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FULL TRANSCRIPT (with timecode)

00:00:07:08 - 00:00:17:23

Okay. Welcome, everybody. Back to this issue specific hearing six on environmental matters. And if I can also just confirm that the live stream has restarted, please.

00:00:23:11 - 00:00:24:06

Yes.

00:00:24:18 - 00:01:00:27

Okay, perfect. Thank you for that. Okay. We're still on agenda item three, landscape and visual. And and would like to continue with my next question. Just before we move on to number ten Newbridge Lane. Um, I do just have one more question for the councils. Um, with regards to viewpoint locations, and I would just like to confirm that the council is happy with the viewpoint locations as agreed with the applicant. And just to check it just that you are not seeking any additional viewpoints as part of the examination.

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Ma'am, I'll take that one. Yes, we're content with the viewpoint locations, but we do stress that viewpoint. Locations are a snapshot and you have to take account of the broader picture, um, which is, as I say, is assisted by the viewpoints, but also as assisted by the Z TVs in terms of the very broad range of at least heretical viewpoints from which this location can be seen. So yes, we're happy with the viewpoints, but they are a snapshot, not the whole picture, as is normal.

00:01:36:05 - 00:01:51:29

Thanks for the confirmation. Thank you. Okay, so if I can move on, please. Um, can the applicant please outline their approach to the assessment of landscape and visual effects in relation to number ten Newbridge Lane and summarize their findings, please.

00:01:54:23 - 00:02:28:16

Neil Furber for the applicant. So given the concerns of the host authority's landscape consultants that were made in relation to ten Newbridge Lane and the residential visual amenity assessment following a meeting that was undertaken online on the 21st of October last year. Um, some cross-sections were prepared which were submitted as rep 1036.

00:02:28:25 - 00:02:33:16

So they are Volume 9.2 Part nine Appendices.

00:02:35:08 - 00:02:41:08

I'm not sure if it would be relevant to share those with. The team.

00:02:45:03 - 00:02:47:04

That's rep one. All three, six.

00:02:48:17 - 00:02:49:14

That's correct.

00:02:51:15 - 00:02:53:19

And do you have a page number for that, please?

00:02:55:27 - 00:03:05:02

Um. I'm sorry. I'm working off hard. Copy. Um, for the for the illustrative material, But I think a colleague is just going to look up for you.

00:03:05:15 - 00:03:06:00

Thank you.

00:03:16:07 - 00:03:17:18

Should be back.

00:03:35:02 - 00:03:36:25

It's the first one.

00:03:38:01 - 00:03:41:18

Page 12 and 13.

00:03:41:28 - 00:03:45:18

12 and 13 that's just loading up. If you just bear with me one second.

00:03:49:15 - 00:04:20:21

So think just while that's that's loading just to describe the background to those. The reasons that these were prepared was to help to clarify the relationship between the U. And ten dubious lane and then to compare the relationship with the similar bungalow that's that's further to the south, um, on Newbridge Lane, which is called potted plants. Um, and look at that relationship with the existing cold store building.

00:04:21:24 - 00:04:22:09

Um.

00:04:23:26 - 00:04:55:11

And whilst we appreciate that every development is obviously assessed on its own merits, we think this instructive to look at a comparison of these two scenarios to assess whether there's likely to be an overbearing effect or not. And we understand that the examiners may have passed potted plants as part of the unaccompanied site visits. Number two.

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Is that correct?

00:04:58:03 - 00:04:59:15

Yes, that's correct.

00:05:00:15 - 00:05:50:15

So will be aware broadly of the relationship between the potted plants, bungalow and the cold store. And just to break briefly to sort of talk through these these two sections, so the section that's on the screen at the moment, which is figure one looks at the line of sight from the ground floor. Obviously, it's a bungalow. So there's only a ground floor view from number ten Newbridge Lane that looks above the acoustic fence and towards the top of the boiler house, which with the vertical limit of deviation, is 55m or 52m when you 52m from ground level.

00:05:51:26 - 00:06:22:15

So that's the first. So that's the main kind of mass of the building with the lower view line, the top view line, it's taken to the obviously to the, to the taller but but a much more sort of slim line at

chimneys, which would have, you know, compared with the building would have potentially less potential to be overbearing because of the fact of the fact that they're slimline in nature.

00:06:22:24 - 00:06:51:18

So that first page just illustrates that sort of relationship to and the distances involved. So you can see that between Newbridge Lane and the Chimneys, this there's 100 there's a separation distance, a minimum separation distance of 107.7m and then it's 122.9m to the tallest part of the.

00:06:53:06 - 00:07:25:06

And then if we turn to the next figure, which is figure two. And what this figure does is that I'm on the top left. Section is basically a zoomed in version of the cross section that we looked at on the first page. So it illustrates the relationship with ten new bridge lane and the proposed development. And those the angle of those few lines has been annotated. The site lines have been annotated on there.

00:07:25:08 - 00:07:36:15

So you can see on that section A, the sight lines, the top of the proposed chimneys is 22.6 degrees and the cyclone to the

00:07:39:12 - 00:07:59:03

buildings is 11.6 degrees. The section B, that's the top right of that page, um, shows what the sight line is between the potted plants bungalow and the cold store. Now, obviously the cold store.

00:08:00:28 - 00:08:34:23

Is 33m, so it's not as tall as the proposed development. However, it's significantly closer and you can see its separation distance there being just 63, um, 63.8m. So it's roughly. Um, half the distance in terms of proximity to the. To the tallest part of the proposed development in relation to that relationship between ten Newbridge Lane and the proposals.

00:08:36:05 - 00:09:19:13

So the sightline that potted plants to the building. Is 24.7 degrees. And there were no in obviously in terms of the the sightline, that's that's a section line you have to take into account. Well how much of the horizontal view is occupied by the building and think you can ascertain that quite clearly from the section location plan to the bottom where you can see that the the cold store in its entirety would form you know, would form quite a.

00:09:21:03 - 00:09:28:27

An extensive sort of part of the view from from from from the front of that bungalow. Um.

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If you get back to the first figure, switch back to the first figure

00:09:37:28 - 00:09:38:15

one.

00:09:43:17 - 00:10:22:28

You can see that the relationship there. Um, again it's it's you're looking at the front of the development, um, and the proportion that's visible. Um, is primarily across the axe this road which will be, um, the sexual relationship. As you rotate that section line or imagine what the horizontal effect of the horizontal amount of development will be visible further to the south of that section line the existing trees and scrub outside the order limits which are retained.

00:10:23:00 - 00:10:58:06

And to the south of the proposed access road would filter views and obviously in summer they would screen them. We obviously spent some time at ten Newbridge Lane on the accompanied site visit and stood at the that the point of where the access was and is had an idea of how much trees would be removed and where the entrance would be. So you'll be aware that that those existing trees will have a role in restricting the horizontal extent of the development that's visible.

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So so we use these, um, use these sections and analysis, um, to, to illustrate what the relationships are. Um. And.

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We need to obviously take into account not just the impact of the chimneys and the buildings, but also other developments, particularly the the entrance with the movement of fair course and potentially lighting columns near the entrance as well. And consider those effects on residential amenity. So those have been assessed in detail within the

00:11:43:23 - 00:12:16:29

application documents, in particular the residential visual amenity assessment. Um. With respect to vehicles. The. Fence, as shown on the section line, will have some impact in terms of reducing the visibility of the middle and lower parts of vehicles that are moving into the entrance, which would also shield views of headlights, which we acknowledge was a concern that had been raised by the.

00:12:20:01 - 00:12:46:27

So there would be some some visibility of the upper parts of TVs, but that in our view, wouldn't be. Would be less than the impact on other dwellings further along Newbridge Lane, where vehicles would also pass. So between the junction, the proposed junction and.

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The the the main road. The road. There are other properties within the within the industrial estate that would have more direct views of the of the traffic without any screening. So we don't consider that the views of the top of the vehicles would present an overbearing impact. It's really the building and the chimneys that have that potential to be overbearing, but obviously it's an amenity concern.

00:13:19:05 - 00:13:34:00

Um. And obviously we know the reason for having the acoustic fence there is to mitigate the noise impacts, which is which is a separate topic in terms of lighting columns. The lighting strategy

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details.

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The proposals that would ensure that there wouldn't be any unacceptable lighting impact. So the adoption of Luminaires that have full cut off that would prevent excessive sky glow or any direct impacts onto the property. Um.

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The sort of separation distance is what that could be could be easily achieved. Um. And would not be a concern in terms of the residential amenity threshold. The other

00:14:15:08 - 00:14:52:00

the other points that are relevant to to note and appreciate that some of this would have been covered on the accompanied site visit that we had on the 11th of May, that we obviously looked we couldn't enter ten Newbridge Lane itself, but we looked along the along Newbridge Lane and looked at

obliquely to the sort of towards the rear garden. And the inspectors will recall that we we looked at the location of the acoustic fence and that would follow the existing timber boundary fence within the front garden.

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We also looked at the land uses to the rear of the dwelling, which were observed from an eagle, and we confirm those were or it was agreed that those were agricultural in nature and comprising fence paddocks and an outbuilding.

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And directly adjacent to the rear of the bungalow and partly enclosed by the configuration of the dwelling itself. It was confirmed that there was a small patio area. Um, and completing. After that visit was completed, I took the opportunity to obtain permission from the landowner and tenant to briefly review that situation on, on, on the property itself. Um, and this basically in some way this accorded with my previous analysis, which basically was that the garden patio was surrounded by the dwelling on two sides and to the directly to the south of that patio.

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The cultural storage building and where there was a potential view from the patio towards the proposed view. There was a a timber fence with a higher part that had a trellis with climbing plants. So there was quite a restricted view in that direction. So the judgment that we made in written submissions that there would be no potential for residents to view the proposed building and chimneys above the bungalow from the rear amenity space.

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That's basically supported by my analysis on site. And an additional point that was confirmed regarding how. The property was used. The tenant confirmed that the front door on the north elevation of the building that's facing towards the proposals that that wasn't in use and that they actually use the rear door on the southern elevation of the bungalow, which obviously is facing in the opposite direction to the proposals.

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So we feel that that's that's, you know, it's clear that the front of the dwelling and the the Associated Garden area doesn't have any particular amenity value at present.

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I think the one final point would be to say that no part of the work.

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Number four way being the new site access and the access improvements. Um, can commence until the acoustic fence has been constructed. And that the acoustic fence also has to be maintained until the proposed.

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Has been decommissioned unless otherwise agreed with the local authority or relevant planning authority and that secured under work number ten and requirement 19 brackets three of the draft DCO.

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Thank you.

00:18:32:23 - 00:18:37:12

Thank you, Mr. Furber. If I can now ask the councils to respond, please.

00:18:43:04 - 00:18:47:23

Thank you, ma'am. I'm going to turn, obviously, to Mr. Flashman in just a moment. But

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first, just as an introductory comment to say that the council has addressed or considered its consideration of these matters based on the VAT concept and principles. So I'm just going to start by asking Mr. Flatland to explain that to us before we take on board the detailed comments. And the other introductory remark to make is just to note that Mr. Furber referred to the pattern of use by the existing occupants.

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And whilst that's relevant, it's not determinative because of course the examining authority has to consider the fact that that property may not remain in their ownership forever and that different occupants may use the physical facilities of the building in a different way. So a certain amount of caution has to be applied when considering current occupants principles. But with that said, here's Mr. Fullerton.

00:19:49:09 - 00:19:50:14

Can kill. Can you hear me?

00:19:52:10 - 00:19:53:09

Yes, we can.

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Great.

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So.

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Been looking at

00:20:02:20 - 00:20:27:21

the submissions made by the applicant and the. In particular the sections and so on. So my comments on this are as follows. So can appreciate the drawing of sight lines on on figure one that were presented that we had on the screen a short while ago. Um, and they represent some of the.

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Visual sphere, but

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the section lines. If the section line was drawn to follow the top of the acoustic fence, then I would suggest that the visibility or the length, the extent of the scheme that would be visible would be somewhere near 70m, i.e. building in stack. At the moment it's significantly shorter than that because the two sight lines are drawn on the top of the ridgeline on the top of the 55 metre height of the building and then the top of the stack.

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But if you were to lower the sightline to get the full spread of the view, I think you're talking about a 70 metre or near enough extent of view, which is obviously significantly greater than potted plants, although I don't really necessarily think we should be comparing potted plants. It's a different scenario, but 70m is clearly quite a difference and I appreciate that.

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You know, the proposed scheme is further away, but it's not as written in the

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residential amenity assessment on its page nine K. It suggests that a minimum separation distance of 190m. I think Mr. Furber did clarify for us that it was 107 or thereabouts, so that was good. Um, and

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the other thing I'd say is that obviously with the tree loss on, on the road frontage. Much of the.

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Erica is going to open up to a clear view through. And you can see from the section line that the proposed trees that are now inset into the scheme will have very little or no effect in screening. So again, the description in nine K in terms of the effect that they've considered. It says

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it says any replacement landscape planting along part of the Newbridge Lane boundary would take well over a decade to become partly effective.

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And clearly I don't agree with that. Planting wouldn't wouldn't have that effect at all, given the section line that we've got.

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And then finally.

00:23:14:11 - 00:23:47:03

The building itself is a bungalow, so it's quite a low building and I don't think although I appreciate the patio is attached to the house itself, there are obviously areas of garden that the residents are free to use and roam and whatever, and I don't think it will take much for the sightline to extend beyond the ridgeline to provide views from within the garden, although I haven't actually visited it myself.

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But I think in terms of a section line, you can see that.

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It's not going to extend very far into the garden, away from the house before you can see.

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The scheme.

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Just in terms of other factors which affect residential amenity and what else is there that the council has concerns about?

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But in terms of the the truck movements and yeah.

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So we've got an area of fencing of three metres height, um, and the traffic movements will be continuous, but there will always be seen above the fencing along with lighting. There'll be an effort

appreciate, there might be some cut off, but there'll be ever present above the fencing with the traffic movements. Um, and also, you know, residents aren't going to necessarily close their gates all the time.

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So as soon as those gates are open, there's going to be a clear view into, um, sort of a loading area, um, and clear view into the, into the, into the, well, the facade and the chimney. They'll be there right in front of you. So.

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And what's your overall conclusion on the breaching or otherwise of the VAT?

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I think so. The Council's view and our view is that this this would breach the residential district visual amenity threshold. Um, I think it does take it beyond, um, something that's sort of acceptable.

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Good.

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Thank you. Thank you. Thank you, ma'am.

00:25:50:06 - 00:25:57:18

Yeah. Thank you very much, Mr. Flashman and Mr. Fraser Urquhart. Can I come back to the applicant to respond to those comments, please?

00:25:58:08 - 00:26:18:16

So Tim Marks, for the just to clarify points that was just made mentioned by Mr. Chapman, he made reference to continuous traffic movement along Newbridge Lane. That is incorrect. And clearly we'll we'll be talking about traffic matters later this afternoon, but it is not continuous traffic movement. Thank you.

00:26:21:18 - 00:26:52:08

Neil Furber for the applicant. Just a couple of small points to pick up on. The first comment about if the sexual line was drawn to the top of the acoustic fence and then extended to hit the development, that isn't the purpose of drawing these section lines or visibility lines is to demonstrate whether or not the proposals would likely appear overbearing. Um. The 70 meter extent that Mr. Flatland quotes would be mostly chimneys.

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So to compare a view of of a chimney to a solid building and with respect to the coal store is not the right comparison, Clearly a solid building over much greater horizontally will have a greater impact on visual amenity than a than a chimney stack. If that's most of the visibility of that 70m. Um, also.

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I think that the comments about the mitigation not being effective. The mitigation planting is not designed. It's never been designed to screen the building. That's not possible. But what it will do is it will significantly reduce the effects of movements of vehicles after they've accessed the site. Any other sort of ground level activities that are going on around the buildings that would be reduced not just from. Any views within the the the property, but also sort of residents that are driving along Newbridge Lane to the property itself.

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There's going to be that buffer that's established that yeah, there'll be aware that the the building and chimneys are clearly still there. It's not going to be completely screened, but it will reduce that, that, that sort of those views of um, ground level activity. Um. Not the point. Very quickly, it was mentioned that the Or there's a misconception about the areas of garden and obviously Mr. Flashman acknowledged that he'd not been to the site.

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Um yeah of garden and it's very restricted is literally the patio. Everything beyond that is paddocks and storage shed. So there isn't that ability to wander from the patio into the wider landholding and get the views that the council are claiming.

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And then just a point about the gates potentially being open. My understanding is that it would be an automatic situation that you would drive to the gates, they would open and then they would close. So there wasn't that opportunity to have them open because they need to function as an acoustic screen. So they would have to be closed all the time in any event.

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Thank you.

00:29:18:00 - 00:29:27:06

Thank you, Mr. Furber. Can I just check if there are any other interested parties who would wish to make any comments at this stage? On number ten, Newbridge Lane.

00:29:32:06 - 00:30:03:04

Okay. Any hands raised. So if I can move on to my next question at this stage, I would like now to turn to the local community mitigation package, which was submitted a deadline five, please. Can Cambridgeshire County Council please set out your proposed approach to the local community mitigation package? That's Rep 5045. If you would find it useful, I can share this document on my screen.

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Thank. Thank you, ma'am. The way we're going to approach this, if we may, is I'm going to

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turn first to Mr. Chapman again to comment on the landscape and visual aspects of the mitigation package. We've touched on this already, but there may be 1 or 2 more things to add thereafter. I'm going to turn over turn the stage to Camilla Rhodes, who will deal with the public rights of way parts of the package. And then finally to Deborah Ahmed, who will deal with the biodiversity net gain points such as they are appreciate. The latter may risk straying into item four on biodiversity, but it may well be that we'll we'll wrap up most of what we need to say about biodiversity by way of comment on the mitigation package.

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So whilst it may be a straying into another agenda item, it may well save time in the long run. So that's how.

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I'm happy with.

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That, to do that. So I'll turn over within that scheme then to Mr. Blackman first.

00:31:07:22 - 00:31:50:08

Thank you. So on the landscape and visual side of things, as I went through this morning, there was a net loss of trees, key vegetation on the site. So there is a loss of landscape resource. As we heard, the site is constrained and there is a very limited area for new plantings. So it's very difficult with the scheme of this scale and nature to mitigate the harm caused. And of course, as I went through this morning, the effects can't be mitigated because from year one to year 15, the shows that the mitigation does not have any effect at all because the results are identical.

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So from that point of view,

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the harm cannot be overcome and residual effects remain.

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Thank you. Thank you, ma'am. I'll turn to Camilla Rhodes. She perhaps ought to introduce herself again because it's been a little while since he's been before the examining authority.

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But can everybody hear me all right?

00:32:18:18 - 00:32:21:03

Yes, I can. Thanks. Thank you. Okay.

00:32:22:03 - 00:32:31:18

Um. Yes, I'm Camilla Rhodes, and I'm the highway records and definitive map team manager at Cambridgeshire County Council.

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I'm a chartered surveyor, and I have 20 years of experience in this field.

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So building on my colleague Mark Blackman has been talking about this morning.

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Um,

00:32:51:09 - 00:33:32:05

according to the Environmental Justice Index for Cambridgeshire and Peterborough, which was completed by consultants the Cambridgeshire and Peterborough County Councils last year, Wisbech is the worst area for environmental justice in the county and is one of the most deprived areas in the county in terms of both health and nature. And this work supports and develops existing national and local policies which are already being outlined in our representations, including in paragraph 100, the Cambridgeshire County Council's Rights Improvement Plan Statement of Action two are safer and health enhancing activity.

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And that access provision should be safe for users and encourage healthy activities and statement of action. Three Where new development should not damage countryside provision where appropriate development should contribute to the provision of new links and or improvements of existing rights. Way network that statement of action three and also the County Council and Peterborough Joint Health and Wellbeing Integrated Care Strategy Priority two, which is to create environment, to give people the opportunity to be as healthy as they can, as well as policies within the current and

emerging fenland local plans that required development to both protect and enhance public access opportunities and the local communities that they serve.

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So how people perceive their sense of place and what happens to it directly affects their sense of identity, how they view and use that change landscape, and consequently that affects their physical and mental wellbeing. So just to pick up on one point Mr. Circle made about this through this morning, in 20 years of experience, one has to be very careful about making assumptions about how why people use their rights when network and the local roads that connect them. Similarly, how people perceive impacts on their landscape is often not how technical assessments judge them.

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So one has to be careful in making some assumptions about this. Impacts may be perceived more negatively than maybe considered

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helpful to acknowledge this in understanding the impact on people's actual mental and physical health and well-being. So the Council's approach is that that where adverse impact on public access and local communities within a landscape cannot be adequately mitigated, then it is appropriate to seek mitigation to offset that adverse impact in compensation.

00:35:36:08 - 00:36:00:20

It's the Council's views that the proposed development cannot mitigate its adverse impact on non-motorised users that's used and local communities within the arc of the open landscape. From the edge of Wisbech Saint Mary extending round to the 11 zero one, but within a five kilometre radius as set up by Mark Blackman earlier.

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The councils have therefore sought a local community and public access mitigation package to offset this impact on these communities.

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I am pleased to say on behalf of councils that a constructive meeting with was held on the 7th of June and again on the 22nd of June. In the Council's view, which has developed in conjunction with Norfolk County Council, there are four elements to this mitigation package. First, a Barnet Gain site, which should be as close as possible to the site of the proposed development with with permanent public access as past as that of that which will help to relieve recreational pressure on sensitive ecological sites and provide a valuable facility for local communities supporting positive health outcomes for the Wisbech and surrounding communities.

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Secondly, moneys for enhancements to the rights of way and local road connectivity within the area of landscape adversely affected, which is the four parishes of Wisbech civil parish, Wisbech, Saint Mary Elm, all within Cambridgeshire and North within Norfolk. Thirdly, a community fund for heritage, public health and other local community initiatives. Fourthly, the formalisation of permissive access rights for enemies over new bridge lane former level crossing.

00:37:37:28 - 00:37:45:11

Mrs. Rhodes, your sound has just gone off. I don't know if you're muted. Mr. Rhodes is muted.

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No design, but.

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I can hear now if. Please continue. Thank you. We just missed probably the last few sentences, so.

00:37:56:16 - 00:38:27:04

Okay. Um, so we. There's four elements to the mitigation package that we are seeking. Um, so I'm just going to quickly update you on where we've got to with each of those points elements. Um, we, the councils understand that the applicant is supportive of providing a Section 106 agreement to secure this public access and community impact mitigation package in principle.

00:38:27:10 - 00:39:10:27

Draft heads of terms have been issued and the Council's provided comments back on those heads of terms on the 23rd of June. That's last Friday. Following the meeting with on the 22nd of June. With regard to the first element, that's the site. The councils have requested a clause within the agreement committing the applicant to using best endeavours to secure public access within the land to be established pursuant to requirement six of the DCO, recognising that such access should not be to the detriment of the biodiversity gain sought and the applicant has verbally agreed to a commitment along these lines and we are hopeful that this can be agreed.

00:39:11:01 - 00:39:42:24

The reason we've added this into the Section 106 agreement is because public access is not something that is a requirement within guidance, but our experience is that increasing. Yes, public access opportunities relieves pressure on existing sensitive biodiverse sites and in particular in Fenland, which is poor in both the amounts of biodiverse sites and of public access opportunities. So this is a way of making the link as a commitment

00:39:44:17 - 00:39:46:01

to that requirement.

00:39:47:18 - 00:40:34:01

The councils. Secondly, are pleased that the applicant has agreed in principle to a package. The second element of the package, which is providing £400,000 of monies for enhancement to the right spine network and local road connectivity upon commencement of development. If planning permission is granted, I would just want to reiterate that the map of indicative sites supplied with the Council's response to 2.3 of the examiner's questions to 545 That deadline will will be amended for the purpose of a Section six agreement just to cover show the four parish areas, but not otherwise, to be specific as to what was being delivered.

00:40:34:09 - 00:41:02:12

And the reason for that is because clearly no negotiations have yet taken place with any third parties or statutory consultees. And so apart from vendor discounts and Norfolk County Council, so it would be unreasonable to make any specific suggestions at this point in time within that document. But it did provide the basis evidence base for the calculation of the Section one six monies in principle.

00:41:04:05 - 00:41:42:22

On the third element, that is the community fund. It has been agreed with the applicant that the mitigation package will include a community trust fund to help offset the adverse impact on the proposed local community. Details of this are under negotiation, but it is anticipated that terms will be agreed before the close of the examination. On the fourth point, which permissive access for any mews over Newbridge Lane form a level crossing. Some progress has recently been made following a meeting with Network Rail and the County Council on the 22nd of June.

00:41:43:29 - 00:42:16:25

Network Rail have, without prejudice said that they're willing to enter into permissive agreement, provided that their reasonable terms can be agreed. They have advised. Unfortunately, existing signage cannot be changed because its standard wording agreed with the Department of Transport and the Office of Rail Regulator. But they're happy for additional advisory signs to be added to provide clarity on the ground. The councils are therefore hopeful this matter can be resolved, although we are unsure as to the timescale in which this will be achieved.

00:42:16:27 - 00:42:26:09

Whether that can be achieved for the end of the examination or not, because it has to go through network Rail's internal approvals process.

00:42:28:05 - 00:43:03:12

So in summary, the councils are confident that elements one, two and three of the mitigation package can be agreed by the close of examination. We're also hopeful that the permissive access element over a new bridge lane level crossing will be achievable. But it's not clear if that will be within the time frame examination. Councils do consider the package does not mitigate the scheme, but that it starts to offset the adverse impact of it and provides reasonable measures in compensation and in use in the local community.

00:43:06:00 - 00:43:21:05

Thank you. That's, I think, the conclusion of the contribution from Camilla Rhodes. And so in line with our framework, I'll turn over to Deborah Ahmed, who will talk us through the biodiversity aspects. Deborah, you better introduce yourself to the examination.

00:43:21:09 - 00:43:22:17

Good afternoon for.

00:43:22:19 - 00:43:38:11

All of the ecology of Cambridgeshire County Council. So I'm looking at the biodiversity aspects of this scheme. I've been working closely with Camilla Rhodes on a number of schemes across the county where biodiversity and you can benefit each other before.

00:43:38:13 - 00:43:44:21

You go on. Deborah, perhaps you might just turn your computer around slightly because at the moment you're disappearing into the background.

00:43:44:23 - 00:43:45:16

That's right.

00:43:47:03 - 00:43:48:00

Yes, that's much better.

00:43:48:02 - 00:43:48:17

Thank you.

00:43:50:03 - 00:44:49:04

Screen. So apologies. Yeah. So from the city perspective, the scheme will result in a net loss in the habitats and the applicant has committed to address that net loss and also provide 10% biodiversity net gain. Our preference would be for the applicant to deliver this as part of the scheme, but they haven't been able to do that as part of the application submissions. So they propose to deal with this through requirement six So within requirement six set the updated version which is 5005 under requirement six It requires a strategy to be created which details how this 10% biodiversity net gain

will be delivered, and the applicant has attempted to seek the first off site biodiversity net gain solutions.

00:44:49:10 - 00:44:56:17

But unfortunately they haven't been able to secure anything to date and that was part of their

00:44:58:21 - 00:45:03:20

response to so many questions. One And appendices.

00:45:03:22 - 00:45:12:07

C So do we have any idea how the applicant is proposing to deliver the intended 10% biodiversity net gain?

00:45:12:16 - 00:45:36:13

No, we don't. At this stage there's no options on the table. We've suggested a few options which was outlined in our examination response to the examinations, questions to um, which Camilla has already referenced, which is the map. But apart from that, we don't know exactly where it will be.

00:45:37:05 - 00:45:41:03

Well, you say you don't know exactly where it will be. We even know an outline where it will be.

00:45:41:13 - 00:46:12:17

No, there is an outline biodiversity net gain strategy, um, which has been submitted as part of the of the assessment and the latest submission was that deadline five and it's 5015 and within that there is a priority for off site net gain to be local to the area. But then beyond that, if that can't be delivered, then it could be anywhere, hopefully something strategic. There's no real understanding where it could be.

00:46:12:19 - 00:46:19:09

Thank you. Well, no doubt, no doubt the examining authority will hear from the applicant on that in due course. Is there anything else you wanted to say?

00:46:19:15 - 00:46:52:27

No, just to say you're not echoing Cumulus Rhodes comments with regards to biodiversity in our area, a lot of our nature reserves are under pressures from recreational use. So and it accords with being principles that these sites can deliver both biodiversity and other economic and social benefits. And by providing that an immune system that could help alleviate issues on other sites across the local area and county.

00:46:52:29 - 00:47:00:27

Thank you. Thank you, ma'am. Those are comments by way of introduction on this will respond if the applicant raises any further points.

00:47:02:09 - 00:47:09:17

Thank you. Thank you, Mr. Fraser. Okay. Um, can I now ask the applicant to respond, please.

00:47:10:29 - 00:47:41:17

To Mark's for the applicant. I'll aim to keep this brief. Um, the summary of the package of mitigation that Cambridgeshire County Kent Well, the councils believe is required for the proposed development. We, I or we agree with the general summary that's been just put forward on the, the four points of the mitigation strategy in that we have agreed for the public rights of way and improvements contribution and the establishment of a fund.

00:47:41:29 - 00:48:16:27

And as Mrs. Rhodes said, we are discussing the the details of that with the Council at the moment. Um, in terms of the public access and biodiversity net gain land. Um, we will also be using reasonable endeavours to ensure that we can secure that as. Well, it was respectively the permissive path, permissive rights of way matter. It's a fair reflection of the meetings that we've had now, tripartite meetings we've had with Network Rail, and we will be using those reasonable endeavours again to try and close that one out.

00:48:17:20 - 00:48:56:06

But we are subject to the network rail approvals processes Mrs. Rhodes mentioned. So in summary, in terms of that mitigation package, generally speaking, we've made good progress. We've swapped and received comments on the draft heads of terms and we shall be progressing that with the Council. In terms of biodiversity net gain, um, before since deadline for we have engaged with the councils on biodiversity net gains substantially and we have shared the approach to the biodiversity net gain strategy which you can find in rep.

00:48:56:24 - 00:48:59:05

Rep 5016.

00:49:00:22 - 00:49:35:24

And that strategy has been agreed with the Council. And yes, the in terms of the hierarchy of approach, we start, first of all, we're trying to achieve as much biodiversity net gain on site. And then as has been mentioned, we've we have increased the the position of local sites within that to to be the next stage of delivery and then it goes to sites further afield. Um, I would turn the clock back about two years now where we first approached the councils to identify local sites for biodiversity net gain and none were forthcoming.

00:49:35:26 - 00:50:11:07

The sites that were put forward recently were on private land and some of those sites were subject to housing development, planning applications or screening or scoping opinions, and therefore we could not put those forward. So we believe we have reached a discussion, an agreement with the Council on the approach to the biodiversity net gain strategy, and that is reflected in our submissions at deadline five and in the draft Statement of Common Ground with the Host Authority's document rep. Rep 5023 for which the councils have seen and understand well have agreed to.

00:50:11:09 - 00:50:17:20

So as far as we understand, there are no outstanding matters on biodiversity net gain. Thank you.

00:50:24:08 - 00:50:31:24

Thank you, Mr. Marx, for that. Um, did the council have any comments to make on that issue? See your hand raised?

00:50:32:04 - 00:51:06:05

Yeah, just. Just to observe, possibly slightly tongue in cheek, But nevertheless, the tone of Mr. Marx's comments was that it was in some way our responsibility or our fault that they hadn't found sites for biodiversity net gain. It's not our role to do that. It's the applicant's role to bring forward appropriate proposals that the examining authority can look at and approve and to satisfy themselves that the now required biodiversity net gain is net gain is actually deliverable. The ball at all times is firmly in the applicant's court on that matter.

00:51:07:18 - 00:51:08:19

Thank you for that.

00:51:11:16 - 00:51:13:08

Tim. Tim asks for the applicant. May I?

00:51:13:10 - 00:51:14:09

Yeah, certainly.

00:51:14:11 - 00:51:48:05

Um, just in terms of that, we previously don't have the reference to hand at the moment, but we have, as the applicant, been investigating the delivery of biodiversity net gain at local sites within Cambridgeshire and Norfolk, and we submitted a document on those to the progress of those discussions with the the Cambridgeshire, Peterborough and Bedfordshire Wildlife Trust. We've also approached the RSPB and the World Wetland Trust to try and locate find sites.

00:51:48:07 - 00:52:30:15

To date we haven't found a specific site. However, we are more than happy to try and find one. A local site working with the Council. In fact, the biodiversity net gain strategy that we submitted at deadline five increases the consultation with the host authorities to find those local sites. So whilst we whilst I did mention that we did ask some time ago, we've asked quite a few organisations if there's any local sites where we could deliver biodiversity net gain, but think the kind of the reality that I'm finding with biodiversity net gain, this is an emerging area and different places around the country are in different states of readiness to deliver biodiversity net gain.

00:52:30:17 - 00:52:50:02

But we do look forward to finding local sites for biodiversity net gain, linking this with where we can non-motorised users. And I think the strategy and the package that we've put forward certainly in biodiversity net gain alongside the mitigation package that the Council have put forward, I think we can do that. Thank you.

00:52:51:20 - 00:53:32:28

Thank you, Mr. Marx. Okay. I think we can move on from from that now. Um, just from my perspective, I would obviously like to draw your attention, and I appreciate there's ongoing negotiations and discussions with regards to this issue and there will be ongoing and hopefully resolved before the end of the examination period. Um, in terms of next steps, what I would like to encourage parties to do is to, to look at how the package that's been put forward, um, clearly meets the statutory tests, i.e.

00:53:33:10 - 00:54:05:00

NPF, particularly paragraph 57 in terms of tests in regards to um, planning obligations. And, and what I would like to see if the parties can liaise further on this and perhaps by the next deadline provide in writing a clear narrative as to how the package that they put forward meets those statutory tests and, and also a clear indication of whether that can be completed within the timescales of the examination.

00:54:05:08 - 00:54:10:21

Um, if I could just ask the councils to comment on my last statement, please.

00:54:19:03 - 00:54:19:18

Yeah.

00:54:20:25 - 00:54:29:27

But we'll have to look at what comes forward from the applicants and we'll comment in due course. I'm not sure I can respond directly to that suggestion. Right. Right now, I'm afraid.

00:54:30:20 - 00:54:58:14

I think from from what I'm trying to get at, obviously the statutory tests for these things is that is to be clear that this mitigation package is necessary to make the development acceptable in planning terms, that it's directly related to the development, and that is fairly and reasonably related in scale and kind to the development. So it's it's for the examination of authority's benefit that that's clearly expressed. And if one or more of the parties were able to

00:55:00:03 - 00:55:08:18

put forward in writing a sort of clear narrative as to that and that would be much appreciated as soon as possible.

00:55:08:29 - 00:55:16:08

Thank you, Bob. But we'll take account of that when preparing our written summaries of these oral submissions.

00:55:16:21 - 00:55:20:22

Thank you. Does the applicant have any further comments in this regard?

00:55:22:28 - 00:55:25:05

Two marks for the applicant. No further comments.

00:55:26:20 - 00:55:34:18

Okay. Can I ask if there's any other interested parties here today that would wish to comment on this specific issue?

00:55:37:10 - 00:55:40:00

Just on the local community mitigation package.

00:55:41:24 - 00:56:12:24

I don't see any hands raised, so I would like to move on if we can. Um, that's the last of my questions. Um, so I would just like to invite any other interested parties who would like to make comments specifically regarding landscape and visual effects. If you do, please click to raise your hand and I'll invite you to speak. I do believe we have someone here today from Norfolk County Council. Miss Smith. Um, is there anything you would like to say with regards to landscape today?

00:56:22:03 - 00:56:32:03

I don't know whether we have Mr. Smith with us at the moment. And, um. Oh. I've got somebody waiting in the lobby. Miss Smith, if we can admit.

00:56:36:23 - 00:56:37:18

Thank you, Emily.

00:56:37:27 - 00:56:39:05

For County Council.

00:56:39:07 - 00:56:39:25

Thank you.

00:56:42:13 - 00:56:43:09

Please go ahead.

00:56:44:23 - 00:56:54:07

It's lovely. Thank you. And no additional comments to what we made in the local impact report. And we will obviously continue to work with.

00:56:54:14 - 00:56:59:14

Cambridgeshire County Council regarding the mitigation package, but nothing further to add today.

00:57:00:04 - 00:57:08:03

Thank you. Thank you for that, Ms. Smith. Can I ask if anyone else has anything they would wish to say with regards to this agenda? Item three.

00:57:12:23 - 00:57:24:25

Any list. So I'd just like to thank everyone for your contributions to this agenda item. I'd like to move on to agenda item for biodiversity. This item is to.

00:57:31:24 - 00:58:06:06

Documents submitted at deadline five, including the applicants and Cambridgeshire County Councils and Fenland District Council's responses to Q2. In light of that review, it appears that outstanding issues relating to biodiversity may be able to resolved through written representations. Nevertheless, I would like to give interested parties the opportunity to raise any outstanding issues that they would like to raise at the hearing today. So first, can I ask the councils who Cambridgeshire County Council and Fenland District Council first, if there are any outstanding issues you would have regarding biodiversity?

00:58:06:17 - 00:58:09:18

No, ma'am, there aren't. We've said all we wanted to say about diversity. Thank you.

00:58:10:11 - 00:58:15:25

Thank you very much. Are there any other interested parties who would wish to discuss this matter today?

00:58:21:22 - 00:58:28:27

No, I don't see any hands raised. So if I could just ask the applicant if they would like to comment on this agenda item.

00:58:30:08 - 00:58:33:27

Two marks for the applicant. No further comments beyond what we've already mentioned. Thank you.

00:58:36:25 - 00:58:45:12

Okay. Thank you very much for that, everyone. Okay. If not, I would suggest we now hand over to Mr. Pinto to deal with agenda item five Traffic and transport.

00:58:50:24 - 00:58:57:23

Thank you very much for that, Mrs. Makinson. Um. Mr. Andrew Fraser could see your hands raised.

00:58:58:23 - 00:59:00:25

Sir? Yes. Is that.

00:59:00:27 - 00:59:02:04

Left from.

00:59:02:11 - 00:59:02:26

Previous.

00:59:02:28 - 00:59:04:18

This is a this is a new hand.

00:59:04:21 - 00:59:05:12

Right.

00:59:05:19 - 00:59:40:21

Um, just simply to say, first of all, we need to do a bit of a shift change to get all our transport and traffic officers in place. We also have a specific problem that one of our officers has not where he ought to be, and we're just having a little bit of difficulty tracking him down. He was last spotted, we think, in Wisbech crossing the back of the applicants team in the camera shot. So we're not quite sure why he is there, but we do need him for this next bit. I wonder therefore, whether we might have a little break before we start this item so that we can get our ducks in a row.

00:59:41:09 - 00:59:54:02

Certainly I'm mindful of time, and we did say that about once, that you would probably break for one hour for lunch. Uh, would that be sufficient time for circuit?

00:59:55:01 - 00:59:58:28

So if we can't find him within the hour, then we really have got serious problems. So.

00:59:59:00 - 00:59:59:15

Yes.

01:00:00:06 - 01:00:00:21

We'll.

01:00:00:23 - 01:00:01:21

We'll suffice.

01:00:01:24 - 01:00:38:26

Okay. In that case, I would then adjourn this hearing and we will resume back at 230. And I'll just like to say as well that, um, I believe that traffic and transport is actually going to be quite a substantial item that we have to discuss today. So we might go over our, um, target time of 4:00. Ken before I adjourned, can I just check that everyone would be able to continue until 430 5:00 at the latest?

01:00:44:27 - 01:00:48:29

Yes, sir. Certainly from the applicant's perspective, that would be acceptable. No problem.

01:00:49:12 - 01:00:51:04

Sir. No, we can do that.

01:00:52:12 - 01:01:08:15

That was Mr. Andrew Fraser confirming that he could do do that. Um. Right. Okay. In that case, will then break out this hearing and we will resume back at 2:30. Thank you.