

# TEXT\_M25J28\_ISH1\_Day2\_Session2\_040320

## 21

Thu, 3/4 12:37PM • 1:04:15

00:01

Welcome back, everybody. It's now 11:20. So we'll resume this hearing.

00:09

Just before we move on to trees, I just wanted to having listened to the debate on the last item.

00:18

I think I want to stress to the applicant, if I may, if I maybe there's a hand up, I can see that.

00:28

Somebody's got a hand up. Jane Allen.

00:32

James, is there something you want to say? Before I say what I need to say?

00:39

Yeah, it's just have been reflected as also on that 4.1 discussions? I don't know if that's what you're talking about, obviously. But I, from a lay person's point of view, it sounds to me that this project is a tricky project in a, you know, in layman's terms, because of the restrictions on space. And,

01:05

you know, the growth on the golf club, and residential areas like how road. And so to me, it would seem quite a sensible thing to involve some sort of independent design panel, rather than just being an internal kind of affair, really. But that's just from a, say, what I thought about over sort of coffee break, if something is that tricky, you may need external specialists help. And the other thing is, obviously, being a local resident.

01:44

This area is locally sensitive to residents. Whether you're playing golf with you, we live in the area. And, you know, I know there's no sightseeing tours around junction 28. But

02:00

I think we would like to aspire to be to these bridges. And this whole project being as iconic and as a statically pleasing as possible, is something that I wasn't even going to mention. But having listened to what I've listened to. It's just twitched me a little bit, really. And I just, you know, I said Really?

02:26

And I think from the discussion we had Jane, I'd have to say I think the examining authority shares your concerns at this stage.

02:35

The document that my colleague, Mr. McArthur referred to the road and good design 2018, which is a highways England document

02:44

certainly puts forward good design approaches. And when you look at that document, it actually that the images within there are,

02:53

are good, they show how Bridges can be can be designed well. And that is what we have advanced to the applicant to submit before this examination. Mr. Challis, you may have heard as agreed to do it, what we will be looking for in deadline for is for that document not only to be in but for the applicant to explain how they intend to use that design guide as a as it as its Guiding Light is its strategy is its starting point for designing the scheme and the bridges and for it to be secured in the decio. So that would give the applicant that would give everybody the steer and the comfort that there is going to be good design principles applied to these to these bridges. I think that's

03:47

certainly our concerns, at least at this stage. And

03:52

the applicant may we'll have to see what they do at deadline for but will that that would potentially go some way to certainly giving us a starting point a higher standard of design approach to what they've currently submitted in which was I believe they're currently submitted in and you've actually just teed me up quite nicely, Jane, because that's exactly the point that I was going to raise with them just to having reflected also over the break that I wanted to press the point with the applicant and the importance of this issue.

04:29

And that whilst we have read their responses, we think there is more that can be done or more commitment that can be made. And we trust and hope that the response we've received today will go some way to do that. I'm not inviting a response from the applicant at this stage unless they absolutely feel the need to do so because I think we have exhausted the subject I just wanted to, to put my thoughts on record and to express the importance I think

05:00

This this issue needs to be taken forward and advanced in level, if you like, think that because I was I did hold back on that one, but I thought no, I'm going to be brave. But the other the other thing is the DIA. You know, I know from the open forum hearing the other night, there didn't seem to be massive awareness about the, the number of deer that roam free and the size of the nature reserve stretching

from literally our back garden from maintenance around Grove farm up to South wheeled, you know, and I just hoped it

05:36

is the infrastructure that's going to be developed, you know, on that north side of the 25 will take into account

05:46

you know, the way the deer roam free.

05:49

I don't know if it's going to impinge impacts or underpass because they, you can actually walk from where we are. It's a long bloomin walk. But the deer tend to use it. It's an underpass underneath the motorway. There's a sort of, I don't know what you call it, like a subway, really. And they and there's hundreds of them. I mean, there's hundreds it says in massive nature.

06:14

Nature area. Yeah, we're we certainly believe you, Jane, we observe them ourselves when we were on site. When we when we went into the currently closed maylands Golf Course, to look at the hole two we observed for ourselves the deer. So it's not lost on us. I'm perhaps I can propose in any other business item seven, item eight, sorry. Sorry, item seven, I will get it right. Perhaps I'll pose that question to Mr. Challis, And he can bring in whoever he needs to bring in perhaps just to respond to how and give the applicant the time to just have a think and respond as to how they are how they have incorporated or considered the local wildlife, particularly the deer in this application. Thank you.

07:07

So as there's no other matters, and I can see the Applicant hasn't put their hand up at this point. So that's fine. Can we move on then to the next item, which is which is trees? I believe, Mr. Dale, you're going to you're going to answer the questions on trees. So can I welcome you to this hearing?

07:32

Oh, you're there, Mr. Dale. Good.

07:36

And now, we've obviously asked him a number of questions on trees and

07:44

in our written questions, you've provided responses to those and we have noted those responses. But I think from the examining authorities point of view, there is some confusion and concern that that that that there is still unanswered questions and perhaps some

08:06

some confusion as to where trees are actually controlled in this application and how they're actually mitigated and managed and I'm hopeful Mr. Dale, that you'll be able to answer those questions and

certainly provide that clarity. For example, I think the three areas I want to look at is some ID on the number of trees that are actually going to be taken out how trees are being managed, maintained and protected and under replanting strategy. So

08:35

if I could start with some clarification, matters. Mr. Dale, you, you

08:40

there is mention of ancient Woodlands or the development affecting indirectly affecting ancient Woodlands but there are no ancient Woodlands inside the order limits that that is right, isn't it?

08:53

That is correct. Yes.

08:56

Now, there is some slight difference of opinion on the environment. He has chapter seven and he has chapter nine on the number of ancient woodland parcels. I think the ies chapter seven says there are 18 and chapter nine says there are 17 are you able to clarify that for me please.

09:18

I would like to default to miss Brinkley are in that regard.

09:24

The scheme does not result in the loss of any ancient woodland.

09:29

And the results of the surveys were presented in phase one habitat survey of ap 059.

09:38

Ancient Woodlands are present close to the decio boundary. And potential effect of the scheme on these Woodlands is set out in paragraph 7.8 point 26 7.8 point 28 and table 7.21 of the biodiversity assessment chapter seven of the s. Natural England have been consulted

10:00

On the biodiversity assessment, and the draft statement of common ground between highways England, and natural Lehmann, ret. One, zero 11 indicates that natural England's agreement with the methodology of surveys and the assessment, including for those for ancient woodland, as detailed in chapter seven, thank you. I don't want to and because of your agreement with natural ended, I don't want to focus on this from a biodiversity point of view. I'm looking at this purely as a tree management and loss issue. But I still would like an answer, please, on the number of parcels of ancient Woodlands that are indirectly affected, whether it's 18 or 17. Perhaps I can leave that with you to get a response on that one place.

10:46

And just to clarify, so all the words the tree grouping to the north and the grove to the south are have blanket TPO protections on them. That's correct, isn't it? That is correct, sir. Thank you. Now, the chapter seven also talks about mature woodland as well as ancient woodland. But it's not I would just like some clarification, please to do what is mature woodland? does all the word in good Grove counts as mature woodland?

11:17

That's a very good question, sir.

11:20

I would that chapter was presented by someone else and different expert, and I can get clarification on that for you.

11:36

Thank you.

11:38

There's not clear to me what is when it's clear to me what an ancient woodland is, but I'm not, I'm not clear what a what a mature woodland actually is or what it what it comprises and whether actually they are within the order limits or not. And if I could turn to the next on tree loss and the

11:58

aboral Cultural impact assessment that was submitted in Now, of course, that identifies areas in which the

12:07

the trees to be removed,

12:10

or you're not able to tell this examination, how many trees

12:15

that that that would be removed at this stage. So within the arboricultural impact assessment, Section four, we do detail in there, the trees for removal, that were recorded as part of the assessment. We've also got in table 7.18 to page 85 of the biodiversity assessment, chapter seven, AP zero 29. Total woodland loss is 3.6 Hectors total woodland planting would be 3.8 actors.

12:49

Yeah. Okay, but how many trees? I mean, how many individual trees will be lost?

12:56

I could give you that figure to in a written response, or would you like it now?

13:02

Well, now, if you've got it to hand, because I'm not convinced that figure is before this examination, unless I've lost it in the

13:11

plethora of documents that's before me, I have been fairly, I have read quite a lot of documents, but I didn't actually see

13:19

anybody exact or if not a number where there will be no more than

13:24

X number of trees to be removed. So in Section four of the arboricultural impact assessment,

13:32

we include in there section 4.4, table 4.2 and arboricultural. Impact table for remaining trees, which is where we list out based on the British Standard 5837 categories, Category A, Category B, category C and category EU trees. And then we list down within that table the individual trees for removal, and then the metre squared for groups that were recorded and woodlands. So it's very sensitive. Sorry, could you just tell me that table again, please? That is set out in table 4.2 of the arboricultural impacts

14:10

at 063.

14:16

Also, so within Appendix B, that that table I'm sorry to interrupt that. That's that that's remaining tree surveyed, isn't it? That's not a tree removal. token is it?

14:28

That's telling me that these are remaining that I want to know how many trees you're taking out.

14:34

So that presents the trees coming out aside from the veteran trees. So the veteran trees are in a table above, so remaining trees actually reflects those trees aside from veterans. The wording may be slightly misleading, but it covers all trees aside from veterans.

14:58

So just to be clear,

15:00

Yep, you're, you're saying that there would be eight category tree Category A trees removed 62, Category B 62, category C, and for category use that that is the total number of trees that would be removed.

15:16

That is reflecting the individual trees that we recorded as part of our survey. And then the group references and the woodland references are beneath

15:26

based on the different categories there In addition, yes, sir, that's a clue. If you don't mind me, Mr. Dale, I want to be absolutely clear that it may be me that's not understanding it. That's why I'm asking the question. So along with a number a category A and 62, Category B and 62 category C and for us, there is an additional 1577 square metres of Category A trees to come out. That is correct, sir. Right. And an extra 2917 square metres of Woodlands come out? That is correct.

16:02

But again, what that doesn't tell me is how many trees how many trees can I invite if I'm when I write to the Secretary of State? I can I tell him there will be 500 no more than 500 trees have been taken out I can't tell him that can I

16:21

know So, you have to give it as an area and as individual references and the brush standard 5837 also allows the recording of trees as woodland groups or as groups.

16:39

Okay, thank you very much. Um, if I could talk refer to management and maintenance. Now please. Could you perhaps just highlight for me where are trees controlled in this application? And what is the interrelationship between the Lemp and the Kemp when it comes to trees.

17:02

So, as part of deadline three a, the outline sent was updated rep three a zero 10 that now includes for an arboricultural includes an outline arboricultural method statement,

17:17

as well as updated tree protection plans, they are appendix F of the outline sent

17:24

and within the outline sent there is now

17:28

an

17:30

A commitment for final arboricultural method statement as an environmental control plan as listed in paragraph 4.4 point three of page 27 also within the react as part of the update is react but rep three a zero 11 table 1.1 on page six as an environmental control plan a final arboricultural method statement must be included within the centre and the principal contractor will need to adhere to and develop the final LMS as part of a detailed design process under requirement for the draft DCA and this will be followed in consultation with the relevant planning authorities and environmental stakeholders

18:19

so trees are exclusively a I'll call it a camp you call it a sample it's a it's a camp matter it's not it's there's no tree matters in the lamp.

18:33

I will ask whether Miss Maier could cover that.

18:38

If she would like to speak about that one or we can

18:42

well she has a hand up so I'm quite happy to bring Miss Maier.

18:47

Yeah, hi, I'm Elena Maier representing How is England in the updated sent which was submitted a deadline three eight. We have updated figure 2.1 in line to your concerns and that is page 13 of our document

19:08

where we have tried to

19:12

provide you a succinct overview of how these requirements fit in within the scheme through the skin designed to the scheme lifetime.

19:26

As you may appreciate the Cem is intended to cover all environmental matters which are in the environment statement. We have tried to

19:39

explain how the commitments which are in react have been secured through the dcl currently

19:48

and that we have specific requirements in terms of the landscape and ecology which are secured under requirement five and most of the other environmental topics are

20:00

secured under requirements for.

20:03

But where's the dividing line? That's what I want to know is if either the secretary of state or local authorities want to look at how trees are being managed, maintained, mitigated your overall plan for it,



where do we go? We're looking purely at the camp and the ark, the arboricultural method statement, or is there that is the limp dealing with things as well?

20:31

Okay, Marcus, putting his hand up with my understanding is that the lamp is intended to secure the landscape and ecological mitigation going forward. That's why we have this specific requirement. So it's looking at securing the design. But the same is more about the mechanism on how the construction will be undertaken for the scheme. So

20:58

that that's where the overlapping matters are the you know, on secure under various things.

21:08

I'm suffering, for example, in the react, which part of the end, we have the landscape and the tree protection and ecology, comfort as requirement and commitment.

21:24

As well as we have a separate requirement in terms of the design of the landscape and ecological mitigation areas.

21:33

This was requested by various stakeholders that we have a separate requirement on the landscape and ecological mitigation.

21:42

So the lamp deals with landscaping, but not trees. So it's just about the bankings and the grass verges and dealing with ecology. And the camp deals with actual trees. So you've got it. So there was trees are in one place dealing with overall landscaping and trees there in two different places.

22:06

So lamp is there to show you the mitigation, which is proposed and how that's going to be implemented going forward through the detailed design construction. That will have trees in it. Yeah, yeah, it's the

22:20

so. So this is this is helpful. So I just want to be clear. So if I want to see if I want to check how, for example, the applicant intends to protect trees during construction. I have to go to the camp. Yeah. If I want to see what trees are putting back. I have to go to the lab. Yes, that's correct. Okay. Okay. Well, it's probably my question may not be for you, maybe for Mr. Challis, but it I was going to ask this later. But I think it's important to bring this up. Now. If there is conflict between those two documents on to do with Tree Removal or Tree replacement, which one is taking precedence?

23:10

Mr. Challis, is that for you? Yes, I can do with that. I think as you quite rightly summarise the construction phase, Kemp deals with the position of trees during the construction phase under the method statement that we've been

23:26

that we've submitted an outline. And

23:30

then once the construction phase is over, and we're into the operational phase, then matters are controlled under the lamp. And you'll see there under requirement five.

23:43

See, there are, there's a specific mention of existing trees to be retained.

23:51

And as you will appreciate, the Secretary state needs to prove both the final version of the camp and the final version of the lamp. And

24:03

I suppose that any overlap that there might be would be dealt with at that stage, but there's no particular reason to think there would be an overlap because no one deals with the construction phase and the lender doesn't.

24:19

Right, okay.

24:22

Thank you, I may come back to that Mr. Challis, but I

24:27

just need to ponder that if

24:29

Thank you. And if I could just now return to my questioning on management and maintenance.

24:36

I want to talk now about and having established the interrelationship between the camp and the lamp, I would like to now deal with firstly ancient woodlands, then TPOs and then veteran trees, but if I could start with ancient woodlands,

24:52

now chapter their paragraphs, I believe seven eight to six and to seven of the chapter seven as you

25:00

sed sets out the potential impacts to ancient Woodlands these being in direct. And then seven 919. Seven 920 say protection measures on ancient Woodlands will be set out in the Kemp. Mr. Dale, could you tell me where in the camp I can find

25:19

out how ancient Woodlands will be protected? Please?

25:26

If you're new, my apologies as I was on mute.

25:31

I will need to clarify that for you, sir.

25:34

I will have a chat with the team don't know. Miss Brinkley on has mark. Mr. Challis got his hand up here.

25:44

He has but that may be an old one, I don't I can put a new hand up. So if that helps, I think

25:51

my understanding is there is no direct effect on ancient

25:56

that there may not be but there are protection measures which are being proposed to ensure that dust and dirt alike do not affect the ancient woodland. That's certainly what it says in the environmental statement. But it says further details will be a set out in the camp. And I'm going to put it to you that there actually nothing in the camp that that deals with ancient wisdoms.

26:20

I can leave that with you to provide a written response on that. But there is an example there I think where I find nothing in the camp and in particularly the ATMs.

26:31

Yes, they've ever gone through a method statement that deals with the protection measures for ancient woodland. I see what you mean, I can't give you an answer offhand. But I will come back with an answer.

26:43

Okay, probably do that quite quickly. But thank you. Yes, I understand the point you're making. Okay.

26:50

Thank you. So if I could now move on to TPO trees.

26:58

Now you say in your response to LV1.10 that affected TPS are identified in the borrower cultural impact assessment, which I've looked through, and I've looked through the plans as well.

27:08

And these cover the two areas, the north and the south of the site, which we talked and he says further details on the management of TPS will be covered in the outline

27:19

in the outline, bar council method statement.

27:22

That is 4.6, isn't it?

27:28

Yes, let me just check.

27:38

The title TPO trees. Yeah, I'll get around to Okay, no problem. It's page 117. of the Kemp, I believe. If that's helpful.

27:51

Yes, sir.

27:53

And that that comprises two very, very short paragraphs, doesn't it? One of which says that. It's the ones required record the trees that are recorded as being removed or identified in the tree protection plan Appendix B, which is in fact just a red shaded area, there isn't any detailed plan there? Is it it's more of a shading area as the area to protected trees will be removed? That's right, isn't it? Yes, sir. I mean, those are high scale, isn't it? So it's one to 2500? I think.

28:30

So it's not it's not a detailed plan. It's just that it's just a broad area of where trees are coming out. And then and then it goes on to say that this will be reviewed during the detailed design stage of the scheme.

28:43

Mr. Dale, I'd put it to you that this this is this is not a tree protection plan or a tree removal plan at all, is it this is this is this is kicking the can down the road. But what how would How would you respond to that? I will respond in as much the to tree protection plans of the scheme overlaid.

29:03

And for the trees. Within that scheme, extents are shown for removal, where trees are reasonably considered as being able to be retained. They're covered surrounded by tree protection fencing, especially for the TPO groups.

29:18

So the TPOs themselves are cited as groups. So they do not have individual trees, specifically cited within those within the orders. Therefore, the trees within that group are covered as a wider group, and therefore the area of that group to be removed is presented. We've also where possible recorded individual trees within the woodland groups. But in order to put every individual tree down for that group, it will be a plan that wouldn't be would be illegible because there are

29:54

Well, maybe not but you're going to have to at some point, aren't you going to have to identify which

30:00

Trees are going to come out in which trees when you're on the ground, and you're there with the diggers, you're going to have to know which ones you're going to be taking out and which ones you're going to be removing that that that stands to reason, surely. But you would also get your reference points marking out the areas, and there'll be marked out. And then these areas for removal would then come out. So the points shown on a plan would be geo referenced. And then the ecology Clark, who works as appointed by the principal contractor, would also be in attendance. And that is how the process continues.

30:39

So you're asking the Secretary of State essentially to say we're going to be taking out TPO trees, we don't know how many we don't precisely know where, because, but that's but that that's, that's a, an acceptable way forward in dealing with protected trees. And we're talking about protected trees, rather than just, you know, a tree screening of land or whatever it might be. We're talking about a woodland of protected trees. And the approach that highways England are taking here is to say, Well, we've got a plan of we know roughly where they're coming out, but we don't know precisely. And,

31:19

and moreover, when we get on site, that that may change. But we are presenting an area of TPO woodland groups that needs to be removed. And then as part of detailed design and part of requirement for the draft, DCA, following consultation with the local authorities,

31:40

those areas for removal will be confirmed, but are present, we are presenting the impacts to those groups showing the areas that would be lost.

31:51

That's very comforting, and what you've just said there, Mr. Tom's style, but I would ask you where it says that in the agricultural method statement.

32:00

But it forms part of the wider commitment to produce the final LMS.

32:07

Part of an environmental control plan? Yes, it does. But of course, the borrower cultural method statement has to be the final one that you seek to discharge as part of the requirement for has to be now whether we'll discuss this tomorrow, whether it should be substantially in accordance or in accordance with the outline document. Now, I would put it to you that if there's no information in the outline document that commits you to saying that the detailed number of trees to be removed, will be secured in the final document, how can how can it then how can it then be controlled? Is my question? I mean, Surely you've got to commit to that now. And then actually do it when the time's right.

32:54

So, I mean,

32:58

and that's where this is leading to I'll give you some thinking times that Mr. Dales, where this is leading to is what I would like to do is to know, the state exactly how many trees are going to come out to prevent a situation where a contractor is on site, and decides to take out more trees, because it suits them. And we've and we know it happens, let's be honest with each other. We it does happen on site where contractors take out more or decide that, you know, this is in the way let's get rid of it. And I would like the number of trees, I think it's right that the number of trees ought to be that are coming out are absolutely known and secured. Now if you're going to do that, that's fine. But I think it needs to be set out as a strategy in the outline document. And is that something you share?

33:56

I mean in in previous vcos, I mean that level of detail is not normally provided.

34:03

Because to give a

34:06

an absolute number of trees

34:09

would involve a considerable amount of trees plotted on a plan where it would be illegible. You are given areas to set out I mean the geo point you know each area for removal be geo referenced, and therefore the contractor has to set that out on site. So as an all of the large infrastructure projects.

34:33

I accept that what I'm trying to argue is a commitment to identify those trees a commitment to identify trees, which you will then do at the detailed design stage so that you know exactly how many trees will come out. That will then go into the final agricultural method statement. So the Secretary of State in

consultation with interested parties such as Dunbar paving will know precisely the number of trees coming out

35:00

And then therefore any variants to that would require some sort of approval process, rather than

35:08

indiscriminant number of trees being removed. And also it would give the Secretary of State and indeed, interested parties, some security, that that, that the contractor then can't, that the number of trees coming out is not excessive that that's the point I'm trying to make. I don't know if I can take this any further, other than to say to you that I think this document needs to be updated to give the commitment that you will identify the number of trees coming out.

35:42

And in the final document.

35:48

Yes, sir. We'll take that away. Unless Mr. Challis has his arm. I'm going to come to Mr. Challis in a moment. Well as your country now you teed him up, Mr. Challis.

36:00

Thank you. So we're really just to add to what Mr. Dale has said. I mean, this is a preliminary scheme design, as you will appreciate, and we have provided our outline statement. And I don't think it's reasonable. So that there is a bit of flexibility, as regards trees for to be left until the detailed design stage. And, of course, it is not left completely uncontrolled, because it is controlled by the Secretary of State who will

36:32

only approve both the final version and the camp and the final version of the lamp.

36:39

If, if he is satisfied that everything is in order, as regards trees, and all the other things that these documents will cover. So we are asking for a bit of latitude, this preliminary design stage. And, and as Mr. Dale said that, by no means uncommon, as regards

36:59

other development consent orders, yes, I'm not seeking to you to abide deadline for to provide me with exactly the number of hours, it would be nice to know, a maximum number, I think it would be helpful to say to the Secretary of State, there would be at least 800 trees coming out or whatever it might be,

37:18

to have a ballpark figure. But I think what I'm trying to get now is a commitment in this document in the method statement, that the number of trees to come out will be known at when you come to sign off this document. Because what I'm trying to what I'm I think is missing from this whole thing is some sort of

control over the number of trees coming out. What I don't want it to happen is for the detailed design work to identify let's pick on 800 trees to come out. It may be less than that, of course.

37:52

But actually 900 1000 end up coming out when you're actually on site without any form of check or control. Given the fact Mr. Challis that these are protected trees, we are talking about trees that enjoy protection. And that's why I have this concern. And this is why I think if this document commits to identifying those trees at the detailed design stage, so they can be known, then it gives that control to the Secretary of State to know exactly how many trees and if more needs to come out, then they can be assessed as to whether they're necessary, as I say, reminding you that these are protected trees. That's what that's what I'm asking for is a level of commitment in this document, that that will be done.

38:37

Okay, so, of course, I understand the point you make, may we just revert you on it having thought about it. And I think as Mr. Dale, there are some, maybe some points of sort of practicality as to whether the exact number of trees can be calculated, but I understand the point you make and if you just give us a bit of time to reflect and respond, then we will happily do that. Thank you very much indeed. Mr. Challis. I believe Mrs. Jones has their hand up, Mrs. Jones. Yes. Hi. And just a quick note, where you'd also be very interested as to how many trees they're going to be taking out of the woods. We get paid a levy by national grid to come and maintain the trees for which, you know, we are paid for so he's taking away part of our income for the farm.

39:30

Okay.

39:32

I don't know Mr. Challis, or you want to come back on that. Whether you need to at this stage, and

39:41

I don't think I've got anything to say in response to that at the moment. Okay. Thank you.

39:49

Mr. Douglas. I believe you have your hand up to Mrs. Jones. Could I just ask you to put your hand down please. Thank you, Mr. Douglas.

40:00

Thank you, sir. Just a couple of comments on the agricultural statement from the lundeberg. Hearing, please, it's just to say that

40:10

we obviously welcome sight of the agricultural method statement in appendix F of the of the outline, Kemp.

40:18



And

40:20

we also welcome that the final IMS will be produced in consultation with a local authority. And we'll certainly look forward to consultation with the with the applicant through the through the detailed design stage, because we'd certainly want to ensure that tree protection measures are obviously appropriate and protected trees and protect trees are considered to be at risk by hiring as local planning authority.

40:52

Just a couple of points of clarification from the applicant, if that's possible today or at a later stage,

41:00

we would seek clarification that the environmental clerk of works will be that will be appointed will be involved in the monitoring and the establishment of new tree and shrub planting.

41:15

We'd obviously consider them to be assumed to be suitably qualified per person to confirm that ecological measures

41:24

or to confirm the Decalogue through ecological measures that are referenced in in table 2.1 of the of the IMS.

41:33

And

41:35

we'd also recommend that were within the outline as it seeks, but either the environmental clock of works or the aboriculturist to, to tu confirm mitigation that that text clarifies if either one or the other is sufficient or whether both the environmental clock works and the arbour culturist need to need to agree those measures to avoid any particular misunderstanding misunderstandings. And the final point I'd like to Raisa if I may, is that we have previously Haman has previously recommended that there is cross ref reference made in the outline camp to check the ball bat roosts features in any trees to be removed for management or safety requirements. And our review of section five of the IMS which is the tree work section doesn't appear to indicate any references to Tibet. So we just wanted to flag that up. Thank you.

42:39

Thank you, Mr. Douglas,

42:42

is to challenge who would be best placed to respond to those points that that is that's been raised that point. Mr. Douglas has also raised an issue that I was going to ask a question on about the ecological clock works in the bar culturalist and about when their appointments would be IE before the camp and

limps have produced presumably they would be but I was going to seek clarification on that. So if you could either address those aren't questions yourself or put on the person who might be able to help indeed mismaloya can help with this. Thank you.

43:26

Hi, Evelina Maier representing highways England. So yes, I can confirm that these key personnel would be identified at the detailed design stage and

43:41

they the chem section where which covers the

43:49

key responsibilities and roles in terms of environmental management,

43:55

those areas to be updated with the names of the people and what their experiences and what they are going to be managing or overseeing as part of the scheme. So this is common practice which you know, every principal contractor would do with appoint specialists we have recommended in the outline sentence.

44:19

I'm sorry, we smell your it might be my end but the sound cut out there Could I just asked you to just repeat what you just said I do apologise, but you went silent for a bit and then I missed the connection of your two sentences if you could if you could just say again what you just said please. Okay. So, I said that the principal contractor would appoint the key personnel required for implementing the environmental law

44:50

mitigations

44:52

and these are, these people are going to be outlined in the final session.

44:59

There is a

45:00

section in the sand, which would

45:03

have

45:05

the names of people who would be covering various aspects of this, the environmental management, either our cultural resource ecologist or archaeologists and so on. So these names would be available before the final sem

45:23

is prepared.

45:26

Okay, so that's I did read that that sets out in the AMA that they will be appointed before the final agricultural medicine statement is produced for final.

45:41

And we recommend that these specialists are involved in the development of the detailed design. So the

45:52

more the details of those the particulars of those persons be in that document where they introduce themselves as who they are and their qualifications. Yes, they will. Okay. Thank you. Mr. Douglas, do you want to come back on what you just heard?

46:12

Just to just to note, what the what the, what the applicant has, has, has said and from, from hybris perspective, we're, we're happy with that.

46:24

Thank you.

46:26

Okay, so my I just raised one final point, if I may, on the on the IMS.

46:34

Yes, please. Thank you. And

46:37

apologies to the applicant. If I've missed it in the IMS, in which case do please pointed out to me, but we are aware that

46:47

part of the mitigation that's proposed for the loss of a thing to veteran trees

46:54

on the development is,

46:56

is the veteran noising of younger trees in the area as compensation for losses within the site boundary. And we couldn't find any reference to that within the IMS. So if the applicant was able to indicate where I can find that that would be helpful or offer a comment either way. Thank you.

47:18

Yes, I'm about to come on that veteran tree but Miss Maier, you can do you want you've got your hand up, do you can I invite you to respond?

47:27

Yes, I mean, these requirements are in the react and as the outline arboricultural method statement is an outline, we envisage that this information would become available in the final

47:41

arboricultural meta statements. So, I we can put this information in the updated outline arboriculture meta statement, but

47:53

the scheme requirements and commitments should be looked at in the React document, which is the overall

48:05

which provides the overall commitment for the scheme. So that is the key document from which the relevant management plans would need to be,

48:17

you know, developed from but what am i Yes, that is true Miss Maier. But of course, the these documents, the camp, the lens and all the dependencies that form them build on those three acts they take. Yeah. And tell us how they're going to carry out that commitment. And I think that the issues that certainly Mr. Douglas and I seem to be raising is there's actually not much in the cultural method statement that builds on the commitments in the React other than to tell us it'll be sorted out in the deep, detailed design stage. And I'm not wholly convinced that's enough information at this stage to be satisfied that there is these protection measures in place.

49:01

And so I will leave that with you to perhaps give some thought to that over the over the coming days. And I think that's the there is questions. So are you the best person to ask on veteran trees Miss Maier, or is that

49:18

Mr. Dale? Thank you.

49:21

Mr. Dale. don't have too many questions on veteran trees. But I just want again points of clarification, if I may.

49:30

Again, the agricultural Impact Assessment says that the construction operations to protect veteran trees will form part of the outline camp that is section 4.5 of that document.

49:45

That that is that is can I confirm that is correct.

49:50

Yes, the also within

49:55

tree protection fencing is now also been included within the updated tree protection

50:00

Plans submitted as part of the outline ARB method statement, rep three a 10. And the specification for that fencing is included within the outline HMS page nine figure 3.1.

50:17

It's good to have a look at that time I said.

50:23

And what pay you per page nine? You said of the of the document or the outline IMS? Yes, I have that in front of me. I've got the fencing. Yes. Yeah. Um, is that all that? Is that? Is that all that's needed to protect? A veteran tree? Is it just the fencing? Is that is that yes, the definer construction exclusion zone for the tree. Okay.

50:49

And again, what confused me is because when we got to the section on veteran trees in in 4.5, I couldn't actually find any protection measures. It was all about identification, I think of the of the veteran trees and not actual how, how it's going to be. And I think it comes back to the point I'm making, that I that the information does seem to be spread all over rather than contained in one chapter, dealing with veterinary dealing with protected trees dealing with ancient woodlands.

51:19

So

51:21

I think my point is so this section deals with identification, but I'm going to go elsewhere to look to what protection measures are being in place.

51:31

Right. Now, outline, IMS does give you the protective fencing, it also gives you the specification for that fencing.

51:42

The outline IMS is providing the parameters and the basis for tree protection, which needs to be developed for and can only be developed with a full detailed design and contract and involvement as per the British Standard 5837 guidance.

52:03

Thank you. Okay. And is there.

52:09

I'm pretty sure it's convincers paragraph 7.9 point two of the states that the veteran trees we managed to maintain in the outline Lemp.

52:20

Again, is this an example of where veteran trees have some of its dealt with in the in the camp and some of its dealt with in the lamp?

52:30

I believe there may be a crossover there. Yes, sir. But we can seek clarification on that.

52:38

Thank you.

52:51

I'm just thinking just pause for a second Why just check up I've asked for my questions.

53:02

If I could while we're on the subject of veteran trees, and again, perhaps you can help me here you've made references that for the to the for the benefit of all interested parties, you identified two veteran trees that are unavoidable that would have to be removed as part of the development. That's correct, isn't it? And that's correct, sir. That is trees t zero 21. A and tree t 074. And these are including the technical note regarding veteran trees. Appendix C advocating scheme. Yes, I haven't fight. Yes, I've certainly looked for that. And I have a print off of it here. Um,

53:46

and you're going to replace eight trees for that one for each veteran tree loss, that that's the plan, isn't it? The compensation for the loss of the veteran trees has been discussed and agreed with natural England, including the number of species and replacement trees. That's see statement of Common Ground reference 2.4 page 11 rep one, zero 11. Also, the London borough behaving within their written Rep. 38041 agrees with highways England that there is an unavoidable loss of the two veteran trees and agrees to the compensation proposals in their response.

54:29

Okay, um, but my question, Is this the eight? What is your strategy for the eight trees that are replacing the one veteran tree? In other words, 16 trees that you're going to put back?

54:44

So you say that the species have been agreed you've agreed what trees are going back? And are you able to tell me where they're going back?

54:54

I cannot tell you where Yes, sir. I believe there'll be obviously nearby in

55:02

In the locality, obviously. And what is that? That was gonna be my next question. Well, what does that mean the locality and or nearby? Are we talking? We're not? Are you committing to do it within the decio boundary, for example, and it's not being sorry about being within the decio boundary. So it'd be in the grove.

55:22

I assume it'll be in the growth.

55:26

Yeah. I'm not sure that that commitment is set out in the in the documents that the Replace trees will be within the order land. Or the order limits My apologies. I think certainly

55:42

studies and is the case it suggests so what I what species are you putting back then? Are you able to tell me what you're putting back? I have not got the list in front of me, sir. But I believe it's Quercus Robur.

55:57

Common, okay. Yeah.

56:01

Thank you.

56:03

Looking for hands at the moment. Nobody's got a hand up. So I'll carry on.

56:09

Thank you for that.

56:13

Right, I've got only a few more. We all do have a hand. And

56:19

Jane Brinkley has got a hand up.

56:24

Brinkley.

56:27

Hi, yes.

56:29

I just wanted to clarify that for the replacement

56:34

for the trees, because one of the veteran trees that's being removed is Ash.

56:41

We obviously won't be planting ash due to the prevalence of ash dieback. Yeah, but there'll be replaced with hornbeam.

56:50

And it yet Mr. Dale helped with that decision based on how appropriate it is to plant hornbeam in that area, because of its presence in the woodlands. And yet it's a species that

57:03

you know, there's some older specimens there within older wood already, and it's not currently under threat from any disease or damage from pests.

57:14

Thank you.

57:18

Thank you very much. Okay, so

57:23

one, two final questions. I think. Again, I'll ask Mr. Dale.

57:29

The final aboral cultural method statement is that being produced before or after the design detailed design stage

57:41

it will be produced during Tom Dale housing and sorry, it'll be produced during that detailed design phase. Because there you know, the whole process needs to be informed by each other. So

57:55



it will be as done as Parkland comm consulted on during that phase. So to be clear, when the when the full arboricultural method statement comes before the Secretary of State and is consulted on with hazing, amongst others, there will be nothing in there that says this is subject to the detailed design stage, everything will be known at that point.

58:23

I would believe sir, believe that would be the case. However, I cannot say for certain.

58:30

Okay.

58:33

Because

58:35

I have to say I've got I'd have a real concern. If there were still references to detailed design stage. I think I agree with you, I think you're right to say that they need to form each other. But in my view, the bar cultural method, I'd put it to you that the bar culture method statement needs to be

58:53

a process where the design is known. So you know exactly how many trees are coming out and where and, and, and your strategy for putting them back. So.

59:07

So again, I'm going to sort of let it be known that I don't think the document the final document didn't have any references to subject to detailed design stage. But if it's being done at the same, Mr. Challis, you, hopefully you'll be able to

59:22

help here.

59:25

As um,

59:27

as Mr. Dale suggested, to me, these two processes form each other and there will only be one approved camp, including this statement at the end of the day. So I think it must be right that it shouldn't be subject to

59:43

further design stages. It will all be sorted out by the time it's in outline form. I hope that gives you some reassurance on that. I think it certainly does. Yes, because I think at this stage, we need to know what's happening as opposed to my worry, of course is that if it

1:00:00

Something is subject to a deep, deep, detailed design stage, then it becomes uncontrolled at that point. And that is that is the point I'm trying to certainly make. Indeed, I see that then he wouldn't be properly described as final. I think so I take your point. I think that is how it will work.

1:00:18

Thank you very much.

1:00:20

I think this is the question to you, Mr. Challis, because it's an overall round up question. I think that's all the questions I have on trees. You I think you've certainly helped, or your team have helped answer the questions. But I have to say, there is clearly at this is a big issue to resolve.

1:00:42

And in my view, it would be better to have the bar cultural method statement as a separate requirement independent of the camp, this is going to be a fairly detailed document is going to have a lot of plans to it, it's going to have to be thoroughly looked at. And I think it should stand on its own two feet, so to speak. And there are also advantages of doing that, because of course, it wouldn't hold up, the Kemp's being approved, which deals with the other environmental plans. And is this something that

1:01:18

your side would consider

1:01:23

breaking this free, like you've done with arboricultural of our culture and given the importance of trees and the protected trees, ancient Woodlands in light of making this a separate requirement?

1:01:36

Sir Mark transpolar is England. I can see some merit in that. And I think there is some clarity and having a separate requirement dealing with trees, given the importance of the issue, which you describe.

1:01:49

Certainly, we'll consider that. But my view in response to that question, is that it?

1:01:56

It is probably appropriate. And I think I don't see why we would have any

1:02:02

objection to setting it out in a separate requirement. I can confirm that. But that's my view is that will probably be very helpful thing to do.

1:02:12

I do too. And I'm very, very, I think that would be very welcome. Thank you. Thank you, Mr. Chairman. I don't have any further questions on trees. Can I ask whether any of the interested parties, local authorities want to any make any final observations

1:02:30

at this stage?

1:02:36

Okay, none at all.

1:02:39

We've reached

1:02:43

just One moment, please.

1:02:52

Okay, thank you.

1:02:55

I'm just going to ask for a short pause for a few moments while I just discussed with my colleague as to how we take the agenda from now whether we move on to five or we take perhaps a slightly earlier lunch given that we've reached a pause if I could ask for a short term to two minutes. Two minutes to a German.

1:03:46

Thank you. I think he's probably rather than start on people in communities. I think we will.

1:03:52

We will adjourn for lunch at this at this point.

1:03:56

So it is now 25 past 12. If I cannot we take another hour again, please and

1:04:04

we will resume this hearing at 25 past one. Thank you