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00:00:05:08 - 00:00:08:09

Hello. Can I check if everyone can hear me clearly?

00:00:10:00 - 00:00:13:12

Yes. Can confirm. Can hear you, Mr. Pinto.

00:00:13:24 - 00:00:19:05

Thank you very much. And can also confirm if the live stream has recommenced, please.

00:00:19:16 - 00:00:20:14

Yes, it has.

00:00:21:10 - 00:01:02:22

Thank you very much. It's now a 2:15 in the afternoon and will resume each specific hearing. Seven. Um, before the break. We finished item three of the agenda, which was waste matters and will now move us on to item four, which is cumulative effect. Um, in this item I will want to discuss the proposed development in relation to the cumulative effects of of proposed development. Before I start, it might be useful for me to mention that key documents that I'll be referring to throughout the agenda item which participants may wish to have easy access to.

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Some of these documents were received at Deadline five, which was before, um, before the references were available. So I will go through those references now. Um, and in terms of deadline five, uh, in my notes today, there was only one additional document that Tamara referred to, which would be the applicant's responses to execute, to wrap. 5032.

00:01:35:11 - 00:01:45:16

See that? I have some hands raised. Um, can I, um. Can I, first of all, please ask Ms.. Perriman if you would like to intervene at this point?

00:01:49:03 - 00:02:10:22

Yes. I'm sorry for interrupting so early, sir, but may I ask for a simple clarification on the applicant's meaning of source in relation to waste? Um, just. Just so that this is clearly defined. Is it? Are they. When they refer to the word source? Is it where waste arises?

00:02:11:24 - 00:02:30:11

Um. Okay. Um, Will, would the applicant be able to confirm that? I'm mindful that we have actually finished waste, but this seems to be, to me to be a very straightforward question. So if the applicant could perhaps confirm if they have the witnesses available to do that.

00:02:32:21 - 00:02:34:22

Or if not, this can be referred to.

00:02:34:24 - 00:03:16:18

Written questions to the applicant. Unfortunately, our Claire Brown and Mike Turner have have left because the agenda item finished. But we will confirm the point in our written summary just for clarification. And it's referring to the definitions used in the new requirement 29 of the draft or the

actual waste fuel availability assessment itself, which obviously draws data from a variety of different sources. It is helpful to understand when when it's just the meaning of the words source, whether it applies to where the waste arises or what it applies to.

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It's really quite straightforward, isn't it? You know, if you're if you're getting data from various sources, then you, then you, then you itemize where you get the where the sources are. I'm talking about the actual source of waste.

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Mr. Ferriman, if I may suggest, considering that we have actually closed that item and understandably, the applicant does not have the appropriate witnesses available with them in the room to respond to this question, may I suggest that you submit that specific question in writing to the examination and then we can ask the applicant to respond to that specific point if that is acceptable. I am mindful that the correct witnesses are not available now.

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Will do. Thank you.

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Thank you very much, Mr. Andrew Fraser. You have raised your hand as well.

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So, yes, it was just a point about the running order for this afternoon.

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And I was actually going to suggest a change that I think that I wanted you to to comment on, actually. Now, I was just about to to go through the training order. And I'm mindful of your request yesterday in early today. And what I was going to suggest was that if perhaps I start with Cambridgeshire County Council and their outstanding matters in terms of cumulative effects and then give the applicant a chance to reply to that, then that will ought to do running order and hopefully will go some way to assist in terms of your request earlier.

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Well, as they say, sir, great minds think alike because that's exactly what was about to propose and request. So thank you very much indeed.

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If could.

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Okay. But if before before allow that can just confirm with the applicant that the applicant is happy with that change in the running order.

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Clever. Yes, that's fine for the applicant. Thank you. Thank you.

00:05:21:22 - 00:05:54:13

Very much. So in that case, and now having confirmed. All of the document that was submitted at the landfill that might be referring to will then move on to the questions. And as I've explained then, will give Cambridgeshire County Council, first of all, an opportunity to ask their questions and make their points in relation to cumulative effects. And if I could ask, please to concentrate on outstanding matters, that would be greatly appreciated.

00:05:54:15 - 00:05:55:05

Thank you.

00:05:56:18 - 00:06:35:06

Thank you, sir. Thank you very much indeed, sir. Our contribution, in fact, will be quite brief. We have outlined our concerns with 1 or 2 parts of the assessment which are contained in the local impact report and the written the relevant representations. I don't propose to go over those because they are they are very detailed points. The particular contribution we wanted to make this afternoon is simply to draw your attention to the basis upon which you might consider this issue of cumulative impacts.

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It is a difficult area sometimes to define exactly how one goes about assessing cumulative impacts. Obviously, cumulative impacts fall into two broad categories. The first is the impact of the scheme in combination with other schemes which either exist or are contemplated to come forward. And there's nothing to say on that aspect. But the other aspect is where one has a variety of different environmental effects in circumstances where it may be that none of those individual effects of themselves provide a reason for refusing the scheme or whether they're insufficient to outweigh the benefits of the scheme.

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And our primary case, as you know, is that the landscape effects are landscape of visual effects as such do outweigh the benefits of the scheme. But but considering the matter of cumulative impact, there is actually some very limited but potentially helpful guidance to be found in legal authorities on this matter. I would draw the examination authorities attention to a particular case. I'll give you the details and the reference.

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Now, if I may. I have provided, albeit relatively recently, a copy of the case to the applicants, and the case is called the Queen on the Application of Leicestershire County Council.

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Against the Secretary of State for Communities and Local government with coal mining as the third party. It's actually a case I know reasonably well as I was involved in it, and the reference is 2007. E.W. H.S.. 1427 admin.

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And it was a case. And what we'll do so is we'll provide you obviously with a copy of the case as part of our

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summary of the oral submissions. The passage to draw upon is very short and I can read it out verbatim or effectively verbatim for your for your benefit. But this was a case which involved, as the participants might give you a clue, an opencast coal mining scheme where the issue of how cumulative impacts were to be assessed was raised. And at paragraph 41 of the judgment, Mr.

00:09:24:24 - 00:09:42:07

Justice Burton. Suggested the following examples of what might be an unacceptable cumulative impact. And I'll just, if I may, read the four brief categories if that's acceptable.

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So yes, please.

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The first was. Um, even though each individual area of potential was not objectionable, each such feature was so close to objection ability that, although none could be said to be individually objectionable yet because each was nearly objectionable, the totality was cumulatively objectionable.

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The second category was the judge suggested that one, two, 3 or 4 of the particular features were close to being objectionable, and that would be an important matter to take into account when looking at the totality.

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The third category was one particular combination of 2 or 3. Otherwise unobjectionable features could cause objection ability in the totality. And then fourthly. There could be some unusual feature or some unusual combination of features, such as to render that combination objectionable when the individual feature was not. So that is the best and I think only judicial guidance which exists as to what an objectionable cumulative impact might look like.

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And I mentioned that solely because it's perhaps useful to the examining authority to have a yardstick against which these different effects can be considered. Um, and we put that forward much as a sort of assistance to the examining authority then as to, to make a particular case based upon it. But that we hope is, is helpful to you, sir.

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Thank you. Um.

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That I think so ends the contribution that we want to make. If there are particular specific points, I suspect other colleagues here may be able to pick up on it, but that I think, ends my contribution today, and I'm grateful for your consideration. On the matter of timings. I should also say this is probably the last occasion upon which I will be addressing the examining authority through this examination period. So can I just thank you, sir, for all your kind attention during the course of the examination? It's been an interesting and and rigorous case to be involved with.

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Thank you, sir.

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Thank you. Uh, before you go, Mr. Andrew Frederick, can I just check that your witnesses that obviously you rely upon for cumulative effects will actually be available as far as you are aware and expected during the duration of this item?

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Yes, sir. Can't pretend We've got, as you might say, witnesses who are specialist to deal with any particular points. The officers who've had overall control of our response to this application are here in the in our offices today. They're listening in. They're available. And if particular points come up, they can assist. Also, of course, I'm contactable for the rest of the day and so in extremis can find a quiet corner and come back onto the examination. But don't suppose that will be necessary.

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Thank you very much. I would now like to invite the applicant to perhaps comment on the point that Cambridgeshire County Council has just made.

00:13:20:07 - 00:13:57:03

Thank you, sir. David Kenyon for the applicant. So the four criteria, I suppose you could call it that the council of arrays that are familiar and are considered maybe not all explicitly, but that consideration is reflected in in chapter 18 of the environmental statement, which is the cumulative effects assessment. That's up 045 in particular. The issue, I think, around whether one or more individual effects may be significant or not significant.

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Adagio attention to table 18.10, which lists out those receptors were more than one single topic assessment has concluded a level of effect, be it significant or not significant. And then beyond that, the discussion and the assessment in paragraphs 18.73 to 18.77 were considerations. They then taken forward for assessment effectively and and a conclusion drawn as to whether there be significant or not.

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And I expect it to go through the agenda this afternoon said we will be looking at some of those receptors in a little bit more detail. As said, there are some where we may have one significant and some not significant effects and there are others where we have maybe one, 2 or 3, just not significant effects as well. So think taking into account, taking into consideration those four criteria that the council raised. Thank you. Okay.

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Thank you very much for that. So I would now like to start with my first question to the applicant, which is to present in broad terms its approach to cumulative effects detailed in Chapter 18 of the cumulative effects that is AP 034, focusing particularly on the interrelated effects assessment and the Inter Project effects assessment and conclusions reached.

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Thank you, sir. Scrolling around a bit. Um, okay. I'll provide that. That brief update. So. So. So the applicants approach the assessment of cumulative effects was informed firstly by the pins advice, not 17. So that's the note produced by the Planning Inspectorate and specifically with regard to national policy statements, but it is used commonly now across environmental statements, whether there be for nationally significant projects or those consented under the Planning Act.

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And that does set out a methodology for the assessment of cumulative effects. And the scope of the assessment that we undertook was first presented within the preliminary environmental information report, and that was issued at statutory consultation. And the purpose of that was to try and obtain agreement with particularly the hostile authorities, but also with other consultees as well to the the approach that we were going to take to the assessment of cumulative effects. Um, but should say the Pins advice, not provide specific advice both on the consideration of into project effects as well as the effects of the proposed development with other projects as well.

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We receive comments on the on the to statutory consultation including from the host authorities and that um, particularly with Cambridgeshire County Council, they concurred with the approach that we were proposing to take, albeit they did raise the importance of considering cumulative historic effects and landscape effects as well, along with greenhouse gas emissions and our responses to that and the extent and the areas within the chapter where we've actually addressed those issues are set out within table 18 of 18.2 of chapter 18.

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One thing that we did present at the pier was a draft long and short list of of the projects. So these may be projects which have been consented but not implemented projects which are still the subject of a

planning application, or they may well be development plan allocations. And we presented those at statutory consultation but recognized we would need to reissue that list before the final preparation of the environmental statement.

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Um, following on from that, therefore, when we started to prepare the cumulative assessment, we did represent that table updated to all of the host authorities and that was in February 2022. In terms of the responses that we received, we received a response from King's Lynn as well as Cambridgeshire County Council with some additional projects that we should consider. And then they were incorporated into that long list and then screened for the shortlist.

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So turning to the two types of effects with a focus, first of all, on and interrelated effects. So this is where, um, you have, as we've talked about earlier already, sir, um, a single receptor which may be the subject of more than one environmental effect as a result of the proposed development. Our approach is consistent with Payne's advice, not 17, which to identify those common receptors from the individual aspect assessments, and then to identify the impact source that could be held onto these common receptors.

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So, for example, a public right of way makes uses of a public right of way may experience a visual effects. They may experience a noisy effects, they may experience a dust effect for example. Um, different elements of of of the proposed development. And we we we did that. And that's reflected in the cumulative assessment, as mentioned. Table 18.10 sets out those common receptors which are subject to more than one potential effects.

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Think I should mention I know you picked it up, sir, in your

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Q2 questions and some of the topics environmental picks are inherently cumulative and hence don't feature necessarily within chapter 18. So for example, traffic and transport.

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We've already discussed this on the issue of specific hearings, but the traffic and transport assessment uses growth factors which take into account other developments or assumptions around other developments coming forward into the future. Similarly, climate is by default. Climate change is by default accumulative assessment. It's a global assessment effectively. And if you look at the health chapter of the as well, you will see that that takes information from a number of different chapters to understand and predict the impacts upon health and similarly major accidents and disasters.

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So that's interrelated effects. A brief summary of the approach in terms of the inter project effects. I mentioned previously the first action is to identify that long list of projects. And these projects are selected based upon the scale of the project and also its proximity or otherwise to the proposed development. So clearly a very large project and significant project could have the potential for a cumulative effect further away than, say, an individual house or a small housing estate or something.

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And we do that effectively by by looking at all the local plans within a study area, which is defined as the the maximum extent to which this this significant effect could occur. And then, as I mentioned previously, we then provide that long list to the councils for the review and agreement.

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From the long list. Then we will then screen those projects and arrive at a shortlist. And that shortlist is based, as mentioned, really on on the potential for significant effects. So different different environmental topics will have there'll be a different distance potentially over which a significant effect could occur. So for example, noise dissipates quite quickly.

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So if you were looking at another project, it would probably have to be quite close to the proposed development to have a cumulative effect, whereas a visual effects could be at a much greater distance because obviously the potential for significant effects visually can extend over a much greater distance than maybe, for example, noise or dust, for example. So that allows us to arrive at a shortlist and then it is that shortlist which is then taken forward into the assessment.

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Just to run through the assessment then, sir.

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In terms of significant effects from other projects. The conclusion was that there were no cumulative significant effects with other projects. And with regard to the the Inter project effects, for example, on common receptors, again, the conclusion is that there were no cumulative significant effects. And appreciate we'll come on to that, probably drill down into that little bit more detail in the next few questions on the agenda. Yes.

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Anything else you would like to add, Mr. Kenyon?

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No, sir. That was it was just to provide that that overview of the methodology of which. Really, sir.

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Thank you. Thank you very much. Um, now, if I could actually now take each one of these topics, um, in more detail, particularly in terms of the interrelated effect assessment methodology. Um, that's a section 18.5 of

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chapter 18 of the cumulative effects. AP 045. I apologize. I do realize now that I had the incorrect reference earlier. It's zero 45. Um, and you have Mr. Cannon, you have just sort of touched on this point just now, which is in terms of the chapters that were deemed to be out of scope. Nevertheless, considering the potential for interrelated, for interrelated effects.

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Um, could the applicant please provide some further information in terms of why that list, which includes Chapter six Traffic and Transport, Chapter 14 Climate Change, Chapter 16 Health and Chapter 17 Major accidents and disasters were deemed to be out of scope. Um, particularly because the intervention that you have just made actually illustrated very clearly to me.

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Um, wide cumulative effect of transport is considered within other chapters and within transport, but obviously this would be across every single other um, effect and all the other chapters. Part of the is that the applicant has carried out. So could you please provide with some further information on that in temperature how you can see the, the interaction of those chapters with the rest of the. Yes.

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Yes, sir. So taking traffic and transport,

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as I mentioned by itself, is cumulative in the fact it takes into consideration growth factors in future years. And but the modelling that is undertaken to prepare the transport assessment, which is cumulative, it takes into account those growth factors. That information is also then used by some of those other environmental chapters. So for example, the air quality chapter and it considers the air quality effects of traffic. Uses the information from the traffic assessment to consider the effects of air quality related to traffic.

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Similarly, noise. So the noise effects of traffic is taken is you. Again, we use the modelling from the traffic and transport section to understand the noise effects arise from traffic and transport as well. So whilst chapter 18 is a cumulative chapter, there's also some cumulative assessment going on, as mentioned earlier in some of the chapter as well. It's inherent in the way and the methodologies that those individual environmental topic chapters, um, go forward and understand their own assessments they take into account sometimes, you know, it's not possible sometimes to divorce wholly want one topic from another source.

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So traffic is considered cumulative in the other chapters, for example, noise air quality as well as it being accumulative assessments in its own right. And the danger is you then start doubling up with, if you then include it in a separate cumulative assessment. I mentioned health again, a point points that the health chapter, which takes a number of again quality noise and vibration of socioeconomics, for example, as well, looks at the conclusions reached in those chapters and then considers from a health point of view, which is inherently cumulative, the impacts upon receptors and human health, um, climate, again, particularly in relation to hydrology, the flood risk assessment factors in climate change.

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So again, there's the interrelationship on the climate between an individual, two individual chapters, but the results are reported within those chapters rather than the cumulative assessment. So the purpose of the cumulative chapter is really to pick up all those, those other environmental topics which maybe are not inherently cumulative and present them and look at the the implications of, of effects arising on the on the receptor from those chapters. And think the clear is the chapter 18.8, which is in section 18.5 that you mentioned before, sir, that that identifies and that picks out those interrelationships which are then addressed within the chapter.

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Thank you. So if I can just clarify on that point. Mr. Kenyon Um, in other words, is it correct that what you are stating is that the nature of those specific chapters that we went through, um, is picked up by other chapters in the, in to avoid the accounting in terms of their impact. They are not included as part of the, um, of the cumulative impact assessment. But that, but that also then means that in the, in the.

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In the topics that you have included in Table 18.8 Overview of potential interrelated effects, which is part of chapter 18 of the Is, which includes environmental receptors. The topic is noise and vibration, air quality, landscape and vehicle storage, environment, biodiversity, geology, geology, agility, hydrology and contaminated land, socioeconomic tourism, recreational and land use. And so in other words.

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It is then the applicant's assertion that those topics that are deemed out of scope will not unless they are specifically mentioned, like you have mentioned, for example, that noise and vibration picks up on the impact of transport. So if it's not picked up on that specific topic. It's then not counted as part of the cumulative effects.

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If that makes sense.

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So, yeah, we need to we need to go back to the potential for significant effects. And from a noise point of view, from a traffic point of view related to noise, that it's, it's clearly vehicles, it's transport. So what this table is doing. Yes. Is identifying where the potential significance effects could lie. And within that, um, for example, noise, for example, air quality, the transport impacts are inherent in those individual chapters, noise and air quality.

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Right. Okay. So maybe taking a specific environmental topic as an example. So for example, socioeconomic tourism, recreation and land use. Um. Then it is the applicant's view that, for example, traffic and transport will not have a cumulative impact in relation to socioeconomics, for example.

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So so so it does mean didn't give that as an example. But if you go to chapter 15 um and particularly consider um, effects upon businesses and land use, then there is discussion in there about the potential for driver delay, for example, congestion. Um, and that relates back that cross-references back to the traffic and transport assessment. Um, so, so appreciate didn't mention that in the list before, but that's fine. There are elements within that that chapter as well.

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Okay. Would say actually that socioeconomics does have some cumulative again on on recreation and public rights of way. It does look at the visual effects and it does look and the traffic effects as well, really. So yeah, that would be another example. So.

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Okay. Thank you very much. Um, so, um.

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If I could then move us on to table 18.10, which summarizes the effects where different topics have been identified, same receptor, and indicates the presence of likely cumulative significant effects. Can the applicant please talk us through this table? Table 18.10.

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Yes, sir. David Kenyon for the applicant. So table 18.10.

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For those that are not on the screen.

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Identify and share that. I can try and share that now. Mr. Kenyon to facilitate your presentation. And for everyone else to actually be able to see. So if someone could confirm to me that I am sharing the document now, please.

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Yes, sir, I can see that. Thank you. So the horizontal axis across the top picks up in a summary form. The chapters that we've just or the topics we've just spoken about. So noise, air, landscape and visual, for example. And then the table is split into two, split into construction and construction effects and then operational effects as you'll see further down. Um, and what the table does in the on the left hand side is that it identifies those receptors, what we call common receptors, i.e.

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those receptors which are affected by more than one individual environmental effect. And this is effectively a record of the other chapters really. So it's recording what those other chapters have concluded against those, those various receptors. So is not significant and is significant. So, for example, with regard to number nine and ten Newbridge Lane noise and have quality and not significant in those individual assessments, Landscape and visual, as we heard yesterday with Mr.

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Furber, is significant in that assessment. And what this allows us to do is it's basically coming back to the point that the Cambridgeshire raised and the and the case law that was referenced, which is the the need and the importance of identifying those and reading my notes from what Mr. Stuart was saying before, you know, um, where it may well be the, some receptors where the effects which are not significant but could still combine to be significant.

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And there may be other cases where there are a number of effects, one of which or one or more of which may be significant and others may be not significant. So what this table is doing and I did refer to to my answer earlier, is is basically picking up on on that case law that that was referenced earlier, really. And it's helping us to now identify what we need to take forward in the remaining assessment to conclude whether they are actually significant cumulatively or not.

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Thank you. Thank you very much for that. Now, I would I would actually like to to drill down a little bit in more detail on this specific table and some of the identified receptors for the reasons that you have just stated, just numbers to Kenyon um, namely nine and ten Newbridge line in public rights of way include one significant effects which as you have highlighted is actually landscape visual impact assessment and in both should highlight construction and operational stages and at least one nonsignificant effects on either construction or operational phases.

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Uh, further down in paragraph 18 .7.3, the applicant states that the landscape visual effects in relation to nine and ten Newbridge line remains significant, but the cumulative effect is considered not significant. Uh, can you please explain the rationale behind this? And my question is how can a significant plus a non-significant equal non-significant in terms of cumulative effects?

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Yes, sir. David Kay for the applicant. I'll start this by saying it's all a matter of professional judgment. So as mentioned before with Cambridge, there is no specific methodology for this. It is really a case of speaking to the individual

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experts or on the on the topics that we're talking about and understanding the levels of significance or not. And then coming to a combined position. And it's also a case of of understanding again, that was referenced earlier, this phrase about being close to objectionable or not objectionable. So it's it's the level of not significant as well as whether it's significant or not. So, for example, if we look at number ten, Newbridge Lane, where we have three effects, we have a significant landscape, as you mentioned, sir, and then a not significant noise and air if you actually look at the air quality assessment, when that came to a conclusion, not significant.

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It was the conclusion the air quality effects were negligible. So it's not as though they were close to objectionable, to use the phrase that was used earlier. They were clearly not and don't know what the objection but not objectionable scale is. Really. But but they were negligible. So it's not just about to breach. Not significant to significant, it's negligible. And likewise with regard to noise, the provision of the acoustic fence and that is referred this is referred to in the paragraphs below, drops the noise effects considerably below the level or the threshold that would be determined to be significant.

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So it drops them by a figure of something like seven decibels over a call, sir. So again, it's pushing it down not just below the not objectionable, but down to a lower level of not significance as well. So what we're doing is is bringing them together and trying to understand those levels of significance and not significance, but also as well, looking at the context of that receptor as well. So what is it experiencing at the moment cumulatively? You know, what its position in the case of nine and ten? Newbridge Lane it's it's a property there, properties which are on the edge of an industrial area.

00:39:12:17 - 00:39:53:24

So the magnitude of change may be different than a property that may be in a very rural area as well, for example. So as I said at the start of the answer, it's one professional judgment, but it doesn't hold that just because you have one significant effect. Cumulatively, it has to be significantly, cumulatively. As mentioned in my my answer to the question, you would just be double counting otherwise. So there has to be another another level of assessment and it needs to be the context of those of all those conclusions of significance or not significance needs to be brought together, um, when determining the final level of cumulative significance.

00:39:55:18 - 00:40:28:03

Thank you, Mr. Kenyon. Um, picking up on the example that you have just mentioned as well. So number nine and number ten, you bridge line. And I appreciate what you were saying, but I think there are a couple of points that want to clarify here. Uh, so first of all, in terms of noise, you have actually mentioned additional mitigating measures that have actually reduced what would be significant, in fact, to Non-Significant, that non-significant effect is now included in this table as Non-Significant because of those additional measures.

00:40:28:17 - 00:40:29:07

Um.

00:40:30:16 - 00:41:10:07

Landscaping visual, as you have mentioned and as we discussed on yesterday's hearing, um, appropriate level of mitigations are more difficult, particularly at it for certain receptors. So I do not I do not have any questions in terms of why that is still a significant effect on those particular receptors. What am struggling to understand is how can a significant effect plus a non-significant effect which I understand it has been mitigated against, but nevertheless it's an effect.

00:41:10:09 - 00:41:51:11

So there is an increasing cumulative effect of the proposal on that specific receptor. How can that then equate and as non-significant effect, when you have already, through your assessment, mentioned that there is at least one topic within the environmental statement that highlights that there is a significant impact on that. So if I may sort of just explain a little bit more, um, what am I, I understand why a non-significant plus or not significant cannot always equate to significant.

00:41:51:13 - 00:42:11:15

What I'm struggling to understand is how a significant plus anything non-significant or if you would like actually to significance which is not the case. So I'll stick with the example of pleasant non-significant can actually then be reduced and de-escalated to a non-significant. That is the that is still not clear.

00:42:13:11 - 00:42:14:23

I understand, sir.

00:42:17:05 - 00:42:31:14

It was automatic that every effect. Single topic effects or landscape and visual, for example, where you had a significant effect was then automatically cumulative. If it was a common receptor or something else, then as said at the outset,

00:42:33:04 - 00:43:19:20

what is the purpose of the cumulative assessment? The cumulative assessment needs to look at things different. The thresholds need to be different as well. So it's not automatic that you have one significant effect. Therefore it's significant Cumulatively, the purpose of the cumulative assessment is to look at these things much more in the round rather than be focused specifically on one element. So as I try to explain before looking at in the round, looking at the location of the property, both in respect of the proposed development, but also that the existing context that it finds itself in at the moment, um, understanding, um, the, the level of not significant effects which applying to quality is negligible.

00:43:20:02 - 00:43:36:17

Um, and for noise it's substantially reduced by, by the fencing. The conclusion is that cumulatively it is not significant. I mean not sure I can say a great deal more than that. Sorry. I mean that's, that's, that's the judgment that's been come to on the with regard to the chapter.

00:43:37:13 - 00:43:54:04

Uh, okay. You've mentioned thresholds and professional judgment. Can you please point out within the applicant's documents if you have actually stated your thresholds and further reasoning in terms of that professional judgment?

00:44:10:02 - 00:44:13:10

So sorry to answer your question on the threshold and.

00:44:15:00 - 00:44:45:05

As we've explained, it's that there is no there's no clear methodology for the assessment of community effects. And obviously, if you're looking at hydrology versus geology, you could be looking at biodiversity historic. How would you bring some of those very new things together? So it's that there is no set threshold. It is one of professional judgment, can't explain what that threshold is. It's just experience of 30 years and an understanding of the situation and a discussion with with the individual assessors as well.

00:44:45:13 - 00:45:12:03

And I think the point just also like to stress is that we're not downgrading the effects in landscape and visual terms. If it's an additional assessment, it's not it's not trying to downplay the individual assessments at all. So this is a separate assessment rather than trying to sort of, yeah, reduce the importance of that significant effect in landscape and visual terms.

00:45:12:17 - 00:45:43:07

Okay. So. Putting the thresholds aside, which which which I accept would be very difficult to actually define. You still have mentioned professional judgment. So is there a, um, in your point out within the

documents that the applicant has submitted where there is a narrative that actually picks up on this and does provide with an overall view in terms of why? To give the example of 9 to 10 Newbridge line.

00:45:43:09 - 00:46:12:24

But we could also give the example of the public rights of way, um, where that assessment was actually carried out and what criteria were utilized, even if it is professional judgement. But that needs to be justified in terms of overall having a cumulative impact assessment on a specific receptor that is actually not significant considering that significant effects have already been identified.

00:46:15:06 - 00:46:28:01

Well, sir, it's before you. It's paragraphs 18.7, 3 to 75. And just scroll down the page to So 18.77. That's that's the assessment that goes beyond that table. So.

00:46:29:21 - 00:46:37:05

And going going through that. Could you just repeat those paragraphs to me again, please, Mr. Kenyon?

00:46:37:13 - 00:46:44:09

So 18.73 to 18.77. Think. Yeah. Uh.

00:46:44:17 - 00:47:19:00

So I have I have obviously reviewed, uh, those, those specific paragraphs. Um, and after reviewing them, I still, um, am not 100% clear on how we have actually arrived to that conclusion. So I was just wondering if the applicant can provide some further information as part of the oral hearing or perhaps then subsequently in writing that actually allows the examining authority to come to a more clear position in terms of how this specific issue was addressed.

00:47:21:19 - 00:48:03:08

So we probably just we've discussed nine and ten. Newbridge then mentioned that we've also got to look at the level of not significant and mentioned about negligible and low in terms of nine and ten Newbridge lean and mean could go through the other ones. Um I think it's done in the paragraphs but we could, we could expand upon that, um, if you'd like. Um, but in most cases you'll find that those levels have not significant are actually quite low levels. Um, and as mentioned that other than the likes of where you mentioned yourself, so um, there are a number of not significance is only that one other where there is a significant public right of way.

00:48:03:10 - 00:48:15:14

But then you look at noise, you look at other matters. Um, it's it's quite low levels of, of not significant if that makes sense. Okay. And think when you bring those together, they're just not currently significant.

00:48:16:12 - 00:48:23:09

Okay. Um, thank you for that, Mr. Faber. I hear. I know that you have your hand up.

00:48:25:06 - 00:48:27:04

Would you like to intervene on this point?

00:48:27:14 - 00:49:05:11

Uh, thank you, sir. Yeah. Neil Furber for the applicant. Think in terms of the landscape and noise impact at ten Newbridge Lane. In terms of cumulative assessment, the way that this is commonly dealt with on infrastructure projects, both use and other forms of development such as wind farms, is that this is encapsulated by an overall sort of residential amenity assessment that obviously we've

carried out in terms of visual aspects under the for visual and also the noise assessment in terms of the amenity considerations has been undertaken.

00:49:05:18 - 00:49:52:22

And I think that this is a commonplace scenario that happens where you do have more than one environmental impact upon one receptor. It's very common, as I said, in windfarm assessments. I think just to add to Mr. Kenyon's explanation, is that really the purpose of doing the cumulative assessment is to identify as a result of the cumulative effects, if any additional mitigation measures are warranted in order to make those cumulative effects acceptable. And I think that because we've heavily considered the noise effects and the visual effects in conjunction with each other, which which results in the acoustic fence proposal that does have some mitigating effects on visual aspects, although it doesn't reduce it to a non-significant level.

00:49:52:24 - 00:50:13:10

The the combination of the full mitigation for noise in terms of an acceptable position leads to the overall conclusion that there wouldn't be any, um, sort of unacceptable adverse effects of on that user, which equates to the cumulative assessment that we're all talking about in terms of intra project effects.

00:50:14:19 - 00:51:12:07

Thank you, Mr. Furber. I accept that point. But as as Mr. as Mr. Kenyon has just highlighted, um, in your assessment and the baseline for your assessment in terms of cumulative effects already takes into consideration additional mitigating measures that you have put in place. So I'm, I'm afraid that that isn't quite. Answer the question that I had, because obviously if those measures were already in place in the chapter and you have actually confirmed yourself now that it's a question of assessing the residential environment and as a whole, uh, considering that there are going to be effects or noise even though they were mitigated, but they are going to be effects of noise, there are going to be effects on air quality and they are going to be significant effects on landscape individual.

00:51:12:09 - 00:51:26:23

So what am still struggling to understand is considering exactly, as you have mentioned, residential amenity, how is it that the overall impact actually is non-significant only non-significant?

00:51:27:00 - 00:52:06:06

From a cumulative perspective? It's looking at the cumulative effect. It's not trying to hide any significant effects on particular topics, but it's looking at the combination of those effects as distinct from, you know, an individual effect. So the the increase in noise is of a degree that wouldn't be enough to consider that both the noise and the visual aspects would cause a cumulative effect to the to the extent that it would be considered significant and think that that bar is is the the sort of, I suppose the slight taking it out of a cumulative contents.

00:52:06:08 - 00:52:36:19

But that bar where you do exceed the level of cumulative effect, that is basically your unacceptable effect on living conditions as a result of multiple environmental factors. So because the mitigation is within the order limits. So this, this measure with the acoustic fences within within the order limits, it's not a measure that's been added. Um, you know, as an afterthought, it was, you know, it is part of the proposal.

00:52:38:22 - 00:52:42:15

Thank you. Thank you, Mr. Furber. Uh, right. Um.

00:52:45:00 - 00:53:26:02

I would like us to to move on from this topic now. I, I don't I don't feel that we are going to necessarily today which reach an agreement on this. But um, can I ask the applicant perhaps to consider what else can actually be provided in terms of information to the examining authority to allow us to assess then the professional judgment in what was taken into consideration as part of professional judgment, particularly on those receptors that have one significant effect plus another effect might be significant or not significant.

00:53:27:13 - 00:53:31:13

If the applicant could just confirm this project?

00:53:32:07 - 00:53:43:21

Yes, the applicant will consider providing some additional information to assist the examining authority as part of the deadline six written summary of its oral submissions today. Thank you.

00:53:44:05 - 00:54:23:03

Thank you. Um. I would like us then to move on to another issue. So in terms of considering the cumulative impacts on nine Newbridge Lane and the applicant has stated in paragraph 18 .7.4 of chapter 18 of the yes, that is AP 045 that the potential for significant cumulative effects upon nine Newbridge line arising from noise and visual impacts are addressed by the applicant's intention to acquire the property if necessary, using compulsory acquisition powers within the DCL and to cease its use for residential purposes.

00:54:23:18 - 00:54:27:20

This action would remove the property as a receptor and.

00:54:29:24 - 00:55:00:12

We we know and duplicate has provided information to the examination that this property is now in the ownership of the applicant. But in terms could you could the applicant please clarify in terms of the future plans of the applicant for this property and how the applicant will be able to guarantee that seizing the use of the property for residential purposes during the lifetime of the proposed development in order for the impacts to not be considered as part of the examination in this is secured as well.

00:55:00:14 - 00:55:26:02

Please clear project for the applicant. Yes. This commitment that the property will not be put back into residential use or can have residential use throughout the lifetime of the proposed development is contained in the draft, which is 5-005 and that is requirement 19 of schedule two to the draft development consent order. And you have

00:55:27:22 - 00:55:59:04

requirement 19 one, which requires the residential use at number nine, which is referred to here as plot number 11 for A and 11 for B and must cease prior to the commencement of construction and then requirement 19 two states that it may not be used for residential purposes until the authorized development has been decommissioned. And because there are those requirements which the undertaker is required to comply with, it's a criminal offense.

00:55:59:06 - 00:56:08:14

If we do not comply with those requirements. The applicant is confident that the purpose of the assessment number nine bridge lane can be removed as a receptor. Thank you.

00:56:08:16 - 00:56:52:21

Thank you. Thank you. That's a very helpful. Thank you, Mr. Broderick. Um, paragraph 18 .9.3. Now, please states that additional mitigation measures acoustic fencing to address the level of significance

identified, resulting in residual noise and vibration effects at ten Newbridge Lane, which is to the effect known to not significant landscaping visual effects in relation to nine and ten bridge lane and in relation to public rights of way remains significant. Um in the applicant, please explain what measures it has considered to address significant effects and why after consideration of all additional measures, the impact remains significant in relation particularly to landscape and visual effects.

00:56:56:00 - 00:57:42:22

And Sir David came for the applicant. Yes. So that is that chapter that that paragraph referred to, those sort of concluding paragraph pulling pulling the assessment conclusions together at the end. And basically what that's saying there is that recognizing, as we've discussed before, that there are significant landscape and visual effects and both on nine and ten Newbridge Lane and obviously we've just spoken about nine and and also the public rights of way as well. And but and then going on beyond that to the talk about the cumulative effects which we spoke about as well and but the need or otherwise to address the significant landscape effects through mitigation is then addressed within the relevant chapter landscape and visual chapter.

00:57:43:04 - 00:57:43:19

Yes, sir.

00:57:47:11 - 00:58:18:12

I would now like to extend to Cambridgeshire County Council and the House local authorities for confirmation of agreement with the short and long list presented. I'm particularly looking at the comments that were made by Cambridgeshire County Council and Fenland District Council response to one that would be wrapped to zero 30 and the Borough Council of Kingsland and West Norfolk response to Q1 rep to 27.

00:58:18:14 - 00:58:42:24

And mindful that we didn't have confirmation of a representative from Norfolk County Council but don't know if there is anyone from Cambridgeshire County Council that would be able to sort of um, confirm that that list is still current and the relevant list in relation to short and long list presented.

00:58:48:12 - 00:58:57:09

I don't know if there is anyone from Cambridgeshire County Council that will be in a position to confirm that. Mindful that Mr. NGO Fraser has Deborah.

00:58:57:11 - 00:59:03:04

Jenkins for Cambridgeshire County Council. If you can hear me. Yes.

00:59:04:03 - 00:59:04:18

Good afternoon.

00:59:04:20 - 00:59:16:07

We don't have any comment to make and we don't have any experts with us today for that. Right. I definitely. And therefore we can respond in writing at a later date for the next deadline.

00:59:16:19 - 00:59:53:09

That was what I was going to suggest. So maybe if I can actually ask the same question. But in writing, I do believe, and I have not seen any representations otherwise following from the responses to um, except questions. One making any further comments but would just like to have confirmation of that. Um, can the applicant please comment in relation to the short and long list? And if they have any further information that they could share with the examining authority?

00:59:54:20 - 00:59:59:12



Yes, sir. David Kenyon for the for the applicant. As you mentioned, the

01:00:01:03 - 01:01:03:15

Q1 questions asked the hostel authorities for comments on the long list and the short list and a number of additional projects. Planning applications were provided as the applicant. We responded to each of those additional projects lists in our response to written questions, and that's read 3041. And what we start to do there was to look at each of those additional projects and effectively screen them to understand whether I mentioned before zones of influence at the start and would discussing methodology to so to understand whether there was a potential zone of influence between those projects and the proposed development and where we felt that there may be in our responses, we then provide an assessment within the confines of the response to the question, but an assessment on the likelihood for cumulative effects or not.

01:01:03:24 - 01:01:35:06

And I think it's fair to state that the statement of common ground that was submitted at deadline five, so that's five think it's zero 23 um, between the applicant and the host authorities does cover cumulative effects. And if you look at chapter 18 there, you'll see section 18, you'll see that we are in agreement with the host authorities with regard to the methodology, the approach, the list and also the conclusions as well that are reached in that cumulative assessment.

01:01:36:20 - 01:01:38:21

Thank you very much for that confirmation.

01:01:52:12 - 01:01:59:17

Uh, bear with me for a second. I'll just check my notes. On a further point.

01:02:09:05 - 01:02:21:02

Um. Right. Can I ask if there are any other VIPs that would like to ask any questions in relation to cumulative effects? Please?

01:02:32:21 - 01:02:41:13

I don't see any hands raised. So if there are no further questions on cumulative effects, then I.

01:02:43:06 - 01:02:43:21

Would.

01:02:47:05 - 01:02:52:24

Close this specific item can just check that no one else has any further questions.

01:02:58:01 - 01:03:25:21

No further comments to make. Don't see any hands raised. So in that case, that concludes item five in terms of cumulative effects and would move us on to then item six, which is review of the issues and actions arising. So we have been making notes of the actions mentioned following from today's meeting. I don't intend to go through them now, but we'll be writing those up and publishing them as soon as practicable. Are there any comments that anyone would like to make on item six of the agenda?

01:03:30:07 - 01:03:46:02

I don't see any hands raised. So move on to item seven, which is any other business. I have had no notification of the matters to be raised under this agenda, but can I ask if anyone would like to raise any other business at this point?

01:03:47:18 - 01:04:05:02

Collaborate with the applicant. We're just wondering if you would be able to confirm that the as we finish the agenda items for today that the Reserve date of Friday for issue specific hearing is no longer required and therefore we can release our experts for that for that particular day.

01:04:05:04 - 01:04:06:07

Thank you. Um.

01:04:07:06 - 01:04:08:07

Right. Thank you.

01:04:11:03 - 01:04:53:07

As it stands now, when with the information before me, I believe that it is unlikely that we will need a dislodge reserved for Friday morning. The reason why I'm stating that because I think it's more likely that if they were going to be topics in items on the agendas that we are due to cover this week, that we are likely to not be able to have adequate time to cover, it would probably be and environmental matters considering that the next set of hearings are going to be on Thursday and that will be compulsory acquisition hearing and an open floor hearing.

01:04:53:12 - 01:05:10:17

I do not anticipate then that those hearings will overrun to the point that we all probably need to reserve a slot on Friday. But obviously that meeting has been announced in case it's needed. So, um, hope that that answers your question.

01:05:12:10 - 01:05:13:07

Ms.. Broderick.

01:05:14:16 - 01:05:29:20

Clever for the applicant. Think the applicant will liaise with the case officer just in terms of the logistics of holding the room for that day. But we'll be in touch with with the case officer just to discuss that further, if that if that's okay with you.

01:05:30:15 - 01:05:40:23

That is fine. As I have mentioned, I do. I don't have anything before me at the moment that would lead me to believe that we would need that specific slot.

01:05:44:03 - 01:05:44:18

Thank you. Just.

01:05:46:08 - 01:05:53:03

Just to bear in mind that obviously Friday has been reserved as an issue specific hearing and not as a compulsory acquisition hearing. Thank you. Exactly.

01:05:53:05 - 01:06:01:22

And therefore, I don't I don't believe that that we will require that specific thought. Thank you. Okay.

01:06:03:11 - 01:06:04:23

Uh, any other business.

01:06:10:19 - 01:06:40:20

I don't see any hands. Right. So I'll move on to item eight which will be closure of Hilt of the hearing. So thank you for all for contributing so fully and usefully to this meeting today. And we will consider submissions made carefully, if I may remind everyone that we would be expecting a written representation of oral representations made today at next deadline. Um, and um.

01:06:44:10 - 01:07:12:02

And that's as I've mentioned before, the next hearings will be held this Thursday. And we do have a compulsory acquisition hearing and an open floor hearing as well. Um, the time is now. 3:22 and I will now close this issue specific hearing on mid worth energy from my limited. Thank you.