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00:05

It is exactly 20 minutes past three and I am presuming session for off issue specific hearing to case him I understand that Miss Louise staples from National Farmers Union is due to join session four Can you confirm that she along with all others who intend to be here have been able to join back. I'm sorry, I can't confirm that Louise is here. However, Alice Charlotte of interview is yet my way. Okay. If you informed me when Miss Louise staple if she if your eyes and we will give you the opportunity to introduce yourself at an appropriate time. Thank you very much. Okay, I will move on with agenda item eight, A, B, and C. This is an agenda item on good design. I just want to draw a slight distinction between good design and detailed design. Good design is as defined in paragraphs 4.282 4.35 in the national policy statement, detailed designers we've come to understand and learn over the last few days is more specific, and is more specific to national highways schemes and the way that the applicants approaching design development process. So for this first part of this agenda, we're focusing on good design. And, and so if the relevant people from the applicants team were to join me first, I will invite local authorities relevant members of the local authorities to come in at a later point. So agenda item eight a I just want to set a little bit of context, broadly from your responses to examining authorities written questions, which is examining, which is exactly which is Library Reference. Rep 102 to Section q one point 10. And also your responses to question q 1.1. Point 1.3. Regarding alignment with the revised nppf National Planning policy framework, the examining authority understands that your position is that some further information will be made available to the examination. But not all that has been referred to in the written questions. The second point that you've made is that whether further information is made available, you don't necessarily feel that that needs to be secured in the decio. So I'll give you an opportunity to clarify that if that's not correct. But I think I just want to take a slight step back here based on the responses that we've received. And I just want to touch on two things. First, are we agreed on the principle that good design is important with respect to national policy statement national networks, and the National Planning policy framework, but also in relation to wrote to get design. From your responses, I feel that we may still need to either come to a common understanding or at least to understand what the differences are, in terms of what you think, and how we might need to report on it when it comes to advising wreck making a recommendation to the Secretary of State. And the reason I'm concerned is because the applicant is focused on some aspects of paragraph 4.3 34, which is that the applicant may only and I'm quoting this may only have limited choice in physical appearance of some national networks infrastructure. But I'm not convinced that there is enough stress given to other parts, which other parts of the policy statement which clearly and repeatedly say that scheme designed would be a material consideration and decision making. scheme design includes aesthetics and visual appearance, just as much as functionality, fitness of purpose, sustainability, and cost. And it goes on to specifically mention the scheme's contribution to the quality of the area in which it will be located in paragraph four point 33. Now you've also referenced the road to good design, and that too, in principle four talks about fit with context in relation to places that it passes. So this is my first

point that is just to understand where your balances when it comes to the principle of how important good design is to yourselves with respect to this scheme when assessing it against the national policy framework. Mr. Linus, I think you might have missed some of that. Would you like me to repeat anything?

05:04

At Scotland? Yes, I'm sorry, not sure what happened there, ma'am, if you could just the final part of what you were saying I.

05:11

So I'm still on my first point, which is about the principle or whether good design is important and whether we kind of see the balance between what the NPS national networks, indeed also to some extent, and nppf, and also the road to good design, what weighted gives. And in that respect, I referenced a line that the applicants responses seem to focus on from paragraph 4.3 point 4.4 point 34. And perhaps a little less stress on no stress given to some of the other areas where the national policy statement talks about, repeatedly scheme designed being a material consideration and decision making, including aesthetics and visual appearance just as much as functionality, fitness of purpose, sustainability and cost, and specifically mentions the scheme's contribution to the quality of area in which it is located. And then I made reference to principle four from the road to good design, which talks about fetch with context. So this is this is the bit that I was at. And so I would like your response to whether we're, you know, what you think where that balance lies for yourselves with respect to this proposed development. And the second point is, if we are agreed that good design is important, and what kind of information should be before us, for us to be able to against assess it against the NPS, the National Planning policy framework, and even to some extent to the road to good design. Now, that's not for the examining authority to do but it is a document that your customers hold you to account to. And so I think that and I believe that the amount of information that should be in this examination, I believe, is the main point of difference. So with respect to a to a, where you're providing further information, if you can give me this fuller picture, as you set this out for me, then that would be really helpful. So I'll hand over to you.

07:08

Scott liners for the applicant. Mom, I'm gonna ask Mr. Rooney to cover this topic, in part, but as far as the general principle is concerned, I think we would agree that good design is important as a general proposition. We don't have any difficulty agreeing with that. That That said, one must look at the guidance and the MDM PS, which recognises that when one is considering the issue of design, there is a degree of qualification in the sense that you do have a limited choice in the physical appearance of some infrastructure, we take the point dot does not necessarily cover every single aspect of a scheme. But one must still have regard to aspects of that guidance when reaching a judgement as to whether or not good design has been achieved. So we don't dispute the proposition that good design is important. But one must go through the guidance and the MPs. and identify how we have complied with that. In other words, we must show that the national networks projects that we're proposing here are as aesthetically sensitive, durable, adaptable, resilient as they can reasonably be. It's another element of qualification. So good design important, important. Yes. But that task must be applied in the context we're on is dealing with national networks, infrastructure.

08:48

So so when you talk about qualification, tell me specifically what you mean that we see it in the context of the national policy, but we have to see it with respect to the qualification with and I think what you're talking about here is the caveats in the national policy statements, so give me telling me specifically what you think the exemptions are.

09:12

Scotland's, I wouldn't describe them as an exemption. Mom, because the MPs was quite clear that good design for national network infrastructure is a policy requirement. That's clear from the heading above paragraph 4.2 years as recognising the because of the nature of a highway scheme, whether it be bridges or other other major structures, the physical appearance of some of the some of the infrastructure, you don't necessarily have the same degree of design choices that might be available when compared with development more generally. And that sets the context for considering the design response that you have in any particular case. So it's not a case of exempting yourself in any way. For the requirement of good design, it's accepting that the parameters almost of the design approach that you take are, are different or set in some way by the nature of the infrastructure that you're dealing with.

10:13

That's absolutely understood. And I think you're absolutely right, because the NPS says that we've been saying that right from the beginning as well, which is that we need to assess it, not just against visual appearance, but we need to assess it against functionality, fitness, of purpose, and so on. But indeed, we also need to assess it against what we believe. Apologies, I'm just trying to look for that, for that particular line. schemes contribution to the quality of the area and Richard is located. And I completely understand that, you know, with the with national policy statements, it's about taking the paragraphs as a whole what they mean, rather than picking out line by line and paragraphs, one at a time and I completely. So I think your description, you're right is is right, that it is about all of these things. But as long as we're agreed that it takes out all of these things, and it does not, you know, it does not, because yours is national infrastructure, it does not necessarily mean apologies for using that word. Again, it does not exempt you from creating from a design outcome that is indeed, contributing to the quality of the area has, you know, has a certain visual appearance and is giving the local community the best design outcome that it can possibly that you can possibly achieve.

11:40

Scot liners for the applicant, ma'am, yes, would accept that that within the NPS, which is the fundamental policy document that one needs to apply here, there are references to visual appearance being a key factor and considering the design of the infrastructure, as well as functionality fitness for purpose, sustainability and cost. So paragraph four to nine. Applying good design should therefore g sustainable infrastructure sensitive to place. So we recognise that when one goes through the policy, there are indications in the forum that you have suggested, while at the same time there was a recognition within the policy that one must do as much as one can take an effort that you reasonably calm. But there are other considerations such as the need to be durable, adaptable and resilient, and engineering terms. We don't see a dichotomy. And the way that might be that might be suggested, what we're suggesting is that the parameters for the good design process are perhaps different when one's

looking at natural infrastructure, when compared with the broad aspects of good design that might be contemplated under the nppf, for example, which is looking at a broad range of development,

12:56

the fitness of purpose, durability, long life, loose fit, these are all considerations for good design anyway. And I don't think you know that that's necessarily quite specific to national interest, because I think broadly, even though your stress and you know where you've laid stress might be slightly different to the way I'm reading the NPS. I think broadly that, Matt, I think we've generally agreed on what the principles are so. So that's that's a good thing. So I we can then move on to the second point, which is that now that we've established that, what is the information that needs to be before us, in order for us to advise the Secretary of State make a recommendation to the Secretary of State regarding the alignment of the proposed development in line with this policy requirement. So what More information can be saved?

13:49

Scott liners for the applicant, obviously, we take as a starting point that we have, what we would regard as a reasonably significant amount of information in front of the examination already, but we have gone away, taken on board the comments that were raised by yourself earlier on, and the examination, the purpose of what we're trying to achieve with a document that we're going to repair at, for deadline three, is to provide some sort of bridge between the information that is before you're ready, and what will happen, the detailed design sorts of documents that we'd set out the design principles that would be applied to the detailed design process and with particular reference to structures. So that you have an indication as to the the principles and the methods by which the detailed design will be determined. So it's moving matters on from the information you have on providing an indication of what factors what considerations and principles will be applied when coming up. With the final detailed design, so it's it's a it's a, it's trying to move some way halfway house between the information you've got on the final and the final design. And we anticipate One possibility is that that that document may ultimately form part of potentially the first iteration environmental management plan. So that the principles by which the detailed design will be fleshed out form part of the decio. Under any any detailed design would have to be in accordance with the principles that are that are there set out.

15:47

So that's that's news to me, Mr. Linus. And that's, I think, good news to me. Because, obviously, in the responses that have just referred to in the first round of written questions, that is something that you actually said that you didn't think was necessary. So I think that's all very good. You've used three words here, principles, methods and structures, could you just give us a sneak preview? What you mean by principles, what you mean by benefits and what structures?

16:22

Scotland for the applicant allows us to really to provide a bit more detail, if I may. But my understanding is that, based on the discussions that took place earlier on the examination, the focus of concern, or at least part of the concern was related to the main structures along the route. So we were start, we were starting there, and we were taking the information that was available already on the plans. And then defining the, the the basic considerations and principles that would be used to develop how the detail

might work out based on those plans. Perhaps I can ask Mister, mister really to explain a little bit more, please. Yeah, thank you. Thanks. Thank

17:07

you, John Rooney, for the applicant. I think Mr. Lyons has set out very clearly. But just to provide a little bit more detail. This is a document that we've been working on, since the last deadline in preparation for deadline three, so it's still working progress. But the the document will cover the overarching design vision in the context of the national policy statement for national networks, the national infrastructure Commission's design principles for national networks, and highways, England's own road to good design principles. And it will break those down and make those specific to the scheme. So there are a number of general engineering design principles and environmental design principles, which relate back to the mitigation that's embedded into the scheme design. So the document will effectively tell the story of how we've produced the preliminary design, and how those principles will then go forward to inform the detailed design, including specifics on on each of the major structures.

18:17

That's really, that's really helpful. But the two points that you've just mentioned right at the end, which is tell the story of how we've arrived to the design so far, and how it will inform future design, they're both very important, I think, at this point, particularly the second point is what a lot of the interested parties are most interested in, because they want to know. Okay, you know, if we had to make it, you know, if we had to understand anything about how certain aspects of this scheme are going to affect us, then, you know, where can we get that information? So I would just ask you to, you know, possibly put put a fair bit of stress on that second point as well. You've mentioned a few things. You've said that you're going to refer to obviously the NPS, the national infrastructure commission road ticket design. And pardon me if I'm completely off here, but the nmhc do you think that has any bearing on infrastructure? Is that worth even looking at? Maybe?

19:18

We have looked at that, I mean, there are some, some overlap, clear overlaps and there's some some broad similarities in terms of the overarching principles.

19:26

Okay. But the the

19:30

documents that I refer to refer to more specific to the structure design,

19:35

Indeed, indeed. So I think I think that's I mean, the, you know, what we look forward to seeing it in terms of structures. I think Mr. Lynas you said that's the main structures that you're going to talk about but would that include things like things like gantries signage Lighting columns. The reason I ask is because those do have a visual the visual impact and cat and will potentially affect the setting of the landscape will have a big impact on uninfected might in some areas be the only visible aspect of the scheme from a distance.

20:30

Scotland if the applicant will take that away, particularly this point on signage that you suggested that that is noted, will also consider the structures point. And if I can say that my understanding is that, when we're dealing with structures, we were contemplating including reference to scale height, massing alignment and materials as well. So that when it came to the structures, there was a section in the document, where if you wanted to look for the information that been submitted, and then the principles are going to apply under under those under those headings, as it were, you'll be able to find those in the document. That's the broad, the broad structure, but we'll take on board and consider the points you raised about the extent to which we cover structures as well as as well as signage. Okay,

21:22

that's, that's really helpful. One of the things that I just want to highlight and and i think i think I'm generally, you know, subject to what we see a deadline three, I'm generally happy with everything that I've heard so far. And you know, we're, I think we're definitely moving in the right direction. But when we analyse the national policy statement, pages 36 to 37. But also look at the NPS as a whole, to me the emphasis on good design outcomes in the NPS, in those pages 36 to 37, set out scheme wide objectives, outcomes. But there are different sections in particular around biodiversity, flood risk, noise and vibration, historic environment, landscape, and visual impact, set out more specific design related objectives. And that's true also for the nppf were the nppf. The section on achieving sustained, sorry, apologies, the section on achieving well designed places is quite specific to the process or what the overarching or the or you know, outcome should be. But more specific outcomes or output or outcomes are set out in different sections. And I think your ies does do that, to some extent where you know, the different sections talk about how good design will will affect a different policy areas such as landscape design and noise barriers, and so on and so forth. And when you're pulling this, this, and just from the asi and from some of the some of the representations we had yesterday, it seems it's it's the more specific design outcomes at these specific locations with respect to, you know, drainage design and road drainage with respect to, you know, some of the more specific things that people are more concerned about. And so I would just ask you to keep that in mind. Because I think, you know, while this document will set out overarching principles, which is really, really helpful, it might be worth just thinking about how some of these other aspects which are in the different chapters of the ies could potentially be pulled out. You know, I'm not expecting a change necessarily, but in this document itself, you could make specific reference to how design outcomes when it comes to to, to landscape design, some of the landscape mitigation might be specifically concept considered. So let's, I think this is just a general point. And I just asked you to think about that when you're when you're preparing this for deadline three.

24:09

Scotland, Shopkins. Mom, we will take that away and consider it considerate. And maybe that given the timing of deadline, three, that if we do take on board those comments about the wider scope of the document, that if we do something more, it can't be fully integrated into the document that by deadline three if we think it's appropriate to do so. But I will say that the purpose of doing doing this and the purpose of this approach is to allow other parties to see this through the examination process. So we

anticipate there'll be comments as we go through the deadlines and if we can improve the document in a way that we think is justified, obviously we will we will do that.

24:57

Absolutely. Okay, no, that's fine. So thank you very much for that. And what I'll do for agenda item B is that just I'll just call parties one by one. And see if they've asked for their response to the discussion so far. I think it might be best perhaps to start again, I'll go from west to east Bedford Borough Council,

25:30

almost around Bedford Borough Council.

25:35

Mr. wrenn, you've heard what the applicants had to say in terms of what they intend to provide a deadline three. And of course, we look forward to your comments then. But generally giving them a stare at this point, if you feel that that in terms of further design detail, would be helpful at this stage, or what else you might want to see.

25:55

I certainly think it would be helpful at this stage, we're very relieved to hear that this extra document is coming in. Today, the information that we've had has been very, very broad strike parameters. And fundamentally, when a resident disasters, what is this going to look at? What will I see, we've not been able to tell with them. And I think on that basis, it makes it very difficult to assess how good the design is and how it's going to sit in the landscape, and the impact of the development. So to hear that this document is being submitted and will hopefully address these points I think is very welcome.

26:32

Mr. Hudson, Miss McClellan. Did you have anything further to add? Thank you, ma'am.

26:39

I would just reiterate what Alice said. And from the point of view of the the route through Bedford Bora, it's in a very open landscape over a river valley.

26:53

It's important that it looks good as well as function well. So yes.

27:02

Thank you, my friend had something from that Brickhouse can find mental health is very good, good to hear that there's gonna be some more information supplied. Thank you, Mr. Linus. for that. I think it's important to note that in a large number of previous meetings, we've raised concerns and we're having this noise data. And every and every one of those meetings, we've been told that it's on its way. So I think it's really important to underline that as we get closer and closer to a decision and close closer to this distinct, detailed process. Without that information, we really can't move forward. And because of the noise issues being I know the board better tomorrow but because of those noise issues being fundamental as to whether or not large parts of that development can be on its on the site itself. It every

week, it becomes more and more important that we get our information so that we can filter it back to the applicant so that if there are any issues that can be resolved.

28:02

Thank you very much. There are two other opportunities for you Mr. Hudson one later in today's agenda item which I hope I'll let Mr. Scriven manage that but I think we have time to cover and then of course there's another point next tomorrow. Central Bedfordshire Council, please.

28:36

Just rent from Central Bedfordshire Council. I don't think about anything particular to add in public comments made by Bedford county housing. We're just pleased to hear that additional information will be available.

28:46

Thank you. Mr. candian. Unless you have anything to add, I was going to move on. Yeah. Okay, Mr. Linus, did you have anything to say?

29:04

Scotland for the applicant? Just pick up on that. One of the final comments about about noise. Not entirely sure how that relates to the topic. We've been, we've been discussing, but I don't need to take it any further at this stage, given that you indicated issues relating to come up later on.

29:26

Actually, that is a good point. I was going to just double check that with Mr. Hudson, if he was talking about the noise design of the noise barriers or if he's actually talking about the assessment of noise effects. Mr. Hudson, clarify that.

29:42

Thank you. It's it's both to a greater extent, because whilst we've had information coming through, there's going to be further monitoring, which would of course link into what further barriers are necessary or not. And we've had other questions about whether or not for example, the bar pits are going to have recovered. I've had mitigation because we've not had those of that date at that stage. I'm unable to say whether or not we needed to at this stage or further so in terms of the monitoring ongoing at the moment as well as further

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you you're saying that you're not convinced you have enough information about the noise and vibration effects in order to assess whether the mitigation proposed is going to be an effective enough

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to a certain extent Yes, that's why there was any further monitoring done and that's why that was further agreed and that hasn't been done yet. So we're still awaiting that.

30:36

Okay, Mr. Hudson I think that this is definitely worth talking about but perhaps not as this agenda item is that is that all right

30:44

that's absolutely fine. Yeah,

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this line is a unique occasion come back to this at a more appropriate time

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Scott laid out for the applicant Yes ma'am. If you want to raise it at another stage by Korea was I just didn't see what relevance this had to this particular topic item but it was going to be dealt with later. That doesn't matter.

31:03

Okay, fine, fine. Great. Okay. If I could have a representative from the joint authority. Well, I shouldn't say joint authorities but the joint representation from the three other Cambridgeshire authorities, Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council.

31:22

Mom, thank you, Fanta turn on behalf in this regard, particularly of South Cambridgeshire and hunter district councils, and I'm joined by Jackie terrova, as well. I think the council's welcome the provision of the further information obviously, we're excited to find out what will be in it. And comment comments until then. The couple of observations, though, from what we've heard today, just in terms of Mr. Really helpfully outline. Sorry, I think I'm muting myself. Mr. Rooney helpfully outlined, what reference what documents reference will be handed to and that was the the MPs, the NSC documentation and the road to good design. In response, man to your your first round of questions we set out which is in red 151. Resource question 175. For a variety of local design plans and policies, I think this is perhaps the missing element, there's no reference to anything local. And then the the documentation that has been suggested is going to be put together. And obviously, we will be looking to see that. And I think, obviously, that's in relation to good design, but also mammas, as you as you highlighted yourself, particularly taking landscape impact. Paragraph 45149 of the national networks national policy statement does talk about development. So having regard to local landscape features, obviously, that is most usefully set out in the local design policies and documentation. So that was the first observation. The second observation is just in terms of how either this document is being produced, or local plans more broadly will be integrated in the detailed design as we move forward. And I may be skipping ahead possibly to item eight see on the

33:19

agenda. Make your points. Yeah, this is

33:23

a related point. So obviously, if we look into the DCA, we see requirement 12. Effectively, how the detailed design will be developed, it must have called with preliminary screen design shown on the works plans. The general arrangement plans, the engineering section drawings and the principles set out in the environmental master plan. Now, there's no reference there, obviously to anything else. So it'd be interesting to understand from the applicant, how regard will be have to this documentation is being put together. One is point one point and the second point is how regard will be hard insofar as that document doesn't deal with them to the local design aspects.

34:06

And Mr. Turtle that question obviously is outside of what Mr. What Mr. Lyne has said is that they will look to potentially making this document a part of the first iteration EMP and therefore being secured by the DCR. So anything that happens in the second iteration of the EMP will have to be largely in you know, in line with with whatever is in the first EMP so assuming this documents is in the first iteration EMP. You're saying what your concern is outside of that outside of what secured via the decio.

34:44

Well, I think it may come down to how best to secure it within the decio context. I think obviously we have a requirement about detailed design and that will strike me as the best place to house this sort of thing. Obviously if things are in the EMP that is Also some way to house it, but I'm just conscious that the EMP has a particular role and function. It is produced in accordance with the dmr. Which kind of brings us back to where we started, I think on the design issue. So I think if we can satisfactorily put it in the EMP first generation EMP, so it then binds through into the second iteration MP. Okay, that may be an answer, but I think it's also worth considering whether requirement 12 is a better one. I think the point about local plans would still stand insofar as this document doesn't refer to them. I mean, I think we say it should do but if it doesn't, then obviously that's still an outstanding question.

35:36

Okay. That's, that's helpful. Actually, that is a that's a good point. Mr. Linus, would you like to just respond to that, particularly the point about potentially requirement 12 being a better place? If without prejudice,

35:51

would you score Atlantis for the applicant? Well, I think two points. Ma'am. First of all, as far as local policy is concerned, we'll take that on board as a point to do the drafting the document itself. We just need to consider that and assess whether or not actually added anything to the principle that we were expanding in the document anyway. As for the second point, I think I would have to state our preference at this stage, which is why I suggested that I was being considered potentially through the first iteration EMP. I think it's fair to say that would be our our preference at this stage. But obviously, we're aware that mothers are are moving on this. But I think our position is that the control through the first DMP being developed into the second iteration would be sufficient.

36:43

Can I leave that with you, you've said it's your preference. But if I could just leave that with you to explore a bit more and see how you think about Mr. drills, or do about going into requirement 12. I'm

just going to say one thing about the local policies, you said that it will take our on board, you will go and think about if that adds anything more than due to what the other documents such as the national infrastructure commission and NPS, what it adds to it. I think it's a little bit more than that the local policies, it kind of sets an attitude and tone for the document, it sets potentially an indication that the applicant even though this is a strategic network is thinking about what local design outcomes are important. Indeed, for, you know, and might feel more relevant to the communities that this is going to serve. So I would just ask you and Mr. Ronnie to perhaps think about it from that from that angle, rather than does do the local policies add anything?

37:52

Scotland fell, because yes, we will take that on board. I think the point we're trying to express is obviously, in the same way as we discussed the

38:05

polls in the MPs of design aspirations at the nppf we have to take the same point. Posing, referring out contexts, we will we will look at that.

38:18

Okay, Mr. Linus, I did lose quite a lot of what you were saying you kept freezing. So if you could just summarise that one more time for me.

38:27

Yeah. Scott. Linus. Could be we'll consider that the point I was making is that just as one has to apply the MP Yes. And then look at the mptf in the context of what is said in the MPs, the CR approach has to be taken to local policy. That that's what I was trying to indicate that we will look at that as part of the preparation of documents.

38:56

Okay. Mr. Rooney, anything else further from you,

39:03

Mr. Rooney, for the applicant. I will I was going to add is that we have reviewed those local policies. There's a review of those in at 179, which is an appendix to the landscape visual impact assessment. And that that informs the the landscape strategy which is set out in annex L of the environmental management plan, so we can we can bring that forward and and review and consolidate that within the document that we're preparing now.

39:33

Okay, I'm good. I think I'm quite happy with that. I'm, I'm ready to move on to agenda item. Eight see. And this is assuming that this document does get embedded into the decio in some way. And assuming that development, consent is granted, could the applicant Set out the proposed iterative design development process from that point on to detail design.

40:10

Scotland for the applicant, Mr. C, could I ask him just to explain the the practical approach that will be followed in those circumstances please?

40:24

Yes. Hello, ma'am. Julian see on behalf of the applicant. Hello. The detailed design will be developed in accordance with the principles embodied in the outline design that forms the basis of the draft decio. And the supporting documents such as the environmental statement. This is very prescriptive in its nature. It's established the visual appearance and the impact of the scheme in the proposed setting. The traditional nature of the scheme and its proposed solution, either sort of sort of no sort of statement structures or unique architectural features, has meant that the the information provided in the application represents the the outline designed and clearly communicates the intent of the final form and finish of the visible features, such as the structures and the landscape. In addition, all the sort of line and level is fixed and controlled within the limits of deviation. So as sort of, as been noted, sort of previously, that there's been sort of significant consultation to arrive at the outline design that forms the basis of the DCR. So during the detailed design, there would be a change process in place, which has been an internal process for assessment of all changes, including any any design, development against key criteria, such as visual impact, consistency, with principles defined in the decio design, but the detailed design development will be checked during this process to confirm that it doesn't result in any material or new, different environmental effects to those assessed. Within that I interrupt you there. Yeah, sorry.

42:23

Yeah. That's very helpful. I think. And I do think that that all that is is clear. I think what I mean is that when I say iterative design development process, what I mean is what will be what will be the process? How will you engage, for instance, with with local authorities with statutory consultees? This is again, going back to the response and written questions where you say that, you know, we will engage with such reconstitutes. But I'm just not clear what that engagement will look like. And indeed, if that engagement will include local landowners and and local planning authorities, authorities.

43:04

Mom, Scotland, the applicant for Mr. C answers any further matters, just want to make the point that the extent this, this question needs to be seen in the light of the earlier and the earlier one. That's because we are proposing this documentation to comment at deadline three, and then be considered through the examination process, in a sense, that provides an sort of approach by design principles that will be followed through in the detailed design can be debated, progressed at this stage. So we'd see this actually as an advantage of examination process and offering the availability for engagement to take place with our local authorities to help provide that document is the basis upon which any detailed design comes forward. So think, a sense, as I've said that that question is, in a way dealt with by the approach we're taking to the document as part of the examination process.

44:09

So I'm just going to bring in the local authorities here and just ask if they are satisfied with that. I'm very aware that I haven't brought in the National Farmers Union yet because I know that they have concerns about detailed design. So if you, if you just bear with me, I will I will see comments from you. Could I

invite bethabara Council first and we'll just go in that same order. Are you satisfied with that process? Are you satisfied that this will be the engagement? largely?

44:38

My question would be is this going to be open to public consultation as part of the process otherwise, I think the public will find it very difficult as we have to keep track of all the documents on the pins website. If it's merely an upload to that. Obviously we do need some public engagements take place

44:59

Okay, I'll invite comments back from Mr. Linus when we've heard from everyone. So, central Bedfordshire Council, did you have anything particular to say?

45:17

Mr. Candy? I think you said that. No, you don't have anything further to add. Okay, thank you. Mr. Turner, would you like to speak for the other three authorities?

45:30

Thank you. I think we set out obviously earlier, I said earlier, just what we think the mechanism should be in terms of this iterative process. I think just one thing I don't quite understand, actually, is how the examination can fulfil that function of being an iterative process. Insofar as the detailed design points have been carried out, before the order is made, I think it would be a lot would be on faith, wouldn't it in terms of does the examination process set out enough of the principles to be applied? And is it adequately capture those and constrain those or not? So I I just leave that open? There was a question in terms of I'm not sure I understand the logic of suggesting an examination to fill that function, when nobody will know what the detailed design is before the examination finishes.

46:25

There's two points here, Mr. Linus, and I, I think they do warrant a response here is that how will the public be engaged? And given that the actual design outcomes of will not be known before the close of the examination? What is your logic and thinking that that engagement would have happened during examination?

46:49

Score Scott line is for the, for the applicant. And I think the starting point mommas, it's not unusual to be in the position where the detailed design hasn't been resolved that DCU stage. I don't think any any part new party here is suggesting that detailed design should have progressed to that stage at the time the DSU is issued. And what we're proposing here is an advancement on the information that has been provided through this documentation to come in at deadline three, there will be time within the rest of the examination process for any interested party involved in the examination to comment on that document. We will take on board those comments along obviously, with any comments that are made by by the panel on to that extent. If improvements need to be made to the document, which we consider to be justified, then the document will move beyond what is submitted at a deadline three. And after that it's not it's not, we wouldn't accept that this formulation of matters being done as a question of faith, partly because no one expects the detailed design to be finalised at this stage. And what we're

proposing is setting a framework for how the detailed design would ultimately emerge. And ultimately, if that's going to be embedded in some form in the decio. On that business, we don't think it's it's fair to describe the detailed design ultimately, as a question of faith when, in some form, the doctrine we're talking about will have been embedded in the DCU.

48:31

But what about public engagement?

48:35

Well, ma'am, the the process has been followed in the preparation of this project. The examination process, has involved extensive public engagement from from day one. And we were at the examination process now we're offering this document that can be considered by anyone who's participating in the examination.

48:55

Think miscellaneous, I think it's fine. It just was one point that I will make is that we don't know what the content of this document is going to be. So we look forward. And I think somebody said, we're very excited to see what comes forward. So let's see what comes forward. And as you've said that that we will make comments, while parties will make comments on it, and we'll ask further questions if we need to. I think I'm just going to go back to the point of process, I'm still not 100% clear, but as you say, it will depend a lot on what we see in this particular document. So I'm not 100% sure what the process will be should consent be granted what happens after that. And I'm just going to bring up the issue I don't want to stress on too much because I'm desperately out of time. But the point about design review, because that can sometimes be a rather an independent way of engaging with different parties. It is something that's not only mentioned in the NPS, national networks, but indeed, I believe National Highways have a strategic well, highways England had a strategic design panel, no zoom that still continues. So, you know, I would ask the question, what's the terms of reference of that independent panel? And indeed, if a scale and type of scheme which this is, which is, you know, it's an answer, then wouldn't this warrant a design review from your strategic panels? So I don't really need I don't think I have a response to that question here. But I will leave you to think about it. And if that is something that can be addressed in the document that comes forward at deadline three, it will be good otherwise you can look forward to some questions regarding it in second round of questions.

50:42

Scotland has now become partners with mom, thank

50:44

you. All right. Okay, that's it for me. Mr. Scriven. I'm happy to move on from this agenda item. I did mention National Farmers Union. I know that Miss staples is not here. I don't believe there's anybody else willing to speak but Oh, sorry. Apologies. Mr. maples. Sorry, well, if you'd like to introduce yourself, and if you have any points to make them now would be good.

51:14

Thank you, Louise, statements from the National Farmers Union. Really? It's just the same comment, actually, as I made yesterday in the hearing. So just to reiterate that that I mean, I completely understand that highways England won't have the completed detailed design at the moment. But I think we're all landowners and occupiers that are affected will want to know is how are they going to be consulted on the final detail design? When, when that's actually complete? And how do we make sure that that does happen? Thank you

51:50

so much staples. From the point that we've got to just before I invited your comments was that we were wait to see what this document has a deadline three, and we will then the examination itself provides an opportunity for for at least the affected persons to be able to comment on it. So are you happy for me to leave it at that and not invite any further comments from the applicant at this moment? Given that there's something for that sorry. Okay.

52:24

Thank you. Yes.

52:26

Thank you. So that's it for me, Mr. Linus, and I will hand back to Mr. skriver. Now.

52:32

Thank you. Thank you, Mr. hight. So moving on to item agenda item nine, and this is noise will go straight to nine a, the applicants justification for not undertaking previously intended noise surveys. So an open floor hearing one central Bedfordshire Council, I believe raised concern with the applicants approach to no longer undertaken additional moisture, noise monitoring. There had been I think previously, the number 10 over using the word promised is too strong. But there were no there was reasons put forward as to why this wasn't the case. The Council have obviously seen the applicants response to written question 1.16 point 1.1 and Q 116 1.2. And their written response to the matters raised at the openflow hearing as well as central Bedford she is satisfied with the response that has been given COVID invited central Bedfordshire.

53:38

Sorry, thank you, Guy quinte. centre perimeter Council. I've not seen any response to that.

53:46

Okay, so those responses have been made. They're they're available to, to view so you haven't seen them as yet?

53:54

I've not being made aware that they're there to see, I'm afraid.

53:58

Okay. So, Mr. Lyons Do you want to briefly outline the position

54:05

Scotland has for the, for the applicant. I have Pamela Lowry. With me with our summarised position that she can add any further detail she thinks necessary. Three short points as to why the surveys weren't done. The first is that they wouldn't have been representative given issues created by the pandemic. Second short point is that the existing baseline noise data that was collected we think is sufficient for the purposes of the noise assessment in the environmental step. And so it wasn't necessary for that further work to be done. And thirdly, the additional data wouldn't change the outcome of the environmental step and as the baseline data wasn't used directly in the identification of significant effects, but the purpose of the work was in part for the validation Have models which compared the baseline ambient noise levels in 2017, with predicted traffic noise levels using 2016 traffic data, so the further survey work would have so decoupled out relationship and it wouldn't have assisted with the purpose for which the survey work was originally intended, at least at least in part. So those are the three summary reasons why it wasn't done. Perhaps I can ask Miss Miss Laurie to elaborate please.

55:33

Certainly, Pam. Larry, on behalf of the applicant, yes, I can go into this a little bit further further detail to what Mr. Mr. Linus has pointed out. And as is being put out in the the artist has written questions, we did actually collect quite a lot of baseline data back in back in 2017. And that was it 10 locations along the along the scheme. And the purpose of collecting that noise data as miscellaneous is pointed out was to first of all get an idea of the noise climate along along the scheme. So it tells us what noise sources are there whether there is just traffic, or whether there is resources that we need to take account of such as railway noise, or agricultural noise, which we came across during the during the survey. The other thing that we use the noise monitoring for is to validate the noise model that we use to predict the traffic noise predictions that to be used in our noise assessment. And this validation exercise that we carried out using this 2017 data was um compared against 2016 traffic data. So it's actually prepared report comparing like with like there were comparable comparable sets of comparable sets of data. And using that we actually found that there was a reasonable match between between that data. And that's actually set out in the chapter 11 of the environmental statement and actually gave us confidence that the noise model was suitable to estimate the noise impacts of this game. The other thing that we found from the noise monitoring data, and we collected at the 10 locations was that the the area is generally dominated by road traffic noise. But as I mentioned in the more rural areas, we found other sources at particularly at rectory farm which was our monitoring location and six. And this was located away from existing roads and had agricultural sources rail noise sources, and noise from overhead power lines. And that would be expected from locations which are away from from road from road sources. So if I can turn to the additional monitoring that is actually the issue. This resulted from feedback on the scoping report that we received. And following that we actually held discussions with local authorities between 19 2019 and 2020. On a number of sites when in each one in each location, a number of those have been agreed but but not all. And the ones that have been primarily agreed are actually adjacent to road traffic noise sources. Especially if they're pointed out we haven't been able to undertake that that noise monitoring which was which is actually going to supplement the monitoring that we had in 2017 and therefore be part of that validation exercise that we were to carry out because unfortunately the pandemic has led to non flat lead to non standard traffic conditions so won't be representative of the the existing existing climate so would not be helpful in describing the existing climate and the Environmental Assessment Report. So based on that, that we

actually believe that what we have collected already in the 2017 data actually remained valid for the purposes that we use our noise monitoring data for those so that conclusions that the validation exercise is still valid as well and Just want to pick up on a point that was raised by Mr. Hudson earlier that as I've mentioned the for the purpose purposes if the noise monitoring is carried out for it is not used to identify significant effects, nor does it actually change proposed mitigation because it is not used for that purpose.

1:00:29

Thank you. So, consented. Central Bedfordshire council wish to respond on this now. In future, it's really important that everybody keeps track of what's going on with the examination library and the and the notification and the banner notifications. So we don't have to, we don't have to fret to repeat things, we can move quickly on with agenda items, and without the need to necessarily have to explain it as fully as the applicant has done now. So Mr. Quinn, is there anything immediately that you wish to respond on that?

1:01:08

Yes, thank you, sir. Guy, Quint Central Africa Council. I'm grateful for that clarification that I take on board that the point of the pandemic, I mean, we know it's affected, so many noise assessments. However, that's a temporary measure did it, the pandemic is mostly still ongoing, these traffic levels have now I would say, return to a more normal level, I'm still not clear why the monitoring was identified. And I can understand why it would be deferred because of the pandemic. But I'm still not clear what justification that is for just abandoning it and just saying it's no longer necessary if it was identified as necessary in the first place.

1:01:52

The applicant might respond.

1:01:57

Yes, pam, pam, Laurie, on behalf of de on behalf of the applicant, it was our intention to as I mentioned, just now, it was our intention to use the data within within the assessment for the purposes that noise monitoring data is collected for us so to to provide data on existing noise climate, and also to provide data for further validating the further validating the noise model. So I've been fortunate because the pandemic hit, we had to, we had to defer that noise monitoring. And now that the environmental statement has been published. And the we've been able to explain the the noise climate with the data that we we have collected, and also that the 2017 did provide us with sufficient information to provide confidence that our noise model was robust for for predicting the traffic noise levels for the first game. We no longer feel it's it's necessary at this point in time to collect data for that purpose because that we've undertaken that that process.

1:03:17

Yeah, and I think it's it's been, it's been, so why don't you Why don't you feel it's just to be clear, then why don't you consider it to be necessary.

1:03:29

So don't mammillary for the for the applicant, we don't feel it's necessary now for the safe for the for the purpose that we collected for during an environmental assessment stage, because the reasons why it's collected is to provide information on the noise climate, to give us information on whether data are the sources that we need to consider in our assessment. And also to validate the noise model which we base our predictions on. And we do that before we carry out the noise modelling and where you have carried out the cut out the noise modelling on that. With that verification? I don't think we're saying we don't it's it's something as I say, which would have been useful to have, but it is not essential to have because we have we have fused the monitoring data that we had in 2017. And that's been sufficient.

1:04:42

This description, could I just come in with a couple of questions. I'm just mystery I think what we're hearing is you're saying that the baseline data only needed supplementing and validating which you don't think is necessary anymore for the purpose of the environmental statement, you're satisfied that the baseline that the 2017 data gave you is adequate for the ies

1:05:09

Pamela referee applicant that is that is correct. If I can add another point, as well, we have as the baseline noise monitoring was carried out in 2017. And the environmental statement published in 2020, we did undertake a further review, if you'd like to satisfy ourselves that know that the noise climate generally wouldn't have changed in those intervening years. And what we consider is that there's been that said there is the ongoing development winteringham. And there has been some changes to residential properties certainly along Patan road where there's been a small development of a number of residential properties. But we don't feel that the scale of those developments between 2017 and 2020 20 to 2020 would have changed the traffic conditions on the road as such to then have a knock on effect on the noise, the baseline noise environment.

1:06:15

Okay. So Mr. Quint, if we were to just for a minute put a pin on the fact that the applicant had said that they were going to supplement the baseline. Just Just leave that to the site for one minute. Do you agree with this point that Mr. Miss Lowery's just made that the traffic condition despite the development has not changed significantly, and therefore, the baseline that the current ies is based on is adequate? Are you convinced? Are you satisfied with that?

1:06:43

Thank you, guy Quint central Bedfordshire Council. It's a very good question. I think it's a very difficult one, because because the the effects of the pandemic is still being filtered through the data that they've relied relying on is now four years old. I have to say, I think 2017 probably was a fairly robust set of data because it wasn't affected by the pandemic, it was two years before. Also, before it hit us. So I've no reason to question that. My point was, was really about why it was first identified and then abandoned. I couldn't appreciate the reasons they've given. I'm a little concerned that they sort of is based on we feel we think, rather than actually, we've actually looked at it, and we've and we've done a sample or whatever, and it's backed up our supposition, whatever it's all seems a little bit the delong sort of feel rather than than fact.

1:07:43

sequent. That's helpful, and I will go back to miss Larry on that. But I am taking away one point from what you've just said that the 2017 data was robust data. But so. So are you satisfied that that baseline is adequate for the purpose of the ies assessment?

1:08:03

Yes, I am on.

1:08:04

Okay. Thank you, Miss Larry, I do tend to agree with Mr. Quint on this. I don't think I've heard any specific reason why the supplement to the baseline data was abandoned. You've you've said that you think that it was it was adequate, that the traffic conditions had not changed? What are you basing that on?

1:08:27

Sorry, Pam, Larry, for, for the for the applicant. We are one thing that we did carry out during the during the noise assessment, as well as the validation exercise which we use to validate the model using 2016 day trip DS at the locations that were we that were we monitored. We also obviously as part of the assessment carried out the impacts in the opening year, which was 2025. And when we actually compared the noise levels that we were getting out of those predictions in 2025. With what we were getting out in 2016 data, there was not much difference between between the two. So we were satisfied from that, in part that the noise tried to track the noise levels along the road traffic. There is a traffic dominated, we're not changing between 2016 and 2025. And therefore, it gave us additional assurance that there would be nothing in the interim that would then would cause us to think that carrying out for that a baton from one to another word abandoning the monitoring, postponing the monitoring or putting monitoring to one side would lead us to any concern In Step three, we're going to be missing anything. I'm going to change if the input in the environment

1:10:05

and the salaries this exercise before us sorry, Mr. Linus, just you go first.

1:10:12

Mouse got laughed out, because I think as long as partly covered points, I was going to ask her to cover about the the locations for surveys, the domination of road traffic, and the influence of that house on the approach that was taken. And secondly, a point that I mentioned earlier on, which was this point about marching up marching up data, why you wouldn't do the survey work later on because it decoupled the relationship that was central to the validation process. Just wondering if I could expand on those points, please.

1:10:47

Briefly, Miss Larry. And I think the point is that this exercise that you've done is that before us, is that before central Bedfordshire Council in the examination library.

1:10:58

Sorry, could I clarify, Pamela, I forgot to cut sorry. Could you clarify the exercise that you're referring to said that you did some

1:11:06

you matched data from 2016 and 2025, you did not find too much difference. And therefore you felt that it was not necessary to do any additional baseline data. Mr. Linus has just asked you to expand on some of those specific locations where you did that matching exercise, or I'm asking for is I'm asking the second question. Follow up to that is that is that assessment that review before us in the examination?

1:11:37

That review is is is not before you in the examination?

1:11:44

Can it be

1:11:49

happy if I can take instruction from the QC on on that sorry, for the outcome?

1:11:59

Scott liners for the applicant. Now I think we can take that away and see if we can add any further information on on that if you'd like to see it.

1:12:11

I think I would just like to see it because I want assurance from Mr. Quint and other authorities that they are happy with the baseline and that the baseline is sufficient for the findings in the Yes,

1:12:29

ma'am, there was another point Scotland for the applicant about the matching process. Just ask Miss Laurie to explain that to me.

1:12:37

This mystery.

1:12:44

Sorry, camera for the applicant. Sorry. You broke up there. Yeah, sorry. Sorry. Can I ask you to to repeat the Yeah, Scotland's,

1:12:51

for the applicant. At the outset, I mentioned when my summary points, this issue of matching up, matching up the data and avoiding a situation where you're decoupling different aspects of the validation process. Just explain that and why that influenced the decision as to not carry out any further more recent surveys.

1:13:14

Sorry, Pam, no, for for the applicant. If I'm correct in understanding what you're referring to is the point I made with regard to the 2016 traffic data that we used to validate with the 2017 monitoring data, which is comparing like, with like, with like, further away, you collect your monitoring data. So should we collect our monitoring data in 2021, you're getting further away from the traffic data that you are used to validate that monitoring data. So you're not exactly comparing? You're not exactly comparing like with like and therefore that I believe that is the issue that you are referring to Mr. Linus in terms of decoupling that process. Okay.

1:14:15

Thank you, mom.

1:14:16

So where did we leave the review process where we going to see it in the examination in order for Mr. Quint and other local authorities to assure us whether the baseline is okay as as it is.

1:14:34

Ma'am. Scott liners for the applicant, perhaps in the first instance it is a matter that Mr. quintiles and saying we can liaise with the Council on this provide you with an updated deadline three.

1:14:50

An update. Well, if it is about seeing inflammation that reassures local authorities about baseline then perhaps it is something that should be an examination. Is there a reason for your hesitancy to put it in the examination?

1:15:05

No, ma'am. Just bear in mind, Mr. Hunt, as we understand that the same the response that have been prepared by the by the applicant and if no issue ultimately arises after we've had a chance to consider the response then perhaps wouldn't be necessary for that information to go in front of examination and ultimately that issue has been resolved.

1:15:26

Mr. Scriven, I've got for you to say whether you

1:15:31

just I'm just mindful that Mr. Hudson, his has got his hand up by accepting from a different priority, but I suspect it might be to do the same issue. So it might just it might not just be discussion with Mr. Quint. That's that's required.

1:15:48

Thank you, sir. Absolutely. We've also agreed with Miss Lowry over the continued monitoring, to show the level of consistency performed in 2016 through 2021. And the last meeting, we emphasised to Larry, to the applicant, that we could still continued to believe that it was important to have these this ongoing monitoring to show that the proposed validation was still appropriate. And if that validation, if

that fed monitoring isn't taking place, it is going to make it harder for us to be confident in terms of validation monitoring, because that is now five years ago. And during those five years, I think we can all agree that a couple of very large events have occurred that would have an impact on on on on radio, so we still would like the monitoring to take place.

1:16:42

I think that's a slightly different point. I think what you're saying is that you feel that the monitoring that has sort of been abandoned for the process of the ies findings you feel should still need to happen.

1:16:58

I'm just browsing from from Ecuador. I'm sorry, I misunderstood. I'm stating that the proposed continued monitoring by Miss lat Larry should still take place. And we've been told now that it's no longer going to be taking place. We're just highlighting the fact that we still believe that that is that there was value to that.

1:17:15

Miss Lowry or Mr. minors?

1:17:18

Scotland, the applicant? Well, I think, man, we've explained why it can't and shouldn't take place already and the responses that we've given. And I don't think it's our position that we are able to properly conduct any further monitoring. As we've explained, we don't think like you have any utility, given the purpose for which it was under the survey work was undertaken in the first place. So we we just don't see the basis for that. And I think the other reason for trying to deal with this with Mr. Quint offline also, there's more than one reason as to why this survey work hasn't been undertaken. And if we can resolve this outside the examination process, it seems worth trying to do so.

1:18:06

For sure. Let's definitely try and resolve this outside the examination for you to resolve it outside the examination process, but I think it now involves more than just Mr. Quint and I think the the review process that you undertook is something that should probably come into examination for sure. So that if that is the basis for Mr. Quint and Mr. Hudson, removing or rather withdrawing their requirement for further further monitoring, then we would like to be we would like to see that the examining authority would like to see that. I know your point that Mr. Quinn had not seen something in the examination library, but we've made that point to Mr. Quint And indeed We will make it to everyone that the deadlines are set out in the examination timetable, and it is expected that all parties involved look at all the documents that come in at respective deadlines and see it on the planning Inspectorate website and it is the responsibility of all parties to review those documents. So we will not be repeating material of hearings

1:19:20

Scotland that's understood you just want to emphasise obviously this point about the review that was Laurie metres is only one one part of the response as to why that further survey work was undertaken.

This this review process has been there's been mentioned shouldn't be taken to be our complete statement on the on the petitioners wider in there are wider reasons for this other work not being done.

1:19:46

That's even more reason.

1:19:49

Taking just taking instructions we can do we can do a technical note which covers these these issues. We can liaise with the other parties and then update the examination deadline three That's That's good. So I'll put this down as a hearing action then. Okay.

1:20:12

Moving on to item nine, B. Can the applicant explain how the effectiveness of described potential temporary noise barriers during construction can be considered in the absence of detailed design and whether further information will become available in the examination?

1:20:35

Scott liners for the applicant we're not anticipating so that further information on temporary noise barriers during construction would be provided at this stage. The construction noise assessment that's in the EAS has been completed on a reasonable worst case basis in terms of number of on type of plant that's required. So there's been no benefit from temporary noise barriers or sight. hoardings assumed as part of that no other detailed design stage details of works in terms of location extent and so on of the of the works and number of type and plant that we use will be more certain. The construction noise assessment will be developed at the detailed design stage to ensure best practicable means that's addressed in the first a duration EMP document up to three, four. On the outcome of the assessment will inform the noise and vibration management plan which was also addressed as part of the EMP, but that will be produced in consultation with the local authorities and that needs to be approved by the by the Secretary of State. So at the moment we don't propose information on temporary noise barriers, but we anticipate that this is a matter which should be picked up as part of the best practicable means processes identified within the MP.

1:21:59

So are you relaxed? Are you relying on temporary noise barriers during construction form for any mitigation effects?

1:22:07

I understand that as far as the ies is concerned, no, no benefit from temporary noise barriers or site hoardings has been assumed none of Miss Laurie has anything to add?

1:22:20

Yes, Pam Laurie for the applicant. That is exactly correct. What Mr. Lynas said the construction noise assessment that we undertook for the ies did was based on a reasonable worst case and did not include any, any barriers within that to to mitigate construction, construction noise. And also just want to pick up on the issue of BPM, which Mr. Lyon has mentioned, the first step sorry, best practical means in

reducing construction noise levels from construction activities. The first step in applying best practical means is actually to reduce the noise at source. So this takes into consideration things like the choice of plant construction activities where that plant is sited and the timing of those activities. So all those things are considered before temporary noise barriers are taken into account. So it's the source that is considered first before noise barriers are considered as a means of mitigation.

1:23:35

Okay, thank you did if any of the local authorities wish to comment on that, if they want to raise their hand? I'll probably take comments. Mr. Hudson.

1:23:52

Thank you. So it's just important to note that best practicable means is not necessarily going to resolve all noise issues her best practical means, most important says if the applicant does everything reasonably expected from them to resolve this noise, and can't be expected to do anything more, and they can continue in that matter. So the situation where the positions of the noisy activities are such that they are going to cause a problem, even despite reasonable activity by the applicants than the members of the public would have to suffer that level of noise. So we're not saying necessarily the bank BPM will be sufficient yet we need to know whether or not it is possible utilising BPM for there to be an acceptable noise environment, and that's the level that we're at yet.

1:24:37

Thank you and Mr. Quint.

1:24:41

Thank you so guy Quint for central Bedfordshire Council. I'm slightly confused by this response saying that they they're not intending to use a local noise barriers because paragraph 11 point 8.4 of the noise and vibration chapter reads. There is also the potential for additional attenuation Have noise for construction activities through the use of locally localised temporary site holdings or noise barriers.

1:25:05

And it's my question to the applicant.

1:25:13

Scotland for the applicant, the point we were making is it's not been assumed for the purposes of the Yes, that the assessment was carried. I didn't assume any mitigations from these barriers so that a worst case noise impact assessment was was provided was the potential for it might be identified in another document. The important point that we were making is that hasn't been taken into account for yes purposes in that way.

1:25:39

Okay. Did you want to respond at all to Mr. Hudson's point?

1:25:46

Not on board. Thank you very much, sir.

1:25:52

Mr. Lyons was anything with regard Mr. Hudson's point that the applicant wants it's

1:25:57

Scott last applicant? I don't have Ms. Laurie had anything to add on that.

1:26:02

I'm sorry, Pamela, for the applicant. I don't have anything specific to add at this time. But all I will reiterate is that as the as the detailed design develops, there will be further detail on what construction activities will be where and what construction plan will be used and how best to mitigate that. And as Mr. Lynas has mentioned, the outcome of that assessment will inform the noise and vibration management plan which will be produced in consultation with local authorities such as power and and central power.

1:26:45

Thank you. Turning to see the applicant will have seen the views of Central Bedfordshire Council in their written representation Rep. One dash 055. Whatever mitigation measures would you consider whatever mitigation measures measures would central Bedfordshire council consider appropriate Mr. Quinn's presumably

1:27:18

Thank you. So guy Quinn, central Bedfordshire Council. Well, to be honest, I'm I would expect the applicant to to put for the measures and for us to consider the infrastructure to come up with the solution.

1:27:34

on the basis that you've identified what you might consider to be a problem.

1:27:39

I mean, the the main one that I would have considered is some sort of attenuation that's close to the source as possible, which would be a bundle barrier. I've not, I mean, I know that sort of, I was told that they were either discounted on on cost or effectiveness grounds, but I've not seen any any information to sort of support that. And I would like to see that in more detail. I know that the embedded implementation includes all like low service, low noise surfacing, which is encouraging, but on its own, the concerns I have is that the when we asked actually for some detailed information on the increase in noise levels actually affecting the properties in central Bedfordshire, the level of the although we've only seen the daytime levels, not the nighttime that the actual facade that calculations were very concerning and showing increases of up to 14 db, which, to me is even worse than actually were originally sort of led to believe. So, anything that would actually be most effective at at source, such as bonds and noise barriers, noise, noise, walls, etc. would need to be explored, I would suggest that it be the most effective means of mitigation rather than sort of in intermediate or at source as receptor point.

1:29:06

Thank you, Mr. Quint. Did the applicant wish to respond on on this?

1:29:10

Scott last for the for the applicant? Sir, for your note paragraph 11 point 3.69. And chapter 11 of the year summarises the factors which have been taken into account by the applicant when considering whether there might be sustainable noise mitigation measures could be included in the scheme. We have considered potential mitigation terms in terms of noise barriers, and a number of locations, either to reduce the magnitude of adverse effects or reduce existing high traffic noise levels, but they haven't been included for reasons that were that were set out in the Yes. I can ask Ms. Laurie to provide any further information on that as well as put the reference to the 14 Db G and into some context for you. Please

1:30:00

Yep, certainly Pam Lowry for for the applicant so to to pick upon issues that Mr. Quint has raised in in central Bedfordshire. We have Mr. Linus has mentioned we have looked at mitigation measures. To address the fate the major impacts were identified at the rural properties that run through the front through the council area. But when considering that mitigation as we've considered mitigation across the scheme, we consider that in light of sustainable development principles. So, that is not to reduce noise in the absence of considering everything else it is to consider things in light of cost benefit analysis, engineering and practicality and for and also whether they will actually provide any any noise reduction at all. When we've looked at noise barriers for the particular properties in the central, Bedfordshire, Bedfordshire area, the properties that Mr. Quinn has referred to is approximately 300 metres away from the the new dual carriageway as it as it passes to the east of the little Barford road bridge. And also a noise barrier does provide some noise reduction at that property, it is limited to just over over one decibel. So that that the reduction in noise level from a noise barrier for those sorts of properties is quite limited. And also to point out the fact that the the levels at the at that particular property are relatively low in the context of noise policy, which I know Mr. Quinn has raised an issue with in the, in the representation. So the levels are around what's called the lowest observed adverse effect level. So that's where effects, adverse effects on health and quality of life actually start. And the, the levels with with this game are just about at that low level. So we're not talking levels which are higher towards what we call the soul level where you get to significant effects such as sleep disturbance.

1:32:48

So

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that was trying to put that in a context that yes, we have, we have looked at noise mitigation at that at that property. But and we have considered whether that would be something that we could actually include in this game, but for the reasons that I mentioned, it's not been something that we've considered should be taken forward because it would give limited impact to to that property and also the properties on the other side of the dual carriageway in central Bedfordshire.

1:33:22

Thank you, Mr. Quinn. I see your hands up.

1:33:29

Yes, thank you, sir. Guy Quint from Central Africa Council. I appreciate that clarification on those points. However, I would say that I did request daytime and nighttime information on this library. I've only actually received the daytime I was told I would get the nighttime information, but that hasn't been forthcoming. So I can't comment on the comment about sleep disturbance. Because I haven't seen the data I'm afraid.

1:33:53

Campbell that data to be made available. steeliness,

1:34:00

Scotland for the applicant just need to check if it has been promised to Mr. Quint does it take instructions or not, but if we told him that we will provide them with information we will do

1:34:14

sorry, I'm sorry for the applicant we we are in the process of providing that that information.

1:34:22

Okay, thank you. propose we move on to item 10. Now, I am mindful of time, but I think we should we will continue with it will continue and that there will be in a German a shorter German a bit later on. So on the air quality, air quality effects and Sandy particularly so Sanford bed central Bedfordshire council at the openflow hearing one unlimited submissions requesting the question at any adverse impact on air quality, no matter how small be mitigated, and the applicant was going to have further discussion with central Bedfordshire counsellors, what was my understanding about the matter Has this as any of this occurred yet? And if so, what's the outcome been

1:35:08

Gigerenzer to British Council? No further discussions have taken place. Beyond beyond that point that then those points that we've made

1:35:18

by let's go on, further discussions have been indicated. I'm sure they will take place. I don't have a timescale for them at the moment, but obviously, we are going to engage, continue to engage with the console throughout the examination. I can see I can take instructions as to when that might happen. But we're aware of the nature for those discussions to happen shortly. I just I don't know what the answer is at the moment, I'll just have to take that away, as far as our position is concerned. So in summary, the air quality assessment within the ies chapter five predicts what we regard as imperceptible changes at receptors in the sandy AKM a, and essentially change this magnitude or are so small as to not be measurable and not be as as we don't think it's significant effects would occur. I'm not watching opposition.

1:36:24

I'm on what Yeah, I'm aware. I'm aware of that. So Robert, I don't think there's a need to go back into that at this point in time, and we're clear on what the position of Central Bedfordshire Council was from the open floor hearing and from their written submissions as well. So I put I would suggest we leave that at this point. Yeah,

1:36:43

thank you, sir.

1:36:46

So moving on to be as evidence supporting the need for air quality mitigation measures in Sandy as a result of proposed development. As as put forward in rep one dash 055 Central Bedfordshire Council have submitted their air quality action plan for Sunday. I will for the for the wider area. However, the plan submitted seems to lack detail on specific Miss mitigation measures, such as agreed schemes intended to improve air quality and what level of improvement may come as a result. The council previous said it wasn't for them to suggest appropriate specific mitigation measures in response to this scheme and their concerns. And do you maintain that position? Mr. Quinn's

1:37:36

Thank you sir. Guy Quinn central Bedfordshire Council. Yes, we do. However, we are certainly amenable and welcome options as discussed the whole air quality and San Diego Knowledge Management Area situation further.

1:37:52

Okay. So there aren't there aren't. There was a, say a scheme. There's a study mentioned with regards to the roundabout in the air quality action plan as being something that you wanted to do. Is that happened in the past?

1:38:13

No, he hasn't said. Right. Okay.

1:38:15

Thank you. So would the applicant like to respond on this? Is this one to be taken forward?

1:38:24

First got large for the applicant? I think it's falls. And really to the previous question. Obviously, we will continue discussions with the council. But our our position is that no mitigation measures are required, given that there is no predicted significant effect in Sandy. But if, as you mentioned, the council is aware of mitigation measures that they think ought to be considered, then we will consider them but that's without prejudice or possession that it's not necessary to do so.

1:38:59

Thank you understood. I think we're ready to move on to item 11. And that's the draft development consent order. So Mr. Hyde Would you like to rejoin us

1:39:18

Thank you, Mr. scruffy. Okay, the draft development consent order. I'm leading on agenda item A, and then I'll hand back to Mr. striven for the next few. Pre commencement. The first point is a one is definition on the comments of pre commencement. This is from rep one dash 022. Question q one dot point 7.2. point one. Thank you for providing the definition. We acknowledge that this is without you still don't think that this definition is required. But in I would just like to get comments from local authorities. teas and if I could start with central with Cambridgeshire County Council Huntingdon, Shire District Council and South cams District Council on this

1:40:16

matter Vikki foster on behalf of the counsellors, obviously we've seen the the definition provided in the applicants response to certain questions. The I should also add that we are also in discussions with the applicant on some changes, we would like to see to the draft decio in a general sense. We've also provided further to the request at the issue specific hearing one, our thoughts on a related point, which is the things that can be done, which aren't in commence or outside the finish commence. And that is in relation in document Rep. 1103. I think from our point of view, that is the issue really is what could be done. And what controls aren't in place in respect of those works outside rather than more than whether or not there is a definition of pre commencement works. I think it's our concern. So I think we're moderately neutral. on that question. Obviously, if if the definition is included, then we may have some thoughts about it, insofar as that definition is then used to increase the controls, but at that particular point that we would be concerned about in terms of making sure something or other other than just the biodiversity plan, and the archaeological mitigation scheme applies to these works, which is the main concern we have

1:41:40

understood, Mr. Turtle, and I understand that you, you think that comments to this definition will be relevant, if we would, after we've discussed the next point, in a way, so. Okay, so points about comments on the definition. I'll just, if I could just have Bedford Borough Council, their views if they've if they've seen the default, I hope they have seen the definition and whether they had any comments on it.

1:42:11

I don't think there's much we can add to that. Our points of view as well as also looking at what could take place as pre commencement and showing that we're happy with that.

1:42:21

Okay. Central Bedfordshire.

1:42:42

Mr. Candy,

1:42:43

I think you said that you have nothing further to add.

1:42:53

Could I ask case

1:42:54

team to perhaps talk to Mr. Candian and suggest that he might have to rejoin the meeting? Because sound quality is quite poor? Yeah, I'll try give him a ring now. Okay, thank you. Mr. Mosely. Good. Okay, so let's actually then let's revert back to point one. And let's move on quickly to a 211. A two. And this is an I invite the applicant for comments here first. And if the applicant could confirm that the works identified and pre commencement are not controlled in any applicant application drawings at the moment, and so, Miss Henry, are you leading on that item?

1:43:46

I am Yes, ma'am. Okay.

1:43:49

Would you like I'll hand over to you. Yeah.

1:43:55

Oh, can you not see my camera? No. Okay. Well, I'll try and fix that in a minute. But Charlie does answer you. In the meantime, you can

1:44:04

do here you're very clear. I can hear you very clearly. Okay,

1:44:07

great. So I think what you were asking is whether there are any other documents that control the pre commencement activities. And the position there is as Mr. Tyrol said, that the documents that would apply to pre commencement activities are the biodiversity pre commencement mitigation plan, sorry, pre construction mitigation plan and the HMS the archaeological mitigation strategy. Yeah. Other than that, the first iteration EMP or turning into the second iteration, EMP, would not apply to pre commencement activities because they are documents approved post commencement. So

1:44:49

Miss Henry for all the the kind of activities which includes activities such as surveys, pre construction mitigation, diamonds, demolition, and Construction compounds setup there are no controls currently in the application draw drawings or indeed secured by the VCO. No controls for such activities.

1:45:12

There are no controls other than what we have already just set out on the basis that the activities that we're proposing to do this you want to do as preconstruction activities are only activities that we think don't necessitate additional controls, because either they are minor in nature or wouldn't lead to me additional impacts.

1:45:38

So I just listed a few pre construction mitigation demolition, construction compounds set up I understand the demolition does not include Brook cottages. I, I think I and my colleagues here, we remain unconvinced that these are minor in nature, and that they don't require any controls. This is a point that we raised at the first issue specific hearing. and subsequent to that, too. And I think what what our concern is that we, the response we've got from you so far is that these, it's not necessary, but not necessarily telling us why it's not necessary. Things like construction compounds set up, for instance, or demolition. And I can list a few more if you like. But these don't seem like activities that don't need any controls. Indeed, the controls are for pre of the first, I understand that they don't they cannot be controlled by the first titration environmental management plan for because of the very nature that they are pre commencement activities. But would that not necessarily necessitate the need for a pre commencement plan, which is secured through the decio.

1:46:58

And that's the same point that Mr. turell and the Cambridge councils have made in their rep one dash 103 document. So if it will assist the examination, we propose to reply in detail to that response, which would then allow us to provide the comfort or the justification for the you know, the control process that we have set out in the decio or identify additional controls that we think may need to be in relation to the specific points raised because the way that that response is written covers each of the different activities that are excluded from commencement. So perhaps if I'm, if I may defer to providing that justification in writing so that we can clearly set out in relation to each of the different activities that are excluded from construction, our justification or otherwise, of of our approach.

1:47:52

So I do have a view on that. But I will invite Mr. Tyrol to respond to that first.

1:48:00

Thank you, ma'am. Francis turned on behalf of the chemistry authorities. Yes, I think we would look forward to a response as we've done our best in Rep. 1103 to set out the sorts of things that could be done in a slightly uncontrolled fashion, because of the absence of any particular document that applies apart from the pilot biodiversity plan and the ecological one. Some of the things, as you mentioned, are substantial. For example, remediation, works could have quite significant environmental impacts, if it were not controlled correctly. So we set out effectively the absent protection. I think the only thing I might flag is I think maybe you were accepting that the EMP could possibly apply to these works. I'm not sure that I mean, that's only because at the moment, the way the requirements are structured within the order. EMP one or a variant, there are sort of a preliminary EMP one could of course apply to the pre commencement works, if the requirements were structured in that way, or similar document. Yeah, and I think in relation to some of the other aspects, one of the important points is a lot of these activities could have significant traffic impacts. And yet we weren't seeing the traffic management plan applicable to those at that point, because of the way the definitions work, so and so we had discussion earlier about earlier today about what is in the outline construction traffic management plan and what isn't in there. Particularly in terms of timings of lorry impacts, lorry movements, for example. So we could see the demolition work which would have a significant HTV movement or could have significant issue movements attached to it, or remedial work in terms of ground contamination, which could also have significant HGV movements attached to it all taking place in the absence at that point in time of any

traffic management plan which was applicable. So I think we would expect to see from the applicant details of if those particular documents or not to apply whether or not some precursors to them. Can Be made applicable and the requirements.

1:50:04

I miss Henry I think I'm perfectly happy to defer this to a hearing action for it to be submitted a deadline three. But I think I think the point has been made by Mr. Trudeau which and and the examining authority is concerned as well. Which is that some of these activities are significant in nature, we do think that they will have an effect they do need to be controlled in some way. And it is something that we would like to see secured in the DCR somehow. So, if I could leave you with that, it's absolutely fine to give us a justification Why do you think that no further controls are needed? Alternatively, you could take on board what we've just discussed today, and perhaps set out areas where you think further controls could be provided and how they might be secured.

1:51:06

Yes, ma'am. And that's that's understood. I think if if we on review looked at the activities proposed on this scheme and determined that further controls were perhaps necessary then we will put them in a pre commencement type plan as opposed to the EMP because as has been said, that would defeat the purpose because the EMP doesn't apply early enough to

1:51:31

the point about traffic. I think that's that should be taken on board and you know, that is one of the effects that I envisage would be major when you know, in the sorts of things that I've just set out. So, so see, you know, I'm just putting making a point that then that that that in your notes should be justified as

1:51:57

well. Yes, absolutely. Noted. Okay.

1:52:01

Thank you, Mr. Ms. misandry. So then the point about the comments on definition of pre commencement we will leave that you will give us this note a deadline three and then of course after deadline three is when we publish our second written questions. And I will invite comments on definitions of pre commencement with respect to this document that you've given us then yeah, okay, that's it for me. Mr. Scriven. Mr. Scriven, I think your microphones off politics.

1:52:42

Thank you. So moving on to b and this is extensive land to be de trumped particularly near Croxton Park and wherever all land meets requirements of being uncoating Cambridgeshire here necessary for highways purposes in the rep one dash 048 paragraph 3.1. So the examining authority note the concerns of Cambridgeshire County Council relating to the extent of land to BD D trunks, can the council elaborate on why land proposed for D trunking might not be necessary for highways purposes? And how how would they define? How would that be adequately defined?

1:53:22

So thank you for answering on behalf of the authorities I'll ask commemorates if I may to explain a little bit more about the detail of the particular location we've talked about and basically why sort of scale basically which is a concern at this particular point in terms of there being quite a lot of land that would be D trunked including some verges as I understand it effectively or land that sort of is currently held by highways England which doesn't actually have a relationship with the road itself as being detract in any particular functional capacity. But I think coming can actually explain better that point like

1:54:02

Hello, is Camilla rates came to the county council. Thank you. Yeah, the the issue is the two points but principally on sheet 11 of the D trunking. Plans. There are those there's two large large areas one to the north and one to the south of the road. of the road to b d trunk D on day four to eight. As will be weather probably what was originally s bends in the road got smoothed out at some point. And these are areas of mature trees. And in reality probably what should have happened when the road got smoothed out is I probably should have been offered stop the highway should have been stopped up and offered back to the landowner but it wasn't so it still highway this serves no no hurry purpose and in fact it creates a liability for us a significant reason to give good liability for Highway Authority. We don't have authority wants to take On that additional burden, so it ought to be not handed to the higher authority and indeed, perhaps could be offered back to the landowner.

1:55:09

thank thank you, I think, Okay, I'm going to ask Mr. Bach, with Rob for the applicant to come back on this issue. I think is well, how best we might deal if there are ever locations of concern. And the best way of dealing with this rather than on a site by site basis necessarily in hearings.

1:55:33

There's only one other location I think it's um, sheet 12 with Eric just in the north.

1:55:44

Thank you, Mr. Scriven, Larry Hendry for the applicant, if I may, just to say in response to miss Rhodes, that's right. So the areas where it is a little bit wider than you might ordinarily expect as a result of the historic issue where the road has been straightened over time. And I would propose that this would form part of the discussions that the council is having with the applicant in relation to the extent of highway to be transferred over as part of the de trunking that is proposed. And once we can agree the extent of that highway be handed over, then we will be able to deal with any further stopping up necessary. So it isn't our intention to impose land on a local Highway Authority that isn't necessary for highway purposes. But we would just need to agree between us how the extent of of how much highway is needed there.

1:56:38

Thank you. That's, that's helpful. It's helpful to me, Is that helpful to Cambridge? Sure.

1:56:44

It is helpful. That work, there was two other points in relation to this whole point, this subject and these were specific ones raised. But we do have a general point about not not taking on more than we need

to. The other issue relating to de trunking. Specifically, is, was raised in a three point 11 of our written reps. And it's where a new local road where the new local road road is to be built on the footprint of the old a four to eight. Our experience in the A 14 is that the applicant can't hand over that new local road until it is been D trunk, the old j four to eight has been D trumped. So this creates a whole issue around timing and or having to have some other legal solution to the problem. So it could either be dealt with through through addressing the timing issue in the decio or it could be dealt with through the legal agreement. But it is something that needs to be addressed and it is costs a significant problem with the F 14.

1:58:00

So if I may, we are as misandry from the applicants. This is just indicated we are in discussions on the form of the order in terms of some of these these points with them. And we're hopeful that we can resolve it in that basis. Just to flag obviously one of the things to deal with this issue of excess land really that we have sought from the applicants obviously, we look forward to hearing back in the morning is that the extent of the road in each case to be to trunked will be agreed between the applicant and the local hiring authority and that that will form part of the mechanism in the order so that what is de trunked is as a defined boundary and that effectively that is a boundary which has to agree to that there is two things one is that the local high authority is happy. But two there is certainty for everyone going forward. What is the highway boundary in the future in respect to these D trunked roads, and then by definition, this area wouldn't, for example, wouldn't be would no longer be considered part of the highway, which also would be in better position for it, given this character. So I feel like that now hopefully we are we're hopeful that will be dealt with. But obviously, we might need to come back to the panel if that cannot be dealt with in that way.

1:59:14

Thank you if if other local highway authorities who have similar concerns, can you raise your hand? I'll bring you in. If not, we'll move on.

1:59:33

Unless there's anything the African wanted to say in response. Thank you. So moving on to see and that's the limited article 90 minutes of deviation with particular regard to accuracy of any changes to public rights away in future. And this is the question really are are to the sides of the applicant are alignments of intention. Did changes to public rights of way included in the limits of deviation? I think previously we've heard of difficulties of encountered by think it was Cambridgeshire with regard to the a 14 and public rights of way, how they were recorded in future after things were

2:00:21

off the things were changed are probably rights of way you're included in the limits of deviation.

2:00:29

Thank you, Sir Iere Hendry for the applicant, as I'm sure you are very familiar with the design of this scheme means that the public rights of way in the nmu provisions are very much on the on the most part integrated within the design of the roads. So it is our intention that they wouldn't be subject to the limits of deviation. I take the point that Cambridge County Council have raised about the specific

drafting of the order, and we will review the audit to make sure that that is clear, so that the limits of deviation do expressly apply to the public rights of way shown on the streets right away and access plan. And then sort of thinking about that practically, and the implications that that may have on a local Highway Authority and updating the definitive map and that sort of thing. Again, we take that, that advice and that learning on board, and I submit that that would be something that is objective, you know, as built drawings, a commitment to provide as built drawings at the end of the process, which can be secured through either either the decio, or that the legal agreement process that we are in negotiations within with the local highway authorities, because we accept that there is that tension between what what is now shown subject to limits of deviation and then what ends up on the on the ground?

2:01:49

And I think would be well, it would make sense for that to be a hearing action. Yep, just in terms of agreeing that I understand what you're talking about. talks about other things as well. But in terms of the the approach to be taken, and and how the local Highway Authority will be engaged in that is that something we can take as a hearing action. So we're clear as well on how things will be recorded in future?

2:02:19

I have no objection to that.

2:02:20

So thank you. And

2:02:25

if I might just clarify, if the Zed we've put across to the applicant, some suggested changes to the order. Obviously, we would look to see, and I think this is from what vendors suggesting, sounds to be accepted that we would like to see it clear that the product right away, we're controlled, and also permitted to be deviated. And so with our limits of deviation, we would expect that to be shown on the plans that reply to the property rights of way so presumably on the streets and streets, right away plans. And we would expect to see specific or clear limits deviation applicable to each product right away in the similar way, as is done for the utilities works at the moment in the plans to the order. That's sort of the ask on that. And then the ask in terms of making this actually work when it comes to then updating the definitive map under the Mighty 81 act is obviously then to provide as built type plans. But we also needed to make sure that in terms of that journey, for me to be that there is an involvement of the local Highway Authority as well. So that the we can effectively assist the outcome when it is building out to make sure that the as built plans are within the limits of deviation. Ultimately, that has been a concern, I think on other schemes such as the a 14, so it's those three aspects really that we're looking to see.

2:03:52

Okay, thank you. Anything further from the applicant on that?

2:03:56

So just if I may, what I would propose that will happen here in relation to the limits of deviation is simply that the existing limits of deviation shown on the works plans are interpreted to, to apply to the public rights of way, which are also shown in their physical form on the works plans will also be kind of, we can make that clear that those limits of deviation that are on the works plans would also apply to the streets rights of way and access plans and the public rights of way they're in whether we need to do that on the drawing itself. I'm just making it clear that we wouldn't I wouldn't anticipate an individual limit of deviation per public right of way, but more that they would be within the limits of deviation for the scheme.

2:04:41

So I just would add to that, though, I think I'll see is maybe need to look at the case by case basis. But we we couldn't end up with a situation let's say a particular footpath intended to be on the east at the height of the new road could end up on the west, for

2:04:53

example. That's that was my that was my forecast on that. Obviously there needs to be connectivity doesn't know Yes. And what's been discussed could potentially mean wherever it would happen could potentially lead to severance.

2:05:09

We'll take that away. So and review in light of that comment. Thank you very 100 for the sorry.

2:05:17

Okay, I think we will move on to D. So, clarification of the extent of future maintenance of highways assets by local highways authorities, and this relates to Section 94 and section 2277 of the highways act 1980, and this is particularly raised by Central Bedfordshire Council, and that's repple one dash 055. And I think paragraph 6.22 is really a question to the applicants that the applicants interpretation of the highways act 1980 in regard to those matters reflect those central Bedfordshire Council.

2:05:55

So the re entry for the applicant, I wonder if it would assist central Bedfordshire council if I would point out article 13. And because those two sections of the highways act relates specifically to bridges and deal with the sort of maintenance liability with bridges and I just would like to point out that article 13 subparagraphs, five through nine set out very specific split of maintenance obligations in relation to bridges, most of which would, in each case, the split occurs between the surface and the structure of the of the bridge, if the bridge is crossing the trunk road, the new dual carriageway, then the structure would be maintained by the applicant. And the surface is maintained in various degrees by the local authority. In the case where it's carrying a non trunk road in the case of a an accommodation bridge, it would be maintained by a local landowner. my review of those sections and perhaps central Bedfordshire can shed some light if I have missed the point is that the the idea here is about the maintenance and perhaps maintenance amounts by way of maybe committed sums. And again, this is something that we would form part of our discussions in relation to the side agreements, but I would say that in in the case of Central, Bedfordshire, the bridge that is being proposed, we would only be expecting central Bedfordshire to take on the responsibility of the surface of the bridge, the structure

would remain the response maintenance responsibility of the applicant. And as such, the maintenance obligations for the local Highway Authority arguably would not have changed significantly on the basis there is already a road there were simply just moving that road up and putting it on a bridge, the structure of which will be maintained by the applicant.

2:07:56

Thank you that that is helpful. Did anyone from Central benefit you wish to respond on that?

2:08:05

Thanks, Jeff Hunter from Central Bedfordshire Council. Just just to confirm that there have been further discussions with the applicant in which the splits responsibility between the structure and the surface as I've just described, have been looked into into more detail and I understand that these matters are being dealt with with regard to a sign agreement.

2:08:26

Thank you. I will pass now back over to miss Ohio.

2:08:40

Thank you, Mr. Scriven. So we are now covering agenda item 11. E, and this is regarding article 13. construction and maintenance of new altered or diverted streets and other structures and article 14 classification of roads etc. And we've raised sorry, Cambridgeshire County Council in on behalf and apologies, Cambridgeshire County Council have raised this point as well, which is regarding clarification of regarding a handover plan. And if the applicant could just provide some details with regards to the handover plan, as referenced with respect to the de trunking proposals.

2:09:34

Thank you, Mom, Iarae 100 for the applicant, the amount of detail that I can provide at the moment in relation to the handover plan is is somewhat limited by the fact that negotiations on the terms of that process are underway with the local authority, local highway authorities, but in essence, essentially the the point of it is to provide a process, the form of which obviously as I just said, is is sort of being negotiated, that would allow certainty from both parties as to what was being handed over him and in what condition and and at what point.

2:10:15

Mr. Turtle did you want to respond for the for the authorities

2:10:20

thinking faster and on behalf of the authorities, as Miss Henry has just said, We are currently sort of in discussions in negotiation about that. We're hopeful that that's progressing well. The we're yet to hear back on the day strategy agreements for the applicant, but we'll do so shortly. I'm sure. as Miss Henry said, The, the gist is that the handover plan will set out how the existing road to BD trunked at what it's what stated is currently in by reference by variety of factors age condition of the carriageway, drainage, signage, lighting, fencing, etc. Well, this is I should say, what I'm saying is certainly what we would be looking for. And once that is done, then there should be an agreement as to what would need to be

done to bring that up to the relevant standards that that a call higher authority has in terms of its local highways, if anything at all. And then the third part of the plan that we would want to release, then how that will be done. And that the gist of this is that that will all be done before it is de trumped. And this is to avoid the concern that's happened on the a 14 experience whereby due to the operation of the drafting of the order rows have been de trunked ahead of or notwithstanding that they haven't been made up to to the local authority standards, whether it's been necessary. So this, the final observation I just like to make is that we very much see the agreement in the handover plan, which has all the details of this sitting alongside some changes to the articles or the order to the article 13 and article 14. So that D trunking. Doesn't happen until this process is finished and run and completed. It's okay. And therefore, both parties can agree that this is done and then the D trunking. happens when both parties have agreed. And this agreement gives certainty because that means both parties know the process and how that would happen. That's what we're looking for. And hopefully, we'll hear about from the applicant that then the content with that as a notion.

2:12:28

Okay, misandry. So then if I could just it just seems that timing would be crucial here. So could you give us just a rough idea of what timescales there are in terms of the handover plan being agreed, coming into examination, and then corresponding changes being made in order to secure that plan in the draft easier?

2:12:51

Yes, ma'am. Thank you very Henry for the applicant. Just to note that we received the comments from Cambridgeshire County Council on Friday evening, and we had the benefit of the call with Mr. Tyrol on Monday to run through some of those, or those those changes proposed that sub needless to say, we're still seeking instructions on those points that have been raised, including the mechanisms. And the best way to secure the handover Plan B that through the legal agreement and amendments to the dcl or simply through the legal agreement. Our current position is that the legal agreement should be sufficient, has as has been the case on previous development consent orders. But I would like to hold that position for now, just until we've had a further opportunity to consider the specific amendments proposed by the Cambridge authorities in relation to the draft decio as well as their amendments to the draft side agreement or legal agreement in relation to the timing. It is absolutely our our intention and expectation that we would be able to complete this side agreement prior to the end of examination I think that both parties be that the applicant and Cambridgeshire as well as central Bedfordshire and Bedfordshire as highway authorities can see the benefit of finalising these agreements as quickly as possible, because it does give the parties certainty as to how these processes will, will flow in practice.

2:14:26

No doubt. Before I call the other highway authorities to comment on this. I just I think I'm going to just open up point two e two as well update in progress on legal agreement between parties. So I think So what you're saying is that you think that side legal agreement, which is outside of the DCR process will be sufficient. Can you just explain to me what form the two will take and why you think one is sufficient. And as opposed to the proposal by Mr. Terror which is changes to Article 30 In this client actually being embedded, secure through the DCR,

2:15:04

my, my submission there, ma'am, the re entry for the applicant is that the legal agreement would be, would be legally binding on on the applicant, and the applicant would be required to comply with its terms in relation to timing of de trunking. In relation to compliance with the handover plan. The elements that Mr. tiroler seeking to include in the order couldn't be sufficiently dealt with by way of the legal agreement. And the legal agreement is clear that by the order coming into force, it doesn't kind of clear away the agreement, it doesn't override the agreement, the agreement would be in the hierarchical sense above above the order. And that is a common practice. If you think for example, agreements with statutory undertake as well, we would agree not to use our compulsory acquisition powers which we might otherwise secure by way of the order. It is accepted, that is appropriate. But what I would like to do is actually consider the changes that Mr. Carroll has, has posed in relation to the order, because it may be that there are some that we we can accept, and that there are some that we would prefer to put in the legal agreement. And all of that would be subject to instructions. also keeping in mind that, you know, highways England has a kind of a need to ensure that their orders are kind of consistent and enforceable across, you know, and understood across the board. So we would want to be able to kind of preserve any of that detail into a legal agreement and not necessarily crowd the order with with too much.

2:16:47

Well, I understand that, but then what are you suggesting that there would be a handover plan, which would then be secured via the legal agreement, and the legal agreement will be secured by the DCM. What I'm trying to understand is that what can the examining authority rely on in terms of giving weight to this handover plan in our recommendation,

2:17:08

the hand of the plan would be secured by way of the legal agreement and the which the which the parties would then if everything was captured, as I would envisioned in the legal agreement, then the parties would be able to confirm to the examining authority that the process of handover of the D trunked roads is as agreed in the legal agreement.

2:17:31

But if the legal agreement, as you said, will have details which will crowd the DCU and the legal agreement is not itself in the examination, which I don't think you're suggesting it will be, then it's not something that the examining authority can give any weight to.

2:17:45

We'll accept that the proposal as I understand it, and I do see Mr. Charles hand up, and he may, he may want to jump in here is that the there will be some repetition between the legal agreement and the order. And my submission is that the repetition is unnecessary, and that the legal agreement would bind the applicants efficiently.

2:18:06

But I didn't think that answers my question, which is that the legal outside the dcn, and the examinations, not something that's secured. That's not something that the examining authority can give any weight to in our considerations,

2:18:20

noted, mom, and we will take that away and consider it further.

2:18:23

Okay, thanks, Mr. Trump before? Okay, well, why don't we hear from you? Because I do want to hear from the other highway authorities.

2:18:31

Thank you, ma'am. I just wanted to clarify a couple of points. I think. Firstly, it just in relation to the handover plan, we get to councils is happy that the handover plan itself be secured within the agreement, and the agreement describes what that should be. And I don't want to clutter or crowd word was the order by putting the handover plan in there necessarily. The position as we see it, which we think does work and doesn't crowd the order, but also gives us what you're looking for mom in terms of certainty is that we change the wording of Article 13 and 14 particular 14 in this case slightly, so that the roads cease to be a trunk road, and I'm talking about article in the current draft of the order before the examination, Article 14, eight, so that the current the roads ceased to be trunk roads on a date effectively, which is agreed between the parties, you would you would then know how that would operate. Because obviously, it's really our intention that there should be a version of the agreement signed, one in advance the closing examination, how the parties would operate that agreement, so it's not just something out there that may never happen because the parties don't agree. The agreement was set out the process, that process would include the handover plan, and those things are therefore all stitched together. And they all sort of dangle off if you like article 14, eight as adjusted of the order. We it gives us the local higher authority, comfort because the second point, the difference The raises at the moment as article 14 eight has drafted, the road cease to be trunk trunk roads simply on the date that the undertaker determined. Now as the senator is said, in theory, The Undertaker shouldn't determine a date until they have complied with everything in the agreement. But sometimes things happen, things go awry, there may be arguments as to whether or not the agreements been complied with. And the undertaker in the sketch in this case may also be a contractor or someone else that the functions have been transferred to under the order, they may just go ahead and determine the date. In any event. Once that is done, it is done, it may well be that that is done in breach of the agreement. And perhaps the county then has a breach of contract claim. But unfortunately, that can't undo what as a matter of public law has been done at the order. So at that point, the trunk roads are no longer trunk, and they are within the asset holding of the county council in whatever state they're at, at that date of of transfer. And it's sort of its then trying to put the genie back in the bottle in some respects in terms of trying to get the roads brought up to scratch. Once they're already then in the holding of the local authority. Now, I'm sure the applicant would say that sort of thing won't happen. But what we're looking for a security that it won't. And I think that's why we say that a 14 eight is adjusted to provide for that agreement in the full comfort that the agreement process is constrained by an agreement that we have set out. We don't have duplication, because we just have, and this is this is similar as you'd be very aware. With protective provisions in an audit, often the protective Version says you won't do something

until x happens consent is given behind that is an agreement which sets out how that consent process can be administered. This is the same as what we're looking for effectively here. So that's what we're proposing. And that's the that's that's kind of the drafting we've put forward.

2:21:49

And that's what's gone to them on Friday. Yes. Okay. So I think just from the examining authorities point of view in the comfort of being can give Secretary of State Miss Henry, I think our position is that we definitely need to see something that is secured in the decio, for us to be able to give it any way to offer us to confidently sell to our secretary of state that this is going to happen. And so so I think I completely understand that there, you know, if there's a legal agreement, which is outside of the DCR process for it to take place, but whatever it is, whether it's the handover plan or a handover plans,

2:22:29

thing that needs we need, optic, we need to see that in in the bco. We need that secured somehow. And the handover plan, particularly the legal agreement, of course, is an agreement between two parties and that can be outside the DCR process. But the handover plan is something that Mr. Scriven would want to you know, with me which we would want like to just scrutinise in order to. Sorry, didn't did I did you hear all of that?

2:23:00

Yeah, there any there was a slight gap, but actually, okay. I don't think well, I don't think I've missed anything. Am I?

2:23:06

Good? Good. Good. Okay. So I'll just leave it at that. I think you've taken this away. Is this something that we're going to see a deadline three?

2:23:17

apologies, Mom, the very 100 for the applicant? Can you clarify what you mean by that?

2:23:22

So your response to the proposal that's gone forward from the authorities? And what form the handover plan is going to take and what mechanism you're going to use to secure that in the decio.

2:23:39

Thank you, Mom, the re 100 for the applicant. Unfortunately, I don't think that's something that we can commit to for deadline three, the negotiations on the hand of a plan have really just just commenced with the wealth, the detail from Cambridge are coming through and we anticipate that those negotiations will will continue.

2:23:58

So give me an idea. deadline for or

2:24:07

we can we have more than happy to commit to giving you an update on the negotiations at each at each each deadline? We can perhaps Mr. Tyrol. If that's acceptable to you, we can provide an update as to where we think we are at the deadlines.

2:24:25

I think just from our point of view, so I've answered on behalf of the County Council. We're very keen to progress as you'd imagine so we're very keen and we'd be happy to update as soon as we can. My mindful deadline for us is the next timeframe for the statement of common ground. So I think that would also be an appropriate juncture ideally, to provide a fairly fulsome update if we haven't agreed and over plan where we've got to run it.

2:24:50

Okay, so for the hearing action misandry Mr. Chair, I'm going to put this for deadline for I'm very aware that I haven't invited the other private authorities for this. If If bet for Borough Council could come forward first and respond to both points. Item

2:25:08

Allaster and for better borough accounts. So we fully support Mr. Tory suggestion in your recommendation that this does need to be wrapped up within the decio. We can confirm discussions are ongoing. The latest I saw an email half an hour ago saying that we couldn't sign the side agreements, because we're outstanding information on what asset we'll be taking responsibility for and what the asset conditions are going to be. Therefore those negotiations will need to continue. But our view is tying it up in the DCR is the correct approach.

2:25:44

So just in terms of that update, then Miss Henry. I think it will be helpful if that update is. is agreed is agreed with all the three highway authorities.

2:25:59

Yes, ma'am. The right 100 for the applicant that's understood.

2:26:01

Okay. Central Bedfordshire Council.

2:26:07

Thank you. Jess representative from Central Bedfordshire Council, just to confirm an agreement with the views expressed by the authorities with regard to the means of securing the side agreements with regard to the progress of the legal agreement of assets to Central Bedfordshire. The most recent exchange that was on the leg room was yesterday there are a number of queries that remain outstanding but understand that they are currently being progressed.

2:26:39

Okay, so again, same point, this will expect an update, I'll put the first update down for deadline for given given the time constraints that Miss Andrea's has has outlined. So that I expect would be a full

quite a full update from all four parties applicant and three highway authorities. So that completes this item unless the applicant had anything further to add here. Miss Hendry.

2:27:10

No, thank you.

2:27:14

Mr. Scriven, I suggest that we put item F for written questions. I think we're running very short of time. We're very close to six o'clock now. So I was going to suggest that we put item f written questions and enrolled and responsibilities. I'm just going to check if Miss Louis staples are still here. Yes, she is. So I wondered if we could just jump and cover out the cover of the matter regarding our agricultural liaison officer in roles and responsibilities. And again, leave the other matters under this agenda item for written questions. If you're satisfied with that, yeah. Okay. So applicant and if you please. And we'll just cover off this specific matter of regarding agricultural liaison officer. And basically, my understanding is that it is in a fused view that landowners there's some identified duties which require liaison with landowners which would warrant the appointment of a specific agricultural liaison officer. And they suggest that this is a suggestion that they put forward for a lot of schemes where there is an effect on on agricultural landowners. And I just want to know what the applicants response is to that.

2:28:38

Yes, thank you, Mom, here, Hendry for the app. And as I understand that there was a very recent meeting between the applicant and the NFU in relation to the sort of the defined role of an agricultural liaison officer and how that may fit within our first iteration EMP, taking into account the fact that there is already the sort of and I think, as you've noted in the in the agenda item, the community relations manager and how that role may be fulfilled. There were a few points discussed between the parties and I think at the moment, I wouldn't say I wouldn't be so bold as to say it's a settled matter, but it definitely has there has been progress made as to how that agricultural liaison officer may be fit sort of incorporated into the the first iteration EMP, including aspects of I think, and I won't speak for for Miss staples, but including aspects being contactable aspects of making sure that they're sort of aid a definite person who would be the contact person when they're when they're available. Those sorts of aspects that are important to farmers and people who who own and run agricultural land. I think they're, they're probably further points to agree with Miss staples on that. NFU. But I will, as I say, I won't put put words in your mid staples mouth.

2:30:06

It's just before I go to miss staples, there's a point that I would like to make, which is that some of the duties that you could imagine an agricultural liaison officer to have and to deliver on. Again, I would probably imagine those to be somewhat distinct from a community relations manager because obviously there's landowners with agricultural land, and you know, that kind of business being affected. But there are different community communities being affected as well. From construction, traffic, and so on, so So do you see there to be a distinction between these two roles? requiring potentially two different skill sets and expertise? misandry?

2:30:53

Thank you, Mark Librera 100 for the applicant. The one thing I would say a couple of things in response to that is that the members of our kind of community liaison team are experienced in major projects of this type and are qualified and undergo continual professional development. It is anticipated at the moment that we would have someone specifically qualified in agriculture. However, we do have or the project does have a consultancy relationship with Adams, which is an independent agricultural and environmental consultancy. Who would be who we would be able to call on should a matter arise that we weren't able to deal with or that the person within that role was unable to deal with

2:31:37

it. And is that in the first iteration EMP.

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It isn't at the moment. This was the discussions that were had with the NFU most recently

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with. With that include out of hours contact as well.

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I think that that was part of the discussion between them. And I think that there was that concern about sort of out of hours contact and it would be it was agreed that the contact points and processes could and would be arranged. staples

2:32:15

sorry, Louis staples for their National Farmers Union. Yeah, look, this this matter was raised with a meeting with highways England last Wednesday. The NFU is really disappointed that highways and haven't addressed this matter. On schemes of this size, it is expected that there will be an agricultural liaison officer or there will be an agricultural liaison team, even not just one person. highways England really could not give me an answer. Last Wednesday at all, how they were going to cover the roles and responsibilities that I've sent through that have been covered under other schemes. And just to say, I mean, it's nowhere near settled at all, actually, it was completely left up in the air. So I don't you know, this role has to be covered and absolutely not, it is not acceptable for it to be covered under a community relations manager. As I said to highways in the last, you know, I absolutely expect to see a community relations manager. But sort of as you have raised, yeah, that is to cover you know, for people that are in a village that's going to be affected by the scheme, not as a landowner who is directly affected. And it isn't just I mean, the person to be contactable. 24 hours is just you know, one thing I mean, I think I've listed about 20 different things, I'm expecting to get covered by whoever this person or team may be. And it's definitely not acceptable for highways England, just to say they could go to, I think they just refer to a das there. If a matter arises, it absolutely has to be fixed. Because those landowners will need this person, I mean, that they'll be in contact with that person. Nearly all that team nearly every day of the scheme as it's being constructed. I can't really emphasise enough how important this role is and how it's carried out. Thank you.

2:34:17

That's helpful. You said you've mentioned 20 different things. I've seen your written rap. I don't recall reading 20 different things. Have you told us what those things are? Why you need this agricultural liaison officer?

2:34:29

Well, I'm sorry if I haven't, I thought I had already in a rep sent through what we were expecting the agricultural liaison officer to cover

2:34:36

is that is that it'll definitely be highways England on Wednesday.

2:34:40

Yes. Okay, fine. Oh, no, they've had it before. They've had it before Wednesday, but okay. Okay. I can send that through again, obviously, on our submission following this.

2:34:50

know if it's already in the examination, then we've seen it. I just wanted to make sure that what you've given to high res Englanders is what you had what you've submitted, examining misandry it seems like team smashers have definitely not settled, but negotiations are ongoing. I think this is a point given the extent of the scheme and the number of landowners that are affected by it. I think this is a matter that would need proper consideration. I'm not saying it's not being considered but but i i it would be helpful to have an update sooner rather than later so that the matter can be settled before the close of the examination.

2:35:33

Yes, ma'am and lavanchy for the applicant completely understood and I have seen and acknowledged the response the written rep from the NFU, which does set out in an annex their points about the agricultural liaison officer, which of course, we will be responding to at deadline three. So that will provide some update, but obviously, our discussions with the lfu will, will continue in relation to this point.

2:35:59

Okay. So I think we wanted clarification on a few of the other roles and responsibilities. I am going to leave that for now. And I think it might actually work out better if you can provide us an update on that line three. misandry possibly, if you can provide us an update on deadline three, then I will move these items across to written questions. In light of what your updaters understood, thank you. Yeah. Okay. Mr. Chairman, I'm quite happy to wrap it up there.

2:36:32

You. Yeah.

2:36:35

your microphone is off. Okay. So should we just adjourn briefly? For sorry, Mr. Freeman, your microphone was off. So I'm kind of guessing what you've just said.

2:36:57

I've just said yes. That's fine by me.

2:37:01

Okay, that's brilliant. Okay, so we will just adjourn the hearing for a few minutes so that we can review the measuring actions. The time is 557. We literally need five minutes, because actions have been noted up through the hearing. So we will resume five, five or six or sooner. So don't go anywhere. And we will close the hearing shortly afterwards. Okay, thank you, everyone.