

From: [Henry Jeffreys](#)
To: [Joanna Vincent](#); [Kam Johal](#)
Cc: [Howard Bassford](#)
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]
Date: 19 November 2021 15:37:29
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)

Joanna

Having discussed with Duncan O'Connor of Pinsent Masons, I understand that oral submissions were made this morning regarding Nexus' appearance at the inquiry. Further to those submissions, the parties have prepared the below joint statement:

"The Applicant and Nexus have agreed the wording of protective provisions for the benefit of Nexus which should be added to the draft Order. These have been submitted to the inquiry and will be incorporated into the next version of the draft Order. The protective provisions are expressed to apply unless otherwise agreed between the parties, and the parties have now substantially agreed the terms of an Interface Agreement which will contain bespoke provisions to manage the interface between the project and the Metro system to address the concerns raised in Nexus's objection. Accordingly, Nexus no longer wishes to appear at the inquiry and the slot currently reserved for hearing Nexus's objection can be vacated. However, the Nexus objection remains in place until the Interface Agreement is completed and the parties will provide a further update on progress to the Inspector before the close of the inquiry."

I should be grateful if you would bring this to the Inspector's attention.

Kind regards

Henry

Henry Jeffreys

Associate

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M: +447738296967
henry.jeffreys@dlapiper.com

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From: Henry Jeffreys
Sent: 06 November 2021 10:54
To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>; Kam Johal <Kam.Johal@dlapiper.com>
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Hi Joanna

Are you able to provide an update in respect of the inquiry timetable, please?

Kind regards

Henry

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From: Henry Jeffreys

Sent: 26 October 2021 16:25

To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>; Kam Johal <Kam.Johal@dlapiper.com>

Cc: Howard Bassford <Howard.Bassford@dlapiper.com>

Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Hi Joanna

I have set out a breakdown below, as requested:

- Opening Statement – 10 minutes
- Evidence in Chief – 45 minutes
- Cross-Examination of NCC – 50 minutes. I would anticipate cross examination of NCC's witnesses on engineering and property, but would need to confirm this nearer the time if our attendance at the inquiry were to be required.
- Closing Statement – 15 minutes

In relation to your query as to the statement of case, the intention is that we would not be required to appear at the inquiry so would not require a further proof or proofs of evidence. However, if agreement were not reached in time, we envisage that we would attend the inquiry. In such a scenario, the statement of case could be relied on, but it is possible that one or more proofs of evidence would be required to provide additional supporting evidence as to the substantive issues detailed in the statement of case.

Kind regards

Henry

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From: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>
Sent: 26 October 2021 09:33
To: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>; Kam Johal <Kam.Johal@dlapiper.com>
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>
Subject: RE: TWA/21/APP/03OBJ/20 [DLAP-UKMATTERS.FID5768710] [GATELEY-GHAM.FID57603]

****EXTERNAL****

Thanks Henry

Please can you break this down to:

Opening Statement –
Evidence in Chief –
Cross-Examination of NCC – which witness/es and time for each –
Closing Statement –

We can then add these as provisional slots.

With regard to your note - *If agreement cannot be reached by this point, the proof of evidence would constitute an expansion of the statement of case.* Are you suggesting you would need to submit a further Proof of Evidence?

Thanks

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for Gateley Hamer
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From: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>
Sent: 26 October 2021 08:30
To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>; Kam Johal <Kam.Johal@dlapiper.com>
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Hi Joanna

Thank you for confirming receipt.

The intention remains to complete an agreement with the Applicant ahead of the inquiry, so as to avoid the requirement for any substantive discussion during the inquiry. If agreement cannot be reached by this point, the proof of evidence would constitute an expansion of the statement of case. However, depending on the extent to which agreement with the Applicant is achieved ahead of the inquiry, it may be that the statement of case would be sufficient for the purposes of the inquiry.

I also note that today is the deadline for the submission of time estimates. Should substantive discussion at the inquiry be required, we anticipate that we would require two hours.

Kind regards

Henry

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henry.jeffreys@dlapiper.com

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From: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>
Sent: 21 October 2021 18:07
To: Kam Johal <Kam.Johal@dlapiper.com>
Cc: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>; Howard Bassford

<Howard.Bassford@dlapiper.com>

Subject: RE: TWA/21/APP/03OBJ/20 [DLAP-UKMATTERS.FID5768710] [GATELEY-GHAM.FID57603]

****EXTERNAL****

Hi Kam

Sorry for the delayed response, I assume that this is what will be presented as Proof of Evidence?

Kind regards
Joanna

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From: Kam Johal <Kam.Johal@dlapiper.com>

Sent: 18 October 2021 14:17

To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>

Cc: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>; Howard Bassford <Howard.Bassford@dlapiper.com>

Subject: RE: TWA/21/APP/03OBJ/20 [DLAP-UKMATTERS.FID5768710]

Dear Joanna

By way of brief introduction, I am assisting Howard and Henry on this matter.

I just wanted to follow up on the below email and please could you kindly confirm receipt.

Kind regards

Kam

Kam Johal
Trainee Solicitor

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M: +447387525335
kam.johal@dlapiper.com



DLA Piper Birmingham has moved. Our new address is 2 Chamberlain Square, Birmingham, B3 3AX

From: Henry Jeffreys <henry.jeffreys@dlapiper.com>
Date: 12 October 2021 at 4:28:57 pm BST
To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>
Subject: RE: TWA/21/APP/03OBJ/20 [DLAP-UKMATTERS.FID5768710]

Dear Joanna

Pursuant to paragraph 26 of the Note of the Pre-Inquiry Meeting, please find attached our client's statement of case and accompanying appendix.

I should be grateful if you would please confirm receipt.

Kind regards

Henry

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henry.jeffreys@dlapiper.com

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From: Henry Jeffreys
Sent: 28 September 2021 23:06
To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Dear Joanna

Please would you confirm when we should expect to receive the PIM note?

Kind regards

Henry

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<image004.png>

From: Henry Jeffreys
Sent: 21 September 2021 11:59
To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>;
transportinfrastructure@dft.gov.uk
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>; Duncan O'Connor
<Duncan.O'Connor@pinsentmasons.com>; Nicholas.Mansell@pinsentmasons.com;
Chris Mayne <Chris.Mayne@pinsentmasons.com>
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-
UKMATTERS.FID5768710]

Dear Joanna

Having discussed further with Pinsent Masons, please see below for the joint statement. We had proposed that Pinsent Masons would submit this orally during the PIM, but have shared it ahead of time so as to avoid any confusion. We anticipate that the dates in square brackets can be completed during the PIM.

"The Applicant and the Tyne and Wear Transport Passenger Executive (Nexus) are engaged in productive discussions as to the terms of an Interface Agreement to address the issues set out in Nexus' letter of 7 July 2021. The parties have prepared this joint statement so as to avoid the requirement for these issues to be addressed before the inquiry unless absolutely necessary. In order to achieve this, the parties propose that the matter of the interaction between the proposed Scheme and Nexus' Metro be programmed for discussion towards the close of the inquiry. The parties also request that the submission and exchange of evidence in respect of such matters is similarly postponed.

This arrangement would allow additional time for the parties to agree terms and complete an agreement ahead of any discussion before the inquiry being required, thus reducing the issues to be addressed before the inquiry and ensuring a minimal burden on the public purse. The parties do not consider that any other parties would be prejudiced by this approach. As such, the parties request that the discussion of the interaction between the proposed Scheme and Nexus' Metro be scheduled for [DATE], with the deadline for the submission of evidence on [DATE]."

In the meantime, we will of course continue to engage in discussions with Pinsent Masons to promptly agree terms.

Kind regards

Henry

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From: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>
Sent: 21 September 2021 11:26
To: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>;
transportinfrastructure@dft.gov.uk
Cc: Howard Bassford <Howard.Bassford@dlapiper.com>; Duncan O'Connor
<Duncan.O'Connor@pinsentmasons.com>; Nicholas.Mansell@pinsentmasons.com;
Chris Mayne <Chris.Mayne@pinsentmasons.com>
Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-
UKMATTERS.FID5768710]

****EXTERNAL****

Dear Henry

Thank you for your email, I showed last night's email to the Inspector this morning and we're not too sure what you are asking for consideration.

The Inspector will obviously be discussing the programme this afternoon, the PIM is purely being held for procedural matters and not individual cases. It is not being recorded, a PIM Note will be circulated following the meeting to including how the Inspector wishes to programme the Inquiry.

I have added you and your colleague's details to my circulation list.

Kind regards

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for Gateley Hamer
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<[image005.jpg](#)>

From: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>

Sent: 21 September 2021 11:15

To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>;
transportinfrastructure@dft.gov.uk

Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Dear Joanna

Have you had the opportunity to consider my below email?

Please do feel free to call if a discussion would assist.

Kind regards

Henry

Henry Jeffreys

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<image001.png>

From: Henry Jeffreys

Sent: 20 September 2021 20:50

To: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>;
transportinfrastructure@dft.gov.uk

Cc: Duncan O'Connor <Duncan.O'Connor@pinsentmasons.com>; Chris Mayne
<Chris.Mayne@pinsentmasons.com>; Nick Mansell
<Nicholas.Mansell@pinsentmasons.com>; Howard Bassford
<Howard.Bassford@dlapiper.com>

Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603] [DLAP-UKMATTERS.FID5768710]

Dear Joanna

Thank you for your email, and sorry to have missed you earlier.

The joint statement – which may be regarded as common ground on the point - relates to the programme for the inquiry, and deals with administrative, timetabling matters related to our attendance at the inquiry and the prudent use of inquiry time. Provided that Duncan and Nick (in copy) are content for me to do so, this could be shared ahead of the PIM if this would be of assistance. As this deals with an administrative matter that is agreed between the parties, we do not intend to appear at tomorrow's PIM. However, as I note, if it would assist the Inspector to have submissions on this point orally from both parties, I am willing to attend the PIM, although given there will be an agreed submission I would hope that would not be necessary.

With apologies for the delayed response, I can confirm that Nexus wishes to reserve its

right to appear at the inquiry. Moving forward, I should be grateful if you would include me and Howard Bassford in copy on all emails to Nexus regarding the inquiry.

Kind regards

Henry

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<image006.png>

From: Joanna Vincent <Joanna.Vincent@gateleyhamer.com>

Sent: 20 September 2021 20:04

To: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>;
transportinfrastructure@dft.gov.uk

Cc: Duncan O'Connor <Duncan.O'Connor@pinsentmasons.com>; Chris Mayne
<Chris.Mayne@pinsentmasons.com>

Subject: RE: TWA/21/APP/03OBJ/20 [GATELEY-GHAM.FID57603]

****EXTERNAL****

Dear Henry

Thank you for your email, I did call you and left a message as I'm not sure what you mean in your email. I very much doubt that Pinsent Masons will make a 'joint submission' tomorrow regarding your client's appearance at the Inquiry.

With reference to attendance at the PIM, the Inspector does not 'request' attendance by the interested parties, it is down to you/your client as to whether you attend or not – as per my email regarding the PIM –

*Attendance at the PIM is not essential, however, it would be helpful if parties intending to present a case at the Inquiry could attend this meeting and the Inspector has asked that you make yourselves known to me by the end of this week, **17th September**. Please note that the right to make representations at the Inquiry will in no way be prejudiced by the inability to attend or be represented at the PIM.*

Kind regards

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[<image007.jpg>](#)

From: Henry Jeffreys <Henry.Jeffreys@dlapiper.com>
Sent: 20 September 2021 16:41
To: transportinfrastructure@dft.gov.uk; Joanna Vincent
<Joanna.Vincent@gateleyhamer.com>
Subject: TWA/21/APP/03OBJ/20

Dear Shenaz, Joanna

Further to my conversations with each of you this afternoon, I anticipate that Pinsent Masons will be making a joint submission during the course of tomorrow's pre-inquiry meeting. The submission will deal with the programming of the matters to be addressed before the inquiry, as agreed by both Pinsent Masons' client (Northumberland County Council) and our client (Nexus).

As a result, I do not anticipate that we will attend tomorrow's pre-inquiry meeting. However, please do let me know should the Inspector require our attendance, in which case I shall arrange to be present.

Kind regards

Henry

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<TWA_21_APP_03OBJ_20 - Nexus - Statement of Case - Appendix 1.pdf>

<TWA_21_APP_03OBJ_20 - Nexus - Statement of Case.pdf>

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