

# TRANSCRIPT\_BLOFIELD\_ISH2\_SESSION1\_19082021

Thu, 8/19 12:02PM • 1:29:43

00:04

Good morning, the time is 10am. And I'd like to welcome everybody to this issue specific hearing in relation to the application made by highways England, whom I will refer to as the applicant for the a 47 blofield, North burlingham project. And today's issue specific hearing, I will be considering a range of environmental matters. Before I formally open the hearing and introduce myself, I would ask Miss Allen, the case manager for this project to confirm that you can see and hear me clearly under the recording or live streaming of the event has started. Yes, I can hear and see you and the live stream has started. Thank you. Thank you. This issue specific hearing for the a 47 Bluefield, North Burlington project is now open. My name is Alex Hutson. I'm a chartered town planner, and a chartered landscape planner and hold academic qualifications in these areas. I'm in I'm upon the inspector employed by the planning Inspectorate. And I've been appointed by the Secretary of State to be the examining authority to examine this application. You will already have spoken to and heard from Ms. Allen, who was the case manager for this project was Alan is being supported stay by James buntton, who is a member of the case team. If you have any questions regarding the application process in general, can I ask that you please email these the cakes team who will be happy to help? I first like to deal with a few housekeeping matters which are specific to virtual event. As some of you here today may not have attended one of the previous virtual hearings. Firstly, can I ask that all audible notifications for electronic devices be switched off and remember to make sure your camera is switched off, and microphones are switched to mute unless you are speaking. This helps reduce background noise and assists with bandwidth. No request to be made for any special measures or arrangement to enable participation in this hearing. But Could I just confirm that this is correct? Yes, that's correct. Thank you. Please note that the chat function teams is not being used today. So please do not send any messages via chat as it is not being monitored. If at any point in the hearing, you can't hear me or wish to speak. Can I ask that you turn your camera on if it's turned off, and use the raise hand function in teams, that may sometimes be a delay before I can acknowledge this? as Alan will have explained what to do if you lose connection. And I am able to join for a short period if there are any more significant connection problems. Our agenda for short breaks at convenient points usually no more than every hour and a half or so. For the purpose of identification, and for the benefit of those who may listen to the digital recording later. Can I ask that at every point in which you speak? Could you please give your name and if you're representing an organisation or individual who it is that you represent? Does anybody have any questions or concerns about the technology or the general management of today's event?

03:17

Okay, I can see no hands raised. So I'll take that as a no. There's a digital recording being made of this hearing. This will be made available on the project page of the national infrastructure planning website.

If you take part of the hearing, it's important that you understand that your comments will be recorded and the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision. As such, the planning Inspectorate is subject to the general data protection regulations, it is very unlikely that I will ask you to put sensitive personal information such as email addresses an economic, financial, cultural or health related matters into the public domain. Indeed, I would actively encourage you not to do that. However, if for some reason you feel it is necessary for you to refer to sensitive personal information, I would encourage you to speak to the case team in the first instance. The case team will then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published. Please bear in mind that the only official recording of the proceedings is a digital recording that will be placed on the project page of the website, tweets blogs and similar communications arising out of this meeting will not be accepted as evidence into the examination of this application. Today's issue specific hearing is being held for me to explore a number of matters or really in respect to the proposed development and environmental matters. I'd like to remind you that the examination is predominantly a written process. I've already asked a number of written questions on these matters which parties have responded to Furthermore, as you will have seen from the examination timetable, there are further rounds of written questions proposed if required. The purpose of this examination is for me to examine the information submitted both by the applicant and also by interested parties and affected persons. As results. I'd like to reassure you that I'm familiar with the documents that you have sent in. So when answering a question, you do not need to repeat at length, something that has already been submitted. If you want to refer to information already submitted, I'd be grateful if you could refer to the appropriate pins examination Library Reference. First of all, can I please ask for the first time you use an abbreviation or acronym, they give the full title as there may be people here today are listening to the digital recording. The may not be familiar with the application or the documents as you are well accepted, the majority of the discussions will be undertaken by those parties that are requested to speak. This is a public examination and therefore if there is a point that you want to make a piece, please feel free to raise your hand and switch on your camera at the relevant time that you wish to contribute. hearing today will be a structured discussion, which I believe based on the agenda that has already been published. The purpose of this discussion is for me to ask questions and seek clarification on environmental matters related to the proposed development. To ensure that I have all the information that I need to make my report to the Secretary of State. The questions that I'm going to ask today will be focused on those areas where I need further information or where I think the issues will benefit from examination orally. I would therefore like to say this opportunity to reassure you that whilst I may not be asking a specific question or covering a particular topic that you're expecting, it is not necessarily the psych view this matter is satisfactory. Emily indicates I consider that I have all the information that I need on this topic. Finally, I'd like to remind everyone that this is not an inquiry and therefore unless I was specifically requested or agreed to it, there'll be no formal presentation of cases or cross examination. As such questions that you may have for the parties need to be asked through myself. I'm conducting this hearing in accordance with section 91 and 94 of the Planning Act 2008 and the infrastructure planning examination procedure rules 2010. Specifically rule 14 relating to procedure as hearings, you're reminded that the Planning Act 2008 allows that the examining authority, which is myself, they refuse to allow representations to be made at a hearing. If it is considered that the representations are irrelevant, vexatious or frivolous, relate to the merits of policy set out in the national

policy statement. Repeat other representations already made or relate to compensation for compulsory acquisition of land or an interest in or right overland.

08:02

Before I turned to the agenda, I should say that for the avoidance of any doubt that we'll be using the most recent version of documents submitted by the applicant. Key documents likely to include the draft development consent order revision two, which is rep 300 before the s chapter five, which is air quality, which is reference a PP o for three environmental statements, chapter eight, biodiversity revision one rep one dash 02 for the habitats regulations assessment, revision two, which is rep 200 for ies, Chapter 14 which is climate change climate revision two which is rep 2002 as chapter six cultural heritage revision two, which is rep three dash 012 Yes, chapter nine which is geology and soils, reference a PP dash oh four seven. The environmental management plan which includes the record of environmental actions and commitments revision three, which is rep three dash 01 for the master plan, which is revision one, and reference rep one dash 041. The agenda for this hearing was placed on the project page of national infrastructure website on the ninth of August 2021. And I suggest that you have this to hand the main items for discussion are environmental matters relating to air quality by the biodiversity ecology and the natural environment, climate change, cultural heritage and geology and soils. matters relating to landscaping, visual effects, material assets and waste noise and vibration population human health, transportation and traffic and the water environment will be discussed at tomorrow's issue specific Hearing, which starts at 10am, with the arrangements conference starting at 9:30am. Please note that today's agenda is for guidance only. I may add other issues for consideration as we progress, I will seek to allocate sufficient time to each issue to allow proper consideration of them. Should the consideration of the issues take longer than anticipated, it may be necessary to prioritise matters and defer others to further written questions. As I've mentioned, because this is virtual event, I will adjourn for short breaks at convenient points. You can stay logged into your teams throughout the break. Please ensure you switch your cameras off and mute your microphones. If you're watching the live streaming, you will need to refresh the live streaming web page to continue watching the live streaming after any break. If you do lose connection use the same link that you use to log on this morning and the case similar endeavour to reconnect to as soon as possible. Should you experience any problem with the live streaming a digital recording of the event will be published on the web page shortly after the event has ended. If for medical or other reasons, anyone requires a break at a specific time, could you please let the case team know I can hopefully adjust the programme to meet your needs. Finally, it is important that I get the right answers to the questions that I'm going to ask. I reiterate this is predominantly a written process. Therefore if you cannot ask the questions as being asked or required times to get the information requested, then rather than giving a restricted or potentially incorrect answer, then can you please indicate the need to respond in writing? Like then defer the response either to action points be submitted by deadline for on the ninth of September? On to the next round of written questions. So before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedural side of today's hearing? Or the agenda?

12:07

Okay, I'm seeing no hands raised. So I will move on to the introduction of participants. I'll now like say the names of those who wish to speak at this hearing. If you are a representative, please state whom you represent. And we'll start with the applicants please.

12:32

Yes, good morning, sir. Good morning, Philip Robson, highways England. And so if I could invite for the members of the team to come forward. So I'll do our quality first, and then we can introduce additional experts as in when we move through the agenda if that's agreeable to you, sir.

12:55

Yes, that would be fine. Thank you.

12:57

So there should be Mark Murphy. Oh, Jen is that the mark Murphy.

13:05

Mark Murphy environmental impact assessment. EIA preventer coordinator representing the applicant

13:17

perception representing highways England and the air quality lead. Thank you.

13:27

We may also say from that gave a lot of keep I was about to come forward.

13:35

Hello, Alanna Cooper. ecology lead for speco representing the applicant. Good morning. Good morning.

13:45

That and on air quality. So we may hear from Mr. Phillip Fouche

13:52

Okay. Good morning. Morning. Good morning, Philip. Fouche. I'm with gulliford dry contractor, Principal contractor representing the applicant. Thank you. Moving on to Norfolk County Council.

14:19

Good morning sir. David Cumming strategic transport team manager at Norfolk County Council. This morning. I'm joined with john Percival and let him introduce himself.

14:32

Okay, thank you. The Morning sir. I am john Percival, senior historic environment officer for North County Council with responsibilities in area predominantly below ground archaeology, which we'll be talking about later on. Okay, thank you. Move on to broadland District Council.

15:00

Good morning Blanaid Skipper broadland District Council and this morning I'm joined by David Humphrey, who will introduce himself. Thank you.

15:13

Good morning, sir. My name is David Humphrey. I'm an environmental health officer and will not be asking any questions but we'll be listening to the air quality discussion, please. Okay, thank you. Anybody else from problem District Council? I understand that. Chris Bennett may join us later.

15:45

That's why Chris will join us for the for discussion later. Yep.

15:49

Okay, thank you. Moving on to interested parties. Dr. Boswell? You here this morning? Yes. Hello. Good morning. Hello, sir. Yes, Dr. Andrew Boswell are climate emergency planning and policy, and also Norfolk resident. Okay, thank you, Dr. Boswell? Are there any other interested parties or any other parties present who wish to speak today?

16:31

getting no indication that there are so I'll move on. So as you were saying, I asked a number of written questions in relation to the topics listed on the agenda. And thank you to all those who responded. And I want to pick up on a few of those responses, amongst some other matters in the agenda items. I'll just also just won't say if you see me looking away from the screen. It's not that I'm not listening to it, because I've got another screen next to the screen I'm looking at. And I'll also be taking notes. So moving on to agenda item two on air quality. Just to clarify the So first of all, the environmental management plan, revision two submitted by the applicant and revision three, that the track change versions seem to include the same track changes. I'm just wondering what the reason for that is that says, Can you just confirm that revision three, includes all the track changes from revision two, as well as other changes? That

17:52

Yes, so that's certainly my understanding. If not, then I'm sure Mr. Murphy will come forward. Specifically with regard to quality. The none of the changes between rev two and rev three related to that topic?

18:06

No. Okay. But what maybe the reason for that was that the track change version was used, the rev to track change version was used to track changes to rev three rather than the clean version. Do you think that was the reason?

18:29

No, I don't believe so. So I'll take away the two copies, just to double check what what's on the website, if there's any consistencies and but the the rev that we have uploaded, is up to date. And I can confirm also the personal differences with air quality.

18:49

Okay, when you do check, could you just check the the track change versions cuz they both have the same track changes on them? Yeah, I'll go through the entire also just to remind you, before you speak, would you please could you just say your name and he represented please apologies. Yeah, a coordinator. Okay. Thank you. So moving on to dust control, management matters. So, section 5.6 of s chapter five s as an environmental statement. Note, so there is a large dust risk potential for a project of this type. Paragraph 5.8. Point two six of ies chapter five sets out that with the recommendation of best practice construction mitigation measures in place, the impact of construction dust is considered highly unlikely to trigger a significant air quality effect. In answer my written question 1.2 point one, highlighting a lack of information regarding dust control. The applicant stated that the Details of measures to control does not yet developed. Moreover, only limited information is provided about typical measures to control us in the applicants answer. On this basis, can the applicant please explain how it has been demonstrated that significant defects will not occur to air quality as a result of dust during construction?

20:26

So, I'm going to defer to miss Simpson, the expert on this one. Okay, thank you.

20:33

Well, Jennifer Simpson, Ames break was equal to half of highways England, yes. And the construction assessment in the rescue as high as you correctly reviewed. And this was due to the assessment methodology called and dmrB, which is the design manual for roads and bridges. And the mitigation measures that are suggested and the air quality assessment are those that should manage the mitigation to sit high risk site. And that's what we've suggested and confirmed in the ies chapter. Okay, so if those mitigation measures are put in place, there shouldn't be any risk to dust, you know, that that should control the dust management on site, and then there shouldn't be any risk to the receptors surrounding the site.

21:27

Yes. So what's the what are the mitigation measures and where they set out?

21:33

They are set out and then in the EMP.

21:38

Okay, and can you can you take me to that, please?

21:42

So on section, RDP, 3014 and two, just get the reference for you. That is under a tree one on page. Okay. But at the EMP.

22:04

Okay, so. So you list the best practicable means? But I, I'm not too sure what, what they are. I mean, so in your response to the recent question, you, you respond to that there are a couple of points. For example, I think you said we like wheel washing, etc. But

22:36

we suggest that the Aqa guidance, the best practice there for high risk sites is use the Chevron's once the construction activities are known in each area, then specific measures would be put in place and that would be to enter the next version of the EMP those would be fairly detailed once the construction activities are known at that time.

22:59

Okay, so say this listing documents is okay. But I I'm not too sure what is included within those documents. So I was hoping when in response to a written question I was hoping for, I suppose some indication of what have examples of what what those would be. So I know Mr. Murphy's got his hand up at the moment. So we'd like to say something.

23:26

Yes, Mark Murphy, a coordinator on half the applicant. Yeah, so this goes back to our answer on Tuesday explaining the iterations of the EMP. So this is just best set. So the principles and then that is the further detail as provided at the second iteration of the EMP, so what is put forward as James explained the mitigation and that sense of the the basis and the principle and we can settle that sufficient to cover for the the mitigation for air quality potential air quality effects.

24:03

Okay, so would you just like then, in that case, just take me through what the mitigation is that you're stressing in the EMP?

24:12

Yes, so the standard is set out. And so that is the end, there's a commitment to that. And then if that's carried forward, that is the that's the mitigation. Okay, fulfilling that standard by following the guidelines that we've stated there, that further detail comes in the second iteration.

24:35

Okay. Could I can I ask Mr. Humphrey from B. from Roland District Council, if that's if that kind of information is sufficient at this point. to rely on further details further down the line in terms of dust control, in your view? Yes, I

24:59

would be happy With that, my experience is that it should be. Whilst you can't always rule rule everything out, it should be possible using the sort of the recommended methods to ensure that dust doesn't become an overriding issue and cause, you know, detrimental effects to residents who live close by.

25:27

Okay, and for the for the for greater detail, you're unhappy to wait for that. You're happy to wait for that? I am. Okay, thank you, Mr. Humphrey. Okay, in that case, I'll Does anybody else have anything to say

with regard to dust control? management matters? Before I move on? Mr. Knight, you got your hand up?

25:57

Yes. This is Tim Knights' resident of the White House at the centre of the project. This has been an area of particular concern to me, because we're directly east of the bridge development and the land on which the bridge development will take place is quite Sandy land in and we will be predominantly down when given the winds up predominantly from the west here. So I was concerned as to what line of recourse we would have what the pathway for resolution would be in the event that it becomes difficult to actually live here. If we end up residing in a dust cloud, depending on the environmental conditions and the as the construction progresses, when it whether it would be possible to clarify what what pathway to recourse we would have

26:56

Okay, Mr. Murphy, or miss Simpson would like to answer that question. I call the shutter speed 30 Jennifer Simpson against vehicle. Could you repeat the question again, please? I think Mr. Knights was concerned that because he lives next to the the A B, one 140 overbridge. He's saying the land is quite Deus is quite Sandy. He's He's saying what? If he does experience dust issues? What recourse does he have following that?

27:40

I think gt with the contract to make the best answer that fits up with jaggery.

27:48

So that there would be two mechanisms that would stand out. To me, the first would be through liaison with the contractor which of course Mr. Fouche can speak to, in terms of ensuring that there are channels for such complaints. And there are also the usual, the standard complaints that can be made to the environmental health team or the local authority. Because construction sites take place in various locations, it could be housebuilders, it could be this project, and the environmental health team at the Council have an enforcement team that will look at it on all sorts of different sites. And this site is no different and would be subject to such enforcement. Okay,

28:35

but you're saying in any event, the next iteration of the EMP will include dust control measures, which will avoid this from from happening in the first place.

28:45

Precisely. I mean, this is this is the worst case scenario, where for whatever reason, we would hope it would never happen, the control measures in the next iteration of the EMP have, for whatever reason, not worked. We would want them to work, we would welcome the feedback so we can make them work. And the worst case in that worst case scenario is of course, a local authority and a complaint to them.

29:11



Okay, Mr Knights does that answer your question?

29:14

Yeah, I think that answers my question. And I just wanted to raise that. Thank you very much.

29:20

Okay. Thank you, Mr. Knights. Okay, so moving on to my next question. So in my written question, one point to point to it was in respect of the scoping out of construction traffic from the air quality assessment, on the basis of the design manual for roads and bridges, la 105 guidance. They suggested a note on page 23, just after paragraph two point 60 that it's possible to do so if the construction period is under two years, as this is likely to give rise to significant air quality effects. Notwithstanding the notes, paragraph 2.61 of the guidance says that the traffic scoping criteria shall be used to determine whether changes in traffic, as a consequence of construction activities require further assessment. So again, asking the applicant, is this relevant? And if so has it been considered?

30:23

Hello, again, Jennifer Simpson and swaco on behalf of highways England. And the second part of that screen is only triggered once it's beyond two years when the construction phase will last. If it lasts under two years, we don't need to proceed any further. If the assessment was if the construction and was to be available longer than two years duration, then we will look at the screening criteria and further work would be done at that point. But because it's less than two years, we don't need to proceed any further.

30:55

Right. So even if the annual the annual average daily traffic increase was significant, even if it lasted for less than two years, you still will not need to go down that route according to your Well, according to the guidance, right. Because of the short term nature, I see. Okay, so you haven't you haven't carried out an assessment on that basis at all? Okay. So I the only reason I ask is that I know that in, for example, month 17. There would appear to be potential for fraudulent 25 ATVs or 850 movements, according to ies table, two, four. Does that not that doesn't have any bearing it's still the cost of the project would last for less than two years. You can scope out? Yes. Traffic, the current guidance? Yes. Okay. Can I just ask Mr. Humphrey, from broad and District Council, if he's, if he's satisfied with this approach, as well? David Humphrey, for brought on District Council? Yes, yes, I am. I mean, I could introduce another point at this stage. And that is the cumulative effect of all the developments which will occur in this area. Over the coming years, it's difficult to predict actually when they will occur. But we've got wind farms, which have an onshore cable route, which will require aggregate. And it's a site this is either going to come from Kings Lane or Great Yarmouth, predictably. So this, you know, this area will be quite busy for the next few years, if all these developments conspire to occur at the same time. Okay, I think the the applicant has undertaken a series of effects, which, which has taken into account a number of local developments, and I understand that broadland district council had no objections or no concerns with regard to the projects, or the cumulative effects assessment in that regard. You say of concern with it now or

33:28

that No, no, I'm not saying that. But I'm saying that it's, it's obviously, an additional factor that may play into the construction of this particular development. It's from the traffic perspective, it's, it's, it could or couldn't, just depending on the timing of each of the developments, really. But no, I, I think the approach at the moment is, you know, as written in La 105, so you know, I'm on content with

34:03

them. Okay. Miss Simpson would like to say anything about that briefly, before I move on?

34:12

Yes, no, I'm agree that there has been cumulative assessment undertaken for them for all the traffic movements, with all committed development as part of the air quality assessment and it showed no significant effects. So I have a degree with David.

34:29

Okay, thank you for that. Well, they will they were the questions I had on air quality is anything anybody else wants to raise or ask before we move on to biodiversity. I'm seeing no hands raised. So I'll take that as a low. Thank you. Thank you. So moving on to agenda item three, which is biodiversity ecology, other natural environments. In response to my written question 1.3 point 11. The applicant responded that its projects are assessed using the deaf for a metric. This is in relation to biodiversity net gain using a different metric 2.0 in order to track their biodiversity net gain performance and this project stands as a net change greater than 40% I suppose Firstly, can you just please clarify the changes is a positive one in terms of that 40% increase in biodiversity 14%. Yes.

35:55

And for more detail as Miss Cooper who introduced herself earlier. So, there may also be excuse me, in addition to myself and Miss Cooper, some responses and Mr. Mark, Mr. Murphy, some responses from my colleague, Miss Sarah Holmes, she could introduce herself to you, sir.

36:17

Okay, thank you. Good morning, sir. My name is Sarah Holmes, and I'm appearing for the applicant. Okay,

36:25

good morning. So, I just wanted to understand well, it's my understanding that the Defra metric 3.0 was recently published. And I wonder if the proposal has been assessed against that,

36:49

too, so the calculations were done under the biodiversity metric two point naught calculator. If I could invite Miss Cooper to come forward please. With regard to the use of the three point not recently released

37:06

Good morning, Alanna, Cooper sweco. UK Ltd, ecology lead and I'm representing the applicant. So, so, highways England use the metric 2.0 to assess all of their schemes, they are assessed on a every

three month basis and at the current time, they have confirmed that there is there is no that that they will not be adopting 3.0 at the current at the current time. So we are to continue using the biodiversity metric 2.0 for now, until told otherwise.

37:52

Okay, well, sorry. What's the reason for that?

38:00

I think I'll have to respond to you on writing with on that one, sir.

38:03

Okay. So just following on from that, have, I can't see that the metric data has been submitted as evidence into the examination. Does the applicants tend to do so to evidence its conclusions on the 40% by diverse net gain increase?

38:28

Ticer so we are happy to submit the calculations. We should show our working. Now that would be for deadline forces.

38:41

Okay, thank you. Thank you. Okay, I'll move on. In that case, just looking at the the master plan. That's there are some changes made between version one and version two. So, for example, to actually one of my colleagues be able to share the most recent version of the master plan.

39:22

Maybe sheet number three. Okay, if you could just do Is it possible to zoom in to sorts just above the left hand, large orange block? Yeah. Okay. So where the so wet Where, for example, where the fencing is, to the south of the what's going to be an access track? Can you see that? Yeah, so between the fencing and the access track on the previous version that was shown to be safe species rich grassland, but it seems to have changed, but we'll change that agricultural land. I couldn't see anywhere in the documents explained the reason for that. And I just wanted to understand whether that in doing so what the reason for that was, and whether it affects the biodiversity net gain calculations.

40:44

Yes, Mark, my feet EIA coordinator on behalf of the applicant. Yes, that was a change, I may need to respond in writing and that with consultation with the landowner to do with access to the agricultural fields to the south, and yes, there will be updates to the biodiversity net gain. As Alana alluded to the biodiversity net gain is updated every three months across all of the 47 projects. And so this, this is actually a separate mechanic to the EIA that we've undertaken to support the decio. So it's kind of an addition that highways England are doing to show that they are increasing and improving biodiversity on this project. So it'll be continued to be on stage for just now continue straight through to stage six. And that's when they'll be publishing the final. The final biodiversity net gain score.

41:46

Okay, was just, what was there any was there anywhere in the documentation that explains that said, explain where this or why this change happened?

41:58

we'll respond to in writing on that to confirm, as I said,

42:02

Okay. So from what I can see, the another change was some additional tree planting. And they it was these the extent of the scheme, just to the east of the White House. So I understand why that that why that happened. Were there any other changes made that I'm not aware of?

42:25

I think the best thing to do would be to respond in writing so that we have a clear list of any changes. And my understanding is there has been a slight tweak, with the fencing in the area, you previously mentioned. A colleague a hand up,

42:44

actually, well, I was going to come on to that later. But the Yeah, it seems I think the fencing in the master plan doesn't reflect the fencing in the general arrangement plan, because I understand that the fencing was moved, or is proposed to be moved to along the footpath. Yeah. Yeah. But that doesn't seem to be reflected on the master plan. In this current version.

43:18

Yes, I can confirm that the master plan has been updated. And we'll be submitting that that link for

43:24

okay. May you've got your hand up?

43:27

Yes, I'm sorry. So for me, slack of off the gate was just to confirm the reason for that change along the agricultural access track, and was in discussion in Norfolk County farms. And at the edge, the grassing that was previously along the edge would be returned to our countries to maximum the maximise the land being returned to Norfolk County farms.

43:51

Right. I see. Okay, you'll explain all this. In your next submission? Yeah.

44:04

Okay. So thank you if one of my colleagues could take down the image. Thank you. Moving on to bats effects on bats. The environmental statement reports. The residual moderate adverse, and in the AIA terms a significant effect on bats, as a result of potential for collisions with vehicles. Though this is not in respect to the colony at past and grey barn special area of conservation. I asked a recent question 1.3 point 15 in respect to whether all potential options for mitigation had to be explored. I think it'd be, it'd be helpful to me if you can first explain the thinking behind. And the likely effectiveness of the

mature tree planting, which will be used as bats hops, including why their location is where it is, and whether whether it's been used elsewhere.

45:21

Mr. Murphy, thank you. Sorry. Could you just repeat the last part of that question, please? Yes. So

45:27

as I say, if you can first explain the thinking behind and the likely effectiveness of material tree planting to be used as backstops, including where it's be located along the rooms, and also whether it's been used elsewhere on any other project as mitigation.

45:48

So yes, the look, what what's been done is these extra tall trees at a crossing point. And the residual effect is to is essentially to reflect how we are conservative, we hope, hope, the effectiveness of that. So the location is due to the survey work that was undertaken, and the species were identified there. And as for the location, the attached reflected in the master plan and response to the survey data. And for

46:24

that, so where bats work scene crossing, that's where the trees are located. I say.

46:32

And is that all your points? Or were you referring to other hobbies and projects?

46:39

Yeah, I was. I mean, has this been used as mitigation elsewhere? And, you know, have you do they how effective or has it been monitored at all?

46:49

I think the easiest response to that would be in writing, because I was taking a lot of different projects and a lot of different mitigation, and including netting, and liaison with natural England, and we can provide a summary of that effectiveness and their ongoing monitoring.

47:09

Okay, and then so yeah, following on from that, you just briefly mentioned it in, in the applicants response mentioned was made of a pilot scheme in respect of res netting, yes, to encourage a higher flight path for bats. Sort of a question was when one of the results of this pilot scheme likely to be a bait available? And would it be during the course of this examination?

47:35

I would need to just wander writing, and that's not this project. I believe there's a little bit more to go. And there's a number of years of monitoring being undertaken. Off the top of my head, I believe it started a few years ago, but sort of ethical, so unlikely to have the results of that during this examination.

47:56

Okay. Okay, thank you. And, um, bats, I know that during construction, there would be the loss of one tree roost, and the disturbers of three tree roots, and also some roofs and buildings. Well, there were the European protected species licence be required for any of these for any works, any of these works.

48:28

And so the light day works to understand the impacts anticipated for the licences. I don't have the exact details in front of me. So I think it'd be easier. I don't believe there are any loss of wrists. So I think we'll respond and rating on that one. But no, there are no licences proposed at this stage.

48:52

Okay, so that apparently there's one rooster in the tree that would be lost.

48:59

And can you confirm where you're written that from an app? just double check. And I'll clarify in the response.

49:51

Yeah, so in table 8.86. It says the Serpents of tree roots during instruction loss of one tree roost during construction on page 28 of the as of the biodiversity, chapter eight. So yeah, I wasn't sure whether whether a protected species licence was quiet for that it's not in the contents of licencing document. Maybe clarification on that is if you happen to just want the writing to that, thank you. And I was also hoping that you could just explain how the effects on batteries would be mitigated. Yeah,

50:48

I can give a high level overview of the practice for how risks would be mitigated fault. I'll hand over to my colleague Alanna, she can give you a high level approach, but we will get a detailed response in writing. Thank you.

51:10

Hello, Alanna Cooper's circle UK limited representing the applicant. So to see if there are going to be any any routes lost to mitigate for any lost roosts habitat creation in the form of artificial roof spaces will be erected near the roof to be lost under licence from Matt from natural England and the the existing roost will be closed again under licenced by a licenced bat worker the depending on the tree it will be soft felled using precautionary method. And bats will then have alternative roosting opportunities to use near the roost that would have that would have required removal.

52:08

Okay. And this this is in the EMP somewhere, is it or where abouts is this specified?

52:21

So that proposed mitigation is would be in the table? eight seven of the environmental statement. Rep. 10619102 for apologies.

52:39

Okay. So, yeah, it's an environmental statement. Is it? Is that also in that register environmental actions and commitments on the EMP?

52:56

Yeah. As Yes, Mark Murphy a coordinator represent the applicant is under B five, and the riak.

53:15

b five. Okay. So you've mentioned the licence though, is the licence required or not? Because I can't see anywhere where it says that the licence would be required. If it says surely be in the contents of licences document.

53:48

We will take that when responding rating if that's okay. I believe that is there is no licence required for this particular instance, but we will confirm in writing.

53:58

Okay, thank you. Okay, they're all the questions I had on on bats. Moving on to the adequacy of protected species surveys. Can the applicant please confirm which protected species surveys when fully completed due to the covid 19 pandemic and also further justify why there's no intention to complete these during the course of examination, noting that broadland District Council, Lofa county council and natural England have suggested these could now be undertaken.

54:43

I can answer that sir. So we carried out some great crested newt survey we could not complete great question nude survey of all of the ponds in the red line boundary or a certain Distance outside of the redline boundary. Because of the covid 19 restrictions. There were still COVID-19 restrictions this year, as you will be aware, and the data that we had obtained from the presence Samson surveys on the ponds that we did survey, there was a spread of ponds across the site, it tallied up with previous data. And, and all the results were negative in, in our opinion that provided enough of a robust baseline to do the assessment. We do fully intend to go back and do a thorough survey of all ponds that we can gain access to at stage five next year. And that will include presence absence surveys, using the Edu nine e DNA technique, followed up by population assessment pond surveys. Show should any of the DNA results come back positive? And if that were to be the case, we would submit for a natural England licence and there would be definitely suitably suitably adequate time to do so.

56:30

Okay, so why are you Why are you not doing that? At the moment? If you're going to be going back next year? Why not go back? Why Why have you not gone back this year, and being able to submit the results as part of the examination?

56:45

surveys, for great crested newts have a very limited window between April May and June. And there were there were still restrictions at that time. And we we believe that the data that we have, from the limited survey that we have carried out is sufficient for this assessment.

57:11

Okay, if I could just ask Mr. Cumming from Lofa county council. What if he raised the concern about this? Listening to the Simpsons response that there was a window of opportunity, which seems to now have passed for this year? Do you kind of accept Do you accept that? surveys, any additional surveys are going to have to be undertaken post examination?

57:47

Mrs. David Cumming Norfolk County Council. I think that this is a point that we would want to respond in writing on. I can't answer the question today is not my subject of expertise, but the rationale given by the applicant. Sounds fair and reasonable. But as I say, I would just like to check that with the relevant expert, and we're responding in writing on that point.

58:20

Okay, thank you, Miss COVID. And Miss Skipper from broadland District Council. I know you use suggestion the same would would you like to respond on what Miss Simpson has said?

58:33

Yeah, Blanaid Skipper broad and District Council. Yes. And the council take their advice on ecological matters from the county council. So we liaise with the County Council in their written response. Thank you.

58:45

Okay. Thank you for that. Okay, I'll, I'll move on. unless anybody else has any thing to say about that? I can see their hands going up, so I'll move on to lingwood curiously woodland mitigation matters. So my written question 1.3 point 30 related to effects on lingwood community. You identify a major adverse effect during construction. That's like adverse residual effect once new woodland planting matures. So people highlights where new wood planting is shown on the master plan and how it would connect to lingwood community woodland to mitigate significant effects on this particular woodland rather than mitigating effects on woodland in general, if that makes sense. So is the mitigation of the effect on on woodland or is it this specific woodland because there is not connected to this specific woodland. I'd like you to explain to me how how it's mitigating those significant effects. It might be useful for us to share the master plan. Again.

1:00:24

If I could step in Mark Murphy and EIA coordinator, so Alanna's topic is biodiversity. So the mitigation is discussed in the chapter is directly related to replacement for woodland, but we could pick up this topic tomorrow and population and human health section.

1:00:44



Well, okay, it's slightly slightly different, though isn't it because the effect on people's use of the woodland is different to the ecological effects on the woodland. Yes. So, the

1:01:00

I can answer that to a degree mark. So, there is a there was a small amount of woodland to be to be lost at the top of the hill at the top of the two sections where the linear type woodland comes up and meets where the where, where the road will go. I think it's point two, five Hectors or thereabouts. So it is a small amount of woodland to be to be lost. Overall, it will not affect the integrity of lingwood community woodland or its ability to reach it to meet the criteria for the local first local status being such a small amount, and also where the pipeline will be constructed and go through the couple of sections of liquid community woodland, there will be an hydro planting done to make sure that there is connectivity between the remaining blocks of woodland. So as for the amount of planting and its connectivity to liquid I I know that there will be some more planting to the north if you would like to share the plan. We can we can show we can show that. Okay. I think we'll be bisected by by by the road.

1:02:34

Yeah, I think maybe it's sheet five sheet. So for my colleagues because their sheets valuable. Is that sheet 444 Yeah. That's the problem for the planning Inspectorate. Oh, there we go. We just arranging that. Thank you. So is it possible to zoom in? Slightly, so so lingered community woodland is the three the three north south green areas. That's current, and the new areas of woodland planting are to the north of the road. The north of the new road? That That is correct. Yeah. So I suppose I'll go back to my question, do you identify major adverse effect during construction. So although you say it's no point two, five, you've identified a major adverse effect on the woodland suppose. So I'm interested, though, that I could if you were replacing the woodland next to the existing woodland, I could see. I could see how that over time might reduce the effects. I'm just I just like to understand how when it's across the other side of the road, it's on that particular woodland. It's mitigating the effect rather than on that particular woodland, rather than you saying, well, there's X amount of woodland, we're replacing it with x miles woodland. So what is it in general?

1:04:32

That wouldn't is not connected at those points. Currently.

1:04:43

If I saw if I can just, I think, to respond to your question is that within the scheme extents we have replaced the loss of woodland, so it has been mitigated for So from an ecology perspective, that has been mitigated and that is not solely woodland planting to the north. And you can see in the centre of the page that we have woodland planting, which is connected. And then we have to the eastern West that our tree lines. And as my colleague Alanna mentioned that our hedgerows connecting to the woodland as well. So overall within the scheme extends we have replaced the woodland loss.

1:05:26

Okay, but what would it be fair to say that you're mitigating the loss of woodland rather than specifically mitigating the loss of language community woodland.

1:05:41

So, that's the point I was getting to at the beginning that yes, from an ecological perspective loss of woodland as mitigated for but i think i think what beezus is to take that away in writing, we can explain that process. Explain that. Explain how this has been replaced.

1:05:56

Okay. If I could just ask Mr. Cumming from Norfolk County Council. Because I know that there was some mention made of Lynwood community woodland. I mean, in terms of consequence of mitigation for the loss of woodland. Do you agree with the applicant's view on that?

1:06:24

David Cumming Norfolk County Council again, so I'm afraid I would have to take this one away to answer that point.

1:06:33

Okay. In that case, just moving back, oh, maybe I can ask problem District Council. Same question. Ms Skipper

1:06:43

Blanaid Skipper broadland District Council? Yes. I think again, I would say that the district council will liaise with the County Council in their written response. Thank you.

1:06:53

Okay. So let's stay on liquid community woodland does the the existing pipeline. Mr. Murphy, you've got your hand up.

1:07:03

Yes, Mr. Murphy coordinator represent the applicant, just to identify the point that the way that the master plan is put together, the way that we present the mitigation is a decision and the road. So there are constraints with how much land that we're taking from the landowners as agricultural fields to the south there. But we will reflect that in our written response.

1:07:24

Okay, so the existing gas pipeline, does that run below linguas community woodland at the moment.

1:07:36

And

1:07:37

I do not have drawings to hand I would need to combine it in writing unless one of my colleagues announcer

1:07:46

says me from Swagelok, the outcome, the existing gas main, approximately follows the line of the proposed route. So is south of the existing a 47. And through that section, in fact, I'm just trying to think where we were on Tuesday when we discussed the changes for cadence. And in fact, there's plot five two, which we refer to is sort of in the middle of the screen. That is the intersection with the gas main. And that does actually, in fact, sit beneath the praise rate.

1:08:28

Yeah, so. So I'm trying to if there's woodland linguas community woodland was planted all over the top of the existing gas pipeline. Can you explain why, when you move the existing gas pipeline, relocate it further south? Why, why do you have to have hedgerows? Why can you not replace the woodland to provide greater connectivity between the estate? Well, that's

1:09:00

that's the restrictions that cadent have put upon the new pipeline. I think we pro best confirm writing. I believe it's a six metre exclusion.

1:09:14

I think it's either side of the pipe. I guess it comes down to the roots affecting the actual proposed gasoline.

1:09:24

Right. But if but if it's already on top of the gas main where where the gas main is. Is that is that?

1:09:33

Quite a question for Kayden unfortunately, rather than ourselves. It's their procedures and guidance that's precluding us from planting anything more than a hedge?

1:09:51

I think they referred to in fact, in one of their some of the earlier correspondence that was submitted that she referred to guidance Which we should follow. Okay. Okay. Guide guidance. Okay. I think it basically respond fully in writing and we can link it all back together.

1:10:17

Right. Okay. In that case, close aspis coming. If the guidance, the guidance suggests planting hedgerow back here, it seems that there's there's not it's not feasible to create new woodland. Do you have any concerns about that?

1:10:41

Again, so I'll need to refer that back to the specialist who is unable to attend today.

1:10:48

Okay. I guess bearing in mind that the guidance suggests seems to suggest that you can't plant on top of a gas main. So maybe it is, potential is limited by that. Okay.

1:11:10

So it's my distinct seem friends, Mr. Dagg Mr. Mr Dagg from Highways England symbolising that. It is usual when, when underground assets are installed, that you have a nascent strip of the nature that Sophie May was was just talking about. That would apply to things like underground water assets, but also to underground underground gas cables. It's it is a feature of our structure Undertaker's requirements, not this isn't something specific to cadent but it is something that you find in relation to to the buried operators of most strategy Undertaker's. Because, simply because this was alluded to before the the roots will, will damage the equipment. So I think it probably goes a little bit further than guidance. It is actually, you know, usually a standard requirement in terms of the easement and the rights that the the statue Undertaker would require.

1:12:23

Okay, oh, bear that thing was curiously woodland was was originally there is a pipe really under it at the moment? Which, to my knowledge has not been damaged.

1:12:35

So I mean, it's difficult for us to to comment on that, because it's not our it's not our asset. I would usually, but I would usually expect there to be an easement in which, which said that, you know, planting should not take place over the pipe. I can't say what's happened in this instance. But my, my, my, my guess would be that there is probably a similar a similar restriction in relation to the existing existing operators. How the trick how the trees are there now, what Caden needs to do about living with anything and whether that whether there are protests has been damaged by guesses isn't really for us to to conjecture.

1:13:26

Okay, thank you, Mr. Dagg. That case moving on to landscape and ecology management plan provisions. So in my procedural decision following the acceptance of the application, by highlight the proposed developments involves a comprehensive package of landscaping eco ecological works, as identified in the master plan, which includes new areas of woodland and grassland. The plants have large specimen trees, a new pond and the translocation of important hedgerows. Given the importance of the landscape and ecological works to mitigate adverse effects, and to provide a greater degree of confidence that landscape and ecological features would would function effectively in the long term. I asked the applicant to provide an outline landscape and ecological management plan. In my written question, 1.3 point 14, I made the request, again, given the lack of detail which the applicant provided, as I understand that the applicant doesn't intend to provide any further information on this matter. So my question is, without any information on the long term management proposals of new landscape, and ecological features, what weight can I give to their successful establishment and long term effectiveness? Thank you. So So before we got a question, could one of my colleagues please take down the master plan? Thank you.

1:14:58

Yeah. Thank you. Mark Murphy a coordinator after the applicant? Yes, so thank you. So we have we did receive that question and responded. And we have set out an outline a landscape and ecological management plan as one of the annexes to the EMP. What the EMP is, is a distillation of the mitigation

that we've identified and assessments in each of the chapters in the in the EIA process. And what we the mitigation that we've put forward is what we consider necessary to require to mitigate any significant effects. And that includes planting and ensuring that the reaches maturity, we've included in the riak actions to ensure that the vegetation has maintained and that it reaches maturity. And obviously, highways England has numerous standards in taking care of vegetation within the land. And we've referenced that in the updated outline, landscape and ecology management plan, the further detail will come in the second iteration of the EMP.

1:16:17

Right. So you're you're sort of unable to at this point, say, Okay, we have this important hedge row, it's going to be translocated. We'll deal with the method for doing that later on. So what I what I'm saying I'm saying how can I be certain that without the information at the moment, how can I be certain that that hedge row was once alive and into the future?

1:16:51

Yes, so the commitment that's in the react and was in the mitigation is saying that we have identified that a certain loss of headroom. And we've identified that we need to plant a certain amount of headroom that's reflected in the master plan. So that principle, that requirement, we've also stated that the vegetation has to come up to maturity and Miss highways and going to be responsible for the maintenance and following construction. And then that will be so that we believe that that is robust, and that that's sufficient that we've identified what the impact is, we've shown what the replacement what the mitigation would be. And we've added 10 commandments to make sure that that gets the maturity and it's maintained.

1:17:33

Okay, so for example, the important Hydros I mentioned are already mature, the trees to large trees to be planted will also probably be fairly mature. I'm still slightly uncertain, as without any information of how you propose to achieve the plants in large trees or the translocation of mature an important hedge row. Also, assuming what weight I can give to their, to the success to the success of that and their long term effectiveness.

1:18:16

So we've outlined what needs to be achieved. And we've outlined who is responsible, and then at the next iteration when there's further detail. So prior to construction, second iteration, the GMP is to carry that out. So the protection, that commitment is there to achieve that mitigation, as reflected in what's been identified in the assessment,

1:18:39

okay, but just not the detail at the moment.

1:18:42

So it's not say that that won't be done. It will be done it comes in the second second iteration. But principally we've we've we've adopted the approach that for numerous DC was with the Irish England and that's the the basis the principle the goal is all set out committed to

1:19:06

Okay, if I could just ask Mr. Cumming is that it from your, from your experiences that how this is often dealt with?

1:19:21

I have to say so that I have no experience at this stage of such a major scheme. It's very rare that we get a an improvement scheme of this nature. And I will need again to check that with the experts.

1:19:38

Okay, thank you. Okay, I don't think I'm going to get any further on that point. It sounds so in that case, I'll just move on to the habitat regulations assessment that will take will take us short break after that. So in response to my written question 1.3 point five which related to the H habitat regulations assessment or HRA? Were the mitigation measures constituted measures intended to avoid or reduce harmful effects. And that's whether an appropriate assessment was required. I was hoping that the applicant could please explain the changes made between the HRA revision world and HRA revision two in respect of this matter, and just further justify its answer to my question that in your opinion, mitigation wasn't to mitigate adverse effects and thus, a appropriate assessment was is not required. So he said, Would you mind repeating the question please? Yes. So, I asked the question as to whether mitigation measures within the HRA were to avoid significant effects. And if they were this would then lead on to the appropriate assessment, but in your view, mitigation is not to avoid significant effects on European sites and therefore, appropriate assessments not required and the HRA was amended to reflect and in response to my question, I would just like you to explain the changes which are made to the HRA as a result added just to further justify why mitigation is not to avoid significant effects on European sites. So therefore, an appropriate assessment is not required.

1:21:56

Alanna Cooper, Sacco UK limited ecology lead representing the applicant sir. So, I can I can respond to this by just stating that the initial report to inform the habitat regulations assessment it we had included description of some mitigation measures, because it was set out in guidance dmr b la 115 do so, we will update this the report to clarify that in our assessment of likely significant effects, we did not rely upon mitigation, they just simply were not relied upon including any best practice construction measures. So, apologies that was not clear before the the difference in the revision is to make that clear and updated

1:23:14

okay. So, when he talks about best practice mitigation, that that would be happening anyway. Regardless, but when you talk about anything to the developer will be happening anyway, regardless of where where it was. So none of it is because it's within the within a certain distance of European sites.

1:23:47

That is correct sir. So we are not relying upon any best practice construction measures or any other mitigation measures to carry out our assessment likely significant effects and they have not we have not included them as a basis for our conclusions, that there will be no likely significant effects.

1:24:16

Okay. Thank you for that. Also, just in paragraph four 110 of the HRA report.

1:24:35

They Yeah. So on page 31 paragraph four 110. It comes before the table which relates to rain and water. special protection area. Is is paragraph 4.1 point 10 an overall concluding paragraph for the whole of the HRA report, even though it comes not at the end of the report.

1:25:12

Sir, I apologise. I'll have to respond in writing on that. I don't have that report to hand it would take too much time to get it out to look at

1:25:20

the HRA report. Yes, that's correct. Okay, perhaps we could share one of my colleagues, will it be possible to share the HRA report. For the planning spectrum, is it the plan you want or the report itself?

1:25:54

Well, it would be the it would actually be the report. So have a ref two dash 004. Okay, once

1:26:08

I've actually just been that's been shared with me it is a summary sir. Okay. Apparently there was a formatting error which may explain the confusion.

1:26:24

Okay, so effectively, that paragraph will come after the following table and it is a conclusion to the whole of the HRA report. Yes, it should have a heading, sir. Okay. All right. Okay. Well, thank you for that clarification. Ms Allen is no need to share the document. But thank you very much. Anyway, sorry. Okay. Yeah, just say just one more thing on the HRA report. So in my recent press, 1.3 point six I highlighted what seemed to be some discrepancies on the HRA figure two in respect to plotting golden plover lapwing on the plan, as well as dates of surveys and the applicant respond to that this has been amended. However, I can't see that it has because Ms Allen, would he be able to share the plan associated with the HRA report. I can tell the difference between the plan submitted second submitted after after your written questions or with your written questions the recent question responses and the previous one

1:27:43

so so for everyone's well doubt we would we would be very happy to take this away and respond in writing to be very very clear what the what the review what the revisions are okay, so understood that those minor amendments have been made and and submitted to you if that's not the case, then we will make sure that that is done and we'll respond in writing to do so.

1:28:06

Okay, so So just as we got the plan up at the moment, the golden plover is the blue dot lapwing is a green dot icon, see any little green dots anywhere? Previously, which is why I asked that I still called CLA, even though I understand that some had been recorded.

1:28:38

I don't see any either on what you've been what you just shared. So we will take this away in writing and make sure that we clarify that for you, sir. Okay,

1:28:45

thank you very much. Is there anybody before I adjourn the hearing for a break Has anybody who would like to raise any points about ecology?

1:29:11

Okay, I'm saying no hands showing. So I'll, I'll take that as a no. And we'll take 15 minutes 15 minute break. The time is now 1129. And the hearing is adjourned until 1145. Thank you