

TEXT_ISH3_Session2_A47NorthTud_0601202

2

00:07

Welcome back, everybody, the time is now 1155. And this hearing is resumed. And what I'd now like to do is move on to the next item on the agenda, which is issues around climate, if I could. And again, I'd quite like to start with the applicants with a sort of a question if I could come to them, which is really just to provide an update on the work that you've done since the last issue specific hearing that we had and the responses that you provided. But in particular, be helpful if you could just explain the approach and your assessment of human effects of greenhouse gas emissions in the scheme. And in particular, with reference to two of the existing under approved projects at a local regional national level. And this sense, it would also be helpful to understand the methodologies that use any lightly significant effects that have been identified, if any, any difficulties in compiling the information and then just compliance with the EIA regulations as well. And there's quite a lot there out that that makes sense is a question but happy to repeat it needs to be

01:17

some cycle pride for the applicant. I will hand you over to Dr. Jackson. And Miss Holmes, I think probably Dr. Jackson will be first respond to your question directly.

01:32

Yes, i Hello, Dr. David Jackson on behalf of the applicant. I've prepared a brief statement I aligned to a the proposed outline, just going through the embedded carbon assessment and cumulative assessment if it's helpful for me to start with that. Any questions? So thank you i. First of all the emitted or embodied carbon emissions associated with the scheme or those from the construction of the assets, they incorporate the emissions from extraction, refinement and processing of materials, as well as their transport to sites and emissions associated with fabricating or constructing the asset. Appendix 14.1 of the embodied or at the embodied carbon assessment, which is a PP 131 provides more detail on this assessment. But just to summarise quickly, this assessment was based on the preliminary design of stage three, and includes emissions associated with materials construction and transportation of materials to sites. The assessment has used quantity data from bill of quantities provided by a discipline lids so for example from earthworks or structures A, and uses the highways England carbon tool version 2.3 To quantify emissions from this. This preliminary our primary skinny primer primarily uses carbon factors from the inventory of carbon and energy a version three to multiply this with material quantities to get our total carbon emissions. The boundary for this assessment has been during construction has been taken as the physical infrastructure of the assets associated with the scheme plus the transportation of materials to sites which is accordance with dmr design manual for roads and bridges, le 114 climates a paragraph 3.8. And the total emissions from this assessments a from construction are estimated to be at 7727 tonnes of carbon dioxide equivalent with the majority of this associated with earthworks approximately 60% 30% from bulk materials and the remaining 10% A onto other categories highlighted onto the highways England carbon tool within a ies chapter 14, which

is rep 3014 and 015. A section 14.9 opportunities to reduce embodied emissions during the detailed design process a stage five will be undertaken which will include a looking at Value Engineering opportunities, and as well as this a carbon working group has been set up across the 47 schemes between the applicant the principal designers and the principal contractor to look at how and where innovation can be incorporated a to minimise emissions during construction. With regards to a cumulative assessments, the approach taken for the cumulative assessment has previously been described in queue question four zero 11 and four zero 12 of rep 210. Wait, which is the response to the examiners first written question, Rep. 4015 and the applicants written response of the oral submission essays h2 And finally in rep 6018, which is the applicants response to the examining authorities. Third written questions Excuse me. To summarise briefly cumulative assessment has been undertaken in the following ways. dmr le 1047 So the expectation that environmental assessment shall assess cumulative effects, which include those from a single project, for example, numerous different effects impacting a single receptor. And secondly, different projects together with the project being assessed. The assessment of this and other projects on a greenhouse gas emissions should recognise that the spatial boundary of this receptor or resource is global. But for this assessment, a we have considered this at a national level, as this is the basis on which the UK government's carbon budgets, which is what the national networks national policy statements, which is a PP 141 requires the assessment to be made against. To address the following approach a was sorry to address this the following approach was applied to measure the impact of the projects on climate a firstly, from the point of view of a single project, a cumulative assessment is intrinsic within the Le 114 climates methodology, as it considers the emissions associated with construction, maintenance and end user tailpipe emissions. And secondly, that the cumulative assessment for different projects together with the project being assessed is inherently within the climate methodology in two ways, firstly, through the inclusion of their projects, and other locally committed projects within the traffic model. And secondly, the consideration of the project against the UK carbon budgets, which are inherently cumulative, as they consider and report on carbon contributions across all sectors of the UK economy.

06:29

I should be noted the end user emissions have not yet been quantified for the scheme itself but with a for all end user emissions across the broader area within the schemes traffic model, which is described in more detail and transport assessments and a pp 140. And other schemes on a four seven as well as the Norwich Western link are included within this traffic model, as they were considered near certain or more than likely within the uncertainty log and as such have been included within the core scenario that has been used. In doing so the Auckland has currently correctly applied the methodology of dmr le 114. And assess the scheme within the requirements of the national policy statements in Section 5.17. A just to summarise, sorry, just to finish, as discussed in rip, 6018 which was the response to the the examiners 30 written a questions, there is currently no assessments or policy for how emissions associated with a construction of other schemes would be included, or what other schemes should be included or how significance of these would be assessed. However, the emissions a from the construction a are minimal compared to end user emissions. That's the majority of emissions from the proposed scheme have been captured within a cumulative assessment. Okay,

07:58

thank you for that. That's, that's helpful, and then picks up on on some of the questions that the sort of main question that I highlighted, and if I could perhaps just ask a question with regards to the the embedded carbon. And it's clear from submissions throughout throughout the examination, that there's quite a lot of design work still to be done at this stage. And and you mentioned there a carbon Working Group across all the 47 schemes. So I'd be interested, I'd be interested to get more idea and information around that and where that's referenced, or whether that's not referencing I'll get more information on that later point. And how, or whether there's been any benchmarking of the scheme in terms of its embedded carbon against other similar projects. And then also what there are opportunities as that design process progresses to actually improve minimise carbon and what measures there will be in place and how that will be secured as well.

09:07

Yeah, no problem. So so the the carbon working group that was referenced there wouldn't wouldn't have been referenced before I that that is something that is a Yeah, it hasn't been in there, but would be seen as part of the mitigation. So within Chapter A 14, section 14.9, where we list a mitigation strategies, the that the method itself is that the baseline that has been developed in this a yes chapter, I would be our starting baseline from that from stage three. And during the stage five design, we will be working alongside the designers to look at opportunities that there will be ahead. Sorry, on top of those that have already been a described. So within for Section 14.9. A, there were options that have already been taken to date, which include free Replacing a surface course a only replacing surface course sorry, rather than looking at full Pavements A replacement where possible, a reducing earthworks they were that is possible for example. And then going through stage five, we will be looking at a different option, it is still within the design to look at deficiencies, A, which would be done in accordance with a past 2018, which is looking at where a carbon can be addressed at the same time as reducing cost, but also highlighting to the applicant where there would be opportunities that may a reduce carbon further but at an increased cost so that they wouldn't necessarily be taken straight away. But we'd be highlighted as to what could be done to minimise carbon further with regards to the working group, a ideas that have been heard and looked at A and it's still to be decided on which seems to be most appropriate. But I look at the use of alternative fuels, I have looked at how a kind of different energy sources can be used rather than diesel generators. But But these aren't a fully decided upon and will be kind of expanded on or looked at in more detail during the detailed design is stage five to see which are the most appropriate to take forward. But this will follow best practice, which will be starting with a high level baseline a through stage three and looking at how we can reduce that going forward through stage five and through construction.

11:30

Okay, all right, thank you. That's apple, and how will they be secured the sort of commitments to look at those those measures to reduce carbon?

11:42

So I'm afraid I can respond to that one in writing, it's I'm not entirely sure of that of the process. I myself, Labour can make sure that we've got a joint approach between ourselves contractor

11:53

to receive those in writing that that's fine. Thank you for that. Okay, thank you. I'm just conscious. I think it's Mr. Clark. I'm sorry, but I think your microphone may be on. So we're getting quite a bit of feedback.

12:19

Okay. Sorry. Mister. Thank you very much. I think I think that's solved that problem with grades and

12:33

what Attalla t is just sort of see if there are any sort of comments from an interested parties in terms of what Dr. Jackson is just sort of run through. So are there any interested parties that are got any comments or questions that they wish to raise at this stage? Dr. Boswell?

12:59

Hello, Dr. Andrew, Roswell climate emergency planning and policy. I think what I say at this stage is the I don't think there's anything new in Mr. Jackson. So Dr. Jackson statement, certainly about the the cumulative effects. So I do appreciate the thing about carbon working group and so on is new. But on the cumulative effects. There's actually absolutely nothing new in that statement. And there's, you know, there's there's a couple of issues to look at and what he said, but maybe we need to do that later. I'm not quite sure whether you want me to raise those now, or

13:46

I'm happy for you to raise those now. Because that would think give I mean, I've made it to Jackson, the opportunity to understand and and if these be make any comments,

13:56

okay. I mean, I've made a fairly significant submission in rep six. So 20, which outlines the whole area of the cumulative emissions, and basically how cumulative carbon assessment with other schemes in the era has not been done. Dr. Jackson was said that or cumulative assessment was done because other schemes are included in traffic models. Well, that argument is, you know, I've totally seen that argument off in, in my deadline six representation. And also the thing about the UK carbon budgets, I mean, that that, as I've said, several times is just a truism. Of course, if you add up all the apples in the basket, all the different sectors and areas of the country you land up with a national carbon budget, and you can assess against that and it's It's true that it is it is a cumulative in the sense it's all the apples in the basket. But it doesn't actually tell you anything meaningful. What it actually does is focus your assessment into the lowest possible sensitivity of assessment, because you're diluting the effect of the carbon emissions from the scheme, not only against the whole rest of the country's transport sectors, but against the whole country's energy, domestic public service and everything else sectors. So basically, you just dilute the signal, it's the classic, you can't see the signal for the noise. But you know, that sort of truism, which is just basically not a particularly useful piece of information, there's that but the more important point is this thing about the inclusion in the traffic models, and what by D sex submission does, I hope is outline as clearly as possible how the semantics of the information you take forward to the carbon assessment is dependent upon the configuration of the traffic models. Now, I don't want to sort of ramble on at length, but given that I've already submitted that is probably, I would suggest your respect, it's probably better for you to ask me questions on that if you want. But I'm very happy to answer anything, or ramble on at length, you know, whatever is best for, for the hearing.

16:35

And from my perspective, I think I've seen your deadline six submission. What would be helpful, and I don't think there's any need to Boswell to. And for you to sort of go through it at length. I don't think that that's going to be helpful. I don't think I've seen that. I think, from my perspective, it will be helpful to understand whether the applicant has any comments on that. Whether they've had the chance to sort of see your review. That was any comments that they wish to make at this stage on that. And so perhaps I could go back to Dr. Chapman?

17:14

Yeah. Yeah, thank you. And thanks, Dr. Boswell. For that sweet, we have seen a a C PPS response. So rep. 6020. A and agree with the point that a Doctopus was saying with regard to the carbon budgets and the fact that this is what we are required to assess against is the national policy statement and the carbon budgets which are to national level. We do plan to prepare and respond in writing to that tight deadlines seven with a full approach, which will outline how we have followed a dmr le one one force requirements and have accessed our significance within the requirements say and accordance with the national networks national policy statement. A within that so fully responsible, we provided that deadline seven.

18:12

Okay, I think as well will be helpful would be the questions raised by Dr. Boswell in terms of the traffic model, and how and where those are the in particular the idea there are 47 schemes and then right trust and link are included within that. And that demonstrates that now I'm not sure that's something you feel we can do now, or that's something you feel best to include in that that written response.

18:40

We can provide that within the written response. If that suits you.

18:44

Yeah, no, that that, that's fine. Dr. Buzzer I see you've got your hand up.

18:52

Yes, thank you very much. Thank you. To Jackson. That's helpful. I also know, sir, that you in your original question you asked about local, regional and national budgets and assessment. And I didn't hear anything about that in Dr. Jackson's response. So I'm just sort of noting that and the other thing I would say is on page two of my D six representation, that's rep six. Oh 20. On page two, I have seven bullet points of suggested information the applicant needs to provide so just hoping asking for more information we can we can get some clarity about those points whether those would be requested from the applicant now.

19:54

Well, I think I think the way I'm going to leave it is for the the applicant is In your deadlines six submission. And as part of that response, I would envisage that they would look through that that information, it may well be, as part of that they will then provide a an understanding of what additional

information if any additional information is required. If it isn't required. I would imagine there'll be a justification provided to explain why it is not required. And that would then allow further review and comment I suspect.

20:31

Okay. Yeah, I mean, I would sort of reassert the point that I mean, at the key point of that submission, was that, I believe without doubt, without doubt, I use that word, those words, no cumulative carbon assessment has been made. And the only way to become EIA compliant is to run the additional traffic models, which I suggest which I think's the third bullet point of those. There's also the issue that this fact this issue of no cumulative assessment on the carbon, may well spill over into other areas like noise, because the same semantics carried forward if you do the do something minus do minimum calculation, which is what they've been done in that way. You only create a you only generate a particular soulless quantification, both for your carbon emissions and also for noise and other factors. So I think the issue of having an analysis from the applicant of whether they have actually done cumulative assessment on any of the environmental factors, given the way the traffic models configured is also very important. I hadn't looked at noise in detail, but I think noise would be one where that applied, we need to look at that or the applicant needs to look at that across the board. And that there's also the issue that the they're using the different traffic model version from the county council. And there's differences in that. And they haven't really replied to that point yet. I don't think I haven't seen it anyway.

22:30

sort of highlight those ones. If we're sort of finished on that, because I did have a completely different topic on climate to raise if I may,

22:43

if I could just ask you to hold that. Sure. Yeah, just for a second, because what I'd just like to do is just go back on those points. Just go back to Dr. Jackson, and to see whether there's any further comments that that he wishes to make at this stage. And I'm sort of mindful, as you said, Dr. possible that the reference is sort of local, regional national hasn't hasn't been answered. And neither was my comment with regards to sort of compliance with the EIA regs. Now, again, it may be something that this will all come in, in in writing, but I just wanted to make sure that they were covered off at some point.

23:23

No problem. It might be better for me at this point to hand over to Miss Holmes with regard to the EIA regs, thank you.

23:34

To the applicants, we will be providing detail at the in the written response, we will be at that point explaining how the carbon budgets work because that is a mechanism through which the UK Government will achieve the net zero targets. It's not simply an aggregation of emissions, which would be called any random collection of schemes with the carbon budget sort of mechanism. So we will provide that in the the written response will also explain where targets exist, where budgets exist and where they do not exist at national, regional and local level. And we are absolutely clear that we have

complied with the EIA regulations, but we will set out even in the greater detail as necessary. Why that is the case in our written response, but it's obviously rather than taking time off market through the law, review that in writing so there's absolute clarity what we say

24:53

okay, thank you that would be helpful to know that that's going to be that's going to be covered off because that's an important point. Thank you.

25:07

Dr. Basel, I think that's done with these sort of questions that I wanted to, to ask if I could sort of come back to you now.

25:15

Okay, thank you very much. say also that I've said this already, but I am submitting something else. D seven, the D six submission is largely only about carbon quantification phase, and D seven will be about the carbon assessment stage. I just want to also put a flag up, maybe this isn't the right moment, but I did make a complaint in D six at section two, that was going to be discussed at some point it

25:53

will be it's on my phone. So it's on my list of next set of questions. So if you if you hold that I've got a question for the applicant specific on that one. So yes.

26:02

And Shai give you my other point now, which, yeah, please do I know. If I can just refer this is just a start with I just refer you to to my rep. Six Oh, 20, please. And page five. PDF Page five as well, a list changes to relevant policy.

26:29

Yeah, thank you, I've got that thanks.

26:32

I want to hone in on C, D, and E of that list, which are all about carbon pricing. And just as a sort of, bit of sort of background narrative on that. carbon prices for roads scheme appraisal have been set in the tag, workbooks and so on, for many years now that really since the Climate Change Act, and shortly after that, and also the European Emissions Trading Scheme, actually back around 2010 11 carbon prices were set out. And those carbon prices for appraisal, I mean, not just road schemes, actually energy schemes and all sorts have largely stayed much the same. In your reproduced in the tag workbooks for transport appraisal, till very recently, but just in autumn, last year, the C, D, and E points there. There was a policy paper from Bayes, which is actually point D, reset out government policy saying a revised approach of valuing greenhouse gas emissions for appraisal. And actually, if you look at that policy paper, it gives the reasons why that should be done there. And it's largely to update the carbon pricing for recent changes in policy. And that's both in international targets. And that the key one there, of course, is the Paris Agreement. 2015, which aim for a temperature global heating temperature target of 1.5 degrees rather than two degrees. So obviously, that makes the carbon pricing more

stringent. And then changes in domestic targets. And of course, the key one, there would be the net zero target 2019, which we're seeing sort of ripples through with, you know, the net zero strategy and so on. That's a change from the UK going through an 80% reduction in emissions by 2050, to 100%, reduction in emissions by 2050. And then also the effects of us leaving the EU Emissions Trading Scheme, and we've set up a UK emissions trading scheme. So all those factors come together to create a new set of carbon prices set out in that base document in September. Now, I think the key point is that here is that the quantities of the carbon prices have gone up significantly. In the soul. If you look at 2020, they've actually sort of gone up by a factor of four. There's 60 tonnes, so 60 pounds per tonne of carbon going up to 240. It sort of tails off more as you go towards 2050 and 2018 2084 in this scheme. And then small acts are two times that are you there but you've Anyway you've got this significant increase which has to be factored in to the 60 year appraisal. So that that's So just as background, if we now please could go to the case for the scheme, which is a pp 140. document.

30:24

And now, thank you. Yeah,

30:26

I think we've got a BCR. We've got the table where the BCR is generated on PDF page 101. So that's table 5.1.

30:48

Yeah, I've got that as well. Now. Thank you.

30:50

Thank you. And at the bottom, right at the bottom of the page, you see greenhouse gases, carbon. And the cost of carbon for the scheme has been calculated as 21 point 6 million. So it's put in as a negative benefit in red at the bottom there. And then the table goes over the page, and you get a level one VCR of 1.7. And then a level two VCR of 2.2. Yeah. So what I'm saying with the, the, the activation beginning, is that now we're seeing carbon prices, which significantly increase that negative benefit, which obviously will push down the present value, and also the BCR, or the net present value, it will push down on the BCR. I've done some indicative calculations myself, but I think I probably should withhold those deadlines seven, to be honest, and put them in with my, I still need a bit of Tider that work up a bit, but we may be talking something of the order of sort of doubling that greenhouse gas figure of 21 point 6 million, just give you a feel for it. And the you know, the BCDR will drop accordingly. So really, I wanted to flag that as another issue, which needs to be sort of taken form would have more information, or what would be very helpful, I'd suggest is, if the applicant could take that on board, take the new figures on board and come back with their VCR calculations, revised VCR calculations. There's a three other points I want to make. on that. One is the the figure taken forward, of course, that 21 point 6 million that is based on the same d s minus dM calculation as sort of everything else and what I refer to in my D sex submission. And you may recall in that submission, I'm saying that is a soulless that lands up with a soulless quantification of carbon. But it's actually the wrong surface, quantification of carbon. And that it's an underestimate. So, there is an aspect that even that 21.6 is an underestimate of the cost of carbon. So as well as adding in the new carbon prices, we need to see sensitivity testing. Using well this would come back to the point about doing the other transport modelling and other

soloists and cumulative carbon quantifications and conduct a carbon assessments and then feeding that carbon quantification into the into the benefit cost ratio as well. So that that also ties up with that. The The second point is on the construction emissions at the moment the construction emissions don't go into the BCR calculation, only the end user emissions. And I would suggest that the construction emissions are actually a cost not a benefit of the scheme. So if you look at the BCR equation, so to speak on the table, the construction emissions of greenhouse gases should really go in as a cost. Again, I've done some indicative calculations actually and you know it's several million pounds cause though emissions are in the 2024 year and they're not discounted, actually. So where you've got that, on the carbon pricing, you've got the increase of a factor of four, the previous carbon prices, but you haven't either got the economic discount factor applying to those. So the construction missions have quite a high weight. But they're not being added up or accounted for in the BCR as a cost at the moment, and that the order of them is somewhere around 5 million,

35:34

I think. And thirdly, of course, on the cumulative emissions, where we only see a soundless quantification of carbon taken forward into BCR. And as I've said, you know, it's the wrong soulless complication, but we're not seeing any cumulative quantification, which comes out of, first of all, cumulative quantification, and then a cumulative assessment. So as well as I would say, as well as updating on the carbon price, we need those three factors to be included as well. Of course, I'll include some narrative about that in my D seven submission.

36:25

Thank you very much. Dr. Boswell. Thank you, and for that confirmation in the D seven submission. Thank you. Dr. Jackson, if I could come back to you with any responses comments that you should make at this stage?

36:39

Yeah, thank you for those points a we will take those away in writing and at the seven when Dr. Boswell submits say that the statement we will respond to that fully at that point. I I should also add that we assess in accordance with pa 2008 MPs and guidance from from the tag DFTs tag guidance on that. But as I said, we'll respond to the in writing.

37:12

Okay. Thank you for that. Thank you. Okay, thank you. Thank you for that. What abilities again, turn to just to the applicant. And in particular, I think Dr. Buzzer sort of alluded to it in his previous comments, if deadlines six submission. And it's section two, where he he raised an issue with regards to some comments that were made at the previous issue specific hearing to in relation to a couple of court articulation to a single court case. And I think there was also a letter that I received from from transport action network as well making something similar. And I just wanted to sort of see the as the applicant has had a chance to have a look at those and be what your view is on those accurate.

38:21

So Michael frying for the applicant. Yes. So I have reviewed both of the written reps that you've referred to, and we will be responding in writing but I'm instructed to, to respond now as well. The well what's

characterised as a complaint as there's no mechanism for a complaint under these proceedings, is a surprising attack on the professional integrity of a solicitor and the applicant. I'm sure that Dr. Boswell didn't intend to make such serious allegations. But I have to make clear that the allegations as to misleading the examination are both entirely unwarranted and wrong. And I'd respectfully invite Dr. Boswell to moderate his language as what might be appropriate politically isn't appropriate in legal proceedings. Notwithstanding that, sir, at the heart of what is characterised as a complaint is a misunderstanding of the relevant legal terminology. There are two elements to a claim for judicial review. First, an application for permission. And second, if an application for permission is granted, there is then the application for judicial review itself and that's at the heart of the confusion that your full hearing that is not a legal term of art. It is an application for judicial review which precedes and that is what Mr. Justice Holgate heard in 2021. And to put that beyond doubt, so if you read the name of the case, in the headnote is the queen on the application of transport action Network. That's the title of the case. And paragraph 161 of the judgement itself. The final paragraph by Mr. Justice Holgate states explicitly that for all these reasons, the application for judicial review must be dismissed. Accordingly, it was entirely correct for the applicant and Miss Holmes to refer to the digital review proceedings as an application, which was later refused. That I think deals with the first element of the complaint. As to the second element, as I understand matters, and looking at paragraph 19 of Dr. Boswell's deadlines six statement. Again, the matters reported at the hearing were entirely factual in the submissions that were made to the blofield hearing. Were in advance of Mr. Justice, all gates written judgement on the application for judicial review. Accordingly, there was nothing misleading or wrong in what was told to the examination. And the the application, the African statement was entirely accurate. And I want to note as well here said that the grant of permission to apply for judicial review has no legal weight, it's merely a judge on the papers or orally, indicating that in their view from what they've heard in a brief oral hearing or on the papers, the argument is arguable, it has no bearing you cannot rely on it and legal proceedings to prove a point of loss. Then in respect of the third element of the the, as I say the purported complaint again, once a an application for judicial review is refused as tans case in front of Miss justice Holgate was refused. The the applicant tan in this case, is entitled to apply for an appeal to the court of appeal. You make an application permission at the hearing shortly thereafter. In writing, again, it is an application permission to appeal that is made to the judge who heard the case, as I understand matters in respect of this case, Mr. Justice Holgate refused that application for permission, and therefore 10 have been required to put in a written application to the Court of Appeal. And I'm not up to date. I don't know if that that written application has been permitted or not. But if if the Court of Appeals considers that the judge was wrong to refuse permission, then it will overrule that and the case will be out in front of the bill. But till that time, so there's nothing else that the applicant can say in respect of the state of the law, or the procedural matters, raised there in the law is currently as stated in the tan case, at first instances, it has not yet been heard by the Court of Appeal. I've got nothing else to say in respect to complaint. So as I say, we will respond in writing, but I would ask Dr. Boswell to withdraw the complaint.

43:05

Thank you, Mr. Brown, thank you for taking me through the anhand. A written submission. Yeah, as you said will be helpful. And it's not something I want to sort of get into a great lengthy discussion about at this stage, but I wasn't sure whether. Dr. Boswell, do you have anything that you wish to, to add at this stage?

43:25

No, sir. I'll wait to see the response from the applicant.

43:30

Okay, and nothing in terms of the response to Mr. Frey with regards to his request for the language of

43:37

Latos. Yep, no, I think the appropriate time to consider anything like that is when I've seen their response in writing.

43:45

Okay. Thank you Dr. Boswell. Thank you. So I have no further questions on the climate issue. But just to clarify there any interested parties who've got any comments, questions that they wish to raise on the climate matters that have been discussed so far?

44:16

Okay, well, I'm not seeing any, any hands up at this stage. And so I'm happy now to sort of move on to the next item, which is cultural heritage. And, again, what it would be helpful to do is to get a view from the the applicant in terms of sort of whether things have changed with this. I was hoping that heritage England might well be here today, but I haven't seen them on the attendance list. And but if I could come to Mr. Frey for any sort of updates on on this, and then I can open it up for any sort of comments from any interested parties.

44:54

So Michael from the app, and I will hand you over again to Mr. Bennett, who who has already been introduced to The examination previously, I'm not sure if there is any formal update, but we will await and see what what questions are asked. Thank you.

45:12

Good afternoon, Sir Paul Bennett for the applicant. Good afternoon, I'll just remind you again from last time, I would expect to remember that I apologise in advance for maybe clearing my throat and taking drinks often and ask for some repetition of information occasionally. So we've looked at the views that have come in, specifically did the Historic England response, deadline six, and the response of Mr. middles heritage experts that came in which was rep six dash 033. And we have some some main points on that. And that is, essentially, we've addressed a lot of this already, or that things have been rendered moot by the Historic England response. And we would seek to respond in writing a deadline seven, those responses, do have some extra information about things that have been more clarification with what was necessary. And they're quite brief. And if you'd like me to go through that, then I can, or if you'd like to ask specific questions about things that you'd like answered?

46:31

And if the relatively brief, I'm happy for you, just to take us through that, that'd be helpful. Yeah,

46:36

sure. Well, there's one kind of overarching thing, I think that we, in my tendency to waffle I may have missed last time. When talking about setting in general, and that is, you know, we've established here how nebulous it can be and how hard it is to put a line around it, when you're talking about things like the smell of malted barley, or the sound of wind in the trees, and the the feel of, you know, ground beneath your feet. And so something I think, got missed, and that was the, there is a point to be made in an absolutism kind of sense that the quote, if you ask the question, what can you do to understand this thing, whatever that thing may be, the answer is always more. Because we never have full knowledge of the past mean, we can't go back and ask people, there's always more you can do. And the point I think I was trying to make that point was some that that's great for academic research. But it's, this is a practical experience. And at some point, we have to stop and we can't, as much as I would like to I can't fill every as with a PhD thesis. And to give you a small example of where that balance lies, just, which I think would help all parties, is to take an example from a place nearby, it's actually just over the border into Cambridge, you're down at the other end of the a 47. And it's a great two star judge very, very small thing. It's very interesting architecture, I was actually doing the walk over survey with a colleague who done his MA thesis in weird church architecture, to paraphrase it. And this was about as weird as they come, it looks like a church but it was orientated the wrong direction. Churches, for those don't know are always orientated east west less, there was a very good reason not to. And this did not have a good reason not to and was not oriented east west and are markedly so. And it's windows were strange is pointing in different directions. And it was one of those things where you could immediately see the research you would do is a very old church that might have some impact on pre Christian perhaps, settlement, or what we might term a cult activity in the migration period, and then the eighth to 11th centuries. And so it's absolutely fascinating. Except, rather than getting the opportunity to write an MA thesis on it, it was separated from the scheme that we were actually assessing by almost a kilometre, and a flood bank that was taller than the church. If that was where we're viewing it from from this huge flood bank, and got very disappointed we realised the amount of research we get to do on that was actually zero because it wasn't relevant. Yeah, worth noting is there because there is this great two star church and it goes on the maps but nothing further needed. And so, yes, one could always base the the criticism that one is not enough to understand an asset. But the point is to understand the asset enough to be able to inform the Secretary of State and know more. And in some sometimes in pursuit for brevity, we can be seen to perhaps disregard things that we haven't and that was a lot of my discussion on. What goes into setting was was Bam, I think that's that's the framework in which you want to put this that's that's nothing Yes. Essentially repeating we said last time, help my memory as well as yours. So, the the notes will do the Historic England notes Firstly, because it does go into a lot of the arguments here. And that is I shan't quote but I'm terrible reading books. And that rep 602 to the opinion of the stark England Regional inspector is that is essentially in agreement with us. And that the US look into here the, to quote these duties have all been carried out by Natural England as the designate a designation relates to the importance of the landscape, in reference to the tax designation. So sorry, to begin, quote, again, relates to the importance of the landscape, not the list of buildings on estate. This is reflected in the undertakings which considered maintenance to the land, not the buildings. And they have gone to agree that it's appropriate that we've assessed the impacts in terms of the building and it's setting, and then defer to local authority. And it's worth noting, again, the local authority has agreed with our assessments and the level of our data gathering essentially, the level of understanding, excuse me.

51:42

Use me, try me if I have to coffee. So that then essentially establishes that essentially what we've been saying in a very specific sense that this particular IHT inheritance tax items for designation is not a heritage designation. or cultural heritage designation, rather, the use of the word heritage in management plans, and in the construction of the wording of the act. And those management plans and guidance is, as we've said, a little problematic in many things can have heritage and knowledge and cultural heritage, the natural heritage scientific heritage, which I would say outside of my expertise. So I believe that in terms of how we've understood those things, and those issues around or criticisms around how we've understood it, could very well academically stand to a lot of argument and be very interesting to have. But in terms of the practical application to a scheme that must be assessed, and what must go to inform the secretary of state that we have done enough and the relevant authorities have agreed with that. And I have a slew of document references for those statements of common ground if you'd like them.

53:13

No, that's fine, because I have those here. So so that that's okay. Those both in my notes and in printing the thing, so that's fine.

53:20

Yep. And in terms of some of the specifics that we thought we could do with a bit more clarification, again, it's that the of not wanting to overwhelm with information. And so you know, do things that might step outside of the bounds of this assessment and what's relevant. But where that where there seems to be some perhaps misunderstanding or drilling down into a point, I think it's worth going into those things briefly. I promise it'll be brief. So the first is, there's a note of the lack of appreciation of the quality of these are, quote, small and relatively intact. Glebe estate, quote, and we have reference to Glebe estate. And we've talked about how we don't think it is actually intact in order that it isn't as legible and coherent and all sorts of things. So but we've simply stated that really, and it's not the sort of thing we'd go into to try and refute everything and say what's not important, we simply say what is important, but in this case, it's been a sticking point. So I think we should say a little bit of a expansion on why considering there is also an historic estates, which we have put in as an asset which is in the the HDR record. So firstly, and I appreciate this might be a little bit a bit academic, but it's no longer a Glebe estate. What a Glebe is for the benefit the record is an estate that is given to the ownership of the church. Generally, or a particular priest, in particular for their upkeep, and is usually in Freehold by that person or body. And if and the reason that's there is a term that's used in tithe and tax apportionment, it's not taxable land essentially. Or not tileable land rather, because that type goes to the church and therefore, themselves. So, in a technical sense, it's not ugly this day, because it doesn't have that function. And it could have that function if it was a, you know, taken back over by the church or given to a vicar again, and so that that can come and go. And we're not going to presuppose that it never will be and you know, what, in the fullness of time. And in general, that's not something that we look at as being a thing of value, because it would start to preclude you of changes in use and practicalities over time and the freedom of people and owners to do as they would with their land. So in terms of its, and that, that that might be esoteric, but in terms of the coherence, the point that we're making to drill into the detail is that the data of 1755 was given in a reference several times, which is a

an archive reference within several of the documents in the management plan and documents are mentalist as put forward, which had been very, very useful, very helpful. And very interesting. Where those documents are in text only, there's no plan that goes with them. We don't know if one survives, if it does survive, it doesn't survive in an archive that we're aware of. So that says that the grant of land for the estate was fought to the person was 64.5 acres and eight parcels of land. That so immediately, two problems, what's an acre and 1755? Versus today? The answer, we don't know precisely, an acre was often given as the amount of land that a, a team of oxen could plough in a day, how big is a team? What's the land? Like? What day is it? And how motivated are they? Also? What is a parcel? Is it a field defined by boundaries? Be they natural or artificial? Is it a single contiguous area of land? No, which doesn't have any satellites today? One Pass will be much over which could be any number of fields. And we don't know. And so because we don't know that we can't say how intact that estate is now. And to say why we can't although, and there'll be full references to my research and in this in the response, that which will be behind a JSTOR wall online, however, JSTOR does give you free access to these things. So

58:19

look, if they want you to pay for it, it might look like a paywall, you get some free articles with it. So there's no barrier to that. So the what is an acre for this part of the world is roughly comparable. That doesn't seem to be a problem in the literature, for people wanting to compare the sizes of acres given in various documents or various times in this kind of area tends to be more in areas where you get some very difficult agricultural conditions, very stony ground, for example. So it's still useful to have a rough comparison. So you know, looking at orders of magnitude and things so rather than point one of a hectare wouldn't be something we talk about, but several would be so by the time of the tide map in 1838, the Glebe estate, which Hadley all labelled as Glebe, is roughly and again, this is based on my rough totting up of what was written plus what is there now, in terms of modern acres, so as I'll refer now to modern acres, that it was at that time roughly 128 acres in depending on how you count it, it's 31 or eight parcels of land. If you count it as individual field boundaries and natural borders and things but discount the, the the garden and the house itself, because that gets problematic of how you did subdivide, never lots of buildings and then that will be 31 parcels of land, if you took it as contiguous areas, then firstly all of it is west of the various lane, which is the boundary of the parish. But there are seven other citizen the main estate would be one parcel if you took it as a contiguous lump. And then for Shem, got a lump sounds disrespectful apologise, the there are seven other smaller bits of land, which some of which are pretty substantial, some of which are little strips within other people's fields. And there are seven of those scattered throughout the parish. And that could mean that eight parcels there was a correlation there between the two. And I don't want to suggest that it is that but it's certainly a possibility to academically to go and explore. And then taking a look at the the designation mapping that the BHT mapping links to which we referenced before is that as provided by HMRC, and reproduced in the documents for Mr. model, that using the same counts methods says, and only looking at that land west of berries lane, which is fair, as that's what's referenced in the latest documents is looking at that line west. So if we do that, using the same method of counting, it's roughly 93 acres in 18 parcels or one parcel. And so you couldn't see that from that. And from from the tide mapping to modern day there is a definite, subtle, but definite change in the layout of the buildings, there is a much larger change in the layout of the individual fields within that main parcel of land. Which essentially equates to loss of it, there is change in land use with more woodland plantation, the, the

woodland planting on the north, or along the a 40. The existing a 47, for example, is quite modern, I believe it's I don't have the reference in front of me, but I know it's post 1930s. And so that you know that the business of doing farming and have the necessary business of doing that it has made changes in the land and so that coherence comes down. So you know, if it were still function eglee, if it was still exactly the same layout that we would know from 1755. There could be it, it could have, you know, some value of preservation. But because we can't say what that layout originally was, we can't say whether it is through those changes drifted closer back to it, or whether it has drifted further away.

1:03:08

Excuse me. And that's not to say that we discount the idea entirely. As I say it would it would do for some interesting research if one could find those plans, but they don't appear to exist in the archives. So to move on. The lack of the next main point we've picked up is that there's a lack of cultural heritage understanding and research that links the Paris churches at East Haddam and holding them because in the environmental statement, we say that knowing which church it was related to, could be valuable, we didn't have that information at the time, I want to clarify that a touch because that's entirely my fault. For not stating assumptions like you kind of forget what people do and don't know about the process of archaeologists. And that is that it's, it's essential in archaeology, to be trained to understand that you can be wrong all times. What matters is you've got a hole today, you've got a thing to do, what do you do next? And do you know enough to do that thing? Or you know, what question to ask next. And in terms of that, what we end up doing is training specifically to be able to hold contradictory thoughts in our head and believe both of them and go down those lines and leave that open like truly open. And so in respect of this sounds a little bit self aggrandizing did not set in time. So in terms of these particular things, we we knew that the the form of acreage form a past major was really to one or other or both of these churches, and it turns out, it's both and one depending on when you're looking. And so we didn't know enough to actually put down a marker and say this, this is what it is. But what we did was look at the relationships between the building those churches, enough to know that the relationships weren't going to be affected by the scheme. And so it's not important to then remark upon. So the information is useful. Sorry, the information is interesting. It's not useful for the assessment, you see, I mean, if the scheme you know, sort of completely bisected between the settlements and the, the passage, then then perhaps there'd be something to talk about that. But that's not the case. So and, and, again, just be home. The point is that we did also think that it could have been, because you don't necessarily go just to the nearest church, if you look in the parish it's in. But there's also an outside chance that could have been occurring. It could be North Tottenham, giving some sometimes, often it's in the same parish, but sometimes of equities outside the parish. To the extent where you can't say with 100% Certainty simply because of where it's located, what is. So there are some comments we'll respond to about landscape, I will leave that to my landscape colleagues. So we're really to come back into the combined historic and landscape qualities of the estate. I think fairly obviously, that will be double counting. And so by by looking at each aspect of it, we've looked at that. And because that information is presented, it's for the assessor and for sorry for the inspection for the Secretary of State to have the information to have the information available. They may synthesise it as they will, that's one of the chief functions of that is to bring things together and look beyond what is necessarily

1:07:21

spelled out word for word. For those y's that I saw just reading their list, talking about this, historically, this day is addressed up.

1:07:38

And there is a thing that has come a few times, and we've never really mentioned it because it's a again, not terribly relevant, but could be a thing that would raise an eyebrow of why haven't Why haven't you? Why haven't you dealt with this new factored this into your assessment, because it is a thing that on in other contexts can can be a factor in the value of the thing. And that is associated with historical figures. And the the association with historical figures is something that is a little bit sensitive generally. And so I don't want to drill into it too much. But in general, of what I say in general universally, it is a theme that is not related to the person because they are that person is related to the person because of the cultural influence they've had the impact they've had on society as a whole and that requires some time to step back from and see unfold and such. I believe sting keeps asking for a blue plaque on his old house and walls endless it's been told categorically not to leave dead. So normally when figures use the word character, when figures are mentioned in in the record in the media record, so in this case, the I will apologise so much for my pronunciation. I've never heard it pronounced. I believe it's the Reverend Duquesne qu e s any and all welcome any correction is mentioned in the diary of parts and Woodford Excuse me. And is mentioned quite a few times. You know, they were they were good friends with he was good friends with the diarist Parson Woodford. And as mentioned I'm not sure if you read the diary I have, but it's an interesting read that he's mentioned, you know, in excess of a dozen times, possibly two dozen times. And there are friends that were colleagues, at least and and so it turns up a lot. Unfortunately, the Not much the mind in terms of the the assets that this house in the estate, it doesn't mention that it's pretty. But But nothing and, you know, there are recounting of events that happened, or, you know, people that were talked to inside that house, but no description of the house. So we don't know, necessarily, it's the same structure, which put together with the old mapping evidence that there's been changes, that we don't exactly know how that's gone. But that's getting very much into the weeds. The main point here is that simply being mentioned in a book doesn't make you an important historical person doesn't mean that you have had influence, you know, or be mentioned in, in media that has been preserved. And, you know, I shudder to think what the landscape would be like in 400 years time, if that were the case, and all of our social media posts were of cultural value. And, or in terms of development control. But there does get to be a kind of a skew, I think it designations and, and in look, looking at importance of things when there is a record. And you know, one can look at the redevelopment, Glasgow waterfront, for example, where a particular oil painting has been used as the basis of that redevelopment of like what is desired and what is not. Except that painting is an artist's impression, and does not represent necessarily what was actually there. at any particular time. Here, it's, it's known to have elements from the artist memory net, for example. So it gets a little problematic to sort of look at media and given to and I just wanted to put that across because it's something that a lot of people don't necessarily understand fully. I mean, I'm waffling there, right. So the point about the diary apart from Woodford is that it is not an account of people who have cultural significance in terms of their influence on culture, it is of value because it is a a record of a slice of life of ordinary life. In a time when people weren't doing that, as a matter of course, other diarists do do recount the lives of the great and good that they were a part of but this is very specifically recounting of two places at one time for essentially being ordinary people. Parson Woodford himself that the author is not an important historical person outside of the fact that you wrote

a diary, which has been preserved and then got published. And so that association is not an association, it's picked up in the listing.

1:12:40

And I think rightly so. It could be if, for example, the house was all rooms within it, or details within it were preserved from that time, and so you could get an experience or a more visceral connection to that ordinary life, essentially, you know, we've turned the whole thing into a country life museum as it were. But we don't know that that's the case. It's not enough information to be able to put that together. Which is that I think that is I think that is that is everything. Although, lastly, a LinkedIn article, I wrote about these things in general, as a sort of heads up to the profession to say, hey, I don't know what's going on here. You know, don't don't take my word for it, but maybe check, you know, do your own thing. And there's no comment on it. So I don't know why it's in there. But I'd like to make clear that again, in context, LinkedIn is often used for people saying that they know, chapter and verse and everything and clearly this. If you read it, it's very specifically not apologies for the clickbait title, etc. So it's it's Yeah, and is very specifically worded not to be in reference to this particular case. It's a general kind of, hey, we've noticed this things and people asked about it, haven't heard about it. Maybe you'd like to hear about it. I think that's everything I have to say.

1:14:13

Thank you, Mr. Bennett. Thank you that that's helpful. I'm sort of conscious that a there may be some parties you maximise some sort of further comments on that, but I'm also conscious of the time being 10 past one and Mr. Josselin. I suspect there may be some points and comments that you may wish to make on that. But are you happy for us to have a lunch break now and then resume with your points then

1:14:47

draw shots in very holy state? Thank you, sir. Yes, very happy to have a lunch break now and to resume afterwards. But I wonder if just before the lunch break In the previous speaker, Mr. Bennett, could enlighten us simply by saying are, what parts of the estate has he visited or areas adjacent to the estate? And when has he visited them? I think it'd be useful to know that in the course so that we can ponder it during the lunch break.

1:15:24

Okay, thank you, Miss. Mr. Bennett. Is that information available in terms of site visits that you undertook?

1:15:34

I pulled that for the applicant? Yes, I'll just pick it out of the Yes.

1:15:48

And answer to the where the essentially up and down berries lane, and then into the driveway as far as we then remembered that that was not a public footpath. And the we should get out of the private land. And then from the air 47. And the rest was done via remote sensing by APS. And there have been some photos that were given from the the right word, the environmental coordinators at the time from

various other disciplines, you might have had some photos. But in terms of actually boots on the ground, yeah, just from public right away, and that walk up the driveway, which in error,

1:16:47

the date may 2020. For that don't have the actual day to hand.

1:16:57

Yeah, I think that's, that's fine. Thank you. Thank you for that. And so what I'm thinking now is that service Jocelyn Sorry, I was gonna suggest that now it's

1:17:08

on behalf of Mr. Metal, just saying thank thank Mr. Bennett, for providing that information. Right. If you could tell us after lunch practice, which footpaths he walked down, I think that would be useful to know because they have the views the estate.

1:17:21

Okay, but yeah, I can leave that way. Thank you, Mr. Bennett. What I'm going to suggest then, is that we've been going for this amount of time, so perhaps we break for lunch now. The time is 1213 minutes past one. I suggest that if 45 minutes is okay. With everybody and we resume again at two o'clock. Mr. Pryor. Is that okay with your team? Yeah. Great. Okay. Thank you. Thank you. Well, this hearing is adjourned for lunch till two o'clock. Thank you very much.