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Thu, 2/18 12:22PM • 1:01:06

00:03

Okay, if we can continue on to agenda item five please 5.1

00:09

directed at the applicant with reference to the deadline seven submissions, including the outline landscape and biodiversity strategy. Can the applicant please explain the reasons for the change approach to the creation of species which grassland at the converter station site?

00:26

Mr. Ellis

00:28

in the first instance it will be Miss Bowden, sir and it will be followed by Mr. Ellis. Thank you. Thank you.

00:35

Thank you, sir. I'm so just to just to say Firstly, the applicant's approach has not changed. Rather, it's an acknowledgement that the creation of calcareous Scotland is not straightforward and needs the appropriate soils and management in order to be successful.

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In response to queries from Winchester city council further clarification on the creation of grassland lab Dean as outlined in the applicant's response to deadlines six and six as submissions, additional submissions and supported by the OBS, rep 7023.

01:12

The existing grassland loved in his botanically species poor due to agricultural improvement was the African aiming to create a calcareous grassland based on indicative sorry, indicator species on site and is confident this can be achieved. There's inevitably some uncertainty

01:33

if the habitat created is neutral, species rich grassland, where despite best efforts of calcareous, Scotland is not able to be established, the result will still be a high or very high distinctive desk grassland supporting many of the same species, flora and fauna. Taking this into account, the das, the OBS have been updated.

01:56

The OBS has also been updated in paragraph 175 333, in terms of soil preparation. So now states approximately 150 millimeters of topsoil will be scraped off and mixed with a sub soil resulting from the excess fill associated with the creation of conversation platform to create an impoverished substrate. The seed mix shall be appropriate to the local by geographical context and be native of UK provenance. The mix will be subject to approval of the relevant discharging authority and if appropriate, the seed may be sourced from donor sites in terms of obtaining local seed Denmead Meadows can provide a source which reflects species which grassland seed harvesting will occur as part of the mitigation within the meadows and this will be extended to work that loved in

02:49

the exact details of how species rich plant grass fed will be established at the converter station will be confirmed at detailed design. That's once soil depth and existing soil composition has been determined by ground investigations, soil sampling and testing as well as reviewing the implications on surface water and drainage and ground levels. All decisions about techniques at detailed design stage will be considered with the whole environmental costs and benefits of such works. The potential environmental costs of offsite disposal would weigh heavily against large scale soil removal. I just like to hand over to Ian Ellis, just to conclude this section. Thank you, Miss Byrd. Mr. Ellis. Thank you, sir. If I could just comment briefly on the implications of this approach in terms of biodiversity.

03:39

The applicant sees this as a positive opportunity support changes into the grassland while also generating positive gains in biodiversity within the landscaping that is required to mitigate the visual impacts of the proposed development.

03:53

Should Calgary grassland not be delivered to the outcome be in good condition, species rich grassland, then the biodiversity units that have been calculated will not be affected within the metric 2.0. For biodiversity net gain calcareous, grassland is allocated a high difficulty to difficulty to deliver value. This effectively means that units gained from the site and multiplied by a factor of point three, three, to take account of that risk. So within with that risk taken into account, the application

04:28

involves a precautionary approach that will still deliver a net gain in units for priority habitats. And this is something we've been discussing with Winchester city council about I mean, note that they refer to that in their deadlines. 70 submission. Thank you, sir. Thank you, Mr. Ellis.

04:46

could ask Winchester if they wish to make any comments on that. We have read your submissions, Mr. Smith, is it Mr. Cornwell?

04:54

So Stephen from Winchester City Council.

04:57

Thank you. So as a

05:00

As indicated by Mr. Mrs. Borden and Mr. Ellis, we've had lengthy discussions with regards to the methodology for the establishment of the calcareous grassland.

05:15

We have reached this position in recent weeks; we'll be satisfied with the description. I think the fundamental consideration is, as Mr. Ellis indicated, that the overall enhancement measurement, in terms of the application of the biodiversity metric is still showing positive outcome.

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Winchester clearly hasn't,

05:44

as it were reevaluated that formula.

05:49

And we will be relying on natural England Finally, as it were signing that off confirmation that the species rich grassland does still produce a positive outcome. So, our final support is subject to that final signing off by natural England of that specific element. Thank you so much.

06:16

Is there any other comment from anybody on this agenda item?

06:21

Let's move on to 5.2

06:25

and the deadline seven, selection of the Southern option for the HDD launch compound has been noted and pleased the applicants summarise the implications for the ecological and hydrological assessment of this decision. And also, the mitigation for the Kings pond, Denmead meadows and sug farm area. And could you also please confirm provide confirmation about how the mitigation commitments will be secured through the ECA including the aspect of restricting photo me access along the route of the HDD across the high value habitat.

07:02

Jarvis who's going to speak on this.

07:04

Mr. Ellis will speak on it sir. Mr. Ellis

07:09

Thank you, sir. So, the conformation of the seven option of the launch compound at deadline seven involves placing the compound south of Hamilton road. So, the onshore cable route will therefore pass underneath part of Denmead Meadows by HDD to the reception compound to what we refer to as field 13. And, as with the northern option, the southern option also avoids so far Meadows site important for nature conservation. However, most critically are now avoid what we refer to as field three, which lies out of the sink designation was considered to consist of Lola Meadow habitat, which is a habitat of principle importance. So therefore, there was a notable positive change that there'll be no residual impacts on that habitat within field three on the population of green winged orchid which is known to be present in that field.

08:00

And obviously, the proposed mitigation that we included for that field, including to removal and replacement will now not be required. And I can also pass comments on the query on the hydraulic hydrological assessment. And as a result of that selection, yes, you can briefly please yeah confirm under implications. The assessment undertaken within ES chapter 20, which is surface water and flood risk does not change as a result of the selection of a seven option, as both locations have similar receptors, and a low risk of flooding. And the outline principles the management of surface water and flood risk including pollution prevention measures, which should apply to both locations are secured in Section 5.7 of the outline onshore camp

08:50

does not change now there's confirmation we're using the field south, which I believe is a five minutes standoff between the chalk and the HDD will remain. And the HDD compound will be situated on the superficial head deposits of the lung with good geology. So and it was critically the minor change in the length of the HDD here will make no difference to the assessments, as groundwater seepage measures will be in place.

09:15

And it just cuts out briefly though, I think I bought all of your points on that. Thank you very much.

09:22

In terms of

09:24

now going south of Hamilton road, Mr. Ellis, you'd be getting into having more impact on field 14. What's your what's your view on the impact on Phil 40 in terms of its value and what mitigation will be put in place now. The field staff have 14 or poor ecological value they've been surveyed and as part of our botanical assessments and they are limited ecological value, obviously will be effects on hydro there but that no, no habitats or principal importance will be affected at that location.

10:00

Okay, we don't have natural England with us today. We do have Winchester. I'll go to them shortly.

10:07

Have you been in discussions since this decision has been made in natural England? And you know what their view would be on this? We do have actually a deadline seven response from them. Yes, seems to express some concern that there's still some damage to priority habitats in field eight.

10:24

And as well as the restoration potential of field 13. Do you have any comments on those? I do. So yes, we have held discussion last week with natural England as well as with Winchester City Council.

10:36

Firstly, they support the move the move South Hampton road, and they have that. And secondly, they have expressed their concerns on the mitigation proposed for food at least until 13.

10:49

So, as part of those meetings with both parties, we've just amended on developed mitigation strategy, and we've revised that and those discussions are now in advanced stage. And we've proposed

11:05

a list of mitigation measures for particular field 80s, but also field 13, which would involve cutting storage to grant protection storage of sub soil,

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use of low ground pressure machinery, replacement soil structure, collection of the application of seed mouse when Denmead meadows and management of those fields. One of the natural England's original concerns regarding mitigation, we propose that field three was the length of time that the terms will be stored for

11:36

for the storage of turf field, at least we can confirm that will be for a maximum of three weeks, which would meet naturally as concerns on that matter.

11:47

And thank you, and, but he worth mentioning that

11:52

Winchester City Council's deadlines, seven see submission and accurately reflected our discussions on this matter, but that they have three aspects they highlight for further discussion to meet agreements. And the first of which was the request for a pre-construction survey, which were amenable to and can agree to the second third points involve mitigation for the access road and control of management and they are still in discussion, but we're hopeful we can find Winchester City Council for comfort as required for deadline Ace on those matters.

12:27

Thank you. So in summary, it sounds like you aiming to take on board the advice that's been given by Winchester and natural England, which days are we likely to see that in the examination

12:39

as they they were advanced stage and we would we will certainly be hopefully finalised by deadline. So

12:48

if we can't see it by deadline, it is unlikely that it's going to be taken into account. So I would prompt you to do that, if at all possible, please, we would make all efforts to do that soon. Yes.

12:59

Mr. Cornwell, did you wish to come in on this? Oh, Mr. Smith.

13:06

So I've just mentioned some insert. And then if Mr. Smith's got any view he can come in. I wonder whether Mr. Elise may be able to update us on the third point we raised in our deadline 70 comment, which was clarification on the degree of control or influence the applicant would have on the management of the ground for the five years after field.

13:33

Eight East is reinstated.

13:38

Clearly from from our perspective, it's quite fundamental that the works for the reinstatement because I believe the applicant is talking about

13:50

management phases in years, one, three and five, over a five year period, that they those actions can lead into management directions.

14:04

And there was some question during the last meeting we had with Mr. Ellis, whether the company was indeed going to maintain some degree of association with the landowners for the length of time to enable them to influence how the landowner did in fact, monies the land. So an update would be appreciated now, if one is available. Okay. Thank you, Mr. Coleman. I asked Mr. s respond to that shortly. Was there anything you wish to add Mr. Smith?

14:35

No, thank you, sir. You got point that I was going to make that Steve just made now. Thank you. Thank you very much. Mr. Ellis. Is there any response you can give today, or will that be coming in at deadline eight? It will be a deadline. No, but I think that's the most we do understand Mr. Cornwall's. Mr. Smith's concerns on this and we'll prioritize those, and to get that resolution as soon as we can.

14:56

Thank you very much. Are there any other points on

14:59

clarifying

15:00

Just on that point.

15:03

Thank you, sir. It's not the proposal of the applicant to seek to acquire this land for a five-year period to provide an enhancement, to care. What we're seeking to do is mitigate our impacts by putting down suitable mitigation measures and replacing the sort of ecological habitat as is appropriate and relying on temporary possession measures to carry out aftercare surveys and updates through years one, three and five, and that we're not looking to dispossess the current landowner of the land for that period, because it would not be justified to do so. So, thank you for that clarification is useful.

15:40

Does anybody else have a comment on the 10? made? item?

15:47

Anything from the parish Council on that one?

15:56

Sir, if I may, I would just like to say it's Paula Lankford Smith from Jimmy parish Council. And we have been liaising very closely with Stephen Cornwell. And he has represented our points in the hearing today. Thank you very much.

16:10

Again.

16:14

Come on. Yes. Yes, thank you. So, I just wanted to come back on two points. One is we've never suggested that the applicant own the land, a Denmead meadows, simply that there must be some mechanism through which they can influence how the landowner manages it. If, for example, a week after the tariffs are relayed, he brings cattle onto the site, they could potentially destroy the bedding down of those tariffs over grazing, it could be new to the surface and frustrate the reinstatement of the ground. And it's issues like that the word concerned need to be embedded in the process.

16:56

Understand that Thank you for calling the point. My other points are related to the and I'm not sure whether Mr. Ellis did address it.

17:05

The question over the access rights across the land, I believe this arose from an observation we made on the lands plan that was allowing access in a north south direction through the meadows. And we'd raised with the optical the concern that obviously, the range of options in terms of access. So I think is

the statement of reason that that were available, ranged from taking a vehicle onto the site through to pedestrian and we were looking for a limitation on those rights, which I believe may have come up when the discussions on the allotments in Portsmouth raised the December hearings. Thank you. Thank you for that reminder, Mr. Palmer and Mr. Jarvis that there's a statement in some of your most recent submissions, which say that access across this sensitive area will be by foot only. Are you able to tell us how that will be secured? Yes, that commitment is secured through the outline onshore construction environmental management plan, therefore will be encapsulated in the construction environmental management plans for this area. It's at paragraph 6413 is the CMP sir rep 7032. And if I may so just to briefly address the first point at risk to corpsman around what the current landowner may choose to do with the land. That is as it is now and as it will be in the future outside of the control of the applicant. And quite simply if the landowner chooses to use the land in such a way that's completely lawful and up to them to do so then there's very little that the applicant can do to prevent that. And the purpose of acquiring the DCR is not to place limitations on landowners

18:49

understand, Mr. Jarvis Thank you.

18:52

Anything else on Denmead Meadows?

18:56

Nothing heard there. So we're going to move on to agenda item 5.3.

19:01

This is a deadline seven natural England has drawn our attention to a bird refuge for Brent geese of Milton common and apparently the possibility of a secondary coming forward. From the messages we have from natural in this appears to be drawing on information provided by Portsmouth City Council. Can the examining authority please be appraised of what these areas are where they are the level of usage by Brent keys and the implications for the HRA and the proposed winter working principles. Can I start with the applicant?

19:32

Yes, I'll respond to this. Okay.

19:36

And so, I'll start by providing our understanding of the existing planning position or rather the existing position at the Milton common and then we'll also go on to setting up what positions with regards to the winter working principles. So, based on the observations of recent site visits, which has undertaken on the 12th of February, it's concluded that there has not been a bird refuge established on mills in common the morning

20:00

has not been evidenced that the provision of a bird refuge on Milton common can be successfully established and there exists no expand planning permission or management plan in relation to Milton

common in relation to such areas being established on the 20th of February 2020. City Council for planning permission for the development of phase four B of the North Pole Sea Island flooding coastal erosion management scheme. The development is being undertaken by Portland city council is Solon coastal partnership faceful b as with previous phases of the scheme was subject to EIA and HRA assessment. Condition 11 of that Planning Commission provides that prior to any work or preparation of land, commencing in relation to compound six, to be cited on sites with reference p 23. are a detailed management plan, which includes appropriate mitigation measures and the interpretation for the offsetting site shall be submitted to and approved by the local planning authority? Imagine that management plan shall include details of the timing within the compound, or details of the timing within which compound six will operate. Detailed methods to habitat reinstatement, including the turf competition and management measures plan showing the extensive compound six and extensive habitats in Statement of Purpose parties responsible for these measures, and the compound reinstatements you'll be slowly undertaking in accordance with such a proof management plan. On the sixth of March 2020, East Solon coastal partners submitted an application to discharge condition 11 amongst others, a construction environmental management plan and biodiversity mitigation Enhancement Plan proposing the creation of two offsite refuge areas to compensate for temporary habitat loss impact on land use by overwintering dark bellied Brent geese and waders to feeding and roosting was submitted on the 13th of May 2020. Following a review of the condition discharge application in the application documents for the Planning Commission available on the council's planning portal, Herbert Smith Freehills, LLP submitted an objection to the condition discharge application on behalf of the Quint limited the applicant. The objection was made on the basis that no loss of habitat of course, like p 11, whether temporary or permanent, was permitted by the Planning Commission. And so such a loss could not justify the refuges. No permanent loss of habitat of course, ip 23 was permitted. And so there was no justification for the creation of permanent refuges through the biodiversity mitigation Enhancement Plan. The establishment of the refuges, whether temporary or permanent, had not formed part of the measures set out in the environmental statement or habitats, regulations assessments, and so they had not been the subject of adequate assessment or public consultation during the application for the planning permission. And the temporary impact of compound six on course ip 23 are could be avoided by the annual reinstatement of the habitat. And so there was no justification or appropriate assessment for the provision of offsite compensator II measures in respect of the same time between the 14th and 27th of August 2020. Esalen coastal partners submitted version two of the construction environmental management plan and biodiversity mitigation Enhancement Plan. Neither document reference the refuges they had been removed. The construction environmental management plan confirmed that compound six would be reinstated annually to avoid the temporary habitat loss of course, likely 23 are therefore there is no management plan in place for a bird refuge at Milton common at this time. On the 28th of August 2020. The council responded to the objection. This response referenced several documents relating to the refuges forming part of the application for the Planning Commission, which had not previously been available to the public through the council's planning portal, and has been uploaded after the 14th of May 2020. The Council's response stated that he solak coastal partners submitted further documents to the accounts on the 11th of December 2019 prior to the grantor Planning Commission, including details of the refuges, and that the council considered the additional details provided was sufficient to assess the environmental effects of the development and that the refuges were appropriate assess mitigation and not compensated measures into the habitats regulations. Because the impact on the SBA is indirect. On the ninth of

December 2020. The council approve the conditional discharge application for all of the conditions included in the application other than condition 11. The approved documents and the objection has all subsequently been removed from the council's planning portal without any explanation as of the 11th of February 2021. No further application has been made by solar and coastal partners to discharge condition 11 at the Planning Commission and approved details of the bird refuges. No independent planning application for the creation of refuges is revealed by the map search on the council's planning portal. The approved construction programme in the construction environmental management plan provides for the initial setup of compound six on the first of April 2021. So after the winter working restrictions have subsided, even if compound six was not de-mobilized and reinstated by the 30th of September 2021. In accordance with the approved details, no habitat loss impacts would occur until winter 2021 at the earliest. Despite the response of the counsellor to the objection, it is considered to be muted.

25:01

Sorry, sir, have I?

25:06

Can you hear me sir? I can hear you now. Yep. Follow through, I haven't touched any bits and

25:12

I'll continue with our concerns in relation to the compensator II measures that are proposed. So despite the response to the council, despite the response of the council to the objection, it is considered that the refuges are compensatory measures which were to be which were subject to an inadequate appropriate assessment during the grant of the planning permission. The potential adverse effect upon the sta is caused by the retention of compound six on call site page 23 are during the overwintering period. The effect is not avoided or reduced by the creation of alternative habitat on Milton common. In addition, the positive creation of new habitat is generally considered to be insufficiently certain to be treated as mitigation. In order to rely upon the refuges. escp should have been required to demonstrate the absence of alternative mitigation. In the circumstances, a clear alternative to avoid the impact was available, as escp had already assessed the removal of compounds each winter as being effective mitigation. The effectiveness of the annual removal of compound sticks was accepted as appropriate by natural England who notified the Council of this on the first of December 2019. But it concurred with the assessment conclusions, providing that all mitigation measures outlined in the shadow HRA are appropriately secured. Those measures were the removal of compound six during the overwintering period, not the establishment of bird refuges on Milton common. There are two particular issues which were insufficiently addressed in the assessment of the refugees such that the use of the refugees by frankly, cannot be considered sufficiently certain to treat the refugees as mitigation measures. The current recreational use of Milton common makes the location of refugees unsuitable. The council appears to have accepted estps assessments of the size and shape of the refuges would prevent recreational disturbance which is stated would only take place at the edges of the refuge, leaving the geese undisturbed at the centre of each refuge. However, no assessment is made if the regular use of Milton common by dog walkers with dogs off leash or the fact that aerial impacts of Milton's aerial impacts with Milton common and the plans included in the adopted Milton common local nature reserve restoration and management framework show that the refuges are bisected by the existing network of

paths across the site. The adopted management framework describes off the leash dog access as being an important feature of the comment on one of the objectives of the management framework is to ensure that the needs of dog walkers are sympathetically accommodated and proposed that the most suitable area for further habitat for the use of braincase at Milton common would be a strip of land on the northern boundary of the common, which was on grass land, which is rarely used for recreation. The historic use of Milton comments as landfill was not assessed by escp or the council. This superseded sorry, the superseded draft of the construction management plan submitted by SAP in March 2020 noted that existing shrubs and other obstacles to knowing would need to be removed from the refuges in order to create sward for the geese. However, the adopted management framework for Milton common describes how the historic use of landfill to reclaim the land means that mechanical maintenance of grass is extremely difficult, and management with hand tools only is usually required. Further to the information submitted deadline. 70 applicants has attended millson comment on Friday the 12th of February 2021 to further understand what may have been established. In summary the findings is that site visits are as follows. signs have been erected which purport to establish the southern refuge. No such signage has been erected in relation to the proposed norm and refuge. No fencing or barriers of any kind has been erected in relation to the seven refuge. So, the area remains open to extensive disturbance, noting it is bisected by the existing network of paths across the site. There were no geese present within the area, with it being observed that extensive dog walking was ongoing within it and next to it. geese were however observed to be present in the STP BGS functional link site with reference p 23. are from observation the grass sward despite signage stating otherwise, with wholly and managed and clearly in part over the five-centimeter maximum quoted on the signage. photographic evidence to support this position will be provided as part of the applicant's deadline a submission based on the observations of the scientist it is concluded that there has not been a bad refuse established on the ocean common. Furthermore, it has not been evidenced that the provision is a bird refuge on Milton comm and can be successfully established and there exists no planning permission or management plan in relation to Milton comments in respect to such areas being established. As a consequence, the applicant does not consider that there are any implications for the HRA undertaken for the application, the HRA has assessed all properly established functionally linked habitats sites and protections through the winter working principles. And they are provided in relation to the despite what I previously or what I just stated. The applicant does recognize the task the XA has to address in reporting on the HR

30:00

All right and confirming its legal robustness. And therefore should the bird refuges on Milton common at some point in the future be lawfully established and properly managed, so as to provide functionally linked habitat, when to work in principle, one would by default, apply in relation to them. And therefore, adequate mitigation is already secured from an HRA perspective, albeit it's not considered it will apply to these areas, because as I've clearly set out, no such refuges have been established. Thank you, sir.

30:30

Thank you, Mr. Chairman. This is a lot of new information for us there. I assume that's coming into, as you mentioned, deadline eight, is there any possibility that could come in earlier?

30:39

Yes, there I can arrange for that to

30:42

include details of the planning consent. You talked about the conditions you talked about?

30:48

Yes, I can provide you what I've just read from a copy of our objection, a copy of the council's response, how many photographs at the most recent site?

30:58

Thank you so much.

31:00

And I think your conclusion was, should this become properly established and lawful? And he would simply amend things to instigate when he went to work in principle one in that area?

31:12

Yes, because of the way went to work in principle one is drafted. It's not specific to the science, it identifies the types of sites that it applies to, and therefore should it be established, it would, by default apply, because it would be caught by that winter working principle, and said, Thank you.

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And

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your team wish to come back on this?

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Well, sir, I think in very short order, because clearly, it'll be important to go through the written record of what

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Mr. Jarvis has just said, would be to emphasize the last part, which is probably the most important part, and which you asked Mr. Mrs. Jarvis about, I'll just turn to Mr. McGuire see if he wants to add anything at this stage.

32:03

Could you speak up a little for us, please? There is a management plan for Milton common it was referenced by Mr. Jarvis, published in 2015. However, I'm slightly surprised for Mr. Jarvis. His lengthy submission, especially this very late stage in the process, appearing to want to introduce challenging a decision that possible city council has made on a different scheme. This is a matter raised by natural England highlighting sites that are designated within the brain case management strategy that we have across the sonant that there are known sensitive sites, those known sensitive sites are referenced within the applicants, HRA and the winter working principles will apply to them. And the necessary

control will be exercisable through the SEM. So, I'm not sure the issue is as significant as perhaps being pretended to, to raise it. There are large areas where the council has had and continues to have over half a decade intention to manage Milton common for the benefit of bankies. And if those Frankie's are either lawfully encouraged onto the site, or indeed, as his case, recology, they turn on their own. Clearly, that will be something the applicant will have to manage as part of this and in accordance with the principles that are well established to ensure there is no interference with overwintering birds. So we're not particularly concerned about this as policy council, we would, of course, require that the current status of habitat across the whole site, especially Melbourne common, is properly considered as and when the applicants submit their sense for the relevant pieces of work. That will obviously change as is the case in all ecological circumstances. But the principles laid out for winter working, are well established and have been agreed with naturally when which seems a robust mechanism to manage this.

33:58

Thank you, Mr. McGuire. That's useful information. And I'm sure you'll appreciate this has arisen at the last minute but on the

34:05

because of natural England have raised it. And it's not something that's come forward before from any party. We appreciate that but to come in at this late moment when it relates to the hrs makes it quite difficult for all of us to go forward.

34:17

If you have any further comments, we would appreciate those being submitted along those lines. And it goes who wish to add Mr. Jarvis?

34:25

No, thank you.

34:27

Thank you very much, everybody. for that. It's been very useful.

34:31

I'm now going to hand over to Mr. Wallace for agenda item six.

34:38

Thank you very much, Mr. Man. We'll make a start on agenda item six, and we'll take an appropriate break as and when we get the chance. This is about the socio-economic chapter.

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A quite a few questions here relating to Farlington playing fields we'll try and

34:56

keep to the subjects but appreciate there may be some overlap.

35:00

We will note that since publication of this agenda, the applicant has submitted a revised framework management plan for recreational impacts. This was received on Friday the 12th of February and was published into the exam library.

35:15

The examiner authority acknowledges that their position has changed. And in respect of the questions that we're going to ask, there may have been a change as well. We're conscious that IPS may not have had yet a chance to fully read and digest the contents of the document. But we'll see how we get on a move for written comments of course, to be received by deadline at the latest. So moving on then to questions six one on the agenda. And this is mainly a question aimed at the applicant and principally in the area of compulsory acquisition style wording here. What position has been reached regarding the amount of land records be taken from Farlington playing fields to allow construction and subsequent operation if the development is the amount of land and the time phases of work upon it adequately secured in the order limits and the DCO Mr. Jarvis?

36:16

Thank you, sir. So indicative phasing plans have been prepared for filings and playing fields which describe the duration of given stages of the work, their approximate footprint and associated constraints and these are set out in Appendix A of the framework management plan for recreation impacts. The saving plans has been prepared to demonstrate that it is feasible to partially mitigate the impact through a programme and arrangement of temporary working areas in order to support the dcl application. It is thought that these can be refined during detailed design to further mitigate the impacts within the ordinance. The RCMP will therefore be updated for deadline aims to include the requirement for the contractor to submit a detailed CMP including a phasing plan for agreement with Portsmouth city council prior to the commencement of construction.

37:02

I think that probably summarizes both points insofar as the following is indicative. There's no intention to change the order limits because of the detailed design exercise that needs to be undertaken, but it is considered that it will be possible to mitigate the impacts in the order limit.

37:17

Okay, thank you very much. That's quite succinct. on that. Just a quick question coming out, I think it is in place to have the framework master plan and there was a statement about the cable, the working cable coder with been no more than 50 metres wide. Can you just explain the interaction of those that that statement and plate to with the with what you just said about the extent of the order limits please? Yes, so we have further two discussions and with regards to the annual favorite particularly with drainage, asked PSC agronomy to look at how we could align the cable routes to have the least damage one of the options is to run parallel in the location shown, which ensures that the drainage will be least impacted if that route is followed. It's not the only route that could be followed will be it does show a preference potentially for route once the contracts combined determines exactly how it is best to construct with the least impact.

38:18

As I say, sir, effectively, it will be managed through the submission and approval of a phasing plan and method statement which will set out how the workflow has to be undertaken within the order limits and where the works are undertaken within those areas in accordance with the CMP. Whilst field limits do extend over a wider area with the limited deviation, rights over the areas of land that are not included within that phasing plan and method statement would not be used. And therefore, the powers of compulsory acquisition if that is what's relied on where there isn't voluntary agreement would not extend to those areas which are not permitted to be used in accordance with the phasing plan and method statements approved. Thank you. Thank you very much. Mr. Jarvis. Thank you for that clarification.

39:05

I'll come to Mr. Kahuna, Portsmouth, just very quickly on this particular question. Do you have any comments on the amount of land and whatnot there?

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Sir, the we're in difficulty to some extent because of the recent arrival of the FM RPA. And I'm very grateful for the indications and the understanding on that basis. So

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it may be

39:34

helpful perhaps, if this is dealt with, in a fuller response in writing, I'd rather not deal with it orally, simply because there are a number of moving parts on this. And I think also things are evolving, given again, time to consider the FM RPI. So, unless it would be very helpful. I can turn to Mr. McGuire to see if you'd like to add anything to that, but I think at the moment, we're ready

40:00

We'd like to hold fast and give you a decent and full response. Okay, I'll see Mr. McGraw wants to say anything first and then I'll come back to both of you at Portsmouth, Mr. McGuire.

40:11

Thank you. So I quite agree, we will obviously need the opportunity to look in detail. The order limit, obviously drawn generously at Farlington. And, as Mr. Jarvis has indicated, and we have little more than indicative solutions presented to it, I would particularly Note however, while we are going through to understand how they propose to mitigate their impacts, there is clearly disruption of playing pitches, what they're trying to do is minimize that disruption. Mr. Jarvis did start his statement by saying partial mitigation of the impacts and by the time he got to the end of his statement, it was mitigating the impact. So what we are trying to understand going through this document, what has been mitigated and what residual impact to playing pitches remains either geographically or temporally, so to speak, so that we can better understand that we've closed we can see there, within the order limits, there are a number of pitches that will be interfered with, and because of the nature of the order limit, so there's

only a limited availability to practically mitigate those other than trying to balance and reduce the amount of time they are taking playing pitches out of play during playing seasons. But we do not we do need opportunity to fully understand FM, which we've had for only a few working days.

41:27

Of course, yes.

41:29

Obviously, one of the purposes of the hearing today is to try and get as much information as possible. I appreciate your position, and that further response will come in writing. In continuing through the agenda, I will continue to ask you about the questions. And if you have a response to give them please do so if you can't respond, then by all means, let us know. But if you could work with what you've got, if you like on the rest of the questions in this section on the agenda, so I can understand the examiner authority can understand the position and Farlington that'd be much appreciated. Before we move on to questions six two, is there anything else? Mr. Jarvis?

42:09

No, thank you, sir. Okay, thank you very much.

42:14

Moving on, then to questions six to on the agenda. There are multi facets to this question, but we'll take them in turn.

42:22

I suspect I know the answer to his first question, but nonetheless, I'll ask it has agreement being reached with regards to the requirements, timescales and quality of reinstatement at Farlington playing fields, including the underlying drainage system? Mr. Jarvis.

42:40

Thank you. So the framework management for recreation impact has been updated.

42:47

My camera

42:50

has been updated and was submitted to courts and city council the XA and Sport England on the 12th of February 2021. And appendix II contains a report on the quality and reinstatement prepared by PST agronomy specialist sports turf contractor. Appendix D is a method statement in relation to reinstatement tap finds and playing fields. The method statement has been produced drawing on the survey undertaken and reported by PST agronomy to more clearly confirm the overarching principles and requirements for the reinstatement that is to be achieved, including the quality of the reinstatement required. working methods have been set out in the method statement and include a number of measures that will be taken to minimize impacts on the existing drainage including protection of ground surface and underlying drainage systems. The installation temporary drainage system when necessary,

installation of cables at a suitable depth to allow reinstatement of the drainage at their existing location in depth realignment of the cable ducts trench route along the eastern elevation. So as far as possible, so that the trenches run parallel to the lateral drains which is anticipated will allow the cable circuits to be installed between the drain and reinstatement and survey as the training after construction, which is along the lines of what we just described, discussed with the proposed indicative route shown on plate to policies. And furthermore, there are specific measures with regards to how the pitches will be required to be installed including the relevant standards that they will be required to meet. And there's also further information provided in relation to the timescales for reinstatement effectively, with regard to reinstatement all of the information that has been provided has verified the applicants previous information submitted in the framework management plan for recreation impacts, which was submitted in July 2020, or in fact, perhaps June 2020. And say for any comments that have been provided in responses through the examination deadlines, the applicant is yet to receive any comments from Portland City Council on those proposals to date. So he's very much done, it's best to try and address the issues

44:55

that really was summarized the position between the applicant and the City Council at this time, which is

45:00

We just have not received any responses on this matter, despite the fact it's been open to Portland city council to do so for quite some time. And then the last the applicant is still continuing to secure mitigation and as I just outlined, will propose measures in the RCMP so that that can be addressed unilaterally through the DCA.

45:19

The question with regards to the position on reliance on the framework management plan, so as I've outlined, the method statement is to be recorded through the OC MP, and therefore the XA. And the Secretary of State may place reliance on those measures to the extent they consider is appropriate.

45:36

There is also a question with regards to inconsistency regarding the timing of the restoration works, noting that November is mentioned in the deadline for framework management, contract creation and impact in that respect, so I'll just clarify that there are no inconsistency is in relation to the timing of the restoration work as detailed in the applicants transcripts for issue specific hearing three, which is rep 5069. And the responses to question three B and seven p or rather agenda items three p three, B and seven p and the applicant's response to the deadline seven and seven a submission. The requirement for restoration for recreation is different to that required to mitigate for impacts on Brent geese. The applicant more later, at the end of September on completion of work, the applicant has about one to two weeks for returning, and it will be available immediately for geese to forage during October, the applicant has allowed eight weeks for restoration to achieve sports pitch use, although specialist advice now provided has indicated that with the use of thick, that will enable them to be playable in two to three weeks, again, has verified the applicants assessment of the position and in fact identified how it can be bettered. Thank you, sir. Thank you very much.

46:45

Before I open it up, as it were to consultation, just a couple of queries that I had coming out of that, and the Appendix D method statement. Paragraph 5.1 point 1.2 of the framework management plans recreational impacts, says that the OIC camp specifically refers to it I'm taking that will be the future iteration of do kempt because at the moment I couldn't find direct reference to it. Is that correct?

47:17

Yes, that's correct. That will be addressed in an update to the LSC MP, there are two paragraphs proposed to be included with regards to the need to comply with the method statement and to submit a saving plan a specification for excavating and filling to monetary settlement protection and reinstatement of the drainage system. And it's intended specifically the to filing complaints fields read

47:38

playing field phasing and reinstatement plan is specifically listed as a plan to be approved in accordance with requirements 15. So, okay, thank you very much for that.

47:50

And also on on a similar sort of vein,

47:54

although

47:56

5.1 point one paragraph of that notes that mitigations in Section three, oh, in the body of the camp, and are those also the those mitigations listed in Section four, which I think is the PST, agronomy suggestions, and they are presumably all within that method statement.

48:21

So, the majority of the measures outlined in the TST agronomy report has been carried across into the method statement.

48:30

Some of those have not been carried across as items because they were more detailed than was appropriate for an outside method statement with detailed information to be provided in the future, sir, but in most instances, the recommendations that were provided that confirmed how the matters could be mitigated have been included in that statement and will be secured through the CMT.

48:51

Okay, thank you very much. And, again, just continuing on on this vein. There's discussion in the framework management plan for recreational impacts paragraph 3.1 point 1.1 which talks about general mitigations and embedded mitigations It was not too clear to us perhaps you can help clarify. In respect to the horizontal directional drilling, we could see that the audit trail if you like as to how that mitigation was included in the in the outcome.

49:26

But in particular, this section states that the route has been the cable route has been designed to avoid key recreational features.

49:37

Where these features fall within the proposed dollar limits. How is that ensured, please? So, the reference that you're referring to which I believe is paragraph where the actual cable credit crosses open space council cabinet has been designed to avoid here at correctional facilities is a reference to the drawing off the red line. So, this paragraph is not specific to Farlington playing fields alone, and that's why it's identified that there is

50:00

one critic square and filing complaint codes that is included within the order limit. All of the cricket squares are not included within the order limit, for instance, at the landfill harbour facilities next at bat in Milton rovers. And also, there's a reference to the branzburg, Parker, football pitch and skate park being excluded. And so, where they are included within the order limits, there is not an embedded mitigation in relation to them. That's a reference to where they're not included within the order.

50:28

Okay, thank you. That just makes it a note.

50:34

And then one final question from for me if I can before go to the floor.

50:42

I've noticed in the framework management plan recreational impacts at paragraph 4.2-point one point 20. It says that the car park at Farlington can be temporarily surfaced for the Victoria festival.

50:59

But it's difficult to do that for the camping area to actually temporary surface it. And so the question that comes to my mind is what condition will the land be in at the time of the victorious festival, please.

51:12

So during that period of time and taking into account the work that has gone on the areas that have been identified in the phasing plan that's approved, and I appreciate that that details not with us today, because it's detailed design in the future

51:27

would likely have been stripped because you're covering the land that there's no benefit in in covering the grass because it will just die. So effectively, my understanding is that you would strip the land and it therefore wouldn't have any grass on it because it would be proposed for returning in the future. And so that would effectively be the condition of the areas affected during that period.

51:48

Okay, thank you very much Mr. Jarvis's that's completed all my points at this stage. Miss Cahoon? Mr. McGuire, you've obviously had a fair bit of information there. And do you have any responses at this time?

52:02

Well, sir, I will before be turning over to Mr. McGuire. We're conscious that the XA is not particularly interested in how the how and whether Aquind is baited Portsmouth or not, and indeed, how this information has come forward. But as you will have seen from some of their correspondence, Portsmouth does not accept the way that Aquind is characterizing our response to this. And indeed, we do take objection to the way that Mr. Jarvis has described matters. I'm going to turn over to Mr. McGuire now.

52:39

So thank you, and I won't test the patience of the examining authority. But I think it's only incumbent on us as a public authority to stay profoundly disappointed with the comments made by Mr. Jarvis. And overall the approach to this. Prior to and throughout the examination, we've highlighted the specific challenge of Farlington and the drainage system. And it is profoundly extraordinary that they've only reviewed that information in January submitted to the zoning authority. Effectively this week, a deadline 70 was the publication of it, a management plan that acknowledges that and propose to then deal with it further in the centre, they'll submit a deadline eight, effectively the closure of the examination for us to further commenters, as you will not be seeking comments on this after deadline I so to suggest in some way, Portsmouth has acted unreasonably when we have been simply seeking the applicant to understand a side to side we have been explaining to them in detail since before and during the examination is frankly, shocking.

53:42

I'll take no further time. So, on that, look at your agenda questions, have agreements been reached? No. We will obviously, continue to look at this information and provide at the earliest opportunity ideally before deadline. But of course, our comments obviously will look to have to look carefully or whether the matters provided by the professional assessment that is needed to underpin the proposed reinstatement at Farlington. Miss Java suggests the majority, but not all have come through for Sandy fields are not appropriate. At this stage. We'll obviously have to see whether we agree with that contention or there's any other elements of the professional assessment that do need to form part of the reinstatement so that we can have adequate confidence in the timetable, given again, the indicative timetable given for reinstatement of that has been a key concern and it goes to 6.2 C of your agenda, sir, a key concern that they have properly understood the implications for reinstatement to ensure that it does comply with their HRA presumptions because of course it is in breach of the working principle one we mentioned earlier they are doing works in the winter period. unnatural England in this type of common ground have suggested a minor infringement of that will be acceptable. Is that still minor? Is the question and obviously they have suggested that'd be noted

55:00

Despite uncovering, as far as they're concerned, at least a complex drainage system, they've suggested no amendments to the restoration timetable. Again, surprising but again, we won't comment on whether that's accurate or not. We do need the time to look at that document to ensure that is the case. Of course, we do. And despite the repeated statements, I fully understand the Frankie's will be able to enjoy turf before it becomes capable of playing sports upon it. But of course, Frankie's will not enjoy that turf while there are heavy goods, vehicles and diggers on site. So that is one of the key issues we have to be looking at in terms of that timetabling apology. So, we can't give you more detailed comments at this stage. Certainly, we are concerned, I think, in general, whether the reinstatement achieves the necessary outcomes on fully understanding the degree of unmitigated harm that has been throughout this our key issue. Obviously, the rim speed of reinstatement and the quality of reinstatement goes simply to achieve one thing, the minimum amount of time pitches are lost. It doesn't prevent pitches being lost, that's clearly the case. And that unmitigated harm properly quantifying that, and so for you to consider is examining authority, whether they have taken reasonable steps to manage that, which I think probably does come on to one of your later agenda, questions. 6.4 is obviously a key issue. But until we fully understand, and we haven't had a chance to do so, that was standing Mr. Johnson's extraordinary suggestion that we should have commented on a document that was inaccurate earlier in the process when I chose to do so. Until now.

56:38

The another key matter, I think we'd note has it has been flagged and it's something we've been trying to look at, is that issue of victorious, camping 4.2 point 122 suggests that the site will be stripped at the time of victorious camping, obviously, we need to understand now having had that statement from Mr. Jarvis today, exactly what that means for the ability of the sites to effectively be used for tourists camping, a key constraint that we've been flagging throughout the process. And whether as a stripped sight, he can still fulfil that function or not. So obviously not my area of expertise, we will obviously be looking at that carefully and speaking to the organizer of that event as best we can to ensure we can provide a response to you at the earliest opportunity.

57:23

Thank you very much. Just before you go, I don't know if this is going to come by yourself. I believe a lot in the last round of hearings we had before this Christmas that Mr. Stribling spoke regarding the drainage and the quality of the Farlington playing fields. I don't know whether you've had the chance to consult him or if he wishes to contribute anything to what he's heard at the moment. Could you assist with that at all? Exactly. I think Mr. Stribling is on today. He has been going through it. It is He that's raised the issue of his concerns around fall victorious for example. He is spending a lot of time this week going through that document to move forward and has been able to confirm that

58:08

there is still unmitigated harm. But obviously, he and the rest of the team need some more time to properly quantify that up. So, he is on today's call if there's any further information that he feels can assist you at this stage. With that caveat, obviously, I'll invite him to do so. Yes, so I'll come to him now if that's okay. Before going back to the applicant. Mr. Stribling? Is there anything you wish to add?

58:36

You're on mute sir.

58:40

Ah

58:42

No. Sorry. Sorry. So, we still can't hear you says you're unmuted.

58:57

Ah, okay.

59:01

No, I cannot hear you sir. We'll

59:04

pause there perhaps if you just

59:07

leave helps. He's in the same room.

59:11

So

59:13

I don't know whether if he speaks you could hear him through me.

59:17

I'm willing to give that a go.

59:20

Mr. Stribling Are you able to use Miss Calhoun's

59:24

headphones or anything just to the age of s please.

59:29

Oh

59:32

I'm sorry, sir. I think he's now been taken completely off the call. If it helps her he wasn't going to add anything. That was the answer. And but if we can get him back on to confirm later today if you need it, but he's not going to add anything further. That was what he was saying. That's fine. That's absolutely fine. And take the point on that. My only request if you like from Portsmouth is that

1:00:00

If you can get a response to us on this framework management plan and to the applicant, we will of course accept that as an additional submission.

1:00:11

And we'll keen to see this resolved as quickly as possible before deadline eight if a resolution can be made.

1:00:21

Mr. Jarvis, would you like to come back? I'm not as, as you aware, there's the tit for tat on who said what and when, regarding this plan, not interested in that. Are there any m m. implications on the planning points raised there that you wish to raise? No, thank you. Okay. Thank you very much.

1:00:43

What I propose to do, and it's 1205. If we will look to do lunch around him at one o'clock, I'd imagine. So let's just take a quick five minute break. Five Minute pause. we'll resume at 1210. And we'll continue from the agenda at 6.3. From then on. Thank you.