

TRANSCRIPT_ISH2_SESSION1_A57LINKRO ADS_09022022

00:05

Good morning, everybody. The time is now 10am. And this issue specific here in the activity seven link roads project is open. Thank you all for joining us today. Please could a member of the casing confirm that I can be heard clearly? And that the live streaming and recording started?

00:21

Yeah, I can confirm you can be heard clearly on the live stream has started. Thank you.

00:26

Thank you. To avoid disrupting the hearing, please Could everyone keep your microphone muted and camera off until we invite you to speak? Thank you. My name is Stuart caliphates. And I'm the Lead member of the panel of examining inspectors appointed by the Secretary of State for the application made by highways England, but not a granting development consent for the A 57 liquids project. Whilst the application was submitted under the name of highways England, the applicants name has since changed to national highways.

00:57

Good morning. My name is Ian Dyer, not and the other member of the panel as the examining authority, we will hold an examination to this application and then write a report to the Secretary of State with a recommendation on whether or not consent should be given. The police team works alongside us throughout the process. With us today are Edwin Mawdsley, who is the post Manager PRO car and Max Baldwin of case offices. I will now run through some housekeeping matters. And we'll repeat a couple of things that weren't covered in the arrangements conference. For those that are watching the live stream or recording. As I have already mentioned, this event is being both live streamed and recorded. As explained in our letter of the 16th of December 2021. The recordings will be returned published. These recordings are public record and can contain personal information to which the general data protection regulations apply. The planning inspector practice is to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. Therefore, if you participate in today's hearing, it is important that you understand that you will be recorded and that you therefore consented to there was tension and publication of the digital recording. We will only ever ask for information to be placed on the public record that is important and relevant to the planning decision. It will only be in the rarest of circumstances that we might ask you to provide personal information of the type that most of us will prefer to keep private or confidential. Therefore, to avoid the need to edit the recordings would allow us that you try your best not to add information to the public record that you would wish to be kept private or that is confidential. Please could anybody joining in teams minimise any background noise. This includes switching off or muting your mobile phone if you're not using it to join the hearing. Please also remember that the chat function on teams will not be

enabled or in use. So please don't try to use that for questions or comments. We will only use the raise a hand function in Microsoft teams at specific points in the agenda. When we invite general comments. We will invite people who do not have that feature an opportunity to comment at random times. If you're watching the live stream. Please be aware that the live stream will be stopped when we adjourn the hearing will need to refresh your browser age to be able to be starting. We will remind you again, when we adjourn will find it useful to have our letter of the 16th of December 2021. The agenda that was published on the 31st of January 2020 Tales at hand. relevant parts of those documents will be displayed on the screen during this hearing. For those who are watching. We will highlight which parts of the documents we are referring to for anybody that is not watching. I will now ask that certain party introduce themselves. Please mute your microphone. And if you're comfortable to do so, switch on your camera when I invite you to speak please switch them off again when I move on to the next speaker. If there are a number of people representing the party, then please could the main speaker introduce themselves now? Please could any other member of their team introduce themselves at the point at which they make a contribution to the discussion? Those represented I will speak to the applicants, please.

05:04

Good morning, sir. It's myself, Mrs. Vicki Fowler, and I'm a partner at Gowling WL G. And I'll also be joined by Richard furling. Richard and I will be working our way through the various agenda items. So I think it makes sense for Richard to introduce himself. Now, I think we are joined by several other members of the team. But I think you've said that you're happy to, for us to introduce those as and when we call those. Thank you.

05:31

Thank you.

05:33

Good morning says,

05:35

as far as explain, my name is Richard Sterling. I'm also an accounting and legal adviser to the applicant. Thank you. Oh, no. Invite the other attendees to introduce themselves. Please give your role where appropriate, the name of the organisation that you're representing. Thank you. I'd like to start with high peak Birkins.

06:07

Come on, and Mark James principal playing up to hifi Borough Council are joined by my colleague dunkery as well.

06:14

Thank you. Hi, I'm Dan McLaury, senior pollution officer for hyper Council.

06:23

And so, thanks, Mister sit. Would you wait for later in the agenda when you're one can speak in a particular issue to introduce yourself? Thank you. Could I now hear from Peak District National Park Authority?

06:46

Thank you, sir. Tim Nicholson. I'm the transport policy planner for the Peak District National Park Authority. And I'm joined today by Brian Taylor, who was the head of planning for the National Park Authority. Thank you.

06:58

Thank you. I understand that your audio only

07:05

Mr. Nicholson, is that correct? Yes, that's correct. Yes. Thank you.

07:10

Okay. Could I hear from 10 side Metropolitan Borough Council next? Morning, Sir

07:24

James Felton locum solicitor, Tameside Borough Council. And

07:31

then Darbyshire canticles.

07:36

Good morning, sir. I'm Steve from a team leader in planning policy and monitoring Derbyshire county council. I'm joined by my colleague Jeff Blissett. This morning.

07:43

Thank you could I hear from the Environment Agency?

07:55

Good morning sir. My name is Lee beverage. I am a groundwater and contaminated land technical specialists, myself and several colleagues will be on the acquiree today and tomorrow.

08:05

Thank you. Mr. puffery. You still have your hammer on such Thank you could we move on now to Carol Helen?

08:25

Hello, Carol Helen, I'm a volunteer for a little community group in Glossop. Sharefest. My journey to School

08:38

Dr. Ron Robinson Thank you very much.

08:45

I'm here on behalf of CPRA Peak District in South Yorkshire and I will be joined by Keith Buchan who's the consultant from Metropolitan transport Research Unit

08:59

state and Bayshore.

09:06

Hello I'm Steven van Sharma. I'm a local resident lived in the area most of my life intend to so I feel and currently Hollingworth a motorist have also been a motor Sorry,

09:21

could you say statements Okay, about your interests, the lighter we are at this stage we just need to introduce yourself thank you. Mr. Wimberly.

09:50

Mr Wimberly, would you introduce yourself please?

09:56

I think Mr. Wimberly may have dropped out so, I will not talk to him and just see where he is. Thank you.

10:02

He's just trying to rejoin us.

10:08

That's will

10:11

Allah Mittleman from the lobby now but you may want to go to

10:18

Mr. Bhalla?

10:24

Yes, good morning, Walter Bauer from car house farm Hollingworth representing the Bauer family. Thank you.

10:41

Mr. Wimberly is coming. Good morning. Oh, yes, thing is I think you may have to learn steam playing in the background, you'll need to close the live stream.

10:59

Yes, that's right. I've done it. Can. Can you hear me? Is that all right. Thank you. Thank you.

11:04

Could you just introduce yourself?

11:06

But yeah.

11:12

Um, it looks like Mr. Wimberly is dropped out again, I'll contact them just to see any issues. Apologies.

11:18

Well, he's effectively introduced himself now. So we'll proceed.

11:27

Thank you all for attending today. Purpose of this second issue specific hearing is to provide an opportunity for the examining authority in an eye to examine specific issues relating to the application, and to evoke parties to make oral representations about those issues. This hearing is held in accordance with section 91 of the Planning Act 2008. This hearing is also subject to our powers of control over its conduct, as established by the Act. This hearing provides an opportunity for oral representations to be made during the examination. This hearing will not cover all of the issues that we're considering during the examination, many of which are being addressed in writing. I would remind people that this is primarily a written process. Our expert we hope to provide opportunities for all represent or representation from those who wish to make them but we would stress that nothing that's been provided in written representation should be repeated please. And we may have to time limit any submissions, depending on the progress that we make. Mr. Wimberly Welcome back, sorry about the IT issues that you've had. I think you've effectively introduced yourself already. So we're just progressing with the rest of the agenda. So you may wish to switch your camera off. Now. Mr. Unbeliev, thank you. We do not expect parties to treat this hearing as an opportunity to set out their full cases or to divert the hearing from the specific matters at hand. We have structured the hearing today, so that you may explain certain points when we invite you to speak at the relevant point on the agenda. Please keep your microphone muted and camera off until we invite you to speak. Each time that you speak. Please give your name and if appropriate organisation for the formal record. Please direct all comments questions and answers through us rather than directly to any other party. We will cover the points in the agenda that was published on the 31st of January 2022. Please could the case to now share a copy of the agenda on the screen? Thank you. And could we just zoom in on the phone? Thank you. We're just about to complete agenda item number one, which is the welcome remarks introductions and housekeeping. One final point into this first agenda item for everyone's comfort. We'll be taking regular breaks. Normally this will be at intervals of roughly an hour to an hour and a half. Breaks will normally be relatively short. However, there will be a longer break for lunch. We will shortly go into the main part of the hearing. When we will take the hearing through each of the listed topics in turn. plan is to cover items to noise and vibration. Three transport networks and traffic this morning before lunch, and then items for landscape visual and greenbelt and five biodiversity this afternoon. Item six climate change

will start no earlier than 10am tomorrow. So then the most that we would achieve is to go through items to Three, four and five today. However, if we take longer than planned on items two to five today, we may need to switch the agenda and take additional items tomorrow and potentially use the backup time that we have available on Friday. Our plan is to conclude issue specific hearing to by close of play tomorrow. But as I say that is subject to as making sufficient progress, so that there will be some flexibility. If there is any change to the plan I've just outlined, and we'll keep you updated on progress as we go through. And on our plans to move items around as necessary. between today and tomorrow, or between today, tomorrow and Friday, if needed. We are going to ask for some responses to some of the questions that we highlight to be provided in writing rather than during the hearing. And we'll we'll highlight that as we go through. We do believe that some of those

16:11

apologies, that'd be one. It seems like we may have had a repeat of what happened yesterday. If you please just bear with us for a couple of minutes. I'm sure we can sort this problem out. Thank you.

16:29

Could a member of the case team please confirm that I can be heard?

16:33

Yeah, I can hear you now. Thank you for getting back to join the hearing. I'll asop heartbreaker to put the screen down now please.

16:46

Sorry, could you repeat that?

16:48

Yeah, I can hear you now. I think we're we're ready to go when you are really.

16:54

Okay. Thank you. Apologies everyone, it would appear that the Wi Fi in at the planning Inspectorate has just come down, which remember the case you may have relayed to you. So we're currently having to join by audio only. So apologies for the interruption, but we will carry on. And hopefully it will be reconnected properly soon. So apologies that you won't be able to see us at the moment. We're just completing agenda item one. And I think I just asked the applicant if they'd be willing to provide a written summary of their responses for deadline for on Wednesday, the 16th of February.

17:43

Mrs. Vicki Fowler on behalf of the applicant? Yes, sir. We will do that.

17:47

Thank you very much indeed. Are there any questions about the agenda or about how this hearing will be conducted today? Thank you. So we're now going to move through the topics on the agenda from item two onwards. We will be starting therefore with item two, which is noise and vibration. As we consider necessary, we will raise an invite responses to these issues and questions, take further

contributions, ask further questions and provide the applicant with an opportunity to reply. Each time that we invited to speak please give your name on whose behalf you are speaking. So moving to agenda item two. And the way that the agenda is organised is that there are a series of headings and sub headings there is an introductory to each question and then the question itself. So I will give a brief introduction each case I may I may attempt to summarise some of the previous submissions made. Before I asked the question if I if I incorrectly summarise please do say, but it helps with progressive, I can provide a nice summary of those. So we're going to start with question eight. And in fact, I would like to take question eight in writing, please, I believe the applicant and had a diagram that their wish to submit on this topic. It was little too late. And fortunately for us to accept that submission and to give parties a reasonable time to look at it. So I think it works best overall. If we can take it to me in writing, please is the applicant content with that?

19:44

Vicki Fowler on behalf the applicant? Yes. So we are consent. Thank you.

19:48

Thank you. So moving on to Item B baseline noise levels. And there are a couple of questions around this. So first of all, In response to one of the first written questions, the applicant said that it will undertake noise monitoring in the area of 18 and 1550. Rather, will he bridge, an area where there hadn't been noise monitoring as part of the baseline surveys? In relation to that, there were some assumptions made in the assessment about the noise levels that will ibridge based on other data than survey data. And some of that data indicated a baseline noise level that seemed higher than a number of other locations in the area. So there's a concern that we have as to whether the baseline noise levels are representative in the assessment, so please, could the applicant comment on the likelihood of the baseline noise levels being lower than currently assumed in the assessment? The potential implications of that for the significance of effect? And the follow up to that is should the monitoring be carried out during the examination, and the EES updated accordingly? To a question for the applicant, please?

21:16

Vicki Fowler on behalf of the applicant. And thank you, sir, I wonder at this point, if it'd be appropriate to introduce Adam Lawrence, who is leading on the noise questions, and I'm happy to provide my understanding of the situation and then and then perhaps some Adam Can, can come in and just confirm if he wishes to add anything else. But but as if you'd like to introduce yourself first.

21:42

Hi, my name is Adam Lawrence. I'm providing noise expertise for the applicant.

21:47

Thank Thank you, Adam. So firstly, my understanding is that 18 and 50 Willie bridge are exposed to high levels of road noise, and the building facades that will be most affected are those fronting the existing a 57. So in terms of that baseline monitoring, effectively, that's that's not a surprise in terms of the position of those buildings and the volume of traffic in terms of whether the baseline noise level could be lower following monitoring noise from traffic on roads very much depends on both the flow of traffic and the speed of traffic. And where there's less traffic on the road, it tends to go faster, and

overall noise levels tend to be similar. And there's perceptible changes in noise in traffic flow, where traffic flows changes at least 20% Or there's a change in speed of at least 10 kilometres per hour. Now, the the baseline levels for operational noise are calculated based on the annual average traffic forecasts, and the values have been taken from the R. So the Defra have three strategic noise maps. And they were published in 2019. For 2017, so that was pre pandemic DFTs, just statistics suggests that current traffic levels are backup at a at about 90%. So there may be less traffic, which could suggest a lower baseline. And, and effectively any noise survey has an element of uncertainty. In terms of updating the noise survey now, during the examination, I think as I've noted, there is an element of uncertainty with noise surveys. But there's two key considerations here. Certainly shorter measurement periods are not recommended. And can be uncertain. So the baseline monitoring for the IES was undertaken for at least a week at each location to eliminate day to day variations. And then the other thing is that noise levels are affected by high wind speeds and rainfall. And so we get obviously, these conditions are more prevalent during the current months of the examination. The survey for yes was undertaken in the summer. And so it may be necessary to exclude some of some of the data measured. And I think Jerry would submit that this there isn't a clear reason to justify the monitoring now. Adam, is that a fair summary? Is there anything else you would like to add to that or anything that I've misrepresented?

24:36

I think that is a fair summary. I think it's worth noting that for the operational assessment, we are comparing predicted levels with predicted levels and the measured levels are the ones from the baseline mapping are used for the construction baseline rather than the operational baseline. So any variation in level levels that we would measure would affect the construction assessment only and not the operational assessment. But my view is that traffic levels are very similar to what the how they have been pre pandemic. And so noise levels are unlikely to be very different. Thank you. Thank you.

25:20

Thank you. That's helpful. Just to pick up on that last point, could could you explain why the monitoring data wasn't used for the operational assessment.

25:30

And because the methodology asks you to compare calculation against calculation. So in the dmr, you predict the noise level at more 1000s of different receptors without the scheme and with the scheme in the opening year and in the future year. And the assessment is done by comparing across those

25:50

predictions based on traffic flows, based on

25:55

the output of the traffic forecasts. So the traffic assessment gives us current and future years with and without the scheme, and we use those four sets of traffic data in the noise assessment.

26:08

Okay, it's, the monitoring data isn't considered to be a better indication of baseline noise levels than the predicted the model traffic flow based noise levels.

26:23

Yeah, I mean, it would be, it would be quite a challenge to go and measure noise levels at the many 1000s of receptors that we have within 600 metres of the scheme. And so from a practicality point of view, you we've done measurements, and we verify that those measurements are similar to the predictions, and that gives us the basis that the predictions are good. And we can then use the predictions at all of the receptor locations.

26:55

Thank you What Hi, peak Borough Council raised particular concerns about baselines noise surveys within its area. So I'd like I'd like to invite hifi Borough Council to just comment on this initially. So I think I'm gonna come on to the point that you made about monitoring for other receptors in your area. So if we can come back to that later, but just the general point, that the applicant, the general points the applicants making about the difficulty in doing monitoring at this stage, the practical issues around that. And that, in fact, it is not relying on the monitoring for its operational assessment. So do HYPEE company journal comments on those issues? Please?

27:53

Mark James, hyper accountable. I'll hand over to my colleague, Dan curry from the Arabic health team for noise issues.

28:02

Yeah, thank you very much, I think are outstanding, because it the quite correct in terms of you use the baseline survey to verify that the predicted or the stated noise levels are accurate? I think one of our concerns would be that no such verification is really occurred within the high peak Borough Council area. And so none of them on the actual monitoring used in the initial assessments were verified against any of the predicted levels within the high peak area. So that would be the concern on that one.

28:35

Okay, so the principle of using the model traffic flows as the baseline is normal, but that it will be expected that that will be verified against monitored results at the locations where the monitoring data is available. Is that correct?

28:54

I think so I think we would have expected that some monitoring along the willie bridge area would have occurred when that was identified as noise in a sensitive area. However, we do concede that that monitoring at this moment in time or recently, obviously has been compromised. So there is an issue with that in terms of being able to go out during the pandemic to get a representative sign. Yes.

29:17

Yes. Okay. And that the particular issues that we've raised in the area of 18, and 50, will the bridge do those creating special concerns behind peak Borough Council at all?

29:34

Well, that we obviously welcome the fact that they're going to do additional monitoring there. It really would come into the compensation potential or the mitigation that might be afforded. And so that would be just to ensure that all the properties that are going to be affected, would receive the correct mitigation measures if they were identified to need them. So obviously, it's welcomed in that area. We, but we do have some reservations that possibly it's not been extended fully with the baseline baseline modelling.

30:11

Yeah. So, applicant, there are residual concerns. I think that failing that in a number of areas in the high peak Borough Council area, that there hasn't been sufficient verification of the modelling of the baseline against of the the baseline noise identified through the transport modelling. There are gaps between the verification of that against monitoring over quite a large area within high peak for a council, it would seem so good. Could the applicant comment on that, please?

30:53

Well, as Adam Lawrence providing noise expertise for the applicant, we have got noise monitoring at a number of different locations across the scheme area. And each of those was undertaken for a week in the summer. And so we've got a taking the study area as a whole, we feel we've got a good coverage of baseline noise level locations. And so we're able to do that verification in those areas.

31:22

But none of those are within the high peak Borough Council area. No. But we wouldn't

31:31

expect the traffic forecast takes the study area as a whole. So if you've got good matching at many locations, then the impact in high peak would be the same same as the impacts everywhere else.

31:50

Okay, let's I will go away and consider this. So is the applicants position that it doesn't consider it necessary to verify the baseline against monitoring in the high peak Borough Council area? Is that the applicants position

32:08

Vicki Fowler on behalf the applicant? Yes, that that is that is correct, sir. So the fact that other other parts of the study area have been verified, that we have confidence in the results for the high peak area is what I'm hearing.

32:22

Okay, so that that. Okay, I think the applicants position is clear, high peak for a council would you possibly consider those responses? I think I think the particular concerns that that we have is the robustness of the assessment at this stage for the high peak Borough Council area. So be grateful

please, at Hyde peak Borough Council could reflect on that. And let us have in writing your position in terms of the robustness of the assessment in the IP for a counsellor. Is that possible, please?

33:05

Yes, that's certainly possible. Yes.

33:07

Yeah. And if it were possible to do that by deadline for which is absolutely next Wednesday, the 16th that will be very helpful. Okay, thank you. So just bear with me a moment okay, thank you. Um so just that that was item fee to the

33:58

steward scientist, who, I'm not sure if you can see hands raised on your mobile phone, but we do and we have a hand raised from Miss Hollom on behalf

34:12

okay, just just bear with us a moment please. I apologise I can't see your hands. Right. Who would raise their hand again, please? Good, good. Okay. Just confirm.

34:34

Yeah, sorry, Carol Hollen of share first my journey to school.

34:39

Okay, we're going to we're going to take contributions at the end of noise and vibration, so I'll make notes Miss Helen have of your week to raise the points but we'll take that at the end if that's okay. Okay, so Again, apologies that our network still isn't working as it should be here. So apologies will but we will continue. So the baseline noise issues. Hi Pete Borough Council had raised also concerns about additional construction vehicle and traffic management measures and queried whether those have been considered in the screening. The applicant responded that deadline three saying that the vehicle movements construction vehicle movements were not included in the model. And that screening against DNR B was against criteria for ADT and HD V. Does Hi peak Borough Council have any outstanding concerns in those regards? Having tuned the applicant response deadline through good IP Borough Council comments, please. So this is specifically thank you.

36:12

For this year, Mr. James Hackett Borough Council again, I'll hand over to Dan McCrory again on noise matters.

36:19

Thank you. Hi, yeah, we're fairly satisfied with that. But we'd like to run that past our console and our consultation people. And so we like to defer that for written response in terms of the satisfaction or otherwise if that's okay.

36:37

Thank you. So if you could include that with your response deadline for if possible. No problem. Thank you. grateful for that. Okay. That's item C. Let's move on to item D. Pre commencement. There was some discussion about pre commencement in issue specific hearing one yesterday. And the local authorities at that hearing yesterday, were invited to comment on whether they consider that any of the pre commencement activities will be likely to result in significant effects. The conclusion of that was that further consideration needed to be made around archaeology. But no concerns are raised about noise and vibration during pre commencement or a need for specific mitigation measures in relation to noise and vibration. Is that a fair summary of the local authorities position, please? Could I ask high peak first?

37:57

James IP again, again, I will refer to Dan McCrory.

38:01

Thank you.

38:03

Yes, that's that's that's satisfactory.

38:06

Thank you. And then Tim site Borough Council please.

38:19

might read CNBC. And yes, I can confirm that.

38:23

Thank you. And Derbyshire county council, if you wish to comment, steeper for adoption county council. So yes, we will confirm that satisfactory as well. Thank you. Thank you very much. So that's Item D complete construction vehicle movement. So we'd like to take that question e in writing, please. Could the applicant confirmed and actually question F to do with noise sources with distinctive characteristics, please could do take the two in writing,

39:01

such as just so picky fellow on behalf of the applicant. Sorry. So just just to say in terms of E and that the response I was going to make today is that we don't consider that assessment necessary. I think the further instructions are actually that the temporary welfare and storage sites are expected to be located within the existing working areas. So the reality is actually they have been considered in that the assessment considers plans and operations within the working areas and therefore the effect on receptors. I think the other thing is when you talk about welfare facilities if anybody's passing for example, the the works on the smart motorways effectively what we're talking about is a portaloo. So hence, the need to have those sorts of welfare facilities within the boundaries of the worksite. So I'm happy to expand on that in writing, but at this point in time, we don't we don't actually consider that necessary.

40:00

Okay, let's, let's address this point quickly now then. So, the temporary welfare facilities, I understand there was reference to storage sites as well. So, can you be given over the usage of those storage sites, please? Yes.

40:15

So, so effects for example, set by the, the river fo bridge, obviously, there would be materials located in located next to that particular part of the works, but, but effectively works are ongoing there. And indeed, in terms of vehicle movements, etc, then access would be by haul routes, etc. So, construction traffic coming in and out has been assumed as part of the assessment.

40:45

Okay, that's thank you for that explanation. That's helpful. do I'm just going to raise a general career to the local authorities? Are there any concerns that the local authorities have about and the consideration of noise from temporary welfare and storage sites other than the main construction compound, please? Any concerns? Now, I'll take I'll take the silence as no concern. Thank you. And so we don't need to deal with it me in writing. Thank you. But if item F could be dealt with in writing,

41:23

thank you foul on behalf the applicant? Yes. So we will do that.

41:27

Thank you. Sorry, just bear with me, man. Let's move on to the next item which networks and particularly the section 61 Consent aspects of that. The ies environmental statement, paragraph 1121 states that no networks are anticipated with the exception of traffic management. However, requirement for the DCO lists potential activities outside normal working hours, which which seem to be a number of activities over and above traffic management in networks. So there seems to be potential for confusion there with regards to what paragraph 1121 is saying. In response to the first written question, the applicant said that the section 61 works would encompass all construction activities, including nighttime works, in addition to those reported in the Yes, so there's suggestion of additional nighttime works over and above what was considered in the ETS, and there's suggestion that new traffic management was considered in nighttime works. So I think it would be helpful to have if the applicant could clarify what scenario has been considered for nighttime works. And also against the context of actually section 61 Consent being explicitly mentioned in the React. So there appears to be a little uncertainty of what the nighttime works, what which nighttime works have been considered in the assessment could the applicant first of all comment on the potential and this is question G. So could the applicant comment on the potential for six section 61 works to reduce insignificant effects please,

43:42

sir, so Vicki foul on behalf of the applicant. So I'll also ask him as Lawrence to call me but as before, I'll seek to take you through it and and Mr. Lawrence can can contribute as necessary. I suppose just in terms of the assessment and what has been included, so, so yes, so that has been limited to traffic management, based on consideration from preliminary design in terms of the section 61 consent process, so the process that would be undertaken for other works. That assessment is independent of

the environmental impacts predicted in ies, chapter 11. And the commitments stated in the Riak. Fat application, however, outlines the works, which are planned, the working hours of the site and a plan to mitigate potential noise and vibration impacts by best practical means. Under Section 106 to Section 61 application has to demonstrate to the local authority a proactive approach to reducing environmental impact, outlining what methods are in place to minimise minimise disruptions to the neighbourhood. thereby reducing complaints etc. So as part of that process, the principal contractor will engage with the local authorities and agree appropriate mitigation, monitoring, measures and monitoring to minimise impacts during construction, and therefore ensure that those construction works, including night working would not give rise to any materially new or materially worse effects. So, so that's as noted, I think so just to be clear, the section 61 application would encompass all of the scheme. And that would include any further additional nighttime activities, which are identified during the detailed design. So hence, we've sought the flexibility within requirement for it, there are additional activities identified, then a revised construction noise impact assessment would be undertaken to minimise impacts. And that would be provided in support of the section 61 application. And the React includes the commitment for that further construction noise assessment. So that's a summary of the position I just see if Mr. Lawrence would like to add anything to that.

46:21

I think it's worth adding the difference between normal working hours and night time period, as well. So effectively, the noise assessment, the nighttime considers the period between 11 o'clock at night and seven o'clock in the morning to be the night period. And the normal working hours for the site are I think, 6/7 or seven, with 730 to 630 to six. So there are gaps in between the normal working hours period and the night time period, which would have things going on in them that fall outside of both periods.

47:00

Yes, thank Thank you. Yes. So that's a helpful clarification. I think we, as we discussed yesterday, we're looking at requirement for requirement for with focuses on core hours, and it's not necessarily just night time. Yeah.

47:13

Okay, number of thank you for those clarifications and number of follow on questions for me initially. The applicant has said that the note time modelling in the assessment only is only based on traffic management measures. And yet, the DCO allows other activities at night. So that that raises the position or concern as to whether the assessment represents a reasonable worst case scenario, given that a number of activities are allowed at night, but those haven't been considered in the assessment. Could the applicant comment on that, please?

48:03

Sir, think think in terms in terms of all construction activities, so as effectively all construction activities have have been assessed. So effectively, it's the time of day that they're that they're being undertaken. And I think I would revert back to Mr. Lawrence's comments about there is a difference between core hours and night and nighttime working. So when we were discussing requirement for yesterday, I think that there was a suggestion that certainly surface tie ins etc might be necessary. Yes, but But

otherwise, as I say, the requirements really aimed at that retaining flexibility. But that doesn't mean that those works are going to occur at night. And we discussed, obviously, looking at those works and incorporating changes to that particular requirement, and the references to ensuring that those effects aren't materially worse or new.

49:09

I think to some degree, I think that that's it, there seem to be a list of works there in in the DCO of nighttime works, which we went through yesterday in which which the applicant gave quite a compelling explanation of those being required to those being appropriate for the night time being being carried out those hours. So that there just seemed to be a genuine set of activities that will be carried out at nighttime other than traffic management. So it just feel a little concerning that, you know, having expressed so clearly that those activities would be appropriate for nighttime that those haven't been considered in the assessment. So I think that leaves a residual concern Hear Does that make sense? Yeah, there are various lifting operations and and the nighttime operations that other than traffic management. And and it's it leaves that concern as to whether it's a reasonable assessment if those are excluded.

50:23

Vicki fell on behalf the applicant? Yes. Yes, thank you, sir. Yeah, that doesn't make sense. Can I can I suggest that we respond to that specific concern in the, in our summary of the of today's hearing?

50:35

Yeah. Thank you. Let me just make a note for myself. So. Okay, then the next point is about the relationship between the section 61 consents and what before is currently so the applicants approach seems to be that section 61 consents will be would be sought for all construction activities. So daytime, core hours outside cornrows, nighttime, so there'll be separate applications for sex section 61 consent, and the the applicant seems to be seeking flexibility for potentially quite a lot of change to what is currently being assessed. So that raises again, concerns about whether a reasonable worst case scenario has been modelled, so whether or not they're applied for through a separate regime, we need to be happy that a reasonable worst case assessment has been carried out. So whether or not section 61 Consent is obtained later. We need to be convinced at this stage that there has been a reasonable worst case assessment. So there is there's quite a lot of flexibility being sought for later through section 61 consents. Now, I don't believe anywhere it is secured, that the applicant has just said that the intention would be the work carried out under Section 61 would not result in materially new on or worse environmental effects to those that have been considered. I'm not aware that that's being secured with respect to Section 61. consent, could the applicant advise on that please?

52:43

Thank you Rickie Fowler on behalf of the applicant. So again, we'll we'll look at that and reverse. I mean, I mean, I mean, the whole section 61 process is aimed at minimising, minimising effect. So I suppose the point is, it's what we're really getting at is through the section 61 process is we're not doing that process to secure flexibility. That process would happen in any event. And obviously making that application, we would have regard to the various items of mitigation. And indeed, we would, we've committed to the mitigation within the Riak. But But effectively, it's another level of protection in terms of

ensuring that what actually happens on the ground is consistent with the EAS But importantly, the effects that have been assessed and are predicted in terms of construction activity, and noise effects are the same for any activity that's undertaken.

53:47

Okay, so I think the consideration of section 7261 giving additional protection and more detailed consideration at the time that the activities are better understood, all makes perfect sense. It's being clear that that is not then a route to the works being completely different from what's been assessed. So by that, I mean, it has been satisfied that a reasonable worst case assessment has been carried out at this stage. So I think I think to have some of the wording such as section 61 Consent not to give rise to anything materially new or worse, if some words of that type were included, that would give us comfort, that the assessment is still valid, but we're very much welcome the offer the applicant setting out that position around the overlap between section 61 and the assessment and how that would work in more detail. That'd be very helpful. Thank you. I'm not going to invite Local Authority to comment on that point at this stage, let's reflect on the applicant's submissions against GNH, please. But it would very much value the local authorities comments once we've seen those explanations. So thank you, we'll now move on to percussive piling. And the assessment makes clear that the potential effects from because of piling are rather different to some of the alternative forms of tiling. So this is an area that we're anxious to try and pin down as much as possible, the extent of percussive piling that is needed that is necessary. And that's the driving sentiment behind a lot of these questions. So, the introductory is that the applicant has said that a supplementary ground report was being prepared to inform the detailed design. And until further work had been carried out, it didn't it wasn't in a position to finalise the extensive because of pining the applicant had provided. However, examples of mitigation methods that could be applied to picketed piling and mesh and mentioned something termed as guy can method piling and impression given there was that that form of piling appear to have the potential to result in lower impacts lower effects. So we're keen to as I said before, to ensure that suitable mitigation measures are in place. So, first question, I have is please could the applicant advise on the potential for percussive pilot to be used more widely than the minimum necessary? So a concern is that for expediency if because if piling is allowed, could there be a temptation just to use one form of piling widely on the project rather than several different forms of piling and could that lead to because of piling as an example, being used more than it needs to be than the minimum necessary? And how can that be limited? So if because of piling is required, how can it be limited to the minimum necessary? And might there be a requirement for example, that because if piling can only be used, where rotary board piling cannot be? So could could the applicant just respond on that first question, please?

57:38

Vicki Fowler on behalf of the applicants? Yes, thank Thank you, sir. I think the first thing I would make before coming on to your specific question is just in terms of the actual assessment that's been undertaken. So that assumes that because if piling method is used in all locations, to provide that conservative and worst case assessment. So as you mentioned, supplementary ground investigations are or are ongoing. Those grant investigations are currently being being prepared to inform the detailed design. And the aim of that is to support the contractors preference to use rotary board piling as stated in the noise chapter eight of the EAS. And so, the intention is that the recursive piling would only be used, where rotary board piling is not feasible. So, the current results of that survey are providing

confidence that the majority of the panels can be installed using a rotary board method. However, minimal percussive piling may be required at the southwest corner of the Mottram underpass. So, so, we would submit this stage we would certainly say that percussive piling does need to be permitted. I mean, other methods may be possible, but at the moment, the suggestion is that percussive piling would be required, and therefore, we need to look at the follow up question, which is how did the various mitigation measures measures be secured? Where that because if piling is necessary.

59:25

Okay, thank you. Thank you for that clarification. So it's helpful to hear of the intention and of the preferences that just seem to be quite marked. And and the question here isn't about whether the assessment is a reasonable worst case that that's been addressed. The question is about whether appropriate mitigation is being applied to minimise the effects. So I wonder if perhaps the applicant can consider whether some suitable wording that goes a little bit further than intention and and perhaps is a little bit firmer in limiting the possible extent of Picasso piling. Is that something we could consider? I

1:00:14

think he fell on behalf of the the applicant. So what I suggest is that we look again at the reaction. And of course, we've got the noise and vibration plan. So the various mitigation measures that we set out in the response to written questions effectively would would be included in the noise and vibration management plan. So I think in terms of those, those mitigation measures, and the the regardless had the Pylea method, perhaps we can have another look at the the reaction what's recorded in in that those fitments

1:00:52

Thank you. Yeah. So if, if possible to suggest some firm undertakings in terms of the minimization of because it's piling, and then we can consider where those might best appear at the React the React just seemed to be the appropriate place. But I think that the best thing, initial list, two form of wording could be agreed.

1:01:16

Picky, picky, fair, on behalf of the applicant. And yes, we we can do that, sir. So I'm also instructed that in terms of the river fo bridge as well, that's likely also to need because if piling, and due to the artists and pressure, but But again, if we if we record all that in our response to this point, and and will will, as I say We'll reconsider the wording in the React.

1:01:38

Thank you. And could could the response consider the guy can method piling? Yes. And whether that can be a substitute for the cause of piling in any of those occasions? I, from my own knowledge, I suspect goken method piling takes a little bit more time and there's a little bit more expensive, but perhaps the effects, it could be used in similar locations. And the noise effects might be less. I'm no expert, but it would be helpful to have clarification on those technical issues around the extent to which guy can method piling could be an alternative

1:02:18

Viki file on behalf the applicant? Yes, sir. We'll include that.

1:02:21

Thank you very much indeed. And I think that that addresses, items i, j, and k, thank you. Let's move on to mitigation. I do apologise, we're still having issues with our Wi Fi here. So we're continuing, we do seem to be making good progress. And thank you for bearing with us. So moving on to mitigation. The applicant is referred to various mitigations that are included in the Riak. And there have been some comments on those by various parties. So I just like to run through and invite the local authorities just to comment on each one of these provisions individually. So I'll summarise each provision in the Riak. This essentially nv 1.2 and v 2.8. And then nv 2.2. So, I will summarise each each of those and then invite the local authorities to comment on each one in turn. The particular concerns seem to be whether sufficient detail is provided in the react at this stage. And whether actually, the current wording is sufficient to ensure that the mitigation with the necessary mitigation will be delivered. So let's go through each of those in turn. And then I will specifically ask Tameside and high peak to comment. So first of all, NV 1.2. That requires states that there'll be consultation with the environmental health departments at the relevant local planning authorities prior to the commencement of construction work, so commitment to consultation, and then a commitment to seeking guidance on their requirements for managing and controlling noise and migration from construction works including communication preferences for updates during the construction phase so that there's a clear commitment to consultation there. It doesn't go as far as the commitment to agree manage, how to manage and control noise in the way that was suggested in the applicants answer to question 912 A deadline to so it doesn't go as far as to say agree but it does commit to consult. Do the local So first of all, do high peak have any comments on that provision? By people or a counsellor,

1:05:12

or a counsellor Mr. James rowCount. So I will refer to democratie my colleague. Thank you,

1:05:19

Dan. McLaury. Hi, people cancel. Yes. I mean, we would prefer the commitment to consult and agree, I guess, would be

1:05:31

preferable. Yeah. Okay, and then Tameside, please

1:05:37

might read TMBC. Yes, we would agree with the comment from Hi.

1:05:44

Okay. Thank you. Let's, let's take this one and take an applicant's response on that, please. So in the response to the question, there was a commitment to agree in the React itself. There's a commitment to consult. Could the African comment please?

1:06:07

Vicky fell on behalf of the applicant? Yes, sir. So the the noise and vibration management plan forms part of the second iteration EMP. So that's secured through requirement four, which effectively says that no part of the authorised development has to commence until that has been approved in writing by the Secretary of State following consultation with relevant planning authority. And obviously, the requirements set out the procedure for that consultation and there needs to be a consultation report explaining your office explaining what consultation has happened and what the responses have been. Given that plan is part of the second iteration emp, and I think I've touched on before, there's some I think there's 19 Odd plans that need to be approved that sorry, that needs to be approved. I think the preference will still be that it remains as consultation. But I am.

1:07:08

Let's let's take that as the applicants response now. Perhaps in the written if you wanted to add to that in the written response it there is sorry, excuse me the response to Question Nine point 12 A deadline to did say agree. So it'd be helpful just to have clarification of whether the applicant is backtracking from that effectively, but perhaps that could be considered in the written response, whether it's agree or consult. Yes, thank you, thank you. Let's move on to the next measure and B 2.8. So, in the React this commits to this around monitoring, so regular site inspections to ensure appropriate measures been implemented to reduce noise and vibration procedures and practices reviewed on a regular basis to ensure effects minimised as reasonably practicable. So that was the applicant response to a question about the level of monitoring of noise and vibration during construction. So commitment to regular site inspections, and commitment to review procedures and practices on a regular basis. So could I invite again, high peak Borough Council to comment on whether that is adequate in terms of monitoring?

1:08:37

But James, hi, peak are bringing Dhamra query once again.

1:08:40

Thank you. Hi, Dan.

1:08:42

McLaury hajipur. Counsel. Yes, it perhaps just lacks detail in terms of this sort of frequency of monitoring, and it's a bit woolly, I would say would be a response to that. The commitment?

1:09:03

Sorry, I was just I was just distracted by your your response, please.

1:09:11

Yeah, it is. Our only comment on that would be that it's it's a little bit woolly in its commitments to we would hope to agree perhaps a regime for monitoring in terms of responses to complaints and perhaps periodic monitoring. That we welcome the commitments obviously.

1:09:30

Okay, now is an opportunity to effectively secure some of those measures at this stage. So it's, it's are you able now to set out the different measures you'd like to see or would you like to reflect on those and discuss those with the applicant separately?

1:09:47

I think we would like to reflect on those in disgust with the applicant separately at this stage.

1:09:52

Thank you very much, and team scientists.

1:09:57

My read TMBC Similar to pay peak will reflect on some of that and discuss further with the.

1:10:08

Okay, thank you. And that's very clean, it's helpful to have a common approach. Could the applicant just comment on whether it would be happy to discuss further with those councils and see whether a little more detail could be provided at this stage?

1:10:25

Vicki Fowler on behalf of the applicant? Yes, yes, of course. So we will, we will do that. I believe the detail will be within the noise and vibration management plan. There is, of course, an outline plan. But obviously, we will we'll discuss those those aspects. So if, yeah,

1:10:42

happy to. It's always a difficult balance between what to include this stage and what to include later. I think I think that, certainly the thing that we have is that the provisions for monitoring do seem very high level at this stage. So having more detail would seem to be a helpful way forward. But we're sure that will be considered. Thank you. Thank you. That's the third measure in the React dimension is env 2.2. So this is this is around complaints processes. So, MB 2.2 states that all residents will be provided with a point of contact to discuss any queries relating to the construction works or to raise complaints. All noise complaints shall be effectively recorded, investigated and addressed. It is that sufficient for the local authorities at the state. So again, if I could ask Hi, Pete, to comment, please.

1:11:42

Hi, Dan McCrory from high peak? Yes, I think probably that would be sufficient at this stage. Because obviously, there's no timescales associated with complaints. So a commitment to to report investigators is satisfactory,

1:11:55

honestly. Thank you. And then team size, please.

1:11:58

Yeah, my region, etc. Yeah. So that's satisfactory for this stage.

1:12:04

Thank you. Thank you very much. That's helpful. So moving on to that addresses question now. Thank you very much. The next point was noise insulation and temporary home refinancing. So that's question and please, can we take that one in writing applicant?

1:12:23

Vicki, Vicki, Fer on behalf the applicant? Yes, we'll do. So sir.

1:12:27

Thank you. That's helpful. And then operational phase. Models, levels, limited deviation questions, and and oh, and then noise barriers. Question P, and speed control measures. Question queue, please. Could we take those in writing? And specifically responses from the applicant rather than the local authorities at this date? Could we take that in writing, please?

1:12:57

Thank you, on behalf the applicant? Yes,

1:12:58

sir. Thank you. That's helpful. And then we reflect on those issues. And with any follow up says we feel unnecessary. So we're moving towards the end of this session. Miss Helen, I believe that you raised your hand earlier. Sorry for the weight. And sorry, the for the frustration of the technology. But would you like to rate a point now please,

1:13:21

no problem. Thank you, sir. Carol Hallym from Sharefest. My journey to school? Well, just a couple of points or questions, really one the noise and vibration management plan has been discussed. Is there just does that include considerations by the government for increasing size of HGVs? And the impact that might have?

1:13:47

Because take that one first, let me invite the applicant to respond to that. So Will Will the noise and vibration management plan? Consider the heavy goods vehicles that Miss Helena suggested.

1:14:05

So I'm the need to take instructions in terms of I think the point is more around in terms of what the what the assessments had regard to because of course, what the noise vibration management plan is doing is seeking to minimise the impacts and ensure that the mitigation in the assessment is brought forward. So it's not it's not I mean, effectively, we've got we've got no control unless unless Mrs. Han is concerned about construction vehicles. We've got no control in terms of what vehicles use the existing roads if that so some slightly confused as to the question so sorry,

1:14:51

zoomy. The assessment would consider the plan would consider the V Close most likely to be using the roads at that point, presumably?

1:15:04

Yes, yes, that's That's correct.

1:15:07

Yeah. So does that. Does that address your point?

1:15:14

Yeah, it may be an unfair question, because it's looking into the I guess, I was wondering if the decision had been made on increasing sizes of HGVs.

1:15:25

So, government, okay, so So I think it's fair for us to address us the applicant on the vehicles as they will be using an AI. Think I think we've had a response that the vehicles they would be using would be considered in the assessment, I think, then the normal expectation would be the applicant would take a reasonable view of other vehicles that would be used on the roads. It's not, the applicant isn't defining government policy on these things. It's, it's making a reasonable assessment of the effects. So are you satisfied with that response?

1:16:05

Yes, yes. Yeah.

1:16:07

Thank you. You had another point, I

1:16:08

believe. Yes. And the other point was just confirmation in the public consultation, the applicant, confirmed and I was really pleased with this, that electric vehicle options will be considered during construction, where appropriate, and I just wondered if that was still the case.

1:16:29

Thank you. And the applicant can respond, please,

1:16:33

pick up Fowler on behalf of the the applicant? So forgive me, I'm not I'm not aware of that some of that reference. I mean, certainly, we have responded in terms of electric charging points, for example, that that's outside of our remit. And I think government's focusing on the private sector to bring that forward. I mean,

1:16:57

sorry, because I do recall this response actually, on the electric vehicles points, that it's something that would be considered I couldn't point you to it exactly. But I have a recollection of something similar. So perhaps that could be taken in writing a response.

1:17:12

That's fine. I'm being instructed that it is in the react to consider where it's appropriate. So but but we'll we'll come back on that on writing. Thank

1:17:19

you. Yes. And maybe more detail could be provided on on that. That'd be helpful. Thank you. Yes. Thank you. Thank you, Miss Han. Are there any other questions on noise in both directions at this stage? I think a hand I think your your hand has now gone down. Thank you. Right, I'm taking it. There are no other points. Thank you for bearing with us. Everybody. Apologies for the disruption. It has meant that we're running slightly behind where we ought to be. We're now going to take a short break. And we will recommence in 15 nearly 15 minutes so we'll recommence at 1140. If you're watching the live stream then please be aware the live stream will now stop. And to review to view the restarted meeting you'll need to refresh your browser page when we restart so restart at 1140. Thank you