

CAH_Tues 28 FEB PT2

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FULL TRANSCRIPT (with timecode)

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Hearings resumed. I'll just give it some minutes. So let people come back and.

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The.

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Okay, so if he turns pop 417 417 I think I'll be useful to ask questions on this. And you have given

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detailed responses, but I think it would again be useful if you could please just clarify in relation to plots four and seven, particularly the areas covered by works number 1338, which are the temporary compound areas

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and the laydown areas. If you could please clarify the need for the save all that loud. Thank you.

00:01:19:16 - 00:01:46:06

Thank you, sir. It is done on behalf of the applicant. And we thought that in looking at this plot 417 and it will probably not back on to discussions on four and six as well to just outline the Atkins approach, outline why we are seeking compulsory acquisition of the whole of that plot. And just to

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explain the wider context, I think I think as we we've talked about previously, I think there's been a lot of focus on the outline landscape and environmental management plan and I appreciate that.

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I think it is forgotten that it is an outline and effectively what that plan was, was seeking to show was some areas where various elements would or could take place in order that it could be demonstrated that everything that was needed could be fitted in within that area. As we have said, it isn't a final plan. And so so

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I think what we will look to do is really to kind of pick up on the all of the points that were set out in the question in the annex regarding effectively the use of that land. And then by relevance as well. I know you were you were going to ask about the relevant public policy tests in respect of the biodiversity benefits and improvement. So are we going to wrap all of that up together and

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effectively explain why why the land is that it is and why the area where it is? And and again, go back to what we talked about previously and I mentioned in the outset around those tests in section 1 to 2, which is that the land must be required to carry out, facilitate or be incidental to the development. So

the applicant's position is that all of that land fits within those categories. And also noting, as we said earlier, that required doesn't mean that it's essential.

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What it means is that it's necessary in the circumstances of the case, and I think it's important that we have that in mind as we move through.

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So the purposes for which that land is needed, as you've said, are set out in schedule one and there are various what could we get up the.

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Works point of place for that area.

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Thank you.

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So it's set out in

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the in schedule one of the development consent order. The works that we're looking at here are between works on about 2029 and work 35 within work number 31 and 31 is effectively the substation compound area and are the above ground infrastructure that will be located there. And then we have work number 32, which is the cable circuit and work number 29 as well, which those we also have the permanent home road

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as part of those works. And I think what's important to understand from that plan is that across all of that area, all the rights, as we've talked about for permanent landscaping, ecological and environmental works, drainage works, including sustainable drainage and utilities connections. So those rights effectively run across the whole of that area, save in relation to the to the actual substation sort of compound footprint. So and they have been those those rights have been drafted in that way and those areas have been included to ensure that as the final substation design, the design is finalized, that we are able to deliver the landscaping that is is needed and will be beneficial in terms of of screening the substation and providing that effective screen that we've discussed previously.

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And that's not just screening it from Glasgow Road as we've talked about it, screening it from inappropriate to the north and even further to the north. And as Ms.. Colbert will explain, it's also about meeting the relevant policy tests around connectivity of habitats for and ensuring that those areas where there are existing ecological features. So up towards the north western corner of the site where we have that area that's identified for as the construction compound, there's an area of ancient woodland further to the west of that.

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There's also another area of existing woodland to the east, and putting ecological and landscaping works in that area will clearly create that connectivity between those two existing areas of woodland. Ms.. Colbert's going to talk about it in more detail, but I just it's about understanding the the principles of what has been applied to that area in terms of delivering that enhancement and ensuring that that enhancement and that benefit can be delivered in accordance with policy.

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So

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Mr. Faulkner is going to set out the policy background, I think then we're going to hear from.

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But I think Mr. Thompson on landscaping again. And then we're going to go to Miss Colebrook on Ecology, just to really explain how all of these things work together.

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Okay. Thank you very much.

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Matt Faulkner On behalf of the applicants, Yeah, in line with the question in the annex, we prepared a summary of the policy backgrounds. That's relevant to biodiversity mitigation, compensation and enhancement proposals for plots 416 and 417. And as Ms.. Dunn said, all that and over to Mr. Thompson is COBRA to take you through how those policy objectives are met, through the proposals for the land around the substation. A recurring objective running through national policy is the need for development to secure resilience through provision of debt benefits for biodiversity.

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It's also referred to as part of biodiversity enhancements or biodiversity net gain.

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The need for biodiversity enhancement is set out in national policy statement and one where paragraph 5.3.4 requires the applicant to show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. The general principle of avoiding significant harm to biodiversity is set out in paragraph 5.3.7, which states that where significant harm cannot be avoided, then appropriate compensation measures should be sought.

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Paragraph 5.3. 15 highlights that development proposals provide many opportunities for building beneficial biodiversity as part of design, and that when considering proposals, Secretary of State should maximise such opportunities in and around developments using requirements or planning obligations where appropriate.

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This is reiterated in the draft national policy statement and one which notes the scope of potential gains is dependent on the type of scale and location of each project. The draft national policy statement goes on to stress the importance of maximising opportunities in paragraph 5.4. 17, which states that proposals should also consider any opportunities to maximise the restoration creation and enhancement of wider biodiversity. Consideration should be given to improvements to and impacts on habitats and species in around and beyond.

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Developments for wider ecosystem services and natural capital benefits beyond those under protection and identified as being a principal importance.

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Paragraph 5.4.23 of the draft MP draft NPS states that the Secretary of State will need to take into account what mitigation measures have been agreed between the applicant and the statutory nature conservation bodies and whether the statutory nature conservation bodies has granted or refused or intends to grant or refuse any relevant licences, including protected species mitigation licences. The

proposals for biodiversity compensation and enhancement around the substation have been developed in discussion with and RWA and Denbighshire County Council with a particular focus on compensation and enhancement for great crested newts.

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The mass of population of great crested newts that centred on St Asaph Business Park hosts a population of use that is of national importance and can arguably be of sufficient quality to warrant designation as a blessing. And RW have confirmed that the biodiversity compensation and enhancement proposals would maintain the favourable conservation status of this European protected species.

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The applicant notes the recent Defra Action Plan on n CIPs, which was published this month, which proposes to incorporate biodiversity net gain requirements for all terrestrial and state projects From November 2025, DEFRA plans to consult on the detail for biodiversity net gain proposals later in 2023. However, until this comes into force, the position for insects in Wales remains unchanged, with no current requirement to quantify losses and gains through use of a metric.

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This position has been confirmed by both and view and the Welsh Government instead of a metric. The Welsh Government's approach is to place the emphasis on a proactive consideration of biodiversity and wider ecosystem benefits within a placemaking context early in the design process. The aim is that the planning system will encourage the use of high calibre ecological expertise and early discussions with planning teams to design developments on a case by case basis that will positively impact ecosystem resilience.

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Is this qualitative approach in close consultation with stakeholders that the applicant is used in the development of the proposed mitigation? Compensation and enhancement proposals have been developed with input from and RWA and Denbighshire County Council.

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Paragraph 6.4.3 of planning policy. Wales sets out the requirement to secure enhancement of and improvements to ecosystem resilience by improving biodiversity, condition, extent and connectivity of ecological networks. This is alongside the requirements to safeguard protected and priority species such as great crested newts from impacts which would directly affect their niche conservation interests and would compromise the resilience of ecological networks. The proposals for the area around the substation would improve both the risk, biodiversity resilience and the connectivity of existing biodiversity assets through opportunities to maintain and strengthen the linkage between Gascoyne Nature reserve and habitat within both within Park currently used by great crested NUS, there is additional opportunity to connect blocks of ancient woodlands in the north of the sites to ancient woodland within or within park.

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The objective of achieving biodiversity resilience is a key goal within the Wellbeing of Future Generations Act, which aims for a nation which maintains and enhances a biodiverse natural environment with healthy, functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change

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within the area around the substation. Resilience will be delivered through compensation where impacts are predicted to occur as well as new benefits for biodiversity through the proposed enhancement measures.

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Again, it's biodiversity resilience. There's a fundamental aspect of policy nine of Future Wales, the National Plan 2040, which concerns resilient ecological networks and green infrastructure.

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Through this policy, Welsh Government aims to work with key partners, including an r W to ensure enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure by identifying areas which should be safeguarded and created, and by identifying opportunities where existing and potential green infrastructure could be maximised.

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The policy requires that in all cases, action towards securing the maintenance and enhancement of biodiversity to provide a net benefit and the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and design of the built environment.

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Resilient ecological networks are defined as networks of habitats in good ecological condition, linking protected sites and other biodiversity hotspots across the wider landscape, providing maximum benefit for biodiversity and well-being. Such nature networks have existing or potential for healthy, resistant, sorry, healthy, resilient ecosystems, which provide a range of important ecosystem services, as well as allowing the movement of species across landscapes in response to climate change.

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The proposals around the substation offer the opportunity to link the biodiversity hotspot within grass court nature reserve with habitat in Baldwin Park as well as habitat in good ecological condition within those areas of ancient woodland.

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The theme of resilient ecosystems. It also forms part of Welsh government natural resources policy and the Nature Recovery Action Plan for Wales 2022 21.

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Lastly, the North-East Wales area statement sets out five key themes, three of which are met by the proposal for the area around the substation. These are developing and improving urban rural green infrastructure, increasing woodland cover and promoting the resilience of ecosystems in maintaining and enhancing biodiversity.

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The policies that we have summarised all include consistent objectives to provide a net benefit for biodiversity through compensation and enhancement. The establishment of resilient ecosystems and a resilient network of interconnected areas of existing ecological value on their hand over to risk Thompson to take you through some of the practical measures with regard to Landscape five by Ms.. Colebrook, who go through such measures with regard to biodiversity.

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Linda Thompson for the applicant. So I'm going to speak about the landscape and visual mitigation and provision of landscape areas around the onshore substation. The outline, landscape and ecological management plan are all EMP reference four zero 11 sets out the mitigation principles and outline planting principles relating to mitigation of landscape and visual effects. Figure two of that all is an illustrative arrangement that shows where landscape proposals could be located to achieve the mitigation set out and assessed and the landscape and visual impact assessment.

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Ref Yes. 029 The work area set out in part one of schedule one of the DCU includes provision to allow for landscape planting. Works within much of Port 417 as shown in the land plans. 6.18 Report 6028. Some of the locations currently identified for working screening are currently located with gaps associated with underground cables. These are shown in the worst possible location from a landscape and visual perspective for the purpose of assessment.

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But as part of the detailed design stage, the layout and the landscape and visual mitigation provided by the landscape, proposals will be the subject of consultation with interested parties, as well as requiring agreement from Denbighshire County Council and in order to.

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The substation is being located essentially with an identified land. For a variety of reasons, as set out in the site selection and alternatives documentation. Chapter four of the ESG Reference zero 44. This ensures that there is sufficient space to the north and south to accommodate the necessary landscape and visual medication and ecological compensation, mitigation and enhancement. These areas also allow for the provision of landscape and biodiversity to link and provide connectivity of habitats around the substation area and also ensure that landscape screening is provided for residential and other receptors, particularly to the north and south.

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In addition, the retained open areas of habitat between the woodland and the hedgerow structure ensures that the character of these parts of the landscape is maintained.

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The woodland area shown to the north of Glasgow Road have a purpose of screening views of the proposed onshore substation from the properties and crematorium business, as well as users of Glasgow's road planting and close closer proximity to the properties and other receptors ensures that screening of the substation can occur more quickly than would otherwise be the case. If the woodland areas were located further away, the woodland shown to the north of the bridle is located with the purpose of screening views of the onshore substation from residential properties and other receptors to the south.

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Woodland shoreline, located in closer proximity to the substation, provides further screening and views from the properties located to the south. The slightly higher elevations, the 55 to the north border with park and garden to the west, and from Weston, Glasgow Nature Reserve and St Asaph Business Park, located to the east.

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The woodland areas follow a link, landscape and ecological features and generally create opportunities for habitat connections that are important for biodiversity. As my colleague Jess Colebrook will outline shortly. The area defined as a temporary construction compound offers a potential for provision of planting and landscape areas for potential screening, connectivity and reinstatement of historic hedgerow boundaries. Such proposals could come forward as part of the detailed design and the landscape and an ecological management plan as these are developed further

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416 and could, by the way, to the north of 417. The screening and biodiversity benefits provided by the hedgerow and hedgerow trees is important. The ownership and responsibility for the margin management of the existing hedgerows and trees and proposed replacement hedgerows along the

bridleway and including areas that lie within the protection areas, is important to ensure the integrity and long term screening effect of this is maintained.

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I'll hand over to my colleague, Ms. Corporate is going to go into more detail about the biodiversity aspects of the proposals.

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Thanks, Linda. It's just Colebrook. On behalf of the applicant. So circling back to demonstrate the policy requirements being implemented within this broad area and again, I would just emphasize a point. The plan included with the island

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set to demonstrate the principle that the project's impacts can be compensated, mitigated for within the red zone boundary and enhancements can be provided in line with policy. So nature based principles for the design of the onshore substation area were developed from the outset through the Pre-application evidence plan process in collaboration with notably and Denbighshire County Council, and both have agreed the location and content of mitigation and compensation at the onshore substation location.

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This is recorded in the respective draft statements of common ground and meets the requirements of draft NPS in one paragraph 5423. Which matters what you mentioned, but specifically in relation to the requirement for the Secretary of State to take account of what mitigation measures may have been agreed, agreed between the applicant and the statutory nature conservation bodies. This process also meets the requirement within future Wales, the National Plan 2040 Policy nine in relation to resilient ecological networks, which asks that actions securing the enhancement of biodiversity must be demonstrated as part of the development proposals through innovative nature based approaches.

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So setting aside the hard engineering constraints in this area, such as the presence of a water main need for operational access and drainage, the outline scheme, illustrated in LAMP, minimizes hedgerow loss and retains all ponds. That was a real key driver for the cable route and the substation location. There's no pond loss as a result of this scheme and. This seeks to maintain existing ecological networks as far as possible.

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This accords with NPS in 1537, which states that development should aim to avoid significant harm to biodiversity and geological interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensation measures should be sought. So the outline design we suggested here within the island. It builds off that in line with the future Wales definition of resilient ecological networks

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for the benefit of everyone. A resilient, resilient ecological network within future Wells is designed as a network of habitat in good ecological condition, linking protected sites and other biodiversity hotspots across the wider landscape, providing maximum benefit for biodiversity and well-being. So let's talk through the various elements illustrated on the island to better demonstrate how the project's been driven by those legislative and policy requirements.

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It's important to remember there remains a degree of optionality about the scheme design and a consequential degree of optionality for the type, location and extent of the landscape and ecological mitigation, compensation and enhancement that will be needed.

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The plan serves to show that the project can provide adequate amounts of each of these within the line boundary. But as Linda previously mentioned, there are other alternatives that could yet come forward and subject to final design and discussion with other stakeholders. So before I go on, I just like to clarify some terms that get used because I think there's scope for confusion and one is avoidance. It's quite straightforward. If the project can design out an impact, it will do so.

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For example, all of the ponds have been retained and that remains the case. And if impacts can't be designed up, it can be reduced. That's considered mitigation and an example of that would be gapping up hedges overnight if they're considered to be an important site. By far that's that's one of the principles within the island. Compensation is when impacts cannot be avoided. And in those cases you require measures to offset, offset or compensate for that impact in this case.

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Pertinent example is habitat loss as a result of the construction of the offshore substation enhancement or any measures that are of benefit to biodiversity over and above the requirement for mitigation and compensation.

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So it could be the case that compensation for one species represents an enhancement for another species.

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I'm one of the main one of the main ecological drivers

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in this location is a requirement to reduce impacts to the great crested newt population that exists locally. The term a population.

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It applies to a population of great crested newts reliant on a pond network. Great question. You have a 500 meter dispersal distance, so that means all ponds that within 500 meters of each other get used by the same population, which I figured 27 from the environmental statement control part of the chapter. Thank you. This is the right one. Here we go. So on the screen now, we've got

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you'll see the red line boundary and lots of crosses. And the cross is showing where there are ponds

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and they're showing different colors depending on whether they have been surveyed and found have great crested newts present. So if I had great residues absent or not, so great. But we know Brexit news are they're not the immediate east of the red line. Now do you see this as accumulation of and by using classification,

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this accumulation of crosses here, this is glass croyde nature reserve and these ponds here were created as mitigation in part part of the mitigation program for development of the business. Park Pond, south of Glasgow, right over here also include mitigation ponds associated with substations that

have been constructed in more recent years. And then we have ponds scattered across the landscape. So typically these are field ponds, but they also include some sort of landscape, larger lakes.

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Now, all of these ponds inside the purple hatched area are accessible to and potentially therefore used by the exceptional population of great crested newts that exist in the area. You want your substations to be built in the middle of that population.

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The construction and continued presence of the onshore substation would, in the absence of mitigation and compensation, serve to reduce the availability of foraging habitat to the meter population and prevent East west movements. Broadly speaking, between the ponds. So in terms of compensation, that needs to be put forward for that impact. It needs to be contiguous with habitats that are used by great crested newts in order that the great crested newts have access to it.

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There would be no point in it being some sort of satellite somewhere distant. It needs to be as close as possible to the area that lost in order to minimize the impacts. And in all cases, it needs to be within 500 meters

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in order that the great, great crested newts would find it and could use it.

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So to minimize impact is necessary to provide that compensation prior to ideally or definitely at the start of the commencement of construction in order that the local great crested newt population retains access to an equivalent terrestrial habitat resource. In other words, that it will experience no net loss of habitat.

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For that same reason, it will be necessary to maintain it for the duration of the operational lifetime of the development. It can't therefore be within the construction footprint. So if we have the old plan back.

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The areas colored orange on this plan or the areas that will not be affected, directly affected by construction, and that would be used as compensation for great compensation. Areas for great crested newts. So they amount to about six hectares. On this drawing,

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I'm going to rule over that point because I don't want anybody to get hung up on exact areas or exact locations, but this demonstrates the principle. There are about six hectares shown on this drawing that would demonstrate for about 21 hectares of either lost or inaccessible habitat as a result of construction in the construction area. Broadly speaking, on the island plan is all of that area of light green that runs through the middle and the onshore substation location area. So during construction measures would be included for great crested newts, amongst other things, in those orange areas.

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They would be enhanced from ecologically poor agricultural grassland to provide more suitable grassland for foraging and sheltering great crested newts that would otherwise use the area affected by construction or areas that have proved inaccessible as a result of construction. So it could be that great crested newts from Gascoyne Nature Reserve are migrating well using the pond networks as sort of

stepping stone further west. The presence of the construction area and the substation will prevent that for the years that construction is ongoing.

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Culverts will be included beneath operational or permanent access routes to ensure that the ponds on site remain accessible to Great Britain in matter populations so that there is no functional loss of those breeding ponds either

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now. Compensatory hedgerow and woodland planting will also commence in areas unaffected by construction and again in advance of construction efforts feasible on this plan. About 670 metres of hedgerow, all of which is a Section seven habitat under the Environment Act, Wales. So 670 metres of hedgerow will be lost as a result of the onshore substation and the embankment slope around it. Showing on the unemployment.

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Compensation for the loss of those would also serve to mitigate and compensate for

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associated impacts of sheltering foraging requested news, but also to other protected and notable species, including but not limited to bats, reptiles, hedgehogs, brown hares and polar caps.

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There's about also that plan. I should say there's about 770 metres of hedgerow planting shown on this example of what could occur in that area.

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And it's striking how and where the hedgerows and woodland planting may be included within a scheme of mitigation and compensation. There are two main factors the need to the landscape screening and the need to reinstate the Habitat network. So landscape screening primarily is needed to the north and south of the onshore Earth observation location, also to the east, in order to screen views from visitors to the nature reserve, but primarily to the north and south due to residential receptors. The Habitat Network also requires links to be reinstated in the north south direction to.

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So I'm.

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The other main thing involved in the decision making process in terms of the Habitat Network is the need to mitigate and compensate for loss of bat roosts that will also occur as a result of construction of the onshore substation. Now, as shown here and construction of the onshore substation and need to tie in land levels shown on the island plan would result in felling of about 13 trees with bat potential. Based on currently available data, she said, with trees that are subject to change in bats.

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Also we switch between trees, so that could be subject to change.

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Each of those 13 trees supports a number of potential risk factors which for which compensation would be needed in advance of felling. This would include bat boxes installed upon which retained trees or poles, re-use of coal, felled trunks or better realisation of existing mature trees. And that means creating features on existing trees that make them appear older. So. So in parts of or

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taking out them with a chainsaw.

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Since that boxes if we just use bat boxes isn't it? As an example, since black boxes are typically installed at no more than two or three per tree or pole, and as a conservative estimate, we suggest that most of the trees that will be felled have at least four potential raised features. Then there'd be a requirement for at least 18 mature trees or polls in suitable locations. So that would be close to the tree that has been lost within or near to a flight line and not illuminated upon which to fit bat boxes.

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So if I circle back to part of the

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rationale for including the 416 we spoke about earlier, that's one of the locations where we know there are existing mature trees that are suitable for taking back boxes that would be retained undisturbed by the scheme.

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The requirement for connection and landscape screening is part of the reason that it isn't as simple as being a like for like for placement between the extent of the screen footprint and the extent of mitigation and compensation and enhancement areas at the onshore substation.

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So

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broadly speaking, what I've done there is cover just mitigation and compensation enhancements within this area have been considered from the outset and they are additive to the mitigation and compensation already outlined. They've been agreed with Denbighshire County Council and not to be. And they are necessary for the scheme to be policy compliant. Ecological enhancements are located in areas where they bring most ecological benefits. So in general that means linking to the existing habitat networks.

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Now, it's not clear on the old plan, but my colleague already alluded to it and I shall try and demonstrate complexity.

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So there is a network of woodland in the area. This is recognised by a lot of these Habitat network plans and the whole of the onshore substation area is within the Woodland Network focal area. We have an area of ancient Semi-natural Woodland within Baldwin Park to the immediate west of the scheme. There's an area of ancient Semi-natural woodland to the north of the onshore substation location and thousands of bridleway.

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This is critical. Then there's a further ancient semi-natural woodland, which just is. It's behind the police headquarters. It's an asset business park. So it's to the east again is outside the red line boundaries to the east,

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the bridleway and the vegetation along the right away serves to link all those together. So bringing that into management would be a tremendous enhancement for local biodiversity and securing its

future and managing it for biodiversity benefit. It would also serve to link those areas of ancient woodland which at the moment aren't aren't brilliantly well linked.

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And the planting is shown at the moment on this version of the plan. As you can see, it serves to link up hedgerows around the substation footprint and incorporate builds off the landscape planting that's necessary.

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However, this is just one example of what might be necessary or possible. Historically, there were field boundaries crossing this very large field that at the moment is where the TV is shown and nothing else but the scope to reinstate those boundaries depending on final scheme design and what the impacts are. And so that could be one option that is explored and taken forward.

00:39:04:15 - 00:39:05:00

So.

00:39:09:11 - 00:39:36:03

Moving the enhancements over and above the planting and and reinstatement. Let me rephrase that. Reinstatement is not an enhancement. The enhancers are included here that happen after construction is completed are shown like green in this island plan and broadly speaking, that the creation of species rich grassland.

00:39:38:10 - 00:39:50:24

So the species rich grassland will bring benefits to a wide range of species, but including all those I've listed previously. So it would be great Crested newts, reptiles, bats.

00:39:52:16 - 00:39:54:24

The our population is about as likely as well. Who would

00:39:56:13 - 00:39:59:11

benefit from those enhancements to.

00:40:03:13 - 00:40:29:01

The enhancements in addition to the compensation and mitigation measures that would be paying forward would require management and monitoring for the life of the development in line with the principles set out in the lamp with the final details to be agreed via the final lamp. The DCO requirement 13 And that also has a bearing on the location, particularly given of the intestate freehold possession of the onshore substation, location and surrounding land.

00:40:31:08 - 00:40:53:22

So on that basis the enhancements are best located at the onshore substation site where they could build upon the planned landscape and ecology mitigation and compensation measures already described Alamo on a site that's contiguous to an area of similar purpose as a business park, which is the ponds I'm sorry, which is the ponds here and less coated.

00:40:55:09 - 00:41:05:19

In so doing, the value of the hole ends up being greater than the sum of its parts and greater ecosystem. Resilience is achieved because there are more links after the project is developed than there were prior to the project.

00:41:09:18 - 00:41:46:02

And it's worth quickly highlighting here that there's some cycling areas within the Woodland Network Focal area and which I mentioned earlier. This was identified back in a preliminary ecological appraisal, which was included as an annex to the Environmental Statement on Shore Biodiversity chapter and notably states in section 4.3 of a Handbook on Habitat Networks 2019 that the network maps should be used to, amongst other things, guide to the location of habitat restoration, creation and management to improve ecological connectivity and ecosystem resilience.

00:41:46:18 - 00:42:05:09

So that clearly circles back and demonstrates how the project will be seeking to deliver those policy requirements in relation to ecosystem resilience. We covered the issue of resilience at the HIM prior to Christmas and but is a very quick recap.

00:42:08:00 - 00:42:43:02

The Planning Policy Wales 11 Section six Force three includes a bullet point specifically requires development proposals to consider the need to secure enhancement of and improvements to ecosystem resilience by improving diversity, condition extent and connectivity of ecological networks. And then as mentioned again in Policy nine a Future Wales National Plan 2040, which is also pertinent as the Welsh Government seeks to identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking requirement.

00:42:43:04 - 00:42:53:09

Use of nature based solutions is key mechanisms for securing sustainable growth, ecological connectivity, social equality and wellbeing.

00:42:56:26 - 00:43:12:01

The design as presented it accords with the rules of thumb related to the diversity extent, condition and connectivity referenced in our WS report. Terrestrial and Freshwater Resilient Ecological Networks A Guide for Practitioners in Wales 2021.

00:43:15:24 - 00:43:16:09

And

00:43:20:16 - 00:43:30:27

the enhancement, all told, will include the creation of five additional ponds located to the south east of the onshore substation location.

00:43:32:13 - 00:43:46:16

Now that's in this bottom corner here, coloured orange. They're enhancement, but they're within that area of compensation habitat which would be created for Great Britain use and available to them throughout construction.

00:43:51:00 - 00:44:20:08

That particular element has been confirmed by and or through bilateral discussion on the 26th of November 2021 and confirmed by a subsequent agreement on minutes, as well as in the relevant raps and written raps on the Statement of Common Ground as assisting to move this an asset. This is part great crested population, great crested Newt population towards favourable conservation status and lack. Lack of ponds in landscape is one of the main things considered to be

00:44:21:25 - 00:44:37:00

negatively affecting the local population. A great question is in this location and we've also confirmed that suds ponds can't be considered as part of great crested enhancement. So that's why we haven't. And then all those are all within them.

00:44:39:07 - 00:44:55:17

There would also be included creation of five reptile or amphibian high binocular. So those are large structures and about one metre cubed. And this be constructed from onsite materials such as soil logs, brush and stone, and primarily decorated for

00:44:58:05 - 00:45:00:03

all kinds of reptiles. And I fitness would use them.

00:45:00:05 - 00:45:01:28

But we're aware.

00:45:02:00 - 00:45:35:09

Although we didn't find any reptiles on site during the surveys, and we know from recording as nature reserve that there are grass snakes locally. And so the measures within the onshore substation composition enhancement areas would also assist those of site populations to expand too. So there's a high vernacular in addition to the hope and actually there would be 20 reptile and amphibian refuge. Are there small structures like the size of a garden Compost heap usually are smaller.

00:45:35:22 - 00:45:55:14

They comprise brush piles or log stacks. There will also be erection of timber boxes in addition to those that required as compensation measures for the loss of potential waste features. The installation bird boxes, including pole mounted barn owl boxes.

00:45:57:06 - 00:46:28:20

Then there will be scrub management to promote structurally diverse grassland habitat of benefit to reptiles and amphibians. And then as a. Previously mentioned, there'd be the creation of about 9.8 hectares as shown on this plan. What we've done here is capitalize on the fact that the areas will be subject to soil disturbance. And so it's a real opportunity to create like the meadow in a otherwise very enriched soils or be able to put back.

00:46:28:22 - 00:47:05:03

So that is better suited to creation of Lowland Meadow be about 9.8 hectares of species which lower the meadow and six hectares of diverse neutral grassland. And its management thereafter, which is the the critical part really to maintain its nature conservation interest for the lifetime of the development. Finally, there's the creation of 2.96 hectares of locally native broadleaf woodland. Now, although the locations of that would have been primarily driven by landscaping.

00:47:06:14 - 00:47:20:21

Screen purposes, that it's considered an ecological enhancement because the species and composition of those areas have been ecologically chosen. So they will include locally sourced black poplar as well.

00:47:22:15 - 00:47:24:06

And notably. Has confirmed in Britain

00:47:26:18 - 00:47:35:21

and notably has confirmed sorry due to my references, has confirmed it agrees with the proposed principles for mitigation for protected species in the island.

00:47:40:23 - 00:48:12:11

And that the last bit to finish on really is just to say that the deadline design presented here serves to increase links to glass coated nature reserve to the east, the ancient Semi-natural woodland to the north and west, and depending on factors such as the siting of access and the final footprint of the

onshore substation and the temporary construction compound, as well as the results of the pre-construction surveys. Alternative options than what are presented in the plan in the event may be deemed more appropriate.

00:48:13:23 - 00:48:24:26

For example, it might make sense to it might make more sense to reinstate hedges to the west of the initial substation area through what is shown as a temple construction compound on the island plan currently on the screen.

00:48:29:04 - 00:48:36:14

And I think that's everything I wanted to cover there. Any specific questions?

00:48:36:16 - 00:48:37:03

Thank you for that.

00:48:37:20 - 00:49:23:24

Can I list on on behalf of the applicant those two points that I just want to make to sort of tie everything together, because I think I hope that's been helpful in terms of of explaining explaining why we've taken the approach that we have and explaining how the test should be met. There's just two things I want to kind of refer back to for the purposes of compulsory acquisition, the first of which is that you'll be aware of the provisions in the revised draft national policy statement and in particular paragraph 2.3.3 of and five, which relates to electricity networks, infrastructure which in five the changes two and five are quite interesting because actually what I think they're seeking to do is to bring the national policy in relation to the

00:49:25:10 - 00:49:59:00

electricity networks infrastructure actually up to date with what happens. The original national policy statement was very slim. It's still very slim, but it's actually it didn't really engage with questions on compulsory acquisition and that sort of thing. And the revisions to Ian five and that paragraph in particular, 2.3.3 do recognise that compulsory acquisition of land may be needed for onshore electrical infrastructure such as substations. So exactly what we're talking about here and for associated mitigation efforts such as for landscape enhancement or biodiversity net gain.

00:49:59:09 - 00:50:29:27

So recognising that actually within those networks and as a key I mean, as we've heard from all the policy, there's a key policy driver where there is new infrastructure being provided to actually use that opportunity to provide, to provide benefit. And indeed, even though we're not dealing with net gain because we're not in England, provide that wider biodiversity benefit and I think we've explained very clearly how what is there already in the in in the receiving environment.

00:50:30:07 - 00:51:41:10

This gives an opportunity to provide those connections and create those networks that are absolutely essential to delivery of that benefit, whether that be connecting great crested newts within the nature reserve to borrow it in park or, or, or that northern section where we have the ancient woodland and starting to create those connections there. Just because it's not shown on this plan doesn't mean it isn't going to happen and that those opportunities don't need to be there to be explored. The final thing I'd just like to say in this context is we've talked about the the test under Section one, step 1 to 2 and the requirement at the point at which clearly a scheme is being designed that the the the test regarding to the land being taken being that which is needed necessary to facilitate or as incidental to or I can't remember the last one of my head, but I think the point that's important to to recognize is that that wording is embedded into the development consent order and into Article 18 in respect of permanent rights and 20 in respect of of sorry, 18 respect of acquisition of land and 20 in respect to permanent rights.

00:51:41:16 - 00:52:32:29

And that is an ongoing obligation. It isn't that once having granted the compulsory acquisition powers, you're sort of free to do anything you like. There is still an ongoing obligation on on those that exercise those powers to be seeking the minimum necessary. So at that point where effectively the scheme is being designed and we know that there's flexibility around the. Yes. Or at the substation and actually what that is going to mean if we haven't managed to reach agreement with the landowner and it's necessary to exercise those compulsory acquisition powers, there is still an obligation to only take what land is necessary and that land that is necessary will be dictated by the final scheme design and by the requirements of the land and agreeing those with the local authority and then on top of.

00:52:34:06 - 00:52:47:05

Okay. Thank you. So it might be that you donate all of our land and the land owner may be able to retain some of it potentially depends on the detailed design. Or do they tend to acquire older?

00:52:48:01 - 00:53:04:10

We may need all of it. We need to work on the basis that we have the ability to secure all of it if it is needed. If less is needed, that ongoing requirement, particularly under compulsory acquisition, would be that we take what is necessary.

00:53:06:18 - 00:53:07:27

Okay. Thank you very much.

00:53:14:20 - 00:53:18:24

Yeah, that was useful to explain all of that in such detail.

00:53:21:15 - 00:53:41:10

I think moving on from that point, Mr. Libby, I expect you might want to say something about that later. Or do you want to say anything about that? No, I think I'll, I'll. Comments under item number four, if I may. Thank you. Yes, of course. So just moving on to the next question then was.

00:53:44:06 - 00:53:57:24

Whether that was complete, clarify its reference to other land in the region of 30 hectares, followed by a final proper and supposedly executed 1.9.7.

00:53:59:24 - 00:54:05:23

Was that land separate to the holding or was it incorporated within IT substance issue?

00:54:07:24 - 00:54:46:01

Probably some of the applicants said that comments emanated from a meeting between its appointed agent, the owners of iron ore proper and Mr. Bibby and the owners appointed agent on 27th September 2021. That meeting was held as part of the Section 42 consultation process, which is quite a significant portion of the zonal drop. It was included within that up there boundary as an area of search for ecological mitigation. It's believed that the additional land occupied by the occupants of the proper lies to the north of Cody goes to the west of proper as it is today.

00:54:46:24 - 00:54:51:20

So it's outside of there. The actual farm unit. Separate.

00:54:53:05 - 00:55:20:26

Can I come in there? If yes, please. I believe that there's reference here to land which is under a tenancy. Okay. Okay. Yeah. Okay. So that's. It's not. Not. Not. Not the same quality of land. Okay. I was just a clarification on that point. Thank you. Okay, then in terms of plots, four one, two, four, one

four, two one, four, five. There was some concerns raised around the time period for sale of right sold to the city for certain plots within the also land

00:55:23:03 - 00:55:38:20

such as plots one, four, two and one, four five. I notice you addressed this at D6, but could you just clarify briefly the need for any impact in perpetuity rights or the need for plots 141 four or five.

00:55:41:03 - 00:56:18:06

List than top that? If I deal with the need for the rights, effectively permanent rights, and then Mr. Lewis will deal with with those two plots. Okay. And I think, as we've said sort of through our responses in respect of securing rights under through compulsion, there isn't an ability to secure a time limited. Right. Effectively, you either have the opportunity of of having those temporary rights, which, as we've set out in Article 27, are very clearly defined and allow occupation for a period of time.

00:56:18:08 - 00:56:41:00

And then once that's happened a year and essentially they are for the carrying out of works where where a right is needed beyond that and it is necessary and there isn't another way of doing it under a compulsory acquisition powers or legislation, then taking that as a permanent right. That's why they're included as part of their rights.

00:56:43:00 - 00:56:51:02

Okay. And you mentioned something about needing them for decommissioning as well. Is that right? So it's got to be they have to be throughout the whole of the project.

00:56:51:13 - 00:56:52:15

Yes, sir. Potentially.

00:56:56:03 - 00:57:26:28

Okay. Thank you. Everybody is about their opinion. So in respect of 14214, five, specifically those operational or those proxies for operational access for design from a desktop review is a thing that is used by and filtering machinery to navigate fields, the access, the design to avoid environmental constraints and the requirement to move any trees, hedgerows or permanent features that would restrict the applicant exercising the rights to access the cable in the future.

00:57:28:01 - 00:58:02:11

The suggested access route to incorporate into the fair boundary and presented at Section 42 consultation an overview of the consultation material and proposed plan specific to the Kerfoot land were reviewed and discussed during the course of a meeting between Doug MacLaren, the applicant's appointed agent, and Mr. Furlow, the affected parties appointed agent on the 20th September 2021. Following this meeting, a formal response was submitted by Mr. Vernal on behalf of his client to the applicant as part of the Section 42 consultation period.

00:58:02:13 - 00:58:10:13

Only briefly alluded to the appraisal process and did not suggest that it should be relocated or not included in the order limit submitted as part of the DC application.

00:58:12:20 - 00:58:51:10

As part of the ongoing negotiations in respect to the required land rights over the airport's land, Mr. Vaile submitted the proposed amendment to the appraisal lapses reached on the 30th of June 2022. It's the applicant's view that the proposed alternative access route is and isn't acceptable because it would involve the traversing of an important hedgerow at point 20 1a76036 hedgerow and protected tree

plan, as well as more extensive interaction with the applicant's proposed great question needed to go to an area forming plot one for for the Moby experience by utilizing plot one for five access purposes.

00:58:52:25 - 00:59:13:00

Notwithstanding this that the terms which are currently being negotiated with the affected parties appointed agent have been drafted in such a way to provide the necessary flexibility to be able to agree a route of access for operational maintenance along the route which shall be agreed between the parties acting reasonably, which may fall over land outside of the existing order limits.

00:59:14:15 - 00:59:36:23

Plot 4145 specifically is required to secure access to the southern section of BLOCK 140. It's likely to extend to the order limits and has been deliberately divided from plots one, four, six and 144 to ensure that only permanent appraisal access rights endure once the ecological mitigation areas, if required, restored agricultural use and return to the landowner.

00:59:43:16 - 00:59:49:29

Okay. So there's you have the access over 140 X that's potentially over the cable route.

00:59:51:17 - 00:59:52:04

Is that correct?

00:59:54:11 - 01:00:13:24

And if to take it all the way through, 140 would mean going through a hedgerow. And between it which divides the fields, I couldn't see on the lines there on that baseline map. Okay. And it potentially would be over the cable route as well, which is another reason

01:00:15:27 - 01:00:16:12

I'm not.

01:00:21:21 - 01:00:26:23

It's not really the main reason as many of the hedge. Okay. That's correct, sir. Okay. Thank you.

01:00:30:19 - 01:00:38:16

Okay. Well, thank you. That's all the questions I have for that, this agenda item. Does anybody wish to comment on anything discussed under this agenda item,

01:00:40:02 - 01:00:43:20

which they do not intend to discuss on the agenda item number four.

01:00:48:16 - 01:00:51:23

Is there anybody joining virtually, who would like to discuss anything?

01:00:55:10 - 01:00:56:27

And see no hands raised.

01:01:07:00 - 01:01:07:15

Sorry.

01:01:12:15 - 01:01:20:15

Okay. Thank you. A lot of events which I enjoyed some than before. I'm just. I'm sorry. I'm sorry. This is done.

01:01:21:27 - 01:01:27:12

Is done on behalf of the applicant. I was just going to suggest maybe breaking for lunch now and then. We like to do that, but

01:01:29:25 - 01:01:30:15

I don't mind.

01:01:30:18 - 01:01:38:08

Yeah, okay. I think that's probably eight. Mr.. Maybe. You happy to do that? Yes. I have no objection with that. Thank you. Okay. Okay. Yes, I think we'll do that.

01:01:40:25 - 01:01:43:22

The people happy with the 40 minute break if we come back at 1:00?

01:01:44:10 - 01:01:44:25

Yes, sir.

01:01:45:29 - 01:01:47:06

So anybody not happy with that?

01:01:49:12 - 01:01:55:04

No. Okay. In that case, the hearing was adjourned until 1:00. Thank you.

01:01:57:14 - 01:01:57:25

Thank.