

Hynet_6 June_ISH1_PT2

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FULL TRANSCRIPT (with timecode)

00:00:05:09 - 00:00:10:07

Okay. Welcome back, everybody. I think everyone's back now. Um.

00:00:11:24 - 00:00:21:00

The hearing is resumed. Can I just check with the case team that the live stream and the recording of the event is also resumed?

00:00:23:17 - 00:00:24:03

Thank you.

00:00:28:07 - 00:00:52:12

Okay. So in the earlier topic, we've already had a the applicant's introduction of the scheme, its purpose and some of the high level reasons for its need, which is related to sustainability goals. Um, there have been questions from the panel about the consideration of alternatives and cumulative aspects, which is a feature of the regulation.

00:00:53:29 - 00:00:59:12

In accordance with the agenda. We are now moving to the subject of biodiversity interests.

00:01:01:00 - 00:01:12:13

I wish to discuss areas of biodiversity, net gain, ecological enhancement and habitat connectivity as part of that. You'll see from the agenda, um.

00:01:16:17 - 00:01:41:15

There is a range of issues here, but I would like to bring an outcome, focus to the discussion areas where it's possible. Um, I'm going to start by inviting some discussion with acknowledgement of the range and level of ecological enhancement provision currently anticipated by the applicant. In the submission, it's, it's made to date, so.

00:01:43:20 - 00:02:14:05

Could the applicant first start by in a broad way telling me how or giving an overview of any ecological enhancement benefits offered by the scheme presently in areas identified in Wales and in England and running through the locations proposed. And then secondly. Acknowledging the biodiversity net gain level currently or ecological enhancements available.

00:02:15:05 - 00:02:37:09

Thirdly, broad terms the national policy and legislative provision we have for England and Wales. And fourthly, the applicants present understanding with respect to meeting by biodiversity interests overall. So four main elements if possible.

00:02:39:18 - 00:02:42:26

Julian Boswell for the applicant. Mr. Chatterton is going to lead on this one.

00:02:43:27 - 00:03:36:13

Thank you, David. Justin, on behalf of the applicant, um, the assessment for the scheme has been conducted in conversations with Natural England Natural Resources Wales and both Flintshire and Cheshire. And we've devised an approach that we think is proportionate to the impacts of the scheme, bearing in mind that nationally significant infrastructure projects are not currently mandatorily required to um, enact biodiversity net gain as part of their schemes. Um, the biodiversity net gain benefits that we are seeking are a minimum of 1% of priority habitats, which we believe is proportionate to the impacts of the scheme, bearing in mind that they are broadly short term, temporary and localised, and bearing in mind that the broad landscape across the entirety of the old limits is predominantly farmland and agricultural based.

00:03:36:21 - 00:04:21:21

So priority habitats represent the the best habitats for us to try and seek enhancements and gains for. Um recognise that there are different legislative drivers on either side of the border. Obviously within Wales biodiversity net gain is not formally recognized. However, we did have discussions with Natural Resources Wales and Flintshire about the use of the metric DEFRA metric 3.1 that was available at the time, as this is the most appropriate way for us to determine the baseline habitats present throughout the order limits as well as then be able to evidence our percentage gains and area based gains of those habitats that we're looking to achieve at 1% priority that 1% gains in um.

00:04:28:04 - 00:05:02:18

The applicant is currently in discussion with both Flintshire and Cheshire around securing offset sites to achieve the gains that we're looking for. These primarily centred around hedgerows, woodland ponds, priority habitat ponds and coastal floodplain grazing marsh, which is solely restricted to Cheshire West and Chester Council. These are the priority habitats that were assessed as part of our baseline habitat surveys, and these are the ones that we're looking to achieve our priority 1% gains in.

00:05:04:00 - 00:05:48:08

This aligns with both the relevant policies on either side of the border, recognising that Cheshire has their ecological network, which is part of their 44 policy. So we are looking to, as part of our discussions with Cheshire, we are trying to make sure with both parties that we're helping to support their targets, their priorities and their biodiversity aims. The ecological network, particularly within Cheshire, covers a large proportion of of the of the council area and is predominantly centred around priority habitats and maintaining those and enhancing those wherever possible.

00:05:48:10 - 00:06:07:02

So through our discussions with PwC to secure these offsets, we're looking to provide additional benefits above and beyond the mitigation that we're including as part of the proposed development already. So these biodiversity net gain benefits are and above and beyond the mitigation that we have within the.

00:06:11:12 - 00:06:43:01

Is there anything else in particular? No. I do have a series of follow up questions. I'll ask those. And if you wish to defer to other colleagues, that's fine. Just just let me know that in terms of the overarching legal provisions for biodiversity interests both in England and Wales, can you tell me broadly what the headline elements are identified in the. Yes. What I'm specifically looking for is what they're requiring as aspirations or outcomes.

00:06:44:13 - 00:07:28:22

David Chaston on behalf of the applicant. So within Wales, the Environment Wales Act puts provisions in place or puts a duty on both developers and the councils to secure benefits for biodiversity. And there is a duty in place that the councils have to seek to make sure that developers are achieving that. And we have had those discussions with both and about our approach to

biodiversity net gain and they are in agreement as as you can see through our discussions within the statement of Common ground with both parties and with our approach to providing those enhanced handsomeness and benefits to biodiversity in line with the Environment Wales Act.

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Within Cheshire.

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The legislative drivers are slightly different. Obviously we recognize that again, as is not mandatorily required. Currently what we are doing is as a betterment to the biodiversity and the environment and.

00:07:50:09 - 00:08:22:22

Our approach is, is in alignment with the updated Work Act, Natural Environments and Rural Communities Act, which was updated following the Environment Act that came in in 2021, which puts a duty on the developers and councils and other parties to ensure that there's enhancement and protection of in particular priority habitats, which is where we've derived our assessment primarily from, is aligning with those priority habitats that are recognized on both sides of the border.

00:08:23:09 - 00:08:32:27

Yeah. And just to be clear, you're making a point there that priority habitats are equally applicable to Wales as they are in England, is that right? Yes, that's correct.

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And. In terms of those high level.

00:08:42:22 - 00:09:11:00

Aspects of what you've just gone through. Is there any variation in your view in terms of what outcomes might be expected in England or Wales as you see it? So for instance, our higher higher outcomes say encouraged in Wales as opposed to England, or is it roughly or broadly an equal playing field in terms of what the law and policies are asking for?

00:09:12:25 - 00:09:48:18

David chatters on behalf of the applicant. The the drivers that we've we've used for our biodiversity net gain assessment have been primarily derived from the use of the metric, which obviously isn't formally recognized within Wales, but we have agreed with both parties that it's the best way for us to evidence the baseline as well as how we are achieving our offsets and the area coverage for those habitats. Um, in terms of the priority habitats, that's that's applicable for both sides of the border and we think we feel it's relevant and aligns with relevant policies and drivers either side of the border within both councils.

00:09:49:00 - 00:10:22:22

Um, in terms of the offsets, um. The the amount of offset required on either side of the board is obviously derived from the impacts we're having on the respective board respective council landholdings. Um, so not landholdings. They obviously don't own everything. Um. The impacts either side of the border are slightly different and nuanced. In particular, coastal floodplain grazing marsh is a good example that is only applicable to the Cheshire side and not the Flintshire side.

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So we're looking to achieve gains in coastal floodplain grazing marsh within Cheshire West Council borders in discussion with those and we're currently progressing with those as evidence through our submission of the strategy document at deadline three um, alongside our updated offset number requirements as part of the updated Biodiversity Net gain assessment report at deadline three as well.

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And thank you for that response. And in terms of what developers are encouraged to do in either England or Wales.

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I go back to my earlier question. Are you. I know you have pointed out there are various nuances, differences in some of the details, but are you basically saying of concluding that the.

00:11:15:22 - 00:11:41:00

Assets and interests being protected are roughly comparable. And both England and Wales in terms of its policy and law. David Chatterton On behalf of the applicant, yes, that's correct. So yeah, the, the drivers are for the protection of environment and enhancement of biodiversity wherever possible, and that's applicable across the UK so that that falls both both within Wales and England.

00:11:42:26 - 00:11:48:12

Okay, so moving to policy now. Uh, local and national.

00:11:50:26 - 00:12:26:04

There are policy objectives reported in the US. Can you take me through what the policy. You've mentioned some of the ones in Cheshire, but can you can you take me through some of the policy objectives also for the Flintshire area? Um, and just highlight to me what those are looking to secure as outcomes. Yeah. David chatted on behalf of the applicant. So within Flintshire and Wales in general, the the primary driver for enhancements to biodiversity is through the Environment Wales Act and through

00:12:27:25 - 00:13:02:15

Planning policy. Wales ten, which requires all places of duty on people and developers to ensure that there are net benefits that don't use the word net but provide benefits for biodiversity and ensure enhancement and protection of natural assets wherever possible, including ecosystem functions within Cheshire. As I've alluded to before, it's slightly different landscape in terms of the drivers associated with the Natural Environment and Rural Communities Act.

00:13:02:27 - 00:13:15:09

Um. And the the Update Environment Act as 2021. Um. As well as local policies, including Cheshire West's.

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Movement towards, well, the establishment and maintenance of an ecological network across their council border. And you've taken me through some of those aspects already. But in terms of the Flintshire area, what are the headline ecological requirements and policy for the Flintshire area? Where are those held and what do those require as outcomes? I mean, you meant you mentioned the act, but I'm just I'd like to concentrate on policies and what they require locally, please.

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David Johnston on behalf of the applicant. There is no target requirement within Flintshire currently for achieving biodiversity gains. It's just a nominal gains for biodiversity and ensuring ensuring protection of ecosystems and.

00:14:40:04 - 00:15:12:25

A specific. Does it? Does it require enhancements? Mean that that's really the basis of a lot of these questions. What are the cut and thrust of the policy in terms of requiring enhancements or improvements? So the policy wording is such that it it states benefits for biodiversity. And there is,

um. It can be interpreted to include creation of new habitats, restoration of habitats or enhancement of existing habitats as well.

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So enhancement can come into that consideration as part of that approach.

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Thank you. And.

00:15:23:17 - 00:15:31:06

Having heard some of those aspects, I'm just going to quickly just refer to some of my notes if you just bear with me a second. Um.

00:15:36:03 - 00:15:56:15

I'm going to refer to now the calculation methodology, and you have touched on that already. So I won't dwell on this too much, but can you explain the rationale why a strategy is being referred to in the wealth land areas and you know, why that would be appropriate or,

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you know, in terms of what the applicants views are?

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David Chatterton. On behalf of the applicant. So our approach to the assessment is such that we're trying to evidence on the Wales side a qualitative net benefit which is in line with their policies, whereas on the England side we're looking to maintain a quantitative or quantitative net gain in line with the use of the metric. Um, the actual assessment itself has two facets to it. The biodiversity net gain assessment has two facets to it. That's a quantitative and qualitative element to it.

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So we're satisfying both sides of the border in terms of both policy and approach. We've also used the mitigation hierarchy in line with the biodiversity net gain good practice principles to look to exclude areas of ecological interest in priority habitats in the first instance wherever possible, to try and reduce our impacts upon those habitats. Um.

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The good practice principles also require consideration of working through the mitigation hierarchy. So as part of our approach to the overall project, one of the initial stages was for us to look at a strategic level across the proposed corridor. The order limits corridor and identify those key habitats. So exclusion of irreplaceable habitats, including ancient woodland and veteran trees, for example, as well as excluding statutory designated sites where they're located.

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Hence the room, the omission of the river from the metric.

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Understood. And.

00:17:45:06 - 00:17:51:00

I'm aware of the examination material to date informing the calculations.

00:17:54:00 - 00:18:03:25

Is the question. Is the applicant currently achieving a net gain, in your view, or a net enhancement?

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David Chatterton on behalf of the applicant. So our current assessment is a scenario based assessment. So the compensation scenario based within the report is scenario based. In the absence of a fixed pipeline route, the biodiversity that will need to be rerun upon confirmation of the finalized route design. However, in our compensation scenarios we are achieving our.

00:18:30:21 - 00:19:05:23

1% target in priority habitats through the compensation scenario that we've devised. We're currently in discussions with both with a number of parties, including Flintshire County Council, Cheshire West and Chester Council, as well as other interested landowners and parties to seek to try and secure those um, that scenario through offset site locations. And we've made good progress on that basis, in particular with both FCC and PwC, with identifying sites with a view to securing those through agreement.

00:19:07:04 - 00:19:41:14

And I'd like to stick with the figure for now. The 1% figure that you're referring to. Can you take me through broadly how you've calculated the 1%? So, you know, how does it work? Can you take me through that? David Patterson on behalf of the applicant. So the 1% we've used as or we believe it's a proportionate approach to achieving gains in the absence of a mandatory legislative driver for achieving anything more than that.

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Um, our calculation of the 1% has been based on the accrual of baseline data across the board limits through the use of phase one habitat survey and condition assessment. The Farm Environment Plan condition assessment approach was used at that time as Hab and the condition assessment associated with latter versions of the biodiversity metric weren't available at the time at commencement of surveys and condition assessment. Those baseline surveys and condition assessment data have been used to inform the volume of requirements for achieving a 1% gain in those priority habitats.

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So we've effectively looked at all of the priority habitats within the order limits on either side of the border. And it's worth me noting that there is two separate metrics that we've run one for Wales and one for England. Use that data for the priority habitats area coverage to inform what we would then require to achieve a 1% offset.

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Okay. And you've referred me to several times about the priority habitats side of things rather than all habitats informing your calculations.

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So I'm going to put it to to the applicant. The methodology being applied here isn't simply because there's a particular data set gap for the baseline information. It's actually more than that in your view. Is that right? David Chatterton On behalf of the applicant, the priority habitat. We have a full data set across the entirety of the limits from the surveys that we've completed from the outset using the Phase one habitat survey method.

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So the 1% figure

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is that across the board in terms of England and Wales, or is it you've mentioned two separate matrixes, two separate calculations? Is it an overall 1%, bearing in mind those two separate calculations, or is it 1% per each calculation?

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But David Chatterton on behalf of the applicant. So it's a 1% gain in each priority type either side of the border. Understood. Thank you.

00:22:14:10 - 00:22:41:26

I'm just conscious of the other parties here. We might have have a few contributions online as well. Um, I'd like to bring in responses firstly from and then Flintshire County Council on the calculation side of things. If they want to add anything, it might not be a matter of contention, but I'd like to hear from their views first and foremost, and then I'll hear from Flintshire County Council.

00:22:43:06 - 00:22:51:21

Michelle Spark on behalf of Chester Council, I'm just going to pass you on to my colleague, Laura Hughes, and she'll deal with this issue for you.

00:22:53:27 - 00:23:07:12

Good morning. On behalf of Cheshire West and Chester Council, it's Laura Hughes here. And yeah, it's seen as a proportionate approach as outlined by Mr. Chatterton from considering the mandatory requirements that are absent at the moment. So we're quite happy with that approach.

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But thank you and flinches views.

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Amanda Davis for Flintshire. Yes, I've liaised with Laura over the metric since we don't use it in Wales. So that's fine.

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To just kind of add the Flintshire policy. If you want specific reference.

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If you could, please. Yeah, that's going to be useful in terms of. Direct local impact. Yeah.

00:23:44:13 - 00:24:11:26

The strategic policy is STR 13, so that's seeks to conserve, protect and enhance flinches, natural environment and biodiversity. And then there's a detailed policy and six. Which looks at it, looks at the hierarchy, if you like.

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And when you say hierarchy to.

00:24:16:23 - 00:24:18:27

The mitigation hierarchy.

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The mitigation hierarchy and the clarity, there's not an actual Figgis. No, no, it's loose terminology, enhancement, benefit type terminology. Yeah.

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It's where there's not feasible compensation measures to create, restore, enhance.

00:24:39:11 - 00:24:44:24

Sorry. Measures designed to create, restore and enhance must be provided.

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And the Welsh

00:24:52:12 - 00:25:02:18

Planning Policy. Wales There's the consultation just completed on the biodiversity benefit to strengthen it.

00:25:04:07 - 00:25:14:24

And as a result of that consultation. Well, that that would then perhaps be a local decision as to where to go with that thereafter, presumably. Yeah.

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Sorry, can I just clarify the status of the planning policy consultation document? Um, have the results of the.

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Consultation actually been released yet or they are still being calculated. What I'm thinking is, is it likely to be announced before the close of the examination?

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Um can't say but it the consultation finished the 31st 31st of May.

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Okay, that helps.

00:26:08:21 - 00:26:40:25

I'm going to turn back to the applicant team now and just sticking with the 1% figure. It strikes me that the 1% figure could. Potentially move in positive or negative directions. I'm going to ask for their views on this in a second. But I mean, say, for instance, there was an unmeasured impact somewhere. I'm giving an example of, say, don't know, soil acidity or some unknown element.

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Would it be the case that the 1% could reduce downwards? And equally, is it fair to say the 1% outcome figure that's being detailed? Is the possibility or scope available for that to go in the positive direction? What would be the applicant's response on the likelihood of it moving either in the positive or negative directions?

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But David Chatterton, on behalf of the applicant, think it's worth noting that with the offset site, locations and management of habitats is a key component of how these habitats will be secured. So there will be a minimum 30 year management plan associated with the habitats that are created to ensure that they reach the target condition that is required to ensure that the 1% net gain is achieved. In actuality, the, um, it is a minimum 1% gain in priority habitats that we're looking at.

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But once it actually comes to fruition, the, the percentage gains are likely to be more than 1%, just on the basis of the impacts that we're likely to have during construction being reduced through, for example, micro siting wherever possible to avoid impacts to hedgerows, for example, which is one of the mitigation measures that's currently included within the outline. Kemp.

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And.

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The calculation that you're referring to, you're more or less saying that it's not going to go down. You're more or less saying that the in terms of livelihoods, it would go in the positive direction. Is that right? Yeah.

00:28:22:03 - 00:28:56:09

And I note that priority habitats have been identified. Uh, in the air. And the river had initially been included with the original vision version of the metric. Um, and that's now been removed. And uh, if you just give me an understanding as to why that is. Yeah. David Chatterton On behalf of the applicant. So the river was initially scoped into the assessment incorrectly. That was an error within our original assessment, in line with the good practice principles.

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So Syria 2016 statutory designated sites should be removed from the metric because they are considered to be an important habitat feature, so they should not be considered or included within a metric. So given that the river in this area is a site of special scientific interest and special area of conservation, it was removed on that basis and I think believe there's reference to Connah's Quay Ponds and the Woodlands, triple C, uh, nearby, um, within the order limits.

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And I believe that's been also discounted from the calculations. Is that right?

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Uh, David Chaston on behalf of the applicant. So the, um, the woodland that you're referring to currently only abuts the order limits following a change in the old limits. So that is no longer relevant to the assessment. Um.

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Sorry.

00:30:11:14 - 00:30:51:07

And I'd like to refer again to the parties present both councils, perhaps Natural Resources Wales and Natural England if they are available online. Um, bearing in mind local and national policies and the legislative provision provision that's been mentioned already by the applicants team. The other parties wish to mention anything about any other enhancements or scope to do things that perhaps could boost the 1% figure.

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That. Starting with Flintshire, please.

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I think there are opportunities through the licenses. Um.

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For example, for great crested newts. Um. That.

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That will be.

00:31:19:05 - 00:31:31:29

Applied for to UNRWA. So through that process and maybe sort of terrestrial and aquatic habitats and can can be enhanced.

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So there are there are further opportunities. Through those processes.

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And would that be something that you are presently in dialogue with with the applicant? Mean will give the applicant a right of response after.

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But yes, I mean, I've spoken I've raised the issue that will require mitigation. I understand they're speaking to another youth. I'm just not party to that at the moment.

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And are there any other measures outside of licensing provision that you are aware of locally with the issue of net gain or enhancements in mind that could potentially

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raise the 1% figure if needed?

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I mean, with the policy ecosystem resilience. We use that as a sort of connecting habitats. So the value of hedgerows and where they can be enhanced to link habitats.

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So that's a hedgerow strategy you mentioned to me as it.

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And. Yeah.

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I'm yeah. Haven't mentioned a specific hydro strategy, but yeah.

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Is there anything else you wish to raise?

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Well, there's always all sorts. Um,

00:33:13:16 - 00:33:38:12

the North East Wales, um, we have buying that is the sort of nature recovery plan for the at the wider area, not just Flintshire. So that does look at working with other organisations and the broader, the broad priority habitats,

00:33:40:00 - 00:33:55:17

you know, working with the wildlife trust, that type of thing. So, you know, there are. Ongoing projects, but there's nothing specific. And that can particularly raise here.

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So the projects that you're raising, is there any, uh, relatability to the root? Um, in terms of priority sites that perhaps might be subject to the.

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Um.

00:34:11:29 - 00:34:16:25

Inputs from bayonet. Is there any anything nearby?

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Not specifically.

00:34:19:11 - 00:34:23:28

Not specifically. It'd be more further afield within the Flintshire area. Yeah.

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And you mentioned priority habitats. Mean would that extend to things like peatland?

00:34:33:24 - 00:34:44:12

Beacons aren't a big feature of Flintshire in Denbighshire. Conway which is part of Barnett.

00:34:46:01 - 00:34:46:16

Um.

00:34:48:09 - 00:34:52:17

Yeah, I mean Flintshire and particularly the high net. It's.

00:34:54:19 - 00:34:56:21

The woodlands, the hedgerows.

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ONS.

00:35:06:12 - 00:35:08:04

Thank you. That. That assist. Thank you.

00:35:10:11 - 00:35:27:17

I'm conscious that the applicants team will need a right of reply, but I'd like now to bring in luck and their views on the opportunities available relative to the ecological network.

00:35:29:06 - 00:35:59:26

Lawyers for Charterhouse and Chester Council. Yet so the applicant's in dialogue with us and Chester regarding some sites that we have available for potential suitable enhancements for priority habitats and those sites which are outlined in the biodiversity net gain strategy submitted at deadline three. And they are within the ecological network itself and very close to the pipeline route. So we're quite happy that those discussions are ongoing and located and quite appropriately next to them. And luckily, I guess next to the next to the pipeline route itself.

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So there's very local benefit there. And within the wider strategic ecological network that goes across the whole borough.

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And reference has been made several times about the ecological network with specifically within Chester, Cheshire West and Chester and believe it's it's related to the local plan. Could you give me some insight or background as to what its.

00:36:25:21 - 00:36:26:16

Aims or.

00:36:26:18 - 00:36:34:24

What its extent is and how it works and, you know, what the local aspirations are from that policy?

00:36:35:15 - 00:37:12:22

Yeah. So it's Laura Hughes and Chester Council Policy 44 identifies options to enhance the value of the assets and contribute towards the borough's ecological network and requires no net loss of natural assets, assets generally. Um, and there are stipulations depending on which part of the ecological network you are in on, on what to do. But generally the ecological network maps valuable habitats in the borough and then also identifies areas for enhancement that links those valuable habitats together so that the network as a whole is enhanced and that that is the general basis for the ecological network within Cheshire West.

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And this area that you're referring to as it defined as a particular area on a plan, or is it broader than that? Is it is it literally being described.

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In words or.

00:37:24:17 - 00:37:29:11

Is it lines on a plan in terms of where its boundaries start and finish?

00:37:30:00 - 00:37:39:04

Laura Hughes With Cheshire West and Chester Council. Yes, it's on a plan, so that's available online on our local plan, interactive mapping. All the different areas within the ecological network are mapped.

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And in terms of the information that the examination is currently looking at, we've got the information within the yes, we've got the applicant submissions, but the policy and the strategy and its overarching purpose and it's the actual content of 44. Is that sufficiently reflected in in the applicant submissions as you see it.

00:38:05:14 - 00:38:16:28

As Laura Hughes and Chester Council. So the Ecological Network has been now taken into account with the latest updates at deadline three within the biodiversity net gain metric calculation within the local.

00:38:17:00 - 00:38:24:27

Sorry to interject, but does that actually include a submission from your council as to what the specific terms of the policy are

00:38:26:21 - 00:38:33:01

that are being worked to? Or is this relying on what the is talking about broadly?

00:38:33:27 - 00:39:12:11

Laurie Hughes for and Chester Council it's we haven't made a submission on that particular issue at the moment. Um we we feel at the moment it's been taken into account with that net gain calculation. And generally in terms of might be skipping answer the next question here, but generally in terms of habitat connections generally with the information that habitats will be replaced over the pipeline route when they are taken out, that generally takes care of any local habitat connections on that on that route, which then just by default, repairs any any kind of impact that's been done with those removal of those habitat connections in general.

00:39:14:20 - 00:39:43:26

But thank you. That that helps. I would like the Council to submit its policy and for the full details, the background text to it, and any associated plans. It might be available already in the applicants. But sometimes the background text and any supporting information might not necessarily be present, but that would be useful for the examination to to have sight of if it hasn't got access to it already.

00:39:46:06 - 00:40:18:00

The reason we're asking for it specifically is that we aren't allowed to go look to go and look for it. So unless it's actually been entered into the examination. As a formal document, we we can't look at it. Um, so a reference to a web link, for example, is not acceptable because we can't go and look for that web link. Um, and we actually need a copy digitally or physically entered into the examination.

00:40:18:02 - 00:40:18:18

Thank you.

00:40:22:00 - 00:40:27:22

Michelle Spark for Cheshire West and Chester Council just confirm we will submit that at deadline for.

00:40:28:12 - 00:40:29:08

Thank you. Thank you.

00:40:34:02 - 00:41:01:07

And. Natural. England has indicated there are nature recovery strategies within Cheshire West which could secure enhancement. I won't go through those in full. They are mentioned in the submissions by them. They include, um, particularly local nature recovery strategies and in such like along with a climate plan. Um.

00:41:03:06 - 00:41:21:09

Natural Resources Wales might have similar strategies. Don't know if they're available to make any comments. Is there anything they would like to raise in terms of local policies and nature recovery strategies that that potentially could be covered?

00:41:26:06 - 00:41:29:04

Just a name for Natural Resources Wales.

00:41:29:13 - 00:42:15:17

This wasn't an issue of concern to us. We've provided extensive comments in our written representations for Deadline one. What I can do, don't. I don't have anyone to to make available with the expertise. I certainly don't have the the expertise. Um, what we can take away is to review what we've said and then, um, so that's anything further. But as I understand it, we essentially deferred to for local policy advice to the examining authority, um, and made broad representations which reflect what's been said today in which we agree with regarding the law and policy in Wales for net gain.

00:42:15:19 - 00:42:34:24

So I don't think I can add anything that would assist today. Um, save for if, if it is of assistance to deal with it at this juncture. There was reference to protected species licensing. The position, as I understand it, is that um.

00:42:36:18 - 00:42:57:26

We have not received any. What are referred to as shadow license applications. We are amenable to that. So we can't really comment at this stage on any matters, but we're really in the applicants hands as to as to when that material is made available to us. Unless I can assist any further on this aspect.

00:43:00:12 - 00:43:08:20

I know that that's useful information to know. I don't have any filters. I don't think natural England are.

00:43:08:22 - 00:43:10:15

Available in the background.

00:43:11:16 - 00:43:12:09

But yeah, yeah.

00:43:13:06 - 00:43:21:04

And I'd like to just turn to the applicants team just to see if they've got any comments or reflections on what I've just heard from the other parties.

00:44:29:13 - 00:45:25:27

Julian Boswell for the applicant. I guess just as a headline response on an enhancement. As Mr. Chapman said earlier, we've our approach here has been to take careful consideration of the legal context and the policy context and think that the other parties have acknowledged that we've understood those correctly to then engage with those relevant statutory bodies, particularly the two councils, in formulating the strategy or formulating a strategy that seeks to respond, recognising that there are differences between the two the two jurisdictions then having formulated that strategy, which we understand is is is is is agreed with, with, with the two councils in particular.

00:45:26:07 - 00:45:57:26

Um, to, to, to go ahead and execute it. And obviously at the heart of that strategy is is the 1% gain in relation to priority habitats that Mr. Chatterton has explained. Um, and so having gone through that structured approach, we are content that, um, taking into account the nature of this project and, and the impacts that it's predicted to have, that we have calibrated our approach in an appropriate way.

00:45:58:06 - 00:46:32:16

Um, and, and, and in the light of that, we're, we're content. Obviously there's ongoing engagement with, with nailing down some of the detail of the delivery of that strategy which, which has been indicated. Um, but we're content that with the approach that we have followed and we're content to have, have the application determined on, on that basis. Just one small point that the, the shadow licenses on the protected species side are under active preparation.

00:46:35:06 - 00:47:16:07

Thank you for that. Um, I've got a few more questions on on on ecology matters. Uh, just to, uh, just to, to round things off, I'd like to ask the applicant what elements of scheme provision currently addresses the issue of habitat connectivity and its future resilience? Please. David Chaston on behalf of the applicant, as part of the suite of mitigation measures and principles that we've devised which are located within the and the outline construction Environmental Management plan, we've looked to secure landscape connectivity through our mitigation measures.

00:47:16:13 - 00:47:58:28

I'll use a one example in particular for in respect of the bats and hedgerows assessment. It will be necessary for us to remove discrete sections of Hedgerow across the Ord Limits to facilitate construction of the pipeline. Um, we have provisioned for the reinstatement of all hedgerows and measures in the interim period while the hedgerows are re-establishing for that linear connectivity to remain in place to facilitate foraging and commuting, but across the landscape, recognising that we've got a variety of species, including, um, lesser horseshoe, particularly within Wales, which are a scarcity across, across the country.

00:47:59:20 - 00:48:33:24

Um, in terms of other landscape, um, enhancement measures that we've also included, we've also provisioned for the planting of 13 mitigation areas across the order limits. Um, these have been chosen in locations that will enhance and strengthen existing green corridors in most locations, Um, as well as helping to support, particularly on the Cheshire side, the ecological network will help to strengthen some of those green infrastructure corridors that are currently existing as well as providing new stepping stones.

00:48:34:01 - 00:48:36:25

Um, at least in one location.

00:48:40:21 - 00:49:04:28

Sorry. I just want you to come back on one point that Mr. Boswell mentioned about the the licenses that are under preparation. I know from the consents and licenses document that's been submitted at deadline three. It says they're under preparation and will be submitted before the close of the examination. But I was just wondering if you could give us a better idea of the timeline, because before the close of the examination could be the day of the close of the examination.

00:49:05:00 - 00:49:32:29

So yeah. David Chatterton on behalf of the applicant, the the ghost licenses, shadow licenses are currently in advanced stage of preparation. So we're hoping to have those submitted to um, Natural England Natural Resources, Wales and other interested parties if Cheshire and Flintshire are keen to see those as well. Um, hopefully by deadline five with a view to securing agreements via the statement of common ground with each respective party.

00:49:36:15 - 00:50:22:12

And um, in terms of the connectivity issues that you've taken me through, in your view, is there any way to further boost connectivity or resilience? I am aware that, um. But think Flintshire Council have mentioned gaps in hedgerow and the possibility for hedgerow planting to further boost perhaps ecological connectivity or resilience. Is that something the applicant would be committed to looking into? Or are you saying broadly that you content with the strategy and you don't want to change it in any way? David Chatterton On behalf of the applicant, we're broadly happy with the strategy as it stands.

00:50:22:14 - 00:51:00:03

Obviously, we have a very narrow corridor within which to be able to affect any additional mitigation and obviously that might not be necessary on the basis of a refined and finalized route corridor. Um, our primary aim is to mitigate the impacts that we have during construction of which we will look to minimize as much as possible during the construction and detailed design development. Um, obviously in terms of hedgerows, we are in discussions and in advanced discussions with Flintshire around how we can help support them, um, with their targets for priority habitats, including the hedgerows.

00:51:01:02 - 00:51:12:13

And that also equally applies to, to Cheshire as well. So in terms of connectivity, resilience, hedgerows, that's something that you're still in discussions about.

00:51:26:19 - 00:52:05:22

David Chatterton on behalf of the applicant. What was discussing there in terms of discussions with Flintshire and Cheshire is obviously to do with the biodiversity net gain element. So that's affecting hedgerows outside of the Ord Limits. As I alluded to, the impacts that we'll be having within our Ord Limits are going to be confined and we will look to mitigate those in the location that they take place without looking to impinge on landowners by looking for opportunities out with our working corridor. So the primary point is the applicants looking at the impacts from the route itself and the impacts related to the development.

00:52:05:24 - 00:52:15:29

Yes. Correct. Further afield. Uh, perhaps it's not in the applicant's view to go beyond that. Is that is that the general cut and thrust of it?

00:52:25:16 - 00:52:32:03

Uh, David Chatterton, over half of the applicant. We're obviously following the mitigation hierarchy, so we'll be mitigating our impacts directly.

00:52:33:12 - 00:52:33:27

Understood.

00:52:33:29 - 00:52:35:02

Thank you. And.

00:52:40:17 - 00:52:57:17

Delivery mechanisms now mean this is something to be accounted for in the strategy expected to deadline five. It is largely in the gift the applicant's gift at the moment as to what delivery options would be undertaken.

00:52:59:03 - 00:53:26:05

But it is worth mentioning that the panel does note that mechanisms to secure ecological improvements could include the purchasing of off site biodiversity units to achieve a net gain from local landowners and the securing of the improvements and appropriate management over 30 years via section 106 agreements or conservation covenants.

00:53:27:28 - 00:53:31:05

That said, it might not be applicable to all areas.

00:53:33:20 - 00:53:46:15

Is there anything in terms of the reasonable delivery options available that the applicant would like to comment on and how it looks to

00:53:48:05 - 00:53:50:03

implement its delivery package?

00:54:15:10 - 00:54:59:29

But David Chaston, on behalf of the applicant, we're looking to affect our our gains through discussion with relevant parties, including both Flintshire and Cheshire as a primary course and look to affect our gains through to support their targets and gains within their respective boundaries. Um, where the I note that you mentioned about um. Habitat markets. They're very nascent at the moment. Obviously, mandatory net gain isn't going to be coming into place until November for normal Town

and Country Planning Act applications, the markets are very much developing at the moment and a lot of those aren't yet set up in a manner to be able to affect any real meaningful change.

00:55:00:01 - 00:55:09:14

So we are looking at other opportunities where we're not able to achieve our gain priorities with the councils through discussions with other landowners and interested parties.

00:55:12:21 - 00:55:44:15

Uh, thank you for that. Mean, there does appear a wide variety of delivery options available for biodiversity interests and ecological enhancements. I understand what the applicant is putting forward at the moment. There does seem scope to further enhance and improve certain aspects of what is being proposed. It is a comment. Um. In the anticipated strategy that's going to come forward at deadline five.

00:55:44:17 - 00:56:16:26

It will be a necessary for the applicant to fully justify the reasons for its choices and the outcomes its securing. It is a low figure at 1%. Understand Mr. Boswell's referred to areas of law and compliance with that. But there are aspirational aspects of policy as well and we are dealing with a cross-boundary scheme.

00:56:16:28 - 00:56:21:17

So it is the 1% is quite low. Um.

00:56:23:26 - 00:56:59:18

The panel is also conscious that any implications for the draft mechanisms in a delivery package. Now, you have mentioned about discussions with landowners, but if there are any changes to the DCO needed as a result of that, it would be prudent to do that in good time. Now you're not you're not signalling that that's the case. But given the range of delivery options for ecological networks and biodiversity interests available, it is worth flagging.

00:57:01:00 - 00:57:01:15

Um.

00:57:03:03 - 00:57:07:05

I don't have any further comments on that unless the applicant would like to.

00:57:09:07 - 00:57:17:10

Pass any further comments at the moment? I'm going to move to some of the survey information that were being considered if they haven't.

00:57:17:29 - 00:57:48:18

Just to add one point. And so people are generally aware we will be talking about potential mechanisms or seeking information from the applicant about potential mechanisms for securing biodiversity off of off site mitigation. In the hearing that is due to take place on Thursday regarding the development consent order. So this subject will be picked up again in terms of how such measures are being secured in that hearing.

00:57:48:20 - 00:57:59:05

So just as a heads up to people and so that people don't think we're not thinking about how these things are actually physically secured in the development consent order, should it be made?

00:58:03:24 - 00:58:10:07

Thank you. And in terms of the applicant's response to those points, would you like to add anything further?

00:58:10:12 - 00:58:13:23

Julian Bosworth, the applicant? No, nothing further to say at this stage.

00:58:14:18 - 00:58:42:11

Okay. Unless any other party wants to raise anything, I'm going to move to ecological survey aspects. Um, there is survey information. Quite a lot of it available in the in the US. Um, could I just ask the applicant to just give a broad overview of what the survey information concludes? Um, and particularly after the survey points for Fauna.

00:58:45:03 - 00:59:15:14

Yep. David Johnston on behalf of the applicant. So the applicant is undertaking an extensive suite of surveys for a range of receptors, including habitats and protected species, to determine presence or otherwise of said fauna in particular. This is included at, for example, badgers. Bats. An extensive suite of surveys has been conducted for bats in particular both presence of roosts, but also taking into consideration foraging and commuting bats.

00:59:15:28 - 00:59:48:02

Where we devised a methodology to be able to assess the impacts that the proposed development would have on linear features, as alluded to previously. We have undertaken extensive data analysis associated with a number of those surveys as well. So again, for Bats in particular, we've done extensive sound analysis to understand species types present and. Assess the the structure of any roofs that we've identified.

00:59:48:13 - 01:00:21:02

And we have identified that the there are risks to some protected species that will be addressed and have been addressed through the development of mitigation principles and measures as detailed within the outline construction environmental management plan and secured by that document. Um, these have worked on the basis of additionally taking into account assumed presence of receptors beyond the order limits. Um, to address any eventualities that might arise at the construction stage.

01:00:21:20 - 01:00:44:23

I think it's probably worth noting that, um. It will be necessary to undertake pre-construction surveys as as captured within the camp as well. Um, given that obviously ecology is transient in nature and the results within the provide a snapshot in time that is likely to progress naturally.

01:00:48:21 - 01:01:00:07

And Natural Resources Wales have indicated that broadly happy with survey information today to just like to bring them back in if they're available.

01:01:06:07 - 01:01:08:27

Just the name was for. Thank you.

01:01:10:17 - 01:01:31:02

And I'd like to ask you a little bit about the survey information. And please do tell me if you want to refer to a written submission. It might not be something you can answer directly, but what are natural resources Wales views on the survey information presently? What's its most up to date position?

01:01:32:20 - 01:01:33:12

Um. Yes.

01:01:35:01 - 01:02:09:03

Guessing what? Might say. Perhaps, um. Written representations at paragraph 6.10. Page 18 of the document, um, gave some advice, um, that for barn owl surveys, they should be extended to a maximum of 100m from new build infrastructure boundary. And alternative barn owl nest locations away from the zone of influence outside the limit should be provided. That request was based on academic literature.

01:02:11:22 - 01:02:25:13

That our specialist, Mr. Patrick Lindley, had identified. Um and the literature concerned was good ship and others from 2022.

01:02:27:21 - 01:02:28:06

Um.

01:02:29:26 - 01:02:45:16

We can provide this. Subsequent to the hearing today, as a as a short note, if it would assist the panel. But yes, that is correct. Other than that point that. Yes. And our position if we are satisfied with the surveying.

01:02:46:15 - 01:02:47:10

So and it's.

01:02:47:12 - 01:02:49:05

Comprehensively covered in our

01:02:50:27 - 01:02:53:21

deadline. One written representations in the schedule.

01:02:55:25 - 01:03:37:03

Thank you. Yes, I did pick those up at I think you pointed out some details as to whether or not the consideration of low rainfall conditions during spring 2022 have been factored into great crested Newt assessments. Um, and secondly, whether the terrestrial foraging range for great crested Newts in England extends into Wales. I think you've right in saying that Natural Resources Wales have asked for a little bit more information, although I'm not entirely, entirely clear based on the response.

01:03:37:23 - 01:03:41:25

Um, are you in a position to comment on those aspects?

01:03:43:18 - 01:04:13:11

Um. No, don't have instructions from the relevant team internally about that. If can take some instructions perhaps. Um, but could do so over the lunch break from a short inquiry today. I do apologize for not knowing that. Um, but, but I'll certainly make those inquiries today. And if it can't be provided to the panel today, we'll take that away and submit that afterwards, if that's okay.

01:04:13:18 - 01:04:19:14

Yes, I'm happy to take that as a written submission proposal hearing. Thank you.

01:04:23:09 - 01:04:59:26

And turning back to the applicants, are you in a position to comment on any of the aspects of just mentioned about survey information requirements? Yeah. David Chatterton, on behalf of the applicant. I'm just picking up on that great crested Newt point and the the dry nature of the start of the surveys, or at least part of the surveys as part of the survey approach to Great Crested Newts, is a

requirement to undertake multiple survey visits. And at least one survey visit was able to be completed for at least those ponds that were effective before those ponds dried out.

01:05:00:12 - 01:05:31:22

I think the other key point to note with that is that ponds, the ephemerality of ponds, is a key feature of good habitat for great crested Newt, i.e. that they they should dry out occasionally. So the fact that they dried out, we had ponds that were dry during our survey suite I don't think is impacted our assessment or conclusions of our of our impact assessment, nor has it adversely impacted our mitigation prescriptions or measures.

01:05:32:07 - 01:05:58:10

And would I be right in saying that if Newts were discovered that that would be a licensing commitment from the applicants too? Yes. Yeah, correct. We're currently preparing a great Crested Newt mitigation license to be submitted to Natural Resources Wales, a shadow license, I should say, that will capture all the conservation methods required to ensure that great Crested needs are safeguarded during construction.

01:06:00:25 - 01:06:41:19

Okay. And just all aspects to this. Just wish to ask you. Um, and some of the comments from Natural Resources Wales, they've pointed out their historic records have been sought and some of those include information that's over ten years old. Just looking at the data of what you submitted in the some of the surveys. Can you give any sort of plausibility to how that information, if it is ten years old, should be relied on or shouldn't be relied on? And is it supplemented by other information that that helps with that? Yeah.

01:06:41:21 - 01:07:16:08

David Chatterton on behalf of the applicant. So as part of our approach to the assessment, we undertook a comprehensive test study which included requesting local records for protected and or notable species from within the order limits, but also extending beyond the order limits to understand the context of any records of protected or notable species within the landscape. That has helped to inform our approach to surveys. And whilst those records are relevant and they have been included and considered within the impact assessment, the primary driver is this the baseline survey results that are conducted.

01:07:16:17 - 01:07:42:09

They are our main driver for developing our mitigation measures and principles. So in other words, the data is one thing. You've you've sourced what you can and then you've gone live with a survey and drawn conclusions from that. Yeah. So the study data is very much relevant, but obviously it is somewhat superseded by the physical undertaking undertaking of surveys. Understood. Thank you.

01:07:46:03 - 01:07:57:15

And I'd like to turn now to Luke, and I'd like them to just go through with me what their current position is on survey

01:07:59:03 - 01:08:09:11

information. They have mentioned a few bits and pieces about various species and I'd like to invite them to give their views, please.

01:08:10:25 - 01:08:45:01

Lawyers for Joshua's and Chester Council. Yeah, we've had general concerns that, um, about data assumptions and the proportion of contribution that made to the overall survey picture. And but we've had meetings with the applicant a couple of weeks ago and the deadline three documents are provided more certainty on the proportion of data that's been carried out, survey data that's been carried out.

And we're expecting we've requested progress, progress survey like a table basically just to show us where they're up to and how many physical surveys have been done compared to studies.

01:08:45:03 - 01:08:56:22

And so that's what we're waiting for on deadline for. But there are more specifics provided on that in the deadline. Three documents submitted by the applicant that were were pleased that progress is being made on on making that clearer.

01:08:58:10 - 01:09:18:22

Thank you. And there's not an information element that's a strike out worry at the moment. Based on what you're saying. You're saying it's it's all in hand and you're waiting for information to come in. There's nothing outstanding in terms of missing surveys or data in your view.

01:09:19:12 - 01:09:54:18

That's lower and just council. And as I've said just previously, that they have clarified a few a few points in terms of, for example, badges that 89% of the the, the areas have been sorry, it's bats actually. And the tree surveys for bats, 89% of those have been completed. So that reassures us that the percentage of actual field surveys are on the more the more positive, rather than it wasn't clear at one point whether it was or not from the documents, whether it's kind of 20% level or 80% level. So it was just raising that concern that obviously feel data is better than study data generally.

01:09:54:26 - 01:10:00:29

And that that was that was a weighted. But but it seems to be making progress and getting that information to us.

01:10:01:01 - 01:10:19:06

And would those comments equally apply to I think you mentioned barn owls in some of the earlier correspondence. Is that currently, um, you know, does the Council have enough information currently to to take a view on those species.

01:10:19:13 - 01:10:51:26

Yes. Lower house of Cheshire West and Chester Council. So a kind of related concern initially was that surveys have been carried out not for usual species ranges that you would typically survey for for impacts, but just because of the or the limit areas. And that access was not possible to some areas. But again, they've I understand that most of the access issues were for Flintshire, um, rather than Cheshire Council. So again, that's all to be formalized in the deadline for information that I'm assured will be provided at that stage.

01:10:52:09 - 01:10:57:19

Okay. Thank you. And the same question or similar question now to Flinches team.

01:11:00:08 - 01:11:09:16

Amanda Davis Flintshire now was satisfied with the range. Um, and the fact that.

01:11:11:03 - 01:11:18:00

There's proposals for ongoing checks and surveys. So I'm happy with that.

01:11:21:28 - 01:11:36:17

And. I think just just reflecting on what what what you've told me there. Um, aquatic information survey does feature, but it seems that, um.

01:11:38:09 - 01:11:48:00

It perhaps doesn't cause Covid noise impacts. And was just interested to know whether or not any of the council's have any views on that.

01:11:50:08 - 01:11:55:25

Slowly. He's with us and Chester Council. Now, we haven't raised any concerns regarding that at this present time.

01:11:59:06 - 01:12:04:07

Commander Davis likewise has not been specifically raised.

01:12:14:20 - 01:12:45:00

Yeah. Think that more or less completes my questions. I'm going to go back to the applicants team and just give them a right of response to anything that we've raised in relation to surveys, but don't think there's anything else in terms of survey information I wish to raise. At the moment I'm going to move on to tree and hedge impacts. After that, I'm conscious it's 10 to 1. Um, so I'm hoping to get through the next item, sort of roughly take us to about 1:00 or quarter past.

01:12:45:17 - 01:13:11:21

Um, so yeah, turning to the applicant, are they happy to move to try and AGM now or David Chatterton on behalf of the applicant, just wanted to state that we have considered noise and vibration impacts upon aquatic receptors, including fish, and that mitigation is detailed within the outline construction environmental management plan to alleviate an ameliorate those effects that might occur during construction.

01:13:14:12 - 01:13:40:19

Apologies didn't quite catch all of that. So in terms of I asked a question about noise impacts on aquatic aquatic information. Yes. You've just said about the aquatic information currently and what what aspects are currently with us. So noise and vibration impacts upon aquatic receptors have been addressed and considered within the impact assessment, and mitigation has been devised accordingly to safeguard those receptors. Apologies. Thank you.

01:13:46:23 - 01:14:17:03

Okay. Moving to item four, which is tree impacts, I would like to extend this to hedge impacts as well. If. The applicant could just give me an overview of its most up to date position on what trees would be impacted on. Specifically the trees and hedges subject to any removal I would like specific concentration on if possible. If the applicant's team could address that.

01:14:18:29 - 01:14:23:22

Overview to start with. Yeah. David Chatterton on behalf of the applicant.

01:14:25:27 - 01:14:39:00

Yep. I was just. Sorry. Yeah. I've got some slides to accompany and try and help illustrate the impacts and how we're avoiding sensitive features in terms of hedgerows and trees. If they could be brought up.

01:14:40:04 - 01:15:01:27

So just to say that none of this is new information, this is just trying to be convenient in terms of drawing out some of the images that are already in the documentation, though I think Mr. Chatterton will explain that there's one where it's been simplified, i.e. it's not new information, but certain that things have been taken off the the image just to make it clearer to allow him to make a particular point.

01:15:05:20 - 01:15:07:12

David Chaston on behalf of the applicant.

01:15:10:16 - 01:15:42:08

You can go to the next slide. Sorry. Just a nice photo. Um, so I think the first thing to start with is to say that and as was alluded to earlier, that we undertook a comprehensive study to identify sensitive receptors across the entirety of the order limits. And that included looking at any known veteran trees or areas of ancient woodland. Um, there's a slide that's currently up on the screen that shows the only parcel of ancient woodland that actually falls within the order limits across both England and Wales.

01:15:42:10 - 01:16:05:07

This particular piece of woodland falls within Wales, near north of Paul. Um, and the applicant has sought to avoid impacts this woodland by um, provisioning the use of trenches crossing techniques. So this woodland will not be subjected, No trees will be subject to felling and they'll be safeguarded. Um.

01:16:12:21 - 01:16:25:01

I do have. Sorry. The next slide, I'm just in reference. It's more in reference to design change request one. I don't know whether you want me to touch on this now or whether you'd save this. No. Okay, that's fine.

01:16:25:15 - 01:16:57:02

We can move on beyond change request one because we'll. We'll discuss change request one the week beginning August 7th. Um, and if we do it now, then we potentially disadvantage anybody that might want to become involved as a party during the consultation process. So which doesn't close until the end of this week. Um, so, so we won't know if there's any additional parties that would need to be involved in, in regard to change request one So we should avoid it if at all possible, please.

01:16:58:15 - 01:17:02:24

And David Chatterton on behalf of the applicant, that's absolutely fine. If we can move on to the next slide, please.

01:17:05:11 - 01:17:48:21

Um, so as I mentioned, we have done a comprehensive study but also undertaking some field surveys to understand, um, sensitivities across the entirety of the limits in terms of notable trees in line with the British standard. Uh, we've taken a dual approach to our assessment of trees, which has included use of remote sensing data to understand tree cover across the entirety of the old limits, including boundary features, and then undertaking a suite of site surveys to survey notable trees and those deemed to be within Category A or B of the British standard and noted those accordingly.

01:17:49:11 - 01:18:31:27

And whilst undertaking those surveys, we've also assessed those trees as to whether they could fall under the category of veteran, i.e. those features that show veteran veteran characteristics. Um. The applicant has sought to avoid those trees wherever possible. But however, three remain at risk of removal at risk of removal aiming to retain. Um. However, I will note that these three trees, it is believed by the applicant that we can put in mitigation measures accordingly through an arboriculture method statement, tree protection plan and use of and arboriculture Clerk of works during the works to implement necessary measures to safeguard these veteran trees.

01:18:31:29 - 01:18:46:27

So we're not anticipating that these trees will be felled to facilitate construction in these trees you're referring to are in Cheshire. Uh, David Chatterton on behalf of the applicant. Yes, that's correct.

01:18:48:29 - 01:18:53:11

Are they the ones, the three that marked on the plan that you've got in front of us? Yeah.

01:18:53:13 - 01:19:26:27

So they're denoted by the X's with the blue arrows leading to them. So with the the figure in the top left, this is in and around the local wildlife site. The, the figure, the screenshot there makes it look worse than it actually is. What you can actually see there is the shadow of the tree belt, which makes it look a lot tighter to that than it actually is. And we believe that there's ample room there to be able to maneuver the maneuver construction through that area without irreparably damaging that tree.

01:19:27:19 - 01:19:56:12

Um, with T 1048 and t 1056 which are located in the bottom right screenshot those features or that area of the order limits is to be used for construction access only. So appropriate measures will be put in place to safeguard those trees and their their roots, to prevent unnecessary compaction. And that'll all be detailed within an arboriculture method statement and tree protection plan and overseen by number of cultural clockworks.

01:19:56:27 - 01:19:57:29

Can I just seek some.

01:19:58:01 - 01:20:05:15

Clarification because you're you're still saying there's the potential that they may be lost even with this mitigation. Is that correct?

01:20:06:11 - 01:20:06:26

All right.

01:20:07:00 - 01:20:13:08

Because if the mitigation is enough to safeguard the trees, why are you still identifying those potentially at risk?

01:20:14:10 - 01:20:24:06

David Chaston On behalf of the applicant, we've chosen to take an conservative approach and assess them precautionary as being at risk of removal, but we believe we are able to retain them.

01:20:24:24 - 01:21:10:03

Because the concern from our point of view is the advice that's given in the with regard to veteran trees. And clearly it's very similar to the planning policy statement, not having a national planning policy framework where it basically says better and trees should be protected because they're in invaluable source of ecology and biodiversity, etcetera, and they should be avoided, their loss should be avoided at all costs effectively is what it says. So the concern that we have as the panel is that if there's still a potential for their loss, it's how we deal with that potential loss in the report to the secretary of state and how we recommend to the Secretary of State that you're still identifying them at potentially at risk.

01:21:23:28 - 01:21:36:24

David Justice on behalf of the applicant. Whilst we believe we can mitigate any potential impacts to these trees will take this away with the engineers and look to try and finalize this and update that that categorisation.

01:21:37:00 - 01:21:38:09

I think that's wise. Thank you.

01:21:48:08 - 01:22:22:16

And is the applicant seeking to continue with the points it's presenting? Yeah. David Chatterton on behalf of the applicant. Yes. Sorry. If we can move on to the next slide, please. I'm just going to give you a bit of background as to how we've assessed the trees. Um, our current assessment as presented within the Cultural Impact Assessment appendix provides a reasonable worst case scenario on an indicative pipeline routing. Um, as presented in the figures here. These are lifted directly from the Cultural Impact Assessment appendix.

01:22:22:24 - 01:22:53:10

Um, the image on the right details a the impact assessment which we have used to understand what the potential impacts to tree features. So that includes individual trees, but also tree groups, i.e. groups of trees, um, across the order limits. Um, as you can see from the hatched red, uh, image on the right within near to section three. Bear with me one moment.

01:22:53:15 - 01:23:30:13

So six four, five. Um, that has been considered within this scenario of an indicative pipeline route to require, um, pretty much full removal. Um, that indicative red risk, uh, corridor represents the 32 meter construction width that we'll be looking to apply for construction. Um, obviously the numbers within the Arbor Cultural Impact Assessment are based on this indicative pipeline alignment and the impacts that that indicative alignment is having on individual trees and tree groups currently.

01:23:30:16 - 01:23:51:12

So the numbers are representative of that. In the event that the corridor, the finalized construction corridor actually moves, the numbers will take into account any variation that may result in dragging in of new trees or tree groups or the the removal of trees or tree groups as that moves.

01:23:53:18 - 01:23:54:29

But understood. Thank you.

01:24:00:12 - 01:24:02:20

And finally on the last slide.

01:24:04:18 - 01:24:45:27

This is just a an example of how we're looking to try and mitigate the impacts upon tree features. So that includes individual trees and tree groups. We're looking to apply a 3 to 1 planting ratio. So three trees planted for everyone lost and the applicant has identified 13 locations across the Ord Limits, both in England and Wales. As mentioned previously, I'm trying to strengthen and enhance existing green infrastructure within the landscape. Given our given the white constrained order limits that we have, these have been centred around um, existing local wildlife sites or existing green infrastructure that we can find.

01:24:45:29 - 01:25:33:05

So this example on the screen here, the the image on the left shows a small patch of woodland with a pond located within it. Our proposals would be for the mitigation in this area to help strengthen that woodland and provide a bit more habitat for anything that might be present within that pond or within the wider landscape. Um, through that will be providing additionality in terms of the ecological network within Cheshire West and Chester Council in particular in this example, um, which will provide additional stepping stone habitat, given that this area in particular is fairly absent of tree cover, um, other areas, other mitigation areas across the Ord Limits, particularly within Cheshire West and Chester Council, are looking to promote and enhance other existing green corridors.

01:25:33:07 - 01:26:09:25

So we have mitigation areas proposed in particular adjacent to that ancient woodland that I showed on the first slide to try and help strengthen that that green corridor. It should be noted that it's not possible

to plant trees within the management easement of the pipeline once it's been installed. So there is a 12 metre offset requirement either side of the pipeline where trees will not be allowed to be planted. However, we've included provision within the mitigation measures that scrub will be planted um, in place of trees to provide that that connectivity of habitat.

01:26:09:27 - 01:26:18:00

So it's not completely barren. Um, and we believe that this is a good compromise and provides additional benefits through creating a habitat mosaic.

01:26:20:06 - 01:26:55:08

In terms of hedgerows and hedgerow severance. As alluded to earlier, the the bats and hedgerows assessment has been a very comprehensive and robust assessment that has assessed every single hedgerow across the entirety of the order limits and its ability to support foraging and commuting bats based on a number of different indicators. The mitigation prescriptions and measures that we've devised off the back of that assessment will ensure that the linear features will be reinstated. Post-construction but dependent on the category of each individual hedgerow that will necessitate a different level of and approach to mitigation.

01:26:55:10 - 01:27:28:03

So the primary base position is that all habitats will be reinstated in terms of hedgerows. Post-construction. However, those hedgerows that have been identified as excellent or good will have increased mitigation prescriptions. So for excellent, for example, we'll be looking to try and include the planting of additionally the standard trees or additional measures, inclusion of shrubs, for example, that will help to promote the growth and provide that linear connectivity more quickly than would otherwise be to come around with just the planting of wips.

01:27:31:23 - 01:27:55:05

Thank you very much for that. All those points understood at. I'm going to invite all the parties just to comment on what you've described to me. But before I do that, could I invite submissions of the actual presentation pack you've just presented? And ideally by deadline four would be advisable on that.

01:27:56:27 - 01:28:05:26

Just just on that, can you make sure that you exclude Slide two because we didn't discuss it and it's not appropriate to do so.

01:28:08:06 - 01:28:22:28

David Chatterton on behalf of the applicant. Yes, understood. That's fine. We'll submit a deadline for. Okay. And it's clear that the change request information that we flagged up isn't going to be considered. Yeah, that needs to be noted on that as well. Um.

01:28:24:18 - 01:28:28:26

Turning now to Flintshire County Council, first of all. And then

01:28:30:27 - 01:28:36:02

after that, just do you have any comments on tree impacts? Stuart Boddy Flintshire County.

01:28:36:04 - 01:28:39:12

Council Don't have anything substantive to add.

01:28:40:24 - 01:28:43:26

Okay. And in terms of the.

01:28:45:22 - 01:28:53:01

Environmental management plan tabled presently. There are no comments on that from from your side.

01:28:53:03 - 01:29:09:10

Are there safeguards for the trees? You know, in relation to the cultural Clark of works in this site specific a cultural method statement? You know, I'm satisfied at this stage in the process that there are support.

01:29:11:07 - 01:29:14:03

Thank you. And Cheshire.

01:29:15:01 - 01:29:20:21

At Michelle Spark on behalf of Cheshire West and Chester Council, we have no additional comments to make.

01:29:20:28 - 01:29:22:04

Okay, understood.

01:29:26:23 - 01:29:40:12

Uh, that completes all my questions for session one. Um, it's just gone five past. Um, it's a good time to have a break. A one hour lunch now. So we'll see you back at, uh, 2:05.

01:29:42:09 - 01:29:44:12

The hearings are adjourned. Thank you.