way of the appeals being considered on a site specific basis.
39. In response, the Appellants acknowledged the importance of the Inquiry proceeding in a way that was fair to all, but pointed out that in terms of its evidence, Mr Smith would give evidence that would cover both sites in generic terms. For him to cover both sites separately would only prolong the Inquiry and for that reason he should be called once and cross-examined once. The same considerations applied to the Appellants' noise witness. It was also noted that the noise witness was not available for the third week of the Inquiry. However, there could be a separate session dealing with the Roseacre Wood site traffic issues. The Appellants' traffic witness was available throughout and could be called separately for each site on that issue. Furthermore, it would seem that little of the landscape evidence was generic and for the most part, his evidence could be dealt with in two parts to assist the Rule 6 parties. The North & Western Chamber of Commerce supported the appeals proceeding together rather than on a site specific basis.

40. The LCC agreed that fairness was an important principle and did not wish to see the Rule 6 parties placed at a disadvantage but considered that there would be scope for a compromise arrangement with some witnesses being dealt with on a once only basis covering both sites and others dealing with the specific sites separately.
41. The Appellants considered that 12 days should allow sufficient time, and the LCC agreed that this was achievable. The Rule 6 parties did not suggest that the length of the Inquiry should be extended. This may nevertheless need to be reviewed in the light of the number of Rule 6 parties and the increase in the likely number of witnesses since the estimate of 12 days was first provided.
42. There was support from all parties for at least one evening session, and possibly two, to enable local people to attend and give evidence to the Inquiry without having to take time off work.

The procedure at the Inquiry

43. The Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 will apply. Rule 16 deals with procedure at the Inquiry. This provides that unless the Inspector determines otherwise, the Council shall begin, and the Appellant has the right of final reply and other persons entitled or permitted to appear shall be heard in such order as the Inspector may determine. But it is for the Inspector to determine the procedure at the Inquiry, so there is a degree of flexibility permitted by the Rules.
44. At the PIM, the Appellants, the LCC and the Rule 6 parties indicated that they would be making short opening statements (up to 15 mins) at the start of the Inquiry. The Appellants indicated a willingness to present their case first, followed by the Rule 6 party in support of the appeals, followed by the Council and the Rule 6 parties who oppose the appeals. That would enable the Rule 6 parties opposing the appeals to be clear as to what the Appellants' case was before presenting their own evidence. No objection was raised by any party to the Inquiry proceeding in that way and it would seem that there would be advantages in so doing.
45. The Programme Officer will draw up a programme of appearances based on the parties' various estimates as to how long will be needed to present their respective case and what the Inspector considers to be the most appropriate order for witnesses to be heard in the light of the submissions made on that topic as set out above. The parties agreed to provide updated estimates prior to the Inquiry following receipt of the proofs of evidence. The Inspector seeks detailed time estimates from the parties for all aspects of their case by **Friday 29 January 2016**.

Inquiry documentation

46. Proofs should be concise and relevant. Extensive quotes from policy documents should be avoided, brief references are sufficient. Appendices should be bound separately from proofs of evidence. The pages of proofs and appendices must be numbered and paginated.
47. Parties are asked to use a suitable short prefix for their proofs, summaries and appendices – if parties are in any doubt please contact the Programme Officer.
48. For any proof that exceeds 1500 words, a summary proof should be provided. (As a guide the length of the summary should be about 10% of the proof length).

Summaries should be concise, yet provide a comprehensive synopsis of the arguments contained in the main proof. Only the summary will be read out at the Inquiry.

Submission of Evidence

49. The deadline for the submission of proofs of evidence is **Tuesday 19 January 2016**. The parties are required to supply (7) hard copies of each of their proofs with a summary to the Planning Inspectorate by that date. The submission of copies of proofs, summaries of proofs and a schedule of conditions electronically in Word 2010 format would also help the Inspector.
50. On behalf of Friends of the Earth, Estelle Dehon pointed out that some of the appendices in the proofs of evidence of her witnesses were rather long and it was proposed to provide an extract and make the whole document available by way of an electronic link. The Inspector indicated that as well as the electronic link a complete hard copy of the source document should be provided to the Planning Inspectorate. The extract included in the appendix should be sufficiently long for the full context of the text to be readily discernible.
51. The deadline for the submission of any rebuttal evidence is **Monday 1 February 2016**. The parties were reminded that the purpose of rebuttal evidence is in order to deal with matters not foreseen in opposing proofs more efficiently at the Inquiry.
52. The parties are also asked to provide copies of opening and closing submissions in writing at the Inquiry, and electronically, although they will be presented orally.

Core Documents

53. The Appellants will produce a Core Document list that will include the Core Documents for LCC and the Rule 6 parties. During the Inquiry, the Core Documents will be available for inspection in Andrew Curtis's room at the venue. The LCC are required to confirm the arrangements for the inspection of the Core Documents by members of the public prior to the Inquiry. LCC are requested to provide this information by **Friday 4 December 2015**.

Statements of Common Ground

54. Rule 15 of the relevant Inquiries Procedure Rules 2000 makes provision for the submission of a Statement of Common Ground (SoCG). The provision of SoCGs has been incorporated within the Inquiry Timetable. The agreed submission date for the SoCG between the Appellants and the LCC is now **Monday 30 November 2015**.
55. At the PIM, the Appellants and the LCC indicated that they were now close to agreement on the terms of the SoCG. The SoCG would also set out matters that are not agreed between them. The SoCG would then be sent to the Rule 6 parties so that they could indicate which parts of that document, if any, they were prepared to agree with. The Appellants then propose to negotiate separate SoCGs with the Rule 6 parties.
56. There are clearly a number of topics upon which it would be helpful for the parties to seek to agree general principles and methodologies, or clarify the differences between them, in advance of the Inquiry. For example, in relation to the traffic and transport assessments, the noise assessments, and the landscape and visual assessments.

57. The Appellants proposed that there should be a meeting of its experts with those of the LCC within the next three weeks. The LCC indicated that it is just about to appoint a noise expert and there was no difficulty, in principle, with its experts attending such a meeting. That meeting should therefore take place by **Friday 11 December 2015**.
58. PNRAG suggested that the meeting should also include its noise expert and indicated that it would be helpful for there to be a meeting of all the noise experts. RAG supported the inclusion of its noise and traffic and transport witnesses in any such discussions. The involvement of the Rule 6 parties' experts in discussions with the Appellants' experts would certainly be welcome with a view to submitting SoCGs prior to the Inquiry dealing specifically with those issues. The parties should submit any supplemental SoCGs by **Tuesday 19 January 2016**.

Planning conditions

59. An agreed list of planning conditions that might be appropriate in the event of the appeals being allowed should be produced before the Inquiry opens. The agreement of such a list is, of course, without prejudice to the outcome of these appeals and should not be taken as weakening any parties' case. There should also be a list of conditions that are considered appropriate by any party, although not necessarily agreed by others. The LCC shall produce draft schedules of planning conditions based upon those which were attached to the officer's report to committee on the relevant planning applications. The Rule 6 parties indicated a desire to be included in those discussions at an early stage. Once that list of conditions has been agreed by the Appellant and the LCC, it will be circulated to the Rule 6 parties who will be given an opportunity to provide an input prior to the submission of the list to the Planning Inspectorate. It is, of course, open to Rule 6 parties to submit their own schedules of conditions should they disagree with the list agreed between the Appellants and the LCC.

S106 undertakings and agreements

60. In early October 2015, the Appellants provided to the LCC draft s106 agreements for both the exploratory appeals. The Appellants and the LCC indicated that there was broad agreement, in principle, with the terms of those agreements and it was anticipated that completed agreements would be available by the opening of the Inquiry.

Site inspections

61. The Appellants confirmed that access to both sites would be arranged for the site inspections. The Appellants queried whether the Inspector would wish to make an accompanied site visit prior to the start of the Inquiry. Whilst Rule 17 of the relevant Inquiry Procedure Rules enables unaccompanied site inspections to be made before the Inquiry, provision is only made for an accompanied site inspection in the company of the Appellant, the local planning authority and any statutory party to take place during the Inquiry or after its close. The date and time of the accompanied site inspection will therefore be announced at the Inquiry.
62. The Programme Officer will oversee the detailed arrangements for the accompanied site inspection and the list of attendees. For practical reasons, the Rule 6 parties are requested to appoint named representatives to attend on their behalf and to submit a list of those representatives to the Programme Officer. For the monitoring applications, given the number of the proposed monitoring stations, it is likely that

only a representative sample would need to be visited. The parties are requested to provide a list of suggested locations (identified also by reference to a plan, where possible) for the Inspector to view the sites and surroundings from, on either an accompanied or unaccompanied basis, by **Monday 7 December 2015**. The Inspector shall travel the proposed traffic routes along the public highway to both sites on an unaccompanied basis prior to the opening of the Inquiry. It is noted that the part of the proposed route for the Roseacre Wood site that runs through the Inskip facility is closed at the moment and access cannot be gained along that part of the route.

Any other procedural matters

63. The Appellants would like to arrange for the Inquiry proceedings to be webcast. The LCC supported this approach and was content for it to be organised by the Appellants. The Inspector indicated that there would be no objection to this, so long as it did not disrupt the proceedings or inhibit those giving evidence in any way. The Appellants confirmed that it would be set up in a manner that was not intrusive.

23 November 2015