

TRANSCRIPT_ISH3_SESSION3_A57LINKRO ADS_05042022

00:06

Good afternoon, everybody. The time is now 2pm. And this hearing is restarting. Please do remember the case to confirm that accurate activity and that the live streaming recording, please started.

00:19

Yeah, I can confirm you can be heard clearly. Yes, the livestream has started. Thank you.

00:25

Thank you. Please, again, can I remind all parties to keep your microphone muted and camera off until we vote to speak, his turn that we voted speak, please give your name and on whose behalf you're speaking. Thank you. So I before the break, indicated that we have a look at the timing. And there's one of the matters dealt with about the border that we're going to take. And items three to six in so there has been a request from the Environment Agency, and for us to consider item for the water environment first. So that that would effectively be to switch items three and four. We're certainly content with that. But I just like to hear from other parties, whether that would cause them any difficulty. Other Kersti applicant respond first, while others consider any any difficulty with that from the applicants point of view. Vicki fell on behalf the applicant know that no difficulty at all, sir. Thank you. Any other parties? Would they have difficulty switching items three and four? I'm not seeing any response. So I think we will continue. Thank you. So we're going to switch items, three and four on the agenda. Which means that we're going to take water environment drainage and flood risk assessment. Now. Before the break, I did indicate that we would give an indication of times for the remainder of the day. Mr. Mr. Taylor, welcome your cameras on I'm not sure if that's deliberate. Sorry. Okay. Thank you. So you may just have missed, we're going we're going now to take item for water. And then Peak District National Park matters if after that. So to give an indication of the timings for the rest of this afternoon. And in principle, we're going to stick to these pretty strictly we're going to address water from two to 3pm. Short break Peak District National Park from 310 to 4pm. Short break air quality for 10pm to 5pm, short break climate change from 5:10pm. So those can be quite challenging timescales that are achievable, it does mean that will take a number of responses in writing, it doesn't mean we are going to try and build in time for oral submissions from different parties with game we'll do that at the close of each of those agenda items. So we'll try to build in time for that. And that, again, that might be little limited. So we're gonna we're going to be relying on some written responses as we have before. And but again, the detail that we've provided in the agenda will hopefully help with that. So let us restart. So I'm anticipating will close at six. It's possible that we'll have some further delay, we would like to close out issues before the close of play. So are there any concerns about those timescales that are given for this afternoon? As we stand not okay. Let's continue. Thank you. So water environment item for which it will take us through.

04:08

Okay, and to start with I'm meeting the baseline modelling with particular reference to the retro model for the reference has not yet been agreed between the Environment Agency and the applicant. And further in their response the examination or examining authorities second written questions but our EP 6039. The Environment Agency identified its standing concerns for the HardRock. Theologian there are no geology risk assessment, rep 3025, the flood risk assessment rep 5010 And how risks could be identified address and mitigation secured Within the DCR Tameside Metropolitan Borough Council identified in their response to the examining authorities secondary questions at rep 6037 Question 11 point 11. But they still have outstanding concerns about flood risk and hydraulic design. This is mainly technical matters and relates to discussions between two relevant parties, the applicant, the Environment Agency, and they lead local flood authorities. So I'm minded to take the following questions in writing. What I'm looking for in responses, just to clarify, is to establish that progress is being made. To reach agreement and to summarise, or for the parties to summarise the main areas of contention and seeking to establish the likelihood of resolution of these discussions before the end of the examination period. And I'm looking for what whether or not the parties will be able to confirm it in writing their agreement and at what stage? So as I say, I'm looking at taking questions ie two e two, E. Three is fatally in writing. But at this point, could the Environment Agency and then the local flood or authorities comment on or make any comments that I wish to make at this stage as to how they're how they see the negotiations progressing? And whether or not what I'm looking for? is achievable. So could the Environment Agency speak first, please.

07:29

Thank you, so under Davis from the Environment Agency, so we are well aware that the applicant is in the process of updating the flood modelling, in accordance with our previous guidance where we noticed that latest climate change guidance had to be considered. The applicant has advised to us on the separate cover that they will be looking to submit this bottling for review by the EPA by the week commencing the 11th of April. It is our intention to endeavour to complete review of that flood modelling as soon as we can. And then in turn that should enable the update of the associated flood risk assessments. The only thing we would remind it to note at this current moment in time is the fact that if there are any issues with the fluid model, once we go for our first iteration of review, it may be the case that taking resolution of that fluid modelling issue and therefore approval of the FRA prior to finalisation of the examination may prove difficult to achieve and welcome the applicants comment on that one as well.

08:41

Thank you can I hear from

08:45

the local federal authorities first and then we'll go to the applicant so that Tameside

08:56

Simon Eastwood Tameside

09:04

this racer, can I just pause you for a second logic gather your thoughts could we just wait for a second sorry mystery so just bear with us a moment

09:13

gives me more time to think what I'm going to say. Thank you

09:52

Thank you Sorry about that.

09:54

It's fine. Um based on what the EA has just said. But think what we want to see the flood risk assessment before we can really comment, to be honest,

10:21

have you been engaged in the process? Mr. Reese? Would I you happy to follow the lead on this?

10:30

At the moment, we'll follow that the iais lead, but personally, engineers he's been dealing with deals with flogged the LF is it's been leave. So he's on just come back this week. So we wanted our chance to look at anything. So we'll probably respond in writing to the question when he's had a chance to gather his thoughts on the matter.

10:57

Thank you. So I think wherever there's a response from Tameside on these water related issues, I imagine you need your colleague to look at all of those as

11:10

needed, they'd need to see them. Yeah, so So if

11:13

I think the point is made early by the A, which we would support about there being little time within the examination, to do the iteration of comments and adjusted models, etc. So obviously, it'd be very helpful to get to whatever the final position is, during the examination, we can't see any material after the examination is closed. So our recommendation report needs to be based on what is sent to us during the examination period. So so there is some urgency now to seeing these things through we have yet until the 16th of May, so that there's very little time, so just to, you know, recognise the annual holidays, but just to add that some of these issues have come up relatively late. But just to encourage Tameside where possible, to try and help us with responses.

12:19

Thank you. Okay. And they'll the sheer

12:25

Thank you, sir. Steeper free Dodge County Council on this issue is covered in the county council response to the second round of her written questions from the County Council's point of view as lead local authority. We haven't identified any specific concerns with a modelling for the river River. Oh, and I think my colleagues in the lead local flood authority are satisfied that this issue can be dealt with at the detailed design stage which has been proposed by the applicant and secured to the develop consent on

12:59

site. And can I hear from the applicant, please?

13:07

Thank you, sir. Richard, settling on balance with the applicant and for those earlier responses from the both local authorities. And just to confirm that we have done some further sensitivity work in relation to the risk assessment, and that is to be shared with both the and Thameside next week, I believe we can sing the 11th as this referred to these the time time keeps keeps ticking away. And we did cancel, so commit to providing a summary of that information by deadline eight, which costs the 13 cents per week as well. If anything would say so we have benefited there was an email exchange. I think earlier today, certainly from Mr. Davis, which which prepared helpful, I think it's fair to record that correspondence between the Environment Agency and I suppose has perhaps been a little difficult, not least because I think the environmental agencies concerns last time around not through any fault of theirs, I don't believe but they weren't published until quite a bit after deadline six, they only came out just before deadline seven so we weren't able to respond to them. And we've not been able to programme in a meeting which we think will be most beneficial to set out the outstanding areas and progress matters. And we understand that part of that is because of the availability of personnel decision to as was explained a time side but we would very much welcome the opportunity to programme in a meeting with the environmental agency and through so if I may just extend that offer you know, we will make our team available if the Environment Agency and could could similarly, leaders know their earliest availability so that we can progress those matters, and then record the elements that are agreed, or whether there's any further clarification required. So we we only had a better outcome within at this stage is we believe that the issues that have been identified either have been or are capable of being resolved, and we just need that engagement and discussion.

15:27

Okay. Similarly, the Environment Agency in rep 4019 has identified concerns that flood risk assessment has not been updated to reflect the latest review or climate change allowances that were introduced in 2021. In the response to the planning authority secondary questions that rep 6039 Question 11.5 environment agencies that if it is the applicant's intention to address issues of the threat modelling, and that's consequent implications within the risk assessment in detail, its own state assurance is needed during the examination, that the development design provided is feasible that there is confidence that it should remain feasible once the latest climate climate change guidance is factored in. Safin approach the Environment Agency has suggested may allow conditional approach the remaining issues to be addressed as part of an updated for our risk assessment site Metropolitan Borough Council of boys in their response to the same question. Rep. 603 7.5 that they are waiting updated information from

16:46

the applicant

16:49

again on Monday to take the questions F 2k. In writing as the technical issues principally. But I would like comments from the same parties again, at this stage. I'm we've already effectively covered this with 10. Foam solid. But could I hear from dava? Shear? And so the environmental agency, then dogshit, and then the applicant? So could I hear from the environment agency based

17:39

on the data from the environment, I think I'll defer this one to my colleague, John Rockledge. She'll be on the call.

17:51

Good afternoon, John Rockledge. For them from the environmental agencies for this management team. I think this is follows on similar to what what's been said previously, and just in terms of having sort of risk assessment that's consistent with the latest guidance we have in relation to climate change allowances. And falling off from that country on on the modelling and updating that are not in the latest draft statement to common ground that there's some commentary in there, that initial results from remodelling that show that there shouldn't be any significant design implications for providing also provision of compensatory floor storage. So providing that's backed up with a modelling idea, ideally, it would be useful to have been updated for risk assessments as well to to go along with that, revise modelling. And really, I think it's just a case of how how realistic that might be from the applicant in terms of the timescales that are left before dissemination.

18:58

Okay, thanks. Thank you. Can I correct? Can I pick up on a couple of the related points here? So again, we've made the point I think, quite clearly how helpful it would be to make good progress with these matters before the close of the examination. I feel the iais pain I think a little bit in terms of changes of resource and resource pressfit pressure, I'm sure. So I can feel that pain. And I think we've we've seen evidence of of that, I think but we would obviously like to make as much progress as possible. I think it would be very helpful if the next deadline deadline eight which is Wednesday the 13th. If it were possible to within that deadline set out dates of activities up to the end of the examination that are agreed between the EA and the applicant, and were relevant for the local port authorities, particularly between the applicant and the EA. So probably going to direct this to Mr. Davis and then the applicant, is it reasonable for us to receive such an agreed programme by a week tomorrow? Mr. Davis?

20:33

And I think the question is, there's a lot of technicalities associated with that. So as I mentioned earlier, ultimately, I think what underpins this is whether or not the detailed flood risk model that is being developed by the applicant can be deemed acceptable. If we do find ourselves in a situation where the further work is required for the flip model, which, speaking from experience, is usually the case I've yet to see a single model which hasn't required some update in order to be considered approvable by the

then it may be possible. I think, the key thing is, as John has just said, now, so within the statement, a common ground that was submitted by the applicant on the deadline seven, they did mention the fact that there is a strong belief that the compensatory storage that has already been provisioned as part of the scheme will be more than sufficient. And they have already done some sensitivity testing with late climate change guidance. In virtue of that, I believe there is a relative confidence that if we do find ourselves in a situation where further work is required for the flood model, then this could be considered at the detailed design stage. And I do note from the wording of schedule two, part one, condition, nine one, which says that the authorised Erland must be carried out in accordance with the flood risk assessment or any update, they're approved by the EA. And I feel believe that the wording of that may effectively cover off at eventuality, but obviously, welcome your thoughts on that as well.

22:12

Thank you. Yeah, thank you. Um, so the group was anxious to arrange a meeting with the EAA? Does it possible to give an indication of when that might be possible.

22:24

And I'm more than happy to try and look into that as soon as possible. Obviously, as you know that there we have had some resource issues recently. So I've taken over from my colleague who has had extended leave due to a personal loss. But no, we were planning on looking into that as soon as possible. And obviously, we would invite steer from the applicant as to what particular topics that they wish to cover, as part of that meeting be that simply the flood risk assessment modelling side or more widely as well.

22:57

Thank you, Mr. Jones, and commiserations to your colleague and I understand the challenges. And as much as you can help us in terms of the engagement and setting out timescales would be helpful. And the approach in terms of, you know, the consideration of the compensatory storage, that that seems like potentially quite an imaginative way forward, that could be quite helpful. So appreciate that it will be it will be given us a lot of confidence and reassurance if as much as possible, could be provided a deadline at in terms of the steps on the way forward. Because we need to give flood risk issues, obviously the right priority within our considerations. So we're anxious to make sure that the EAS concerns are thoroughly addressed.

23:58

Or particularly bring everyone's attention to one question at L with regard to the requirements and the wording. So

24:17

yeah, so So yeah, so we need to there have been a number of comments about the DCO, the wording in the DCO. We're looking to issue, our version of the DCO for comments. And I think it's the 23rd from memory, it's close to that date. So any changes to the DCO we are approaching the final opportunities to make sure that those are there. Okay, thank you. Does the applicant want to comment any further on those?

24:55

Those points? Oh,

24:57

sorry. Sorry, the Darbyshire first do I don't have anything to add it. Sorry.

25:02

It's picked them up so that

25:06

thanks very much so steep or free jobs, you can cancel them. Again, I think the response to this question is similar to our response to the last one in that the local flood authority of the Darbyshire hasn't raised in any significant concerns about the flow risk assessment. And he's satisfied that, you know, these issues can be addressed at the detailed design stages proposed by the applicant and addressed in an updated version of the flood risk assessment. And I think as Environment Agency noted earlier on, there is a requirement for that in requirement 9.1. So I think we're satisfied that can be dealt with through the DCLs on requirement 9.1. Ultimately, thank you.

25:46

Can we hear from the applicant at this stage? Thank you.

25:52

Thank you, sir. And it's only coming back and say thank you for those comments. Earlier, as Rick noted, we we agreed that it would be very helpful to us to, to agree an agenda, and we'd be putting, we're happy to put things forward, if that assists. And it seems that we have a direct line of contact there with Mr. Davis. And I didn't detect that. He was saying he was going to be away between now and next Wednesday. Unless he comes back in so otherwise, then we will propose to proceed in in that regard, an outline a timetable. And just to clarify that it's not just flood risk matters, that we wanted to get round to table and discuss that there are a number of other matters. So that's why we thought it would be very beneficial to have that meeting or series of meetings as quickly as possible.

26:50

Thank you cannot just say confirmation that not only will the flood compensation area on the river throw the addressed, but any effect of climate change adjustment be considered for the proposed water bodies that contribute to the drainage strategy.

27:20

Understood. We believe that, you know, we have looked at this in terms of sensitivity modelling, that's the information that we're going to share with the local port authority. And the and, in fact, as the comments vary, we do have a high degree of confidence that that will allow us or you know, to proceed and demonstrate that we can meet those additional requirements. And then factored in with as you say that there was a brief discussion, which I should have picked up, forgive me in relation to the requirements. And we believe that that that will then provide a suitable way forward, and then in turn, give yourselves confidence that you can be content with the approach that's been taken.

28:10

Okay. I see we've got a fiend up from Andy guy. Nice.

28:18

Like I said, Just to comment on the back of Rich's comments there. So yes, we will be available. Myself will be I will be available apart from tomorrow. But you know, more than happy to look into that all in relation to the comment made there what you buy yourself in terms of climate change. So the question in in in question here is in relation to updates to allowances for, for fluvial climate change figures only. So, in terms of updates, it should be relatively straightforward to address it isn't actually wholesale changes for consideration of climate change that need to be done in this instance.

29:01

Okay. I have an additional question. To what extent

29:25

can I just quickly raise apologists do question L. Does the applicant in principle have any comments on the changes to the DCO wording that the suggested? We close to a resolution on that?

29:44

Thank you say yes. And just in terms of what I've heard everything we'll check after today but in terms of what I heard all really a moment ago. This is gestion. That the wording that's in that requirement now that refers to the flood risk assessment or an update there of was satisfactory, whereas I believe what the environmental agency had said in their rep six that was then only published a little bit later that they were asking for a revised risk assessment to be submitted to them. I think essentially, we just need to know the outcome of the discussions between us. But we don't, in principle, have a difficulty with that if we were in a scenario whereby we've demonstrated that it will be physically possible, and an updated assessment needs to be submitted in due course, and I think that would also give you the confidence you were looking for.

30:36

Okay. So I have an additional question that isn't in the agenda. I'm minded to take the answers to this question in writing. The road crosses the river road, in an area identified as knowing within flood zone three. With the government's guidance on river maintenance, flooding and coastal erosion, advises that the exception test sorry, an exception test is needed for essential infrastructure in flood zones pre a, or three B. Paragraph 164 of the national planning policy framework requires that to pass the exception test, it should be demonstrated that a the development will provide order sustainability benefits to the community that outweigh the flood risk, and B, the development will be safe through its lifetime, taking account of the vulnerability of its users without increasing blood risk elsewhere, and where possible, will reduce flood risk overall. Paragraph 165 requires that both elements of the exception test should be satisfied for development to be allocated or permitted. Paragraph 166 states note were planning applications come forward on sites allocated in the development plan through the sequential test. Applicants need not to apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied. At the

plan making stage, often for recent information about existing or potential flood risk should be taken into account. These with the applicant explain their approach to the sequential test and acceptance test in regards to the proposal. And does the applicant consider that specific documents provide the evidence for Secretary of State to follow the sequential and exception test as appropriate? As a sound minded take that in writing, but if the applicant would like to make a comment at this stage,

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if the applicant clear what's been asked for.

33:03

Think he says and Richard anything on behalf of the applicant? I've made as detailed notes as I could there have questions. And we understand that you know, us before was explained the approach ation to the sequential test was the last part of your your question, we will of course have the benefit of the recording. I'm being told that due to the nature, it is an answer that probably lends itself better to a response in writing, rather than trying to go through quite detailed information now.

33:39

Yeah, so just to get access to the recording, but references made to paragraph 164 of the NPPF National Planning planning policy framework and paragraphs 165 and 166 and then request for the applicant to explain their approach to the sequential test and the exception test. So with relevance to the progress of the NPPF

34:09

Thank you. So I have the paragraphs but I now have the additional wording at the end in addition to the sequential test the exception test as well thank you

34:17

and we said we would like the applicants consider whether or not they have provided sufficient information for those tests to be carried out if relevant.

34:30

So it reach I imagine you would prefer to be done by sort of signposting to existing material.

34:37

Yes, thank you. Thank you, thank you. Moving on to the hydrology, so hydrogeology risk assessment document or mp3 slash zero to five, the government agency in their representation at deadline for reps RSVP for iphon 019 and response the examining authorities second written questions are EP 6039 Questions 11.4 and 4.1. As I said defined concerns that the will be below ground structures within the scheme may artificially be more than that for our bodies, or cause temporary or lateral splatting. These ground water bodies are known to provide some supplies water from an obstruction borehole to several private dwellings deep portion of the aquifer would therefore deprive the owners and abstract also these four holes in water. The government agency has voiced concerns that the impact from the link grant scheme could extend wider than just the red line boundary as defined in sitemaps. Brackets point five kilometres surface water features and one kilometre brown water and that the shape of the zone of

influence rather than being idealised may vary due to complex the complex geology and 14 defines in the study area. I've asked the tougher subsequent questions which again on my did take the answers to in writing. Could I hear from the Environment Agency, the local lead flood authorities in the applicant whether or not they were able to make an adequate response in writing or if they would like to make comments at this stage in the case of the Environment Agency, identifying and clarifying any specific concerns that they would like applicants to address

37:03

so with the EA sighs Could we

37:05

hear from the agency please?

37:09

Fuck he says and Davis on behalf of the RNC, I will very shortly defer to my colleagues, Mr. And Lee. Just to note quickly from from an overview context side of things, we are receipt of the hydrogeological risk assessment and we have undertaken review of this document. As part of that review, we have identified a series of concerns regarding that and would welcome discussion with the applicant regarding whether or not we feel like the current wording provided on the draft around consent order was sufficient to address that or whether or not alternative wording needs to be locked into. However, our initial perspective is that further risk assessment will be required before we're in a position where we are comfortable to advise that conditional approach can be taken. And when a or LEA happy for you now to step in.

38:06

Good afternoon, so Lee beverage for the Environment Agency as you've identified already, so the natural geology in the area is quite complex. There are a number of folds, which means that the potential impact from the proposed development could extend well beyond the current redline boundary. We have as my colleague, Mr. Davis has said reviewed the hydrogeological risk assessment. We are in the process of preparing some quite detailed commentary to go back to the applicants. Were hoping this to form a basis for ongoing conversations to identify a way forwards. We believe that there is already existing information within the portfolio of reports that already exist, minimising the need for ongoing monitoring, but not ruling it out. We will look to have the meeting with the applicant and their environmental consultant as soon as possible to identify the concerns we have and you've already identified and to hopefully put in a solution or at least indicate a way forward for a successful collusion successful outcome prior to the completion of the examination. If not, we will look to recommend suitable wording for the development consent order to achieve the same goal.

39:37

Thank you. There was reference that thank that's helpful. Thank you. There's reference there to detail comments being imminent. Is it possible to say when you expect to send us the aptitude?

39:49

Certainly Leibovitch from the Environmental Agency, hopefully by the end of this week, if not by the next deadline. Thank you

40:02

Do the local lead flooding authorities have any comment hearing from time side first?

40:12

70s with time side we'll make a comment by the next deadline.

40:25

Okay. And darbishire

40:34

Thanks those deeper for Dodge County Council is happy to cover this issue in a written submission by next week. But I have briefly reviewed the requirements for 142 of the applicants updated draft given consent order that was submitted on the 23rd of March, which particularly relates to the second iteration of the Environmental Management Plan was struck me there seems to be nothing specific in requirements for one off altar that deals specifically specifically with this issue. Although I did no requirement for two D makes reference to the submission of a D watering management plan that required to be submitted as part of the second iteration of the GMP but doesn't provide any details. So it just occurred to me that there's seem to be some opportunity here to either requirements for one off or to set out some specific wording mature, cover the environmental dangers concern, an issue they raised about this issue.

41:28

So, Mr. Murphy, in terms of, I think, requiring a de watering management plan that's consulted on with parties, is that the nature of your thinking that

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that's understood, I don't know too much about the detail of what the watering watering management plan would encompass. But it seemed to me that, you know, this issue could be addressed in there, I would think, and, and again, as you say, consulted on as part of the second iteration of the MP

41:56

Berkeley.

42:07

Hear from the applicant?

42:12

Thank you, sir. Firstly, just start by saying we welcome the congressman, the Environment Agency confirming that their comments will be submitted to us next week. We have been made aware that there were some comments. It's just, we didn't know what they were, we still don't have been around. But once we have those, we'll endeavour to review them and address them at present. I think it's fair to

say that we understand matters have been addressed in the information that's already before the examination and the HRA. It does refer to give me a second, just whilst I check my note, the requirement for a groundwater monitoring strategy and that's a commitment as secured in the React. Reference, RD, 115, and 3.2. And then the understanding would be that because of course the React informs the preparation of the second iteration emp, combined with a D watering management plan. We believe the concerns are addressed in that way. But of course, again, I think it's an area where we've heard comments from the EA and local authorities where discussion on those points need clarification would be really beneficial. Because it will allow us to confirm that that approach is in fact agreed.

43:44

Okay, thank you, would it would it be possible to set out what the compensation mechanisms would be? If there were ultimately loss of the ability to abstract groundwater? By parties? Would it be possible just declare by those forests that the next deadline? Or now if you?

44:09

Yeah, we can we can certainly look into that. I mean, obviously, first and foremost, I think our starting point is the monitoring strategy is intended to check how the construction would be carried out to try and make sure that the watering doesn't occur. And then, of course, only potentially as a fallback, would we have to look at such measures. So maybe if we just made that clear when providing the response in writing, but But yes, I hear what you say you're saying, you know, worst case scenario, what would the alternative be?

44:48

Exactly so so that there's certain amount of uncertainty I suppose, this stage and it sounds like there'll be a certain amount of uncertainty by total examination. I suspect so it'd be helpful for us to understand what the mechanisms would be for compensation for those parties. Get. Okay.

45:13

I think the only other point I would make is that my understanding, there are those that have been great technical, any of these matters is that there was of course, an updated ground investigation report, which I think also helps confirm, you know, up the harm approach, and provide confidence in it, which I think when we can set those measures out and have that discussion with the Environment Agency, build then hopefully allow us to reach agreement that the root has proposed is is agreed or indeed consider if there is anything further that is actually required.

45:56

In their response, the examining authorities secondary questions are EP 6039 Question 14.6. The Environment Agency state that a technical feasible solution is possible but product, so project team will need to use the additionally collected information to populate that assessment process and arrive at a suitable weight forward slash solution. Link to this is the need for a thorough ground conditions report and complete understanding of the geology and source for link length. Third, one seven, the applicant has provided a supplementary ground investigating investigation report, our EP 7027 The following questions have mainly been addressed that failed by the previous discussion. So could your written represent a sort of written responses to those questions? Or could your answers those questions being

made in writing? At the same time, bearing in mind the points within those questions? Could the Environment Agency the local federal authorities and the UK then confirm that they're happy with that approach to questions? P. Q and our environment agency

47:30

under Davis from the Environment Agency. So off the back of the point that you made that yet we are we are aware that the ground investigation in question has been submitted by the applicant, as part of the more recent submissions made on the deadline six, seven, epic, it's actually deadline seven that one was made. Our only comment will be that my colleague Lee and I will defer to the government has actually looked over the contents of that ground investigation report and notes that several critical items associated with we've been able to complete all assessment of that investigation are missing. Li Li beverage for

48:10

the Environment Agency. Yes, with reference to the report that Mr. Sterling and Mr. Davis has just referenced the supplementary ground investigation report our EP seven hyphen, oh two, seven. We have received it, I have yet to thoroughly review it and complete my review and comments for the applicant. I have noticed that there are several things that are missing, which we will try and refer back to the applicant as soon as possible. So they can potentially make additional direct submissions via Yourself to us for our review. We will look to use that information in our conversations with regard to the hydrogeological risk assessment and the land quality and contamination conditions throughout the development area and provide some feedback to yourselves and the applicant in a timely manner.

49:13

So are you able to give an indication of the the missing information? I understand standard need to do the detailed assessment but just to give us a feeling for what the concerns are at the moment. So at this moment in

49:27

time, sir. I've looked through the report and identify that there are no borehole logs, yet a number of borehole logs, sorry, a bore holes, trial pits and other investigation points have been installed to investigate geology and so forth. I've identified that some of the raw lab data so the sheets that come back from the actual laboratory themselves are missing as well. So it's important key information that we can use To fully understand the land quality conditions, the hydrogeological conditions, and what that means for the development in terms of achieving a successful outcome.

50:13

Thank you. And I'm sorry to put you on the spot again, Mr. beverage. But the timescales that you visited for detail comments on the supplementary grand investigation report.

50:25

I'm hoping to complete my review sometime this week. Unfortunately, I am on holiday next week. So if, if I can't get them to the applicant, in detail by Friday of this week, I will certainly try to do it by end of week commencing the 18th of this month after Easter.

50:47

Okay, obviously, I don't need to reiterate the end of the examination. Darling. I appreciate that. Thank you. Okay.

51:02

kind of hear from Tim side? Do you have any comments on that? And are you happy to continue providing response to these

51:15

would provide a written response, but the questions I have here aren't addressed towards the environment ageing, so

51:23

apologies. Yeah, we don't need responses from the local authorities here. Wealth plot? Well, supposedly, thank you.

51:31

Yeah, a bit worried I was thinking something fantastic.

51:34

So can I hear from the applicant?

51:39

Thank you for reaching feeling on behalf of the applicant. And obviously, thank you for also editing to the revenue agency for just giving an indication there of what some of the comments might be, at least I can take some instructions on that and see if additional information can be provided or signposted. Did the only the only comment I would make is it will come as soon as possible. And then I think in the agenda that we spoke about earlier on in this item that we're going to submit for deadline a I think it's all the more critical that we try and have a meeting in that week when Mr. Beverage is is back and available, so the issues can be looked at holistically.

52:29

Moving on to soil and groundwater contaminants. And in the response to the examining authorities second written questions, or EP six iphon 039 Question 1.14. The agency raised concerns regarding the adequacy of the information currently provided by the applicant within section 6.3 of the environmental statement chapter 13. Sorry, our EP five, often zero 20. The African has undertaken further ground investigation report work this was a headline seven or EP seven zero to seven. If the examination determining authority considers there to be inadequate information available prior to the completion examination, they run an agency suggests rewording of requirements six to ensure that this requirement is realised prior to the commencement of the development as the Environment Agency or applicant a form of words in mind for such a requirement. And continuing from that to the applicant and the environment as you can see consider that such a requirement would be necessary relevant planning and development to be permitted. enforceable, precise and reasonable in all other respects.

53:58

Yes. So just Just bear with us a second please. Thank you,

54:36

thank you. Could the party's environment agency and applicant respond to those in writing if you could just indicate briefly that you're happy to do that?

54:51

So as S and T S

54:52

and T.

54:56

African content to submit your writing on those

54:59

at Sir Richard Daley on the healthy African, yes, we were content to submit in writing. The only point I have to make at this point is I think the the approach in terms of revising a requirement is dependent on understanding whether there's a need to

55:16

thank you and development. Those are two principal

55:19

boxes and Andrew Davis from the Environment Agency. So, yeah, perhaps in principle, although I think it's a relatively straightforward one to answer very quickly, if I may. So, obviously, as the disbursement we just had before, effectively, this author's link to the outcome of the 2021 ground investigation report in our present concern with the wording of condition six one is that this infers that the ground investigation reporting that has been undertaken is acceptable. In terms of suitable wording, ultimately, that all depends on the outcome of what our review of that latest ground investigation report is, and therefore that will dictate suitable wording. However, as an interim, our suggestion would be a pre commencement grumping style condition should be acceptable. And welcome initial quick thoughts from the applicant on that wanted.

56:11

Thank you. Thank you, let's say those responses in writing, please. Could we also take response in writing for u and v? So that's W. County council, and then the actors. And I said, Can we have a brief? Let's take you who can we take that in writing, please? We are

56:39

so happy to do that my local authority colleagues have had the opportunity to review the drainage strategy report now so in a position to provide you with comments on the next headline. So

56:49

that's how Thank you very much do you want to be now

56:54

moving on to Question V. With regard to the drainage systems and then maintenance, could the applicant and relevant local authorities have an update on their discussions regarding the adoption and maintenance of drainage structures, including planting within the theory of the drainage structures associated with the scheme? And could I hear from Tameside Metropolitan Borough? First?

57:26

Alright, some of these would Tameside. We've had discussions with the applicant and their design consultants to agree to split the damage responsibility in future maintenance. These discussions have been positive and no major issues ever been identified. We believe a satisfactory outcome is achievable.

57:49

Thank you. Could I share or

57:58

has Thank you thirsty Porphyry Dodge County Council from the County Council's point of view but during the process of seeking to arrange a meeting between the County Council's local authority, flood authority here, officers on the on the application and the applicant strange experts think so deciding the County Council's point of view I don't think we've got any fundamental concerns about this issue. I think the key thing for the county council as long as it's made clear by the applicant, which drainage features it expects the county council to assume maintenance responsibilities for either through the the DCO itself or through the environmental management plan. So, as I say we feel it's an issue that can be resolved satisfactorily through further discussions.

58:37

Thank you. And finally some Hi, Pete Borough Council. Do you have any comments to make at this stage?

58:52

James hypergrowth, one of the lead from the county council on this matter.

58:55

Thank you. Moving on, recent events with regard to water being or nutrients have necessitated an additional question. In this regard on the 16th of March 2022. The separate state for environment Food and Rural Affairs issued a written ministerial statement, which added the administrative areas of high peak Borough Council and Peak District National Park Authority to affected areas in relation to nutrient levels in relevant River Basin catchments. immediate impact of the advice is that many more River Basin catchments and Melbourne board courses are now identified as being in unfavourable condition due to high nutrient levels. This will mean that any proposed development in relevant local planning

authority areas which is likely to increase nutrient loading directly or indirectly will need to be assessed according to applicable legislation, eg Water Framework Directive, regulations or conservation of habitats and species regulations can be applied naturally and local planning authorities comment on implications of breaching bases if you travel neutrality advice for the HRA, an HRA for the proposed development. So I'm happy to take that response in writing. If the parties are also content, though, so could I hear from the applicant?

1:00:42

Thank you, sir. Turning on the health of the applicant. Yes, we're content to respond to that answer in writing. So.

1:00:50

Okay. And peek or counsel?

1:01:02

More James cyber counsel, happy to respond in writing, but I can confirm as well that the advice we've had is that Glossop isn't affected by the catchment. It's the rather wide catchment which is further south in the book scenario. Okay,

1:01:18

thank you. And the Yeah, I think this National Park Authority.

1:01:29

Thank you. Certainly, the District National Park Authority, yes. Happy to respond in writing. Thank you.

1:01:36

Okay. And we'll we will actually request a member of the case team alert, Natural England to this question. But that will happen separately. We don't we don't intend to submit this in writing this question in writing. So we'll seek to refer Natural England to the recording of this hearing. Right that that is bringing us to a close on water issues, we have to put something DCO issues. We have a hearing on VCO of tomorrow afternoon. Obviously, from the discussion, it appears that resolving some of that wording depends on rather more work being done. So I'm content that those DCO issues are picked up in writing at a later stage, on which basis I don't eat the EA environmental tip. Welcome to attend the DCO meeting tomorrow to do that. If you'd rather spend your time responding to the lattice that that certainly worked for us. So I'm not going to take any oral submissions on water. Now. If anyone would want to make those. There is a general session tomorrow morning if there's anything very pressing. And in the meantime, do feel free to make any comments on water related issues or things that we've covered in writing. We are just about on time. I just had to comment actually finally, it's been a common theme in this item of our reliance on the environmental agency to make good progress. So I'm grateful to the environmental agency, people present for joining us today and grateful for some of you stepping into the beach and it will be even more grateful that we can make some good progress during the rest of the examination. So thank you all and are going to break for 10 minutes. We will recommence at quarter past three. If you're going to be watching the live stream please be aware that the live stream

will never stop. To view the restarted meeting you will need to refresh your browser page when we restart so we're recommence at quarter past three. Thank you