

# AUDIO\_Sizewell\_CAH1\_Part2\_Session2\_18082021

00:05

their hearing is resumed are just check if Mr. Melon is present and if he is I'll hear from him. Miss smell and are you there?

00:22

I know that the case team have tried to contact him in the adjournment as he doesn't seem to be present. And they haven't been able to successfully contact him. Then I'll hear from Mr. Horton. Thank you, Mr. Horton.

00:39

Thank you very much indeed. I'd like to give a representation on behalf of nj bacon farms and walled farming limited this representations made on their behalf and farming structure of the bacon family who own separate and Hall farm. This representation is not a form objection to the compulsory acquisition of any land relating to the SLR but we are objecting to the potential permanent acquisition of freehold land at Grange farm wesselton for Marsh Harrier compensated habitat with Mr. Philpott alluded to earlier. That property lies on the edge of wesselton village and is being acquired by our clients at the end of this month. Mr. Bacon will provide more background and perspective later. That property is some three miles three kilometres sorry from where we understand the marsh area nesting sites are on the mineral reserve, and is on the edge of a popular village of West otter. Mr. Bracken will confirm the nature of the approach in the applicant which to date has been exclusively on the basis of acquisition for temporary rights, not permanent rights. And by agreement. In practice, it would involve an option to take a lease for 12 years. Our clients have put forward an alternative site saboten which we consider to be more suitable. And they have employed an ecologist Roger Busan, who has supplemented our view with his professional opinion. He has completed a formal comparison of the vessels of land and saboten Land Port forward, which we will include in our submission at dia, LS seven. However, I just would like to summarise there are criteria that he's applied in relation to the two sites. Criteria one area 1358 Hector's wesselton 54 hectares, proximity to nesting sites. Surbiton, 1.5 kilometres wesselton, three kilometres, proximity or weapon habitat within the triple si Surbiton adjacent wesselton 1.4 kilometres. potential for grass and game covermates to be established. Yes, on both science, potential for wetland creation. Yes. On the separate insight, no. On the wesselton side, adjoining settlement banders. No, on the separate hand side, yes. on the western side. Public rights of way existing within each parcel. yes to both stewardship agreement on land parcels? Yes, at certain node wesselton. I'm sure you can tell by that comparison, that we're applying a simple weighting mechanism indicates that the proposal that we've put forward at saboten appears to be more suitable than the site wesselton. I'm pleased to say that positive engagement has been made by the applicant and their agents. And we recently held a site meeting to look at the two options. This was a positive and productive exchange of views. And we commend Mr. Lewis, Mr. Smith and Miss horsfall. accordingly. We also initially struggled to obtain the

original criteria that were applied to the various alternative sites, which was again as alluded to this morning by Mr. footpod. And we look forward to the season note that he referred to prior to the issues because of it hearing at the end of this month. We have this strong view that opponent acquisition of the land wesselton will neither be a reasonable or proportional action in relation to the securing of the necessary rights. The justification of permanent acquisition in order to provide the landowner certainty or there may be understandable in this circumstances is clearly not required, nor in our opinion, is reasonable stop. Nor is the necessity to ensure we have a clear basis for compensation. Our clients fully agree If a compulsory acquisition were to occur at wesselton, which is not their preference, it ought to be under a temporary route rather than a permanent route. We are confident of being able to engage and continue discussions positively. And of the opinion that the site put forward by the bank and found it saboten is more suitable. We appreciate that that site is outside the DC boundary and this must be delivered in order that this can be taken into account.

05:37

Addition additional points I'd like to make on behalf of nj bacon farms relate to support for landscaping mitigation to benefit service in the fall on land that they own land they've agreed to sell by agreement via the option mechanism. I gather there's a question raised on I think q2 published on the third of August specifically at question H e two point 10. On this matter. As I've alluded to, our clients have agreed to sell the land there and at saboten whole farm which is affected by the DC application by agreement. We would like some comfort that in the event that the option mechanism is not pursued for some reason. The compensation code would provide us with a route in order that the applicant would be required to purchase seven acres of land adjoining Deborah's an all farms productive arable land, and which is created by the alignment of the SLR these areas if they were to remain in Atlanta, and it would be entirely an economic to farm in the future. I'd like to go on to make some comments if possible on behalf of the trustees of the AWS bacon settlement. The ADA bacon settlement upfront own approximately 100 acres of land, all of the land farmed by nothing in the bacon through the nj bacon foreign partnership. And we're finally limited. This representation does not constitute an objection to compulsory acquisition, but is my own observation in relation to a potential issue created by what appears to be the unnecessary linking of the BLM 25 in the SLR, this link, and the alignment of the road accordingly necessitates the acquisition of a significant area of field owned bad trustee plants. And in our opinion, it appears not to be necessary unless we wish to be to be reviewed. Thank you very much.

07:53

Thank you, Mr. Horton. And the information that you've been referring to in relation to the alternative sites and the distinction between them. Can I just check with you if you could remind me if the is that already in the examination? Or is that a matter for your own negotiations with with the applicant?

08:12

It's not an examination arena at the moment, but we're happy to provide it. It was only made available to us shortly before this hearing. I'm very happy to let you have a copy and also to let the applicants have a copy and would expect to discuss that with them. No, thank

08:28

you, if you would if you could provide a complete summary note after this hearing for that deadline. And that would be really helpful. Thank you. Right, I'll ask the applicant to respond.

08:48

Thank you, madam. What I'm going to do is I'm going to take the points in the order that they have been made. So I'm going to start with the marsh Harrier site because that that is I'll just pause while Mr. Horton deals with this call. Oh, I just wanted to make sure he was able to hear what I said. But it's hard to know now with his camera and microphone off, but I cannot. I'm grateful. And yes, I was going to deal with the the marsh Harrier land first because unlike the other areas where I understand it was made clear that there is no objection to the compulsory land there are a couple of queries which I'll come back to so far as the marsh Harrier site is concerned that that is a different position. Now, the first point to make in relation to this land by way of context As it's been made clear, this is land which the objector has agreed to purchase and soon is going to complete the purchase, as I understand it, Completion, understood to be due at the end of this month. And that that is, again, I'll be corrected if I've got this wrong, an intention by the object to purchase this land for commercial use, in the full knowledge of the proposal for its use, by the applicant, and full knowledge of the proposed use of compulsory acquisition powers in relation to it. And one can only assume therefore, in receipt of advice, or at least awareness about the implications of the proposed use of compulsory acquisition powers over this land. So against that background, the objector has evidently formed the view that it is nevertheless acceptable in terms of its own private commercial interests, to proceed with the acquisition of that land for commercial purposes, notwithstanding the proposed compulsory acquisition in relation to it. And it's reasonable to infer from that, that the impact of the proposed compulsory acquisition of this land on the interests of the future landowner have been judged to be capable of being adequately offset by the payment of any compensation that will do under the compensation code or otherwise, why make the commercial judgement to acquire it. That's by way of context, we then have the issue of an alternative site having been put forward and this Mr. Horton is very fairly explained. That alternative site has only been put forward very recently, the evidence to which he alludes in relation to its suitability, and how it compares with the land that is proposed to be acquired. It is to be submitted, as I understand that deadline seven is not evidence that I have in front of me, here I've said is going to be submitted to us. But clearly in terms of providing any response to the criteria and how they apply. I've tried to make a note of the criteria as we've been going along, but clearly not going to be in a position to respond to them in any detail. But so far as the alternative and the approach to the alternative are concerned, I would like to make some comments about the the approach that the examining authority should take because whilst Of course, as has been said, when an alternative is suggested to the applicant, it is considering that it is trying to approach that in a constructive way, in order to understand it, whether it would suit the purposes for which the wesselton land is proposed to be acquired.

13:29

That's only obviously been a process that has just started. But it's important for your purposes, just in terms of looking ahead to what you might be called upon to determine if matters aren't agreed to understand what we say should be the approach. Now, the consideration of potential alternative sites, in the context of compulsory acquisition does not occur in a vacuum. It must be considered, we say in the light of three things in particular, first of all, the relevant legal principles that are established, secondly, by reference to relevant guidance and policy, and thirdly, against a particular factual context.

So far as the first of those is concerned, we'll set this out in the the note that follows the hearing. But just by way of overview, the use of compulsory powers can of course be justified to secure a better outcome in the public interest than could be achieved by an alternative scheme on a site put forward by an objector which wouldn't require compulsory acquisition. So it's not enough simply that there is an alternative site. One needs to look to whether the site that is proposed would secure a better outcome in the public interest. The second point is that the creation of delay and uncertainty that would arise as a result of an alternative proposal forward in support of an objection is in itself, a material consideration, when considering the public interest balance in that context, are returned to that in a little more detail in due course. Thirdly, compulsory acquisition does not have to represent the option which is least intrusive of the landowners rights. And therefore, the relative merits of any alternative must have regard to all elements of the public interest that are engaged, including delay, and the ability to deliver the public interest objectives in the same time and with the same level of certainty. So that's by way of an overview of the principles we say are engaged here. Secondly, so far as guidance and policy are concerned, the compulsory acquisition guidance at paragraph 15 explains that there is inevitably some overlap when considering the compelling case, issue and the test for compulsory acquisition with the factors that must be considered when determining whether or not to grant development consent. And commonly, and I know, you'll be very familiar with this, those issues do interrelate to significant degree. And that inevitably, in the circumstances of this case, brings one to the NPS because the MPs, n one identifies in paragraph 4.4 point three, certain principles that the government has identified as guiding principles when deciding what weight to give to alternatives, having regard to the level and urgency of the need for the infrastructure, to which that document refers. And there are two, two bullet points there that I just direct attention to here. The second bullet point, the IBC should be guided in considering alternative proposals by whether there's a realistic prospect of the alternative delivering the same infrastructure capacity, including energy security and climate change benefits in the same timescale as the proposed development. And that brings one to issue of urgency and therefore brings into play any delay that might arise to the delivery of the scheme associated with any alternative that is proposing it requires one to consider in addition to the criteria that Mr. Horton read out a moment ago, relating to the comparison of the two sites,

18:27

in terms of their suitability as Marsh area habitat, to have regard, in addition to their implications in terms of delivery, because delivery here is something which has very significant public interest implications. For reasons we've rehearsed extensively in writing and in other hearings. And therefore when considering an alternative and it's relevant relative merits. For the purpose of compulsory acquisition, it's also necessary to consider whether the adoption or preference for an alternative would have implications in terms of delay. The other bullet point, which needs to be considered here is the final one. And it says that it's intended that potential alternatives to a proposed development should wherever possible, be identified before an application is made the IPC in respect of it so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant. Therefore, when an alternative is first put forward by a third party. After an application has been made. The IPC may place the onus on the person proposing the alternative to provide the evidence for its suitability as such, and the IPC should not necessarily expect the applicant to have assessed it clearly, rather than here in terms of the timing of the alternative which has been put forward shortly before For compulsory acquisition hearing. So against that backdrop, just a few points

about the factual context here. First, the land at wesselton is put forward on the basis that it is needed, or maybe needed depending on the view that the Secretary of State takes, in order to satisfy the requirements of the habitats regulations. They set a particularly stringent test, as we know and was been discussed in the issue specific hearing in relation to that matter, and therefore, certainty is required in terms of both suitability and delivery. Second point is that, of course, any change therefore, to the application to swap to the new site. Rather than using the wesselton site, which is the subject of the application, and has been subject to assessment, to consultation, and comments by interested parties and others, would require an environmental impact assessment would require habitats regulation assessment would require consultation and engagement with interested parties. So for example, natural England, the RSPB and others who've got a particular interest in this matter. And it would also involve a change to the scheme just by way of the headlines, and therefore one of the things which needs to be given careful consideration, not only by the applicant, but also to those who are proposing the alternative is whether all of that is likely to be achievable

21:59

within the timescale of the examination, without giving rise to significant delay, and that's assuming that the alternative site is otherwise superior to the selected side, in every particular words, it could be, in principle, that an alternative site is otherwise superior, but may nevertheless not be sufficient grounds to refuse the powers of compulsory acquisition, if in fact, it would give rise to significant delay, and if that is a matter of public interest importance. Now, also necessarily, when weighing that, those matters in the balance and weighing the significance of the alternative in the balance, the fact that the objector is content to buy the wesselton side, for commercial use, notwithstanding the compulsory acquisition is proposed, shows that the in this case, the private interests involved are capable of being adequately addressed in the impacts on the private interests by the compensation code. And therefore, this is not a situation where the relative balance between impact on landowners interest and the public interest is likely to be determined by reference to an alternative in any event. So I made those points, not because the applicant is not going to consider the alternative. But just to set it in some context in order to manage expectations, but also to identify the full suite of considerations that need to be taken into account. Now, this alternative has come up as a late starter, as it were. So in a moment, I'll just turn to Mr. Lewis to provide a summary of why we say that the western site is in fact a suitable site to accommodate the underlying need. And it was why we say that the site is suitable to be acquired and meets the purpose in due course, when we've seen the written material, we can look at the alternative site and respond to it in more detail. But before I do that, I'll just pick up another couple of points while I'm speaking if that's acceptable to you, madam. First of all, I hear what is said on behalf of Mr. Hortons clients, in terms of its preference for the nature of the acquisition of the wesselton site if it is to be acquired by compulsion. And I'm mindful of course, at the fact that The explanation that I set out earlier is essentially concerned with the protection of the interests of the landowner, I have to take instructions about what that might mean in relation to this particular piece of land. I don't have instructions on his mobile phone. He just heard it. But I understand the point. And I'll take instructions on that. And we'll come back to Mr. Horton, perhaps outside the examination in respect of that. Secondly, so part so far as landscape mitigation at Thurman Hall is concerned that the point that seemed to be raised there, as in relation to how the compulsory compensation code would apply, and whether there would be acquisition of other land in addition to that language to be acquired, I'd suggest that that is not a matter. For the examining authority to concern itself with it's not immediately apparent

widing it touches upon whether the proposed acquisition is acceptable or not, it seems to be a matter for working out through the compensation code and its application in due course. And then, a point is raised in relation to the bacon settlement, which didn't appear to be an objection to the acquisition of the land. Indeed, it was said just to be Mr. Holden's personal observation. But nevertheless, we will respond to the underlying point about the link in writing unless you particularly want someone to respond to it. Now that seemed, would seem to be more proportionate, rather than taking time.

26:54

So just before I bring in, Mr. Lewis, just to deal with the issue that I've identified, is there anything arising out of what I've said that you'd like me to elaborate on or help with before I pass on to, you

27:09

know, just simply in relation to that temporary possession point? I think you said you were going to deal with that outside of the examination. But I think the examining authority would like to have an update on that, in the light of what Mr. Warden said this morning, yes,

27:23

would be, clearly we will need to come back to you. Because if it's proposed, either by ours, or indeed, if we don't see to that, by Mr. Hawkman, on behalf of his clients, that that ought to be the extent of the nature of the interest that is acquired, you will need to have that set out very clearly in writing in any event, and because that's very much part of your determination. What I'd like to do, though, is first of all, obviously, to take instructions from my client, if it's possible to find an agreed way forward outside the examination, that will save you time, and it will be a more proportionate way of dealing with it. And then we'll report back to you if that's if that sounds acceptable. And that's acceptable. Thank you. In that case, I'll just pass on to Mr. Lewis to deal briefly with the suitability of the subject site for his proposed use.

28:28

Hello, mom, I covered the matters in relation to site selection and for Marsh area sites that issue specific seven and we did provide a note which we submitted a deadline six and for your reference, that is rep six, hyphen, 002, Appendix B. And that's available on the the planning inspector its website. But I will just review very briefly the criteria that we use to select the sites before going on to explain why we chose the wesselton site.

28:59

That said, I'm just so sorry to interrupt. Can I just check if it's got your camera on at the moment, I can only see Mr. Horton.

29:08

And others in the room can see me on the screen. So I think it's working. I can see myself in the bottom right hand

29:18



messages here. Mr. Horton, would you mind just turning your camera off? whilst I hear from Mr. Lewis? see if that works. Right. Okay. Shall I carry on Mr. Chi? Yeah, I still can't see you. But don't Don't worry. All right. Can you hear me that's the main thing I can hear you, which is the main thing.

29:42

Okay, I'll just review the criteria for just very briefly for so we've already submitted them, but just just for the benefit of this hearing, I'll go through them. So the first criteria is that the site sites are not designated for existing ecological value on a statutory or non statutory basis or forming part of the RSPB. minsmere. I reserve and just just to clarify, when we did the initial site screening exercise, we did exclude sites which were covered by stewardship schemes. And that's an important point to note, particularly in reference to the alternative site which has been suggested because that is currently covered by an environmental stewardship scheme, which runs to late 2023. So that's important context, I think. The second criteria is proximity to the minsmere reedbeds sites within four kilometres were considered. third criteria, a strong preference for arable areas which are currently of remote of low value to Marsh areas. And that means that they're more suitable to for conversion to high quality habitat. So the effect of the change from low value arable to high value dry grassland and similar habitats is important. The fourth criteria is that the strong preference for single contiguous sites rather than fragmented land holdings, because of course that enables you to effectively manage the sites, if a fifth criteria, a preference to avoid popular footpaths and other rights of way, which might dissuade Harriers from using these areas. And the sixth criteria that existing hedgerows ditches and a varied topography are preferable because they provide connectivity and ambush opportunities for the Harriers when they're foraging. So those are the criteria that we used in selecting sites at consultation for we identified three possible alternative sites and selected the wesselton site, on the basis that it is the most contiguous sight. It's entirely arable. And that's important in providing that, that that that greater change from the existing condition to the future condition, which we think is important. And importantly, it has substantially fewer public rights of way on it than at least one of the alternatives. And one of those alternatives was, was in the East bridge area, which is which is heavily criss cross biked by a large number of footpath. So that gives our rationale, as I say, that is set out in the note, I referred to Appendix B to read six, hyphens. 002. If that's helpful, Is that helpful? Yes, so that's all we need. Thank you for the moment. Thanks. So thanks so much. I'll hand back to Mr. Philip. Also Imagine no.

32:35

Thank you about that. The only other thing then to add is that, as I indicated earlier relation to Miss Watson representations, we have responded at both deadline three and deadline five to the submissions made on behalf of the bacon interests and Ward farming. And a deadline six, I gave you the the fact that we'd given a response. I didn't give you the reference. I think it's rep six slash otu five I don't believe though, that on that occasion, there was a specific response in relation to Mr. Hoffman's clients here. The bacons and the the ward farming interest, I think that was in relation to other clients, or other parties including dyball. Hall and as well and co

33:27

Thank you. Thank you. Right. And so that includes hearing on behalf of those clients, Mr. Horton. So if you could continue now, on behalf of David grant. Thank you.

33:54

This representations made on behalf of David and but in the grand affordably Hall farm Middleton. Mr. Grant will be adding his own comments and then his presentation as clarified with the administration team this morning. For the whole farm extends to approximately 330 acres is best described as an attractive or central farm rich with environmental features. This has been recognised by the Stephen outcrop Association, so awarded for the whole farm, the award of the best small farm in Suffolk in 2019. It's a fitting tribute to David and Belinda's unstinting work to enhance their farm from what I remember is being a barren environment when they touched it many years ago. I should make clear that this representation does not constitute an objection to that principle of compulsory acquisition. Indeed, as David grant alluded to yesterday, after 16 months of protests and negotiations beside heads of terms to sell the land required for the development under the DCA process to the option mechanism. Although these terms not binding and Despite initial delays in receiving the option precedent from the applicant solicitors, we've now begun work on a tailored option agreement as required by the applicant and their time scale. I'd like to provide our perspective on the engagement by the applicant and their ages, which is alluded to by Mr. Kindler for Mr. Phil point yesterday. Now one can deny the difficulties of life over the last 16 months, and both personally and professionally, they've been the most challenging I've ever had. This had some sympathy with the applicant and their agents. In relation to pursuing a negotiated agreement, I've set complexity. However, I think there has been times where we have received tangible impressions to the applicant, maybe to use phrase going through the motions and not applying as much effort as possible. This is really demonstrated in relation to the lack of meetings we've had on site. The option negotiations have been complicated and inevitably affect many physical features on the ground. There has at times been a marked reluctance for either the applicant or the representatives to meet on the ground in order that we can show them the dividends caused by the proposals. meetings were declined at times due to COVID protocols, which I entirely understand. But that did not stop at the same time. Apparently EDS sending out consultants to do survey work. To manage the physical aspect of the development, David Lindisfarne will be in effect severed into almost equally with approximately 140 acres or thereabouts. either side of the SLR access will be very limited. And as such, severance is a major problem. This inevitably creates a farming loss and added costs, and it will also create the segments of the sheet, which we consider to be almost worthless post construction. It is probably the most notable degree of segments to a farm I've seen in 35 years of professional practice. This is compounded by a complete lack of practical proposals from the applicant to mitigate its effects until very recently. It took three months after meeting in April for us to receive a potential plan as a receiver plan showing a potential underpass structure. And even then, it was admitted by the applicants agency was going to be of limited benefit. We've still yet to meet on site to consider this guidance, albeit we've now got a date in the diary in very early September. Turning to the mitigation of landscaping and the visual intrusion caused by the SLR. Again, we have received no proposals from the applicant to date. Some of our contact is with recently been a virtual call with Mr. Ball. His landscape advisor and a representative from Dell call McLaren again, were promised proposals in early September. The noise and light generated by the traffic using the SLR will ever made a detrimental impact on the enjoyment and the value of 40 horn itself.

38:24

My concern to the applicant needs to fully consider diminution in the value of our class property has been long founded. during early negotiations in relation to the option, it became apparent that the



inclusion of the rights under the compensation code for one of the landowners to claim for severance enjoys attraction was absent. I appreciate the respect to commercial positioning on any deal, including this one. But the lack of this being volunteers at the outset as an anticipated reasonable issue by question, perhaps more than oversight. The right to claim under these headings is now part of the volunteer position as it would be under any compulsory route. But my question yesterday, the degree of awareness of the effects of these impacts remains a valid one as the applicant fully considered the impacts of the acquisition on all the property being retained by the landowners affected including David and Belinda grand. I was interested yesterday to hear about the bond proposal and the question I raised concerning its adequacy. I also noted yesterday that Suffolk County Council made a request for an indemnity in relation to any part one plans under the Land Compensation Act 1973. We want to engage with the applicant to resolve these issues. We've made repeated invitations to meet on site. But I think the applicant needs to more urgency and trying to solve these issues with us. We're a long way down the road in this examination process and we only have limited opportunities to grow. Bring these concerns to the public during the examination, we would ask you that you direct the applicant to engage more effectively and more urgently than provided HIPPA to to ensure where possible, they can mitigate successfully the effects of the application. I'd like now to possible if that was your consent to ask Mr. Grant to complete this representation. Thank you if I can hear from Mr. Grant.

40:35

Thank you, ma'am. Mr. Horton, verbalise the technical and practical shortcomings. So we experienced wonderfully thank him. I frankly want to highlight the personal effects of the applicant's lack of meaningful engagement over the last two and a half years since the SLR concept was not on the fourth of January 2019. And I won't go into as lawyer, Bill August, Mr. Philpott in February 19. Beth Winston and Richard Bowles here their road consultant came to visit us in March 19, which a bill and Nathaniel bacon, whom Mr. Horton is also acting, we walked and drove both the SLR route and the route w alternative. And the result was that we were told that the route for the route of the SLR as defined in consultation for consultation three only was only a desktop study. And as a result, a little more road was closed, because of the proximity of both fail farm and for the whole farm, both listed to the little more road that had been included in the original design, the desktop study. So that was March 19. Next contact December 2020. We had heart of kind of semi virtual meeting at EDS premises at sizewell along with Ws p who were then sent to discuss with us local arrangements and possible alternatives for access routes. deafening silence, only to find that the individual who was proffered to us by the applicant had in fact, had his contract terminated. So there's in April 2021. Points later, the new face Johnson Smith, and his colleague, Josh Clark Davis, tipped up, and actually did a physical tour of the farm with Mr. Horton and myself and others. And, as luck would have it, the a 12 was closed due for accident and they witnessed the effect of the tailbacks along before the road and the junction and problems there. They're too attached. We pointed out the terminal effects that Mr. Horton referred to in terms of the severance by the SLR. The pink line, as you see, equally divides our land, that is the SLR and the other pink line is the Middleton moulding crowd which also comes across our land compounding issue. April 21, we asked we asked for proposals as to mitigation. And nothing. We changed I have a system on my on my computer where I chase weekly. And I had some replies I had no replies. The next contact was the fifth of May. That was online meeting with Richard ball regarding the layout and design of the 40 road junction. And he promised to contact our consultants create consulting engineering, that is yet to happen. But we are already in August, and it was only in May. So

we chased and chased and on the third of August, I had an email from Jake at delco McLaren Sorry, I had an email from Jonathan Smith containing a drawing of the underpass. And I'm not a technical man. That's all we received, except the fact that it could take a Landrover or a small tractor I can't kind of summarising it's lip service that we're being paid over a period of ownership Belinda and I've invested heavily in soil improvement schemes and cropping pattern. We've knocked it out of the deferred stewardship scheme because of the constraints that are imposed on us. Despite the loss of revenue from Defra the awards Michaels already told you about ne alluded to yesterday. There has been no proposal by the applicant or its agents as to how we maintain our farm status, no engagement regarding farm profitability as a result of losing 20% of our of lakeridge. The farm has been severed, severed, and actually probably destroyed by the SLR in terms of landscape mitigation measures. Again from Jake, we had an email on the second of August requesting permission for persons employed by EDF to walk across the proposed route. We then had a meeting with Josh a virtual meeting with Josh last Wednesday A week ago today, I was actually on a compassionate visit to family abroad, but I managed to attend it despite only two hours notice of the meeting,

45:23

where half baked proposal for an unusable tunnel that I showed you earlier was discussed, and the proposed planting of whips with a maximum height of one metre, where the road itself of course is two metres 2.8 metres above ground level where it comes across the railway line. Add to that the height of the truck at four metres at 6.8 metres. It was freely admitted it would take 10 to 12 years for seasonal only light and noise mitigation. No bands, no creative thought these are sticking plasters. We were told that it would take the team a further two weeks to prepare a formal proposal. And as yet, we've got no date for the presentation for that. As Michael told you earlier, we do have a date to meet with Mr. Smith. We've talked about how to term so I won't go into that again. Frankly, you know, I'm an old man, I sold my business several years ago and concentrate on the farm. The applicant has turned in two and a half years of my life and caused me to spend 10s of 1000s of pounds to disprove their their half truths. Sally watts earlier reflected my views in terms of the wildlife loss that's potentially happening as well. So this loss isn't just financial, it's immoral. The questions yesterday, I did my research when retention of the SLR, the applicant stated that 68% of the number that responded wanted to retain the road, I should advise you that the number of respondents who express an opinion was 41 68%, or 41 is not a great number of people in terms of three communities. So you know, economy the truth, let's face it with hard facts. The proposal is based on greed not achieving net zero. Spent we just spent 24.8 minutes listening to Mr. Phillpotts comments about delivery delays as a result of alternative Marsh Harrier habitats on Greg bacon owned farmland. Only last week, the indicate the applicant indicated that the final final investment decision would slip by many, many months. There's a contradiction in terms here, madam. This is a there's no candu culture from the applicant. And that cannot be acceptable. We're not getting engagement. We're not getting any willingness to genuinely move forward. Thank you very much for your time.

47:56

Thank you, Mr. Grant. Right, I will hear now from Mr. Phil bot.

48:04

Thank you, Madam, I'm going to in a moment turn to Mr. Jonathan Smith to deal with matters of engagement, matters of severance of the farm and impact on the farm. And when he's finished, I'm going to turn to Mr. Alister Kratt, who you've heard from before in the context of landscaping, just to provide you with an update of what's being considered in terms of further mitigation there. But by way of probably we don't accept the fairness or accuracy of the way that the approach to engagement is characterised. And in light of the way that that's been presented, we will put forward our own account of that with a complete explanation of contact throughout and we'll put that in writing. But for the purposes of today, and particularly bearing in mind that there is no objection to the principle of compulsory acquisition of the land. I'm going to ask Mr. Smith to provide an overview of the position in terms of engagement. And then to go on to questions of severance, and farm impact. When he's finished. I'll turn to Mr. Kratt.

49:27

Thanks, boss. Thank you, Mr. Potts. Good afternoon, Madam Jonathan Smith, chartered surveyor on behalf of the applicant. Can you hear me? Yes, I can. Good afternoon. Thank you very much. As much as we touched on the engagement issue yesterday, and engagement which landowners including this affected party, and I confirm that I've had a number of meetings have been working closely with the affected parties agent, Mr. Horton. And I think he would agree that you know, we have had regular contact in relation to the the the impact of the scheme on his client, Mr. Grant's land. As stated by Mr. Philpott, we will be providing a more detailed schedule of the engagements, which I think will show that there has been considerable engagement with the landowners including this particular affected party. One of the key issues that's been raised is in relation to the to accommodation works and in particularly the proposed underpass. And I think that there would be some explanation of why it's taken longer to provide this information. I'm not an engineer. But I understand that such an underpass is that is quite a complex issue. And there are a number of constraints, including planning and drainage, which mean that detailed design a bit is not an easy thing to provide. Despite this, we have progressed and as we stated a plan was provided in relation to an underpass. And due to the constraints that I've already mentioned, that the height clearance for the proposal will be restricted to 2.8 metres. Whilst this will allow access and DSLR for some agricultural vehicles, as stated by Mr. Grant, and Mr. Horton, larger vehicles would still need to use the road network. In addition to the underpass, we've also looked at the provision of a water tank for spray water. And I'm waiting for the detail on that from the applicants but that's something we'll certainly look into in relation to mitigation of the of the severance. If the potential underpass is not put in place, the fields will still be able to be accessed using the SLR and existing road network and obviously the larger vehicles the higher vehicles will be able to use that network. To help understand this impact we have assessed and produced a sketch plan, which shows a number of routes with distances to access the farmland from the farmstead with without without the SLR in place. And of course, a copy of this sketch plan will be provided to the panel. These measurements have been taken from satellite satellite imagery and as such are not accurate to the nearest metre that do provide a suitable illustration. I've set out a couple of examples but obviously there are a number of different routes that can be taken in relation to the farm. But to travel from the farmstead to the land just north of the proposed SLR in the location of the proposed underpass by the railway, currently using existing farm tracks is 1090 metres. Travelling from the farm set to the same point via the existing highway network and the SLR the proposed SLR and the farm tracks is 3130 metres. So that's a difference of just slightly over two kilometres, or 1.2 miles. Travelling the farm tracks to the most northern point of the

holding is just over 2000 metres travelling to the same point by the SLR and the existing road network is 2470 metres. So that's a difference of 450 metres. So that gives you some context in sort of the distances that we are looking at should vehicles not be able to use the underpass. And I would say that the applicant continues to engage with Mr. Grant and his agent in relation to the accommodation works and the landscape mitigation. And as was stated by Mr. Horton, meetings are currently being arranged in the next couple of weeks, where issues cannot be resolved, the signed and agreed terms allow for a claim outside the land take to be dealt with under the compensation code.

54:08

And just moving on to that point. Obviously, as stated previously, an agreement for the land required to construct the scheme was reached with the affected party and had some terms assigned on the 30th of April. The terms also deal with certain residual elements. And as I've stated before the applicant continues to discuss consider request for accommodation works mitigation, where these cannot be provided. The affected party will have the ability to make a claim for compensation for the impact on the retained land under the compensation code. And just to clarify that I don't recall it, it's ever been stated that there would not be an ability to claim for severance and endorse affection restricted by the terms that have been agreed and signed. Thank you, if that's helpful, thank you, Mr. Smith.

54:57

Madam in terms of the the distances involved, which are identified by Mr. Smith in terms of alternative access for vehicles that can't go under an underpass. And also, generally if the if the underpass was not able to be accommodated, what we have in mind there is to provide that in the first instance outside the examination to Mr. Hall. So we can seek to agree the facts and also to identify what is helpful and unhelpful to you in terms of that information. And then we can supply that hopefully on the basis that there's no factual dispute about the distances because there's no point providing something to you and then having a tooing and froing. Exactly. So we Mr. Smith has just identified that just to give some context, but will seem to agree the fact that finally I just wanted to ask them Mr. Kraft to provide a brief update in terms of the efforts that have been made in terms of landscaping. So I'll pass it over to Alastair kratt. Thank you.

56:23

We just tried to sort out what appears to be a technical issue with Mr. Kratz connection. If you just bear with me for a moment, we might have to connect him through another machine. Let me just see what we can achieve. If you just bear with us.

57:21

Madam, we've helped resolve the difficulty by temporarily renaming Mr. kratt Cali Vin, so he'll appear on your screen, as familiar name but non familiar face associated with the name. I hope we can. Thank you. Yeah, I can tell the difference. Thank you. Oh, I went past comment on that. Can you hear me okay, now? I can thank fine.

57:47

Thank you. Well, my name is Alistair cross. I'm the landscape architect lead for other projects, just to provide a very brief update on the meeting. And the outcome of that meeting with for the hall and the

grump estate. I've met with our team following that meeting. And a scheme looking at additional screening and measures is in preparation in coordination with the engineering team. We will obviously be coordinating with the rest of the land team regarding the timing of the issue of that drawing. But safe to say the site was it was helpful in understanding the concerns raised and we are exploring the feasibility of additional measures to address those concerns. So really, just to report that matters are in progress, and we look forward to a subsequent meeting. Thank you.

58:55

And therefore, Madam, those are the only comments that we want to make at this stage. You've obviously got the wider context for this, particularly in the absence of objection to compulsory acquisition itself. And really what we're seeking to do now is to achieve what we can, by way of accommodation worse to mitigate and reduce the impact on this particular landowner from the proposed acquisition and the use of the land that will be taken. Thank you, Mr. Phil pot. Right, Mr. Horton. That concludes matters on behalf of Mr. Grant. May I just ask a question? Yes, Mr. Mr. What was what was?

59:49

The obvious question to Mr. Kraft is when will we see anything because Mr. forepart has made quite rightly, comments in relation to the marsh era compensation, habitat issues, big time. And being a major factor in decision making. And I think that's quite relevant. So, so far, we've no idea when this landscaping proposal is going to come. To be honest, you know, we, we were the ones that push for the meeting. And without volunteering the need for it. I'm not convinced that actually there'd been any, there would have been any proposal from the applicant. So can Mr. Krupp tell us when it's likely to be available, so we can make a judgement on it and return?

1:00:29

Well, can I ask Mr. fel pot, if that is available? Now we'll ask you just to give a time or a date? If not, could that information be provided in your post inquiry submission, please?

1:00:48

What I suggest, madam is that once we've got clarity at our end, rather than just volunteering your date without having worked it through, we will initially provide that to Mr. Horton. So that he doesn't have to wait for the post hearing submission. And then we'll confirm it in our post hearing submission so that you know what it is we communicated to him. But I'd hoped we'd be able to get data in by the end of that by the end of tomorrow, and then we'll communicate that day to you in the way I've just described.

1:01:25

All right. Thank you. Thank you. Mr. Oh, there we are. Sorry. There was a hand went up and a hand went down from your client. Mr. Grant. I have the applicant does have the right to respond. So Mr. Grant, I'd prefer if you had any additional comments on what the applicants just said, if you could make those in writing, unless there's something very brief that you want to add.

1:01:58

Thank you. Simply two points that Jonathan Smith has only been involved with, with us since April 21. Not since Jerry 19. And as Michael Hawking has pointed out, none of these things would have happened unless we push too long. Push them along. There's nothing volunteered. And thirdly, Mr. Smith said that even he didn't understand the drawing of the underpass proposed, but he's still said it to me. It beggars belief. So that's it. But yeah, I

1:02:30

think we've we've got your point. So I'll just check with Mr. Phil pot, if there's anything he wants to add. In response to that

1:02:42

might have, as I said, we will provide a full account of the engagement in writing, I don't think you're going to be assisted by further backwards and forwards over this and the hearing.

1:02:52

Thank you. Right, Mr. Horton. So if I could hear from you on behalf of Justin and Emma Dolly,

1:03:03

thank you. Thank you very much. Indeed. This representation is made on behalf of Justin and Mr. Donnelly and their family, who have run on a state farm business for over 60 years from saboten house. their property at saboten eastbridge extends to approximately 420 acres and is best described as a quintessential small country estate, with all of its component parts fully integrated to the benefit as a whole. It consists of design and I will less upgrade to list of country house, including a grade one listed staircase. Range a grade two elicited outbuildings the historic part turned into approximately 70 acres a small number of residential properties including close to the house, approximate 220 acres of highly productive arid irrigable farmland, approximate 115 acres of woodland and marshland with environmental benefits and two sets of farm buildings including a potter's farm, and these big farm. That's a housing a prize winning herd of simmental cattle in the winter, which are grazed on across the marshes in the spring of summer. It's an extremely valuable property and will be of interest to a large number of potential buyers if ever it became available, but in our opinion, it is totally blighted by the applicants proposals within the DCR application. The position of blight arises in the aggregate effects of the whole proposal including the main development side, as well as the SLR, which a certain degree is only a modest effect, but a notable one. The proximity of the main development side, including its substantial accommodation campus, which will virtually ban estate will create we believe a multitude of problems for our clients as well as the wider community. We are aware the applicant is required to take all reasonable steps to acquire all the land and rights over clients. By agreement given the problems likely to be created by the development that our clients have indicated, they'll be prepared to sell their whole property at saboten. Nice bridge. And this arranged the meeting on the 30th of April their agents. This offer has been turned down with that substantive reasoning. dispute has recently been confirmed to us by the agents letter at the end of July. having discussed the matter with our clients, we have indicated they may be prepared to sell part, including in informal discussions the main house, we're in now being expected by the agent to submit a proposal to the applicant accordingly. It's our understanding that the applicant should be taken initiative not us. We sent the applicant is highly unlikely concerning other than the land they have included DC application. Since the applicant became



engaged in the winter 2019 and their agents has only been one site meeting at Saboten has with the applicant. And this was on the third of April, as I've alluded to our concern so the applicant lacks his full understanding of our times property and all of its constituent parts. This was evidenced last month when the applicants agents to be fair to them suggest a farm Impact Assessment be undertaken. This was immediately accompanied by a suggestion that needs to be completed quickly with access within a week. We unfortunately has declined due to the fact that our contractors were starting harvest and it just wasn't convenient. Since that time, we have had a dialogue with the applicants agency in relation to this board issue. And we have suggested that a wider estate impact assessment is undertaken and have just completed a scoping brief including what should be covered, which will be distributed the applicant agents this week was discussed with them. In brief last week, we've asked all of our costs, including those to fully consider the financial effects of a disposable covered that would be reasonable in the circumstances. Inevitably, the aggregate effects of the applicants proposal can be broken down into two specific issues. From reference to the land acquisition schedules in the book of reference, the PCV 13 plots of lands owned by the Dalli family in which they have interests which the applicant proposes to acquire. Plus presume is a sporting rights associated with them. There are three main physical areas which are subject to the acquisition of land from that client. These being land adjoining the BLM 22 on the edge established and Park has. I'll provide a plot reference in relation to the land reference plans SLR 22 slash 24.

1:07:47

The original proposal to remain part of this shelterbelt isn't a typical part of the landscape in the park protecting for everyone has has caused significant concern. And although we acknowledge and welcome from recent correspondence with their agents, this area has been reduced in size. We're still concerned with the end of this roundabout will be removed with adverse and detrimental effects arising as a result. The main entrance roundabout land reference plan MDS oh two slash one. The construction of the main entrance roundabout situation besides the property, plants and will have a major impact upon it. We consider the proposed compulsory acquisition is unreasonable and the land type proposes excessive and justifiable. The detailed design in the band, which was only made available to us on the seventh of April showed five legs, two legs related to the BLM 22. One going north to Saboten, one going south and east and one leg in relation to the realigned lane to Eastbridge and two relating to the access proposed by the applicant. One being for temporary use the other for permanent is clearly the greatest number of legs on a roundabout, the largest radius has to be and as a consequence, the greater the land take is. The existing prepares it takes up to nine acres of our clients productive arable land. And we think the proposal is excessive. We consider that a reasonable proposal would involve one access to the development side, both used by temporary and permanent traffic and that the applicant given that they have control land in that facility have the ability to divide that traffic safely on land they own and control and outside the compulsory acquisition proposals. Having taken advice from our clients, traffic consultants create consulting. We're led to believe that by reducing the size the roundabout by the temporary access is going down from five legs to four. It could possibly reduce the length required by up to Approximately 25%. We also have similar concerns the lack of landscaping proposals will result in significant visual intrusion of the round bed and this is yet to be mitigated and proposals again absent given it will be illuminated by tall lighting structures. We consider it will create a detrimental effect on our clients property from potential light pollution, especially in the winter months. How many last proposals been made? And if so, why have they not been made

available to us? started the parapets land reference MDS Oh 103. We've made previous representations as to the direct detrimental effects caused by the applicants proposal to cite bar pits and acquire land from our clients for that purpose, immediately adjoining our clients property and the lane to East bridge. We've also pointed out in previous representations, that the use of BB is fairly significantly detrimental effect in our client shooting and other farming interests. The shooters based Potter's farm less than 200 metres from where the bar pits will be. In parallel colour, the acquisition for the bar pits, and the reduction of areas around the park and on our land will reduce the number of guys on the shoot, which may resulted becoming invaluable and considerably reduce the potential for its running in the future and eventually, potentially, also create an employment. Thus, again, we would like to understand why the applicants have not submitted greater proposal in relation to mitigation to our property, the property of Potter's farm. Thank you. Thank you very much. Mr. Horton. I'll ask Mr. Phil port to respond.

1:11:59

Thank you, madam. So we've got I've got a number of people that I'll need to call upon to respond. What I'm going to propose because that some of these people will be speaking to more than one of the physical air that Mr. Walden helpfully identified, are going to ask each of those speakers to deal with all of the areas that are within their area of specialism, in other words, cover all those physical areas, so far as relevant when they speak, rather than continuing again, back to them if you if you follow so that the first person I go into go to just to pick up the issue about engagement in relation to this land is Mr. Jonathan Smith. So I'll ask him to speak first. And then once we've heard from him, I'm going to ask Mr. kratt, to deal with the landscaping issues that have been identified, and the landscape and visual impacts that had been alluded to. Following that. I shall ask Mr. Richard Jones from quad, who again, you've heard from before in the examination, to deal with the round about why it is, where it is and the size that it is, and also then to deal with the borrow pits. And again, the issues that have been raised in relation to those So first, please, can I go to Mr. Jonathan Smith, to deal with engagement and negotiation and matters of that salt? Good afternoon again, madam. Afternoon.

1:14:00

We've already covered engagement on a number of the other landowners. And I would just restate that to the applicant has been engaging with the affected party. My firm dalco McLaren has been engaging since June 2019. And my involvement was probably more at the start of this year in February, March, when I've started engaging with Mr. Horton. And I think he would agree that we've had a number of discussions and telephone calls emails in relation to that, and also my site meeting with with my colleague on the 21st of April this year. I would also point out there has been a further site meeting but of course, as stated before, we will provide a detailed schedule of all the engagements, so you'll have that in front of you. The applicant was presented terms to reach agreement for the land that's required for the scheme, with the affected party on the same basis as the other landowners. The applicant has been engaging with and will continue to engage with the affected party to understand that level of impact of the proposals, some progress and Mr. Horton alluded to the this has been made towards reducing those impacts. But inevitably, not all impacts can be completely mitigated. But through continued engagement, we will try to reach the least worst case, outcome. Obviously, as mentioned before, there's been an update of engagements submitted at deadline six, but we will be providing more detail in relation to the detailed schedule. The applicant continues to work with the affected party in its

agent, Mr. Horton in relation to the proposals to reach agreement with the land that is required to deliver the scheme. The applicant is currently awaiting detail. And again, Mr. Horton alluded to this of a proposal from the affected parties agent. And we look forward to receiving that and we will continue to engage with with a view towards reaching agreement. I hope that's helpful for you. Thank you.

1:15:59

Thank you, Mr. Smith, I'm going to then ask Mr. Krabs, to come in to deal with the landscaping and visual impacts that have been raised by reference to the three areas of land.

1:16:18

Thank you, I'm hoping you can hear me now. Thank you, I can great brilliant, thank you very much indeed. Thank you very much I, what I propose to do is deal with saboten first and then Potter's farm just for clarity. There is a list of existing material that rather than necessarily take time now to list the documents of relevance to what is before the hearing of the moment. May I suggest that that is included in the note from today's hearing, for clarity, but I will refer to two or three of those documents. In my responses, condition addition, I have taken a few additional measurements just to provide some clarity. And I will make reference to those wherever it's appropriate and helpful. So for me turn in the first instance to the roundabout at saboten. The main development site highway works proposal, it forms part of the application and the document reference for that is our EP five dash oh one three. And there is a lighting plan as well, which is associated with that, which is within document our EP five dash, one four. In the first instance of just to maybe provide some clarity in relation to the extent of vegetation loss that certainly been alluded to in representations and I guess more generally, in the points raised just now the plan I've referred to in our EP five dash oh one three, illustrates the extent of vegetation loss associated with the roundabout. It is a very limited area that requires removal to support safety and visibility splays and in my judgement doesn't fundamentally impact the integrity of the tree cover of the estate in this area. In terms of the extensive visibility and consideration of the distance of the main house the return house to the roundabout. By measurement The house is approximately 650 metres distance from the ground up from the house from the main dwelling in a South easterly direction, and is substantially screened by existing tree cover, which from the survey information we have is in the order of 12 to 20 metres high, principally comprising passive green house plantation. For clarity, the column lighting column heights at the roundabout are proposed to 10 metres. So from a point of view of the tree cover being topped by lightning columns themselves that should not be the case. In terms of the actual assessment of lighting effects themselves, there is, if I may make reference to the assessment in the landscape of visual impact assessments and appendix 13 B, which is document a PP dash to one eight. I fully acknowledged that the existing area would be under the methodology that's been agreed, be categorised as of community value and essentially characterised as a non lit environment. And the methodology that we've deployed has been agreed with both the county and the local authority.

1:20:48

There is lighting design information provided as I've alluded to, within the application, and additional information was provided during the examination, and if I can direct you ma'am, to technical notes on indicative lighting modelling, which is document our EP three dash 257, which does provide indicative spread of lighting in the vicinity of the roundabout, and does indicate that the spread of light falls very

rapidly from the immediate focus of attention at the roundabout to a very limited extent. Certainly a casting light on the ground.

1:21:49

But anyway, you can still hear Mr. Crap, but I think he's frozen on my I think he may be back now. Okay.

1:21:56

Sorry about that. Can you hear me? Okay. Madam, I can't hear you. But I think that's possibly because you're new. That's because that muted Okay, no, that's fine.

1:22:09

So that's alright. I think we lost about 30 seconds. Okay,

1:22:14

fine. Probably your benefit rather than. But maybe just to clarify, it did make reference to the technical note, and decorative lighting modelling, which is document our EP three dash oh five, seven. And that document provides the indicative spread of light from the roundabout as shed on the ground, but also usefully provides light levels 10 metres and above, as cast by the, the lighting units themselves. With regard to the assessment judgments made and embodied in the landscape, and visual impact assessment, these are provided within the landscape and visual assessment and I've previously referred to the appendix 13 B. But just for clarity, the during the construction phase, the assessment of effects during nighttime are considered to be of moderate significance adverse. Whilst I acknowledge that the methodology deals with a group receptors rather than individual receptors, I can confirm that the worst case scenario of any given receptor within the group does form the basis of the judgement that's been recorded and ferritin house lies within receptor group 10. Within the assessments undertaken, hopefully usefully as well. There are two other elements I would draw attention to under this heading of lighting effects. There is an existing view of the roundabout taken from the west, from a footpath due north of the Abbey, which looks towards the roundabout junction to give a general feel for the nature of the lit environment or the nighttime environment. The baseline photograph is figure 13 b dot four dot o four. But perhaps more usefully, there is a model of view of the roundabout, which is used the lighting design proposed to represent the lighting effects on the roundabout and that's representative viewpoint eight, and the figure reference just for future reference. Figure 13 b five dot o eight, which indicates the nature of the lighting proposed as full cut off. LED lights are pushing light down and limiting upward spread of light into the surrounding atmosphere to other points on saboten if I may, there was some mention made of tree loss relating to size while link road that is acknowledged and is illustrated in the ies addendum associated with sizeable link road and that just for references referenced as dash 198. In looking at the alignment with the engineers, we have sought to minimise the extent of tree loss associated with tying in the size one link road into the existing b 1122. But there is a requirement for drainage which needs to lie on the east side of that road and does result in some tree loss. Again, for the purposes of putting a scale to this, in its worst case, location, the approximate measurement is about 16 metres of loss of tree cover within a 32 metre wide belt that parallels the existing b 1122. And I would just add the woodland is currently being surveyed at the moment. So from the point of view of the impact on Browns plantation and fish pond Grove, which is the tree belt in

question, we do acknowledge that, but there is a significant tree belt remaining to provide containment to the to the gardens and the wider setting of the house. Finally, just under service, and if I may, religious provides some clarity in relation to the views of the bureaucrats and where information can be found on that and hopefully supplemented by some useful measurements. Again, just to clarify, the landscape and visual impact assessment does record the effects during construction having regard to all of the components of the construction phase, including the borrow pits, and indeed the stockpile.

1:27:14

The daytime construction effects are recorded in the landscape and visual impact assessment as major two major moderate, significant adverse, and we acknowledge and I confirm from a professional judgement that is accurate. With regard to the effects on the property, it's possible to gain an informed understanding of the extent of visibility from the public highway. And if I may just quote a couple of dimensions to support an understanding of the relationship of the main house to the construction site. The main house lies approximately 650 metres from the campus boundary and approximately one kilometre from the southerly and of the stockpile, which is Area C five on the parameter plan submitted with the application. The house itself has no views to the borrow pits which lie to the north of the construction area. But I do believe that in principle views to the stockpile would be possible. But the existing vegetation of greenhouse plantation which forms the eastern boundary to the immediate setting of the house will deflect views of the stockpile from abuse from the house. So hopefully that provides some some clarity in terms of the issues that have been formed the assessment that's been made and recorded. And just for the purposes of clarity, again, these the screening plantation of refer to greenhouse plantation from survey information we have is approximately 20 metres high. And whilst it represents a mix of evergreen and deciduous cover, it will provide an important screen and deflection to views to minimise effects with regard to concerns that were raised certainly in representations regarding lighting, and I think concerns also expressed regarding lighting towers, maybe just to if I may clarify that matter. The technical note. Title indicative lighting modelling does indicate the general strategy for construction phase lighting Um, but I do know that in the description of construction document if I may give you that appendix references are EP three dash oh one five. And it is noted that lighting towers are referred to an assessment of noise. Really to provide clarity those lighting towers would be what I would normally refer to as task lighting that would normally be up to the maximum height of eight metres. And they would normally be used for specific operations for the safety of operatives. And in terms of how they are controlled. The approach to their use and how they would be managed would be controlled under the lighting management plan, which has been agreed, certainly in initial statements of common ground with both local authorities as an appropriate structure and content to control lighting during the construction phase. So I hope that provides some clarity with regard to the nature and the characteristics of the lighting towers, as opposed to other more substantive lighting strategy for the main construction phase itself. If I may turn to Potter's farm and eastbridge farm in many ways, some similar issues, but I think important to hopefully provide some clarity of the purposes of the hearing. Both properties lie within receptor group 10 as similar to separate them and the group impacts identified if I may just relay those to you the daytime effects as it would relate to views of the Borah, pets or recorders as major to major moderate significant adverse within the landscape and visual assessment. And at nighttime major to moderate, significant adverse

1:32:13

with regard to lighting effects. The position with regard to the borrow pits, and stockpiles applies similarly to the description I provided for m saboten. Namely that the borrow pits lie to the north of the site and are closer to POTUS farm and eastbridge farm. With this stockpile being more and more southerly location or more distant in both cases, or pits and stockpiles will not be lit but lit by lighting towers on our needs must basis as part of the construction phase activity and control by the lighting management plan. I think importantly, an understanding of the immediate setting and context of those properties is helpful in informing judgments regarding the scale of effects, and how that's influenced the assessment judgments. By my measurements, our Potter's farm is approximately 300 metres from the closest borer pit which is identified as burrow pit c eight on the parameter plan, and is bridge farm as a dwelling approximately 400 metres from the nearest or a pet, which is in this case or a pet c seven on the parameter plan. From our understanding of the immediate setting of Potter's farm, to the extent that it's possible to appreciate it from public vantage points, Potter's farm does not have direct views towards the construction phase as a dwelling or the dwelling group, whereas the spirit farm may well have some oblique views across existing vegetation to the southeast. Again, just to hopefully confirm the issue relating to borrow height, appropriate heights and also stockpile heights and again, just for clarity for the hearing. The borrow pits are proposed as five metres high. The parameter plan and the figures I've referred to, including c eight and C seven have a spot height of 20 metres AOD. The existing ground being in the order of 15 metres so the Borah pits to the northern end of the construction phase are approximately five metres high. The stockpile, which is labelled c five on the parameters plan is labelled 50 metres a God and the ground in that vicinity is approximately 15 metres at placing the parameter at about 35 metres. Again a couple of dimensions which are hopefully helpful. By my estimate, Potter's farm home is approximately 430 metres from the stockpile and eastbridge Farm approximately 780 metres from the stockpile with regard to just finally the matter relating to planting measures, some advanced planting has already been undertaken on the EDF land that's presently controlled and ongoing planting associated with the boundaries of the borer pits which currently lie within the control of EDF is ongoing and also proposed and borrow pit c seven, which is the one that lies to the north and lies within the the daryl land would be proposed to have advanced planting as early in the construction phase as possible to allow for these either existing hedgerows to grow on or to be reinforced by additional hedgerow trees and planting as appropriate. So I hope those points, hopefully provide some clarity regarding the judgments and the nature of effects. But obviously happy to take any further questions as appropriate, ma'am.

1:36:41

Just Just one very quick point in relation to it. Vance planting that you just mentioned, is that secured anywhere in the decio.

1:36:51

I will defer to my colleagues. And if I may get back to you on that. We are in the process of evolving the outline, landscape and ecology management plan and the processes of delivering that. But if I may, I will ask counsel to address that matter. Once I've checked off x. Thank you. Thank you.

1:37:17

Thank you. Thank you for that Mr. Crabb. Madam I'm conscious of the time. And I've got to address the the question of the need for the roundabout and why it has to be five legs rather than fewer. Point Mr.



Often has raised. And I'm conscious that might take a little while trying to try to keep things proportionate, but nevertheless, I wonder whether you wanted that now or whether you'd rather have lunch? And then we know

1:37:49

I think we've actually given given the stage we're at and I do see. There Our hands are. So if I adjourn now and we'll resume at 10 to two. Thank you very much. So just and we'll we'll continue with this particular discussion. So the hearing is adjourned.