

Transport update: A38 Derby Junctions Development Consent Order

This statement concerns the application for the A38 Derby Junctions Development Consent Order made by Highways England under the Planning Act 2008, which had been submitted to the Planning Inspectorate on 23 April 2019.

Under section 98(1) of the Planning Act 2008 the examining authority appointed to examine the application must complete its examination within 6 months. Under section 98(4) the examining authority must submit its recommendation report to the Secretary of State within 3 months of its completion of the examination. The examination began on 8 October 2019 and was due to close on 8 April 2020. The recommendation report would need to be sent to the Secretary of State on or before 8 July 2020.

Under section 107(1) of the act, following receipt of the examining authority's recommendation report, the Secretary of State must decide whether to grant development consent. A decision in this case would therefore be made on or before 8 October 2020.

Sub-sections 98(4) and 107(3) of the act give the relevant Secretary of State power to set new deadlines in respect of the above which are later than the statutory maxima. For this application, the relevant Secretary of State is the Secretary of State for Transport. In exercising this power, the Secretary of State for Transport must, amongst other things, make a statement to Parliament announcing the new deadlines.

The deadline for the completion of the examination is to be extended to 8 September 2020 (an extension of 5 months) to enable examination hearings postponed in the light of government advice concerning coronavirus (COVID-19) to be rescheduled and held in a virtual forum. Consequently, the deadline for the examining authority to submit its recommendation report to the Secretary of State for Transport is amended to 8 December 2020 and the deadline for the Secretary of State for Transport to take his decision is amended to 8 March 2021.

The decision to extend an examination under the Planning Act 2008 regime is not taken lightly and reflects the exceptional public health circumstances the country finds itself in.

The decision to set a new deadline is without prejudice to the decision on whether to grant development consent.

Environment Agency Yorkshire starts new Hull pumping station

Part of a £28.5 million flood alleviation scheme, the new East Hull Pumping Station will be built at the southern end of the Holderness Drain, where it meets the Humber in Marfleet, after city planners gave the go-ahead last month.

It will enable the discharge of water from Holderness Drain to the estuary at high tide when water levels in the drain are raised, pumping up to ten tonnes of water a second, reducing flood risk to areas in east Hull.

To ensure that the work is done safely given the current coronavirus situation everyone working on the new pumping station will be following strict Government guidelines in relation to social distancing.

The pumping station is phase one of the Holderness Drain Flood Alleviation Scheme, with work set to start on a second phase to create a flood relief area near the historic Castle Hill monument area, east of Bransholme and Sutton, later this year.

Andrew Barron, the Environment Agency's senior flood risk advisor for Hull, said:

It is great news that this scheme is coming to fruition. Hull and the surrounding area is very low lying and this pumping station is vital to keep water moving into the Humber estuary.

This is part of a £200 million investment with partners in reducing flood risk in Hull and the East Riding over the last five years.

All our works are undertaken within Government guidelines, in particular social distancing to protect local people and those working on the new pumping station.

As an organisation we are doing everything we can to support our community, our government and the NHS by abiding by these measures.

The scheme is a partnership project with Hull City Council, East Riding of Yorkshire Council, the Humber Local Enterprise Partnership and Highways England.

Highways England contributed £5 million towards the scheme from its Environment Designated Fund, which helps to improve flood resilience and reduce flood risks to communities close to its network of roads.

Highways England assistant project manager Matt Armitage said:

We are delighted to be able to support the Environment Agency and contribute £5 million to this scheme.

When complete it will protect local homes and roads from flooding and reduce the need for local traffic to be diverted onto the A63, minimising future disruption along this key Hull route.

The Humber Local Enterprise Partnership secured £2.14 million towards the project through the Local Growth Fund as part of the Government's commitment to the Northern Powerhouse. The project is part of the wider River Hull Integrated Catchment Strategy, which has seen an overall total Local Growth Fund investment of £3.8 million.

Lord Chris Haskins, Chair of the Humber LEP, said:

The Humber LEP is pleased to support this important project through the Local Growth Fund.

Communities across the Humber continue to be affected by flooding and we are very glad to see work begin on this flood alleviation scheme to help protect residents and businesses in Hull.

Councillor Mike Thompson, portfolio holder for neighbourhoods, communities and environment at Hull City Council, said:

We are delighted to see this critical work get under way. The pumping station is the first piece of a much bigger jigsaw and the work done in terms of partnership funding to get it to this stage.

These defence measures will help to minimise the impact of flooding to some of our area's most vulnerable parts of land, and highlights the continued commitment we have to protecting homes from flooding.

Councillor Chris Matthews, portfolio holder for strategic management at East Riding of Yorkshire Council, said:

I'm delighted that work will soon start on this much needed scheme which will benefit so many residents.

This project is the latest component of the River Hull Integrated Catchment Strategy (RHICS) to move forward. The strategy provided the local framework for investment in flood alleviation in the River Hull Valley and was adopted by the partnership River Hull Board in 2015.

There is an existing pumping station by Hedon Road (A1033), built in 1949, but the Agency says it has reached its end of life, and it is more

economically viable and beneficial to reducing flood risk to build a brand new structure downstream nearer the Holderness Drain's confluence with the estuary.

The Holderness Drain was first built in the 18th century to drain carr lands on the east side of Hull. The new flood alleviation work is being carried to continue to maintain this historic drainage system.

To find out about flood risk in your area and to sign up to the Environment Agency's free flood warning service, go to www.gov.uk/flood, or call Floodline on 0345 988 1188.

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Bishop of Chester: 12 May 2020

Press release

Queen approves nomination of Reverend Mark Simon Austin Tanner as Bishop of Chester.



The Queen has approved the nomination of The Right Reverend Mark Simon Austin Tanner MA BA MTh, Suffragan Bishop of Berwick, for election as Bishop of Chester in succession to The Right Reverend Doctor Peter Forster, following his resignation on 30th September 2019.

Published 12 May 2020

Report 03/2020: Class investigation into human performance in signalling operation

Summary

Since it became operational in 2005, RAIB has investigated numerous incidents in which signaller decision-making has been pivotal, and where the safety of the railway system was heavily dependent on those decisions (that is, scenarios in which there were no, or limited, engineered safeguards). Under its remit, RAIB also collected industry data on several similar incidents over a five-year period which again highlighted the vulnerable nature of such decision-making. In the light of these incidents, we undertook a class investigation into what affects those decisions, recognising that they may be influenced by a variety of systemic factors. Although this investigation is about what can go wrong, it must be recognised that front-line decisions also contribute much more widely to the safe operation of the railway on a daily basis.

The investigation examined five categories of incident:

- user worked crossing irregularities
- line blockage irregularities
- users trapped at CCTV level crossings
- irregularities involving level crossings on local control
- other operational irregularities

The investigation identified several common factors influencing the actions of signallers across these scenarios, associated with:

- signaller workload
- user-centred design
- competence management
- experiential knowledge

- organisational structure

The report also observes that Network Rail's incident investigations do not always fully exploit the opportunities to learn from these incidents.

Recommendations

As a result, RAIB has made six recommendations to Network Rail, addressing each of the five areas listed above as well as the observation on learning from incident investigations. There is also a learning point for incident investigators relating to the identification of systemic causal factors.

Simon French, Chief Inspector of Rail Accidents said:

"The decisions made by signallers have an immediate, vital impact on the safety of people using the railway. Whether giving a level crossing user permission to cross the line, or making sure that track workers are protected from the approach of trains, a good decision by the signaller is often the last line of defence against tragedy.

"It's easy for an outsider to assume that on the modern railway, everything to do with signalling trains is automatic, fail-safe, and relies on the latest technology. While there is a huge amount of complex hardware and software out there, supported by thousands of engineers and technicians, many decisions about everyday operations are still down to the human beings who operate the system.

"RAIB has been concerned for some time about this decision-making process, and how the performance of signallers can be affected by multiple, systemic factors that are within the control of railway management. As the railway has got busier, so the demands on the signaller have increased. Much of what signallers deal with – mostly successfully – is down to experience and implicit knowledge, but current processes don't recognise this.

"When, rightly, managers seek to reduce the amount of work on the track that is done while trains are running, the burden on the signaller, to block the line so that work can take place, increases. When trains get faster, so that it's no longer possible for users of private level crossings to rely on seeing them approaching in time to be able to cross safely, the signaller has to respond to more telephone calls asking for permission to cross. As the areas supervised by signallers get larger, many more level crossing users, and track workers, are phoning up during each shift. It's asking a lot of signallers to always make the right call, and we have found that the support they need isn't always there.

"We are recommending that Network Rail looks closely at how it manages the day-to-day work of signallers. The experience and knowledge of signalling staff is a vital asset, and needs to be properly and consistently developed, supported and made use of, for the safety of everyone who interacts with the railway."

Notes to editors

1. The sole purpose of RAIB investigations is to prevent future accidents and incidents and improve railway safety. RAIB does not establish blame, liability or carry out prosecutions.
2. RAIB operates, as far as possible, in an open and transparent manner. While our investigations are completely independent of the railway industry, we do maintain close liaison with railway companies and if we discover matters that may affect the safety of the railway, we make sure that information about them is circulated to the right people as soon as possible, and certainly long before publication of our final report.
3. For media enquiries, please call 01932 440015.

Newsdate: 12 May 2020

[Investment vehicle wound-up after stripping companies of assets](#)

Charles James Associates Group Ltd was wound up in the public interest on 4 May 2020 in the High Court before Judge Burton of the Insolvency and Companies Court. The Official Receiver has been appointed as liquidator.

In considering the petition, the court heard that Charles James Associates Group purchased companies that were sustainable and solvent, targeting small family operated businesses spread across the UK. Targets tended to be manufacturing companies or those that provided specialist services, including window manufacturing and sales, commercial vehicle repairs and book publishers.

Charles James Associates Group, however, didn't use any of its own funds or invest capital to acquire those businesses but used associated parties to arrange purchase agreements with the companies they intended to buy.

The associated parties would then negotiate it so that companies being bought would use their own money to complete the sale with the associated parties, as well as agreeing that any remaining balances would be paid on a deferred payment basis.

Charles James Associates Group would then purchase those businesses for a nominal sum from the associated parties before stripping the companies of their assets.

This would include diverting funds, using the purchased companies' funds to acquire assets for Charles James Associates Group, making payments to Charles James Associates Group directly and trading the companies to the detriment of their creditors and employees.

Additionally, Charles James Associates Group caused the companies they bought to not pay both their trade and Crown liabilities and in one case secured pension contributions from employees but failed to pay the money collected into the pension fund, which remains unaccounted for.

As a result of these activities, the acquired companies' finances deteriorated and they were placed into insolvency. The asset-stripping conducted by Charles James Associates Group also resulted in serious losses for creditors and employees lost their jobs.

Investigators from the Insolvency Service uncovered the misconduct through confidential enquiries and also found that Charles James Associates Group never had any formal presence at their registered address between September 2017 and April 2019, using the address without the permission of the property's occupants.

The company also traded using the website of the similarly-named connected predecessor company, Charles James Associates PLC, and used the same contact details on the website. However, Charles James Associates PLC's activities were put to a stop after it was wound-up following its compulsory liquidation in January 2018.

Irshard Mohammed, Senior Investigator at the Insolvency Service, said

Charles James Associates Group cynically purchased companies through deception before stripping them of their assets. Not only did this force previously viable companies to go into insolvency but it also meant employees lost jobs and creditors were out of pocket.

The courts thankfully recognised the severity of Charles James Associates Group's misconduct and removed the company from the corporate arena.

All enquiries concerning the affairs of the company should be made to:

- The Official Receiver, Public Interest Unit, 16th Floor, 1 Westfield Avenue, Stratford, London, E20 1HZ
- Telephone: 020 7637 1110
- Email: piu.or@insolvency.gov.uk

Charles James Associates Group Ltd (Company number: 10719407) was incorporated on 10 April 2017. The current registered office is located at Kemp House, 152 – 160 City Road, London, EC1V 2NX.

The current appointed director of the company is Mr David Roy Howick. However, conflicting information has been filed at Companies House. The authorised share capital of the Company is shown as 1 ordinary shares of £1, with that share being allocated to Myles Bunyard, thus giving him 100% control. However, although Mr Bunyard is recorded as the Person with Significant Control, his share ownership is shown on that filing as "more

than 25% but not more than 50%". Mr Bunyard, under his full name of Myles Charles Bunyard, is currently subject to a disqualification undertaking, for a 12-year period to 24 June 2021."

The Petition was presented by The Secretary of State for Business, Energy and Industrial Strategy ("BEIS") on 19 November 2019 in the High Court of Justice, Business and Property Courts in England and Wales (CR-2019-007770), under the provisions of section 124A of the Insolvency Act 1986 following confidential enquiries by Company Investigations under section 447 of the Companies Act 1985, as amended.

Company Investigations, part of the Insolvency Service, uses powers under the Companies Act 1985 to conduct confidential fact-finding investigations into the activities of live limited companies in the UK on behalf of the Secretary of State for BEIS. [Further information about live company investigations is available here.](#)

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, [is available here.](#)

You can also follow the Insolvency Service on: