

# TRANSCRIPT\_BLACKCAT\_ISH3\_SESSION1 \_24092021

00:07

Thank you very much, Mr. Williams. Good morning and welcome everybody. It is now exactly two minutes past 10 apologies for the slight late start. Starting the third issue specific hearing for the application made by highways England for the a four to eight blackcap, Caxton gibert Road improvement scheme. We will introduce ourselves in just a few minutes. But before we do that, please bear with me while I deal with a few housekeeping matters. Could I check with Mr. Williams? If you can hear and see us?

00:42

Good morning, Miss, I can confirm that. I can hear you. I can't currently see you but my screens frozen or ever based on the live stream? I can see I know that you are on screen.

00:55

Okay. Okay, well, I'm going to assume that I can. People can see me unless somebody else tells me that. Okay, and Could you confirm Mr. Williams, that the meeting recordings and live streams are started?

01:12

I can confirm that the recordings has started and the live stream is up and running.

01:17

Okay, great. And were there any requests for reasonable adjustments?

01:21

No, there were no more. So.

01:23

Thank you very much, Mr. Williams. Okay, on to introductions. My name is Monica Sahaj. I have been appointed by the Secretary of State as the lead member of the examining authority to carry out an examination of the above application. I will hand over to other members of the examining authority Mr. Parkin, if we can start with you, please.

01:41

Thank you. Yes, good morning. My name is Andre Parkin. And I've also been appointed by the Secretary of State as a member of this examining authority. I will be leading on all the agenda items today with the exception of the high pressure pipeline and the draft DCM pas hundreds my colleague Mr. Scrivener

02:02

bicon right. Good morning. I'm Effie Scriven, also appointed as member of this examiner authority, Mr. High and I will come in with comments and questions as necessary today. And I will also be recording today's hearing actions.

02:17

Thank you very much both. Also present today are three members of the case team case manager today you move over over. He met is Mr. Emery Williams. And the case officers covering today's event are Mr Eddie Maudsley and Mr. joseffer. I just want to acknowledge and welcome those who are watching the livestream. And finally, welcome to the attendees in the virtual room today. I will go through introductions and I suggest we do this by me calling out the name of the organisation and if all attendees from that organisation could please turn your camera and microphone on and introduce yourselves in turn. Please state your name, organisation name and also the role your role within that organisation. We will remind you to do that before you speak throughout the hearing today. So if we could start with introductions from the applicants team, please.

03:16

Morning mom, Scott Lynas for the applicant. I'll proceed with the list of our appearances I have done in previous hearings, asking them to stay at their their will as we go through. First of all, can I ask Amy Jones to introduce herself please should be dealing with the agenda item five on heritage matters. Good morning. Yes.

03:43

Amy Jones here.

03:44

On behalf of the applicant national highways. I'll be addressing questions on the built heritage.

03:51

Next please, Helen McLean. We'll be dealing with the same agenda item Hi, I'm

03:58

Helen McLean on behalf of the applicant and I'll be dealing with matters related to archaeology.

04:04

JOHN Rooney Next please.

04:09

Good morning, john Rooney on behalf of the applicant. I'll be responding on items eight in relation to landscape and visual effects.

04:18

Max weird, please.

04:20

Good morning, Max Wade, ecologist a calm for the applicant

04:26

was really dealing with agenda item three. Alastair failed next place.

04:33

As Google announced the field on behalf of the applicant, I'll be dealing with best most the best agricultural land matters.

04:40

Agenda item six. Grant Paxton Next please.

04:45

Grant Paxson on behalf applicant. I'll be doing item seven flood risk for the applicant. Max, please, Julian see. Good morning,

04:58

Julian. see an engineer. Manager with Skanska. I'm appearing today on behalf of the applicant.

05:06

Paul swallow please.

05:08

Yeah. Good morning handpoured swannell on behalf of the applicant and I'll be dealing with items related to blackcat Junction which I believe is item four.

05:19

Steven will wood please.

05:21

Good morning, Stephen word from a con on behalf of the applicant dealing with the economic and sustainability issues on items nine B and nine C.

05:35

Next please. Chris Landsberg. Morning, Chris locker representing the upcoming covering masters weekend to lane the sustainability effects. Then les Henry, please. Good morning

05:50

the ray Hendry managing associate at Womble bond to concern for the applicant covering items 10 A and 11 of the agenda today.

05:59

Thank you very much.

06:01

Thank you very much, Mr. Lynas. Just to let you know that we weren't able to see you I wonder if that was by design.

06:09

I hope not. my camera's switched on at my end. I'll switch it off back on again. See if that makes any difference

06:17

that I can see as well. So it's

06:21

okay. All right. Sorry about that. Well,

06:23

thank you. No, no, that's absolutely fine. I just thought I'd highlight that for you. It might be just on my end. Thank you very much, and welcome to all of you. If we could have introductions from the team representing central Bedfordshire Council, please. Good morning. My name is Andrew candy. I'm kind of system Secretary should counsel. Stay up gahanna Firth with me. archaeology.

06:51

Hello. Good morning. My name is Hannah Firth. I'm representing central Berkshire. And I will be responding to item five e on the agenda which is archaeology.

07:09

Okay, thank you. And welcome to both of you. Bedford Borough Council, the team representing Bedford Borough Council, please.

07:20

Good morning. My name is Alice Duran on principal planning officer and lead case officer on this. I'll flick through and introduce my team individually. If we start with Catherine

07:31

Hello, I'm Catherine Bannon. I'm representing Berber Borough Council today is their ecologist

07:39

jack.

07:41

Good morning. My name is Joe Watkins. I'm the Conservation Officer at the Borough Council. Good morning. My name is Brenda Hudson. I'm an environmental health officer with Bedford Borough Council here at noise and dust.

07:53

Jeff

07:55

Good morning. I'm Jeff Saunders. I'm the archaeology officer for Bedford Borough Council.

08:00

And Roy Roy Romans on the northwest planning manager representing bethabara Council. That's the team Thank you.

08:08

Thank you very much Mr. Ren and welcome to everyone. If we could have all representatives from the Cambridgeshire Council's Cambridgeshire County Council Huntingdonshire District Council, South Cambridgeshire District Council,

08:25

madam Good morning, my name is Francis Charan. I'm a solicitor of Pinsent masons. We are acting on behalf of the three councils kempster County Council and Nisha District Council and South Cambridgeshire District Council. I will now just do a quick round robin to ask those people here from the council's to introduce themselves. I will start off please if I may, with changjie Topanga

08:49

de todo venga from South Cambridgeshire District Council. I am the project lead on behalf of SOC AMS.

08:57

And then Claire Burton.

09:00

The morning Mom I'm Claire Burton, from Huntingdonshire District Council. I'm the project lead for hdc and her specialist here to present on

09:09

a number of matters.

09:12

Then if I could ask Deborah Ahmed.

09:16

Well, then I'm Debra Almighty, I'm from Kim. She can't counsel and I'll be responding to item three for the three authorities.

09:25

And then cashier Good.

09:30

Good morning, I'm Kashagan yets and I am the archaeologist working for Cambridgeshire County Council. I will be responding to item five E.

09:41

And then Matthew breeze. Good morning. I'm Matthew breeze. I'm a minerals and wise planner for Cambridgeshire County Council. And then, Emily. Good morning. I'm Emily Lee. I'm the landscape officer at Huntingdonshire District Council and I'll be responding to item eight On behalf of the Cambridge Council's

10:03

Amadeus, please. Davies

10:07

Good morning. I'm Emma Davis. I'm principal Sustainability Officer for the greater Cambridge shared planning service and I will be responding to item nine a on behalf of the Cambridgeshire authorities.

10:21

And I don't see his camera and I'm not sure if Mr. Chris portney is speaking today on not.

10:28

Morning Francis. Good morning Chris Hogan from Cambridge account Council also representing South Cambridgeshire and Huntingdon Shire district councils.

10:35

Thank you. Like it. That's all mom.

10:38

Okay, thank you very much, Mr. toura. And welcome to everyone. If I could invite now representatives from church commissioners of England Yes. Good morning, ma'am. Lydia Hagen here, solicitor at Charles Russell speechlys and I'm appearing on behalf of the church commissioners for England. Okay, welcome Mr. Hagen. Representatives from Abbey developments please Good morning I'm Andy brand planning director from Avi developments Cambridgeshire limited, we only Caxton gibbet services site. Thank you. And welcome. The Environment Agency, we have all representatives from the Environment Agency,

11:30

body mom, agency, I'm planning it, there will be three of us and ties it today. My colleague, Jenny Goff, who's the senior flood risk advisor will be joining us after the break session three, go over to giant.

11:50

Hello, I'm joined by and I'm the solicitor on behalf of the Environment Agency.

11:55

Thank you very much and welcome both. If we could have now representatives from historic England.

12:07

Good morning. I'm David Eve. historic buildings and areas inspector from the East of England office. I'll be assisting with item five, the historic environment chiefly regarding the built heritage. I have a colleague with me who would be advising on archaeology.

12:26

Okay. And is your colleague there with you now. Hello, hello. So

12:34

I'm Abby anthroposophy, from historic England from the eastern region. I'm inspector of ancient monuments. And as David said, I'll be advising on archaeology under item five.

12:44

right thank you and welcome to both of you. And they could have now have representatives from natural England please.

12:55

Warning or Janet, not all from natural England responding all relevant biodiversity and other natural environment butters.

13:04

Good morning, and welcome to you as I believe we are expecting a few more people. But they've not joined us yet. So as they come through with their case team could inform me. And we'll just we'll introduce them at the relevant agenda item. So that's what the introductions I can move on to agenda item two. Now. I have five points to make here today. First, just a few words to acknowledge the virtual event today. We the examining authority are attending this meeting from the planning Inspectorate office in Bristol, we understand you might be attending from your homes and offices and so on. So should there be any technical failures, please just try to join back using the same link that was provided in your joining instruction email from art and technology has been okay. But should there be a complete technology failed, then we do have a contingency plan which is a reserved date for a hearing on Tuesday, Tuesday the 28th of September and this isn't the examination timetable. But in all likelihood, things will go smoothly. And if it does, then there will be a banner update on our project website project webpage of the national infrastructure website notifying everyone of the cancellation so unlike in a physical event, today's virtual meeting you'll only be able to see our heads and shoulders. Equally while we take notes we will not be looking at the camera we'll be looking elsewhere. And additionally to avoid a noise and visual distractions. Only the panel member leading on a particular agenda item which is primarily Mr. Parkin today will have their camera on so but I just want to assure everyone that you do have our fullest attention at all times. We ask you that you keep your cameras and microphones off please I'm particularly when you're joining the meeting until you are, and until such time when you're invited to speak on an agenda item. We will also pause at various points and give an opportunity to ask

questions or make comments. Please wait for those opportunities and use the raise your hand function at Microsoft Office teams. Please do not use the chat function, no one's monitoring the chat. The virtual events cause fatigue. So we will ensure that each session of the meeting is approximately 90 minutes, no more than two hours. Noting that you might have been in the arrangements conference for some time already. This means that we will take a 15 minute break at approximately 11:15am. We will resume again for session two at 11:30am and go on until 1pm. When we break for lunch, we will resume session three at 1:45pm approximately go on until 3:15pm when we'll take the final break for 15 minutes and resume session for at 330 and go on until required up to a maximum of 5:30pm. In the last session, we will take a brief agenda and before returning to the final two items on the agenda. If you decide to leave the meeting during the breaks, you can rejoin using the same link provided in your invitation email. And of course, if you're watching the live stream, please remember to refresh your browser for each subsequent session. The second point A is that I'd like to make you aware of the event as both being live streamed and recorded. Their digital recordings that we make are retained and published and form a public record that can contain your personal information. And to wit general data protection regulation or GDPR applies the planning and spectris practices to retain and publish recordings for a period of five years from the Secretary of State's decision on the development consent order. consequence. If you participate in today's preliminary me in today's issue specific hearing, it is important that you understand that you will be recorded and that you therefore consented to the retention and publication of the district recording. It's very unlikely that the examine thorty will ask you to we'll ask you to put sensitive information into the public domain. Indeed, we encourage you not to do that. However, if you for some reason feel that it is necessary for you do refer to sensitive personal information, we would encourage you to speak to the case team in the first instance. And we would then explore with you whether the information could be provided in writing, which can then be redacted before being published. Does anyone have any specific questions with this matter? Okay, I'll move on. The third point that I want to make is about the substantive matter of today's issue specific hearing, which is titled social, social, economic and environmental matters, including the draft decio. The agenda for the hearing was published on the planning Inspectorate national infrastructure project webpage on the 10th of September 2021.

18:08

The main purpose of the issue specific hearing is to clarify and get views and strategic matters relating to one land use, including loss of, I believe, the strategic matters that we're going to cover to the agenda. It is as per the agenda published on the 10th of September. These matters were covered in some detail in the examining authorities first written questions at the hearing, we're looking for further details with respect to these issues and party's views on them. The fourth point is regarding post hearing actions should they arise during this hearing. The assumption is that post hearing actions will be expected at the next deadline, which is deadline through Tuesday the fifth of October. For the details of this are contained in Annex A of the examining authorities rule eight letter, however, acknowledging any resourcing constraints on your end, if you feel meeting that deadline will be difficult for you, please do raise it at the hearing itself. So if it is possible, we will accommodate that in the deadlines that we set out in the post hearing Action List. The fifth and final point is that we've noted written submissions that include references to documents not contained in the examination library, including any that have been shared separately between parties. These documents and indeed any document that's not in the examination in in that's not in the examination library cannot be considered. Please ensure that

documents that you wish to rely on to support your position are in the examination library for the examining authority and parties to see if there are any questions to the points that I've just raised an agenda item to them, please raise your hand Okay, that is all from from me for now. Let's just turn to agenda item three and I'll hand over to Mr. Parkin.

20:13

Thank you so this agenda item concerns biodiversity matters including habitats, regulations assessments. I wonder for this item if I could ask the applicant natural England and the various local authorities leads to switch on their cameras please. We will cover we will cover this will cover issues associated with the one on one Paul Woods special area of conservation first, followed by some more general biodiversity matters. And finally, issues associated with the use washes SAIC, stroke, SBA and the fourth home SAIC with regards to the episode and when Paul would say See, which was discussed at issue specific hearing one. In addition to the documents listed at the beginning of the agenda, you may also wish to have access to the following which are also in the examination library. This is the essence of Wimpole Woods sec technical notes produced by the applicant reference our EP one dash 032. And the joint position statements on matters relating to habitats regulations, assessments and mitigation. Rep one dash 033 in the examination library, just to further quick points is that earlier this week, the prior to the company site inspection, the examining authority conducted a complete site inspection and as part of this we did travel to the other sinnamon Province, SAIC and have therefore a general understanding of its position relative to the order limits. Turning to the first sub points on this item, it is the additional parcel that surveys updates can ask the applicant to provide an update on the additional surveys to be undertaken as per the episode one Paul Woods technical note that I mentioned earlier.

22:15

Scott Weiner for the applicants or Alas, Mr. Weird to provide more details beyond what I'm going to say as necessary. hibernation suitability inspections, crossing point surveys have commenced already in line with the technical note. A licence for trapping in the sec for the use of advanced survey techniques has been granted by natural England on following the grounds of the further licence by the National Trust. I understand that that work began last night. So the survey work it has been mentioned and agreed with our training and as I understand it has commenced already under done progress. I can ask Mr. Weird update without any further details.

23:06

Okay. Max wait for the applicant. So the applicants further bat surveys will comprise hibernation, suitability inspections, crossing point surveys and the use of advanced survey techniques and I'll deal the deal with these one by one. So the hibernation suitability inspections will be undertaken to quantify the potential roosting resource in Woodlands within 250 metres of the scheme. To answer the question, do bb astell use any of these words as hibernation roofs? There are no suitable Woodlands for hibernation within the scheme. Habitat suitability assessment and static detector survey will be carried out in in five Woodlands from October to December 2021. Natural England has confirmed that it is in agreement with the applicant's proposed scope of the surveys. After expressing an initial view that the crossing point surveys should comprise 40 crossing point locations natural England amended the recommendation and as a result of this associated communication, the applicant has had applicant has

determined that it will undertake three crossing points surveys from September to October 2021 at dusk at 12 crossing points, all of which are hydro features crossed by the scheme and links to adjacent Hydro and in some cases woodland habitats. The question to be answered is what evidence is there that barnsdales are moving across the scheme during the autumn winter. The 12 crossing point locations comprise seven locations in the western half of scheme and five located towards the east of the scheme. Surveys have been undertaken, sorry surveys would be undertaken in suitable weather conditions dry more than five degrees centigrade, along with the use of static detectors deployed for five nights per month at each location to identify any later commuting and or foraging bats along the features. Additionally, the applicant will undertake three transect surveys in September to October to record Barbara's stellar activity within Evanston and Wimpole woods, special area of conservation sec, as this may pick up swarming or hibernation sites and provide information on the use of the site by Barba style during the winter. And then thirdly, advanced bat survey techniques will be used or are being used between September and October within the SEC or woodland or Woodlands close to the scheme to answer that question, do bb astell present either in the sec or the woodlands close to the scheme travelled to the area of the scheme or the SEC respectively, during the autumn and or early winter. These surveys were decided upon after communication with natural England and will comprise the capture and tagging of bats under a project licence and tracking bats to roost locations and foraging areas. That is within the SEC or within or adjacent to the scheme. If access to the SEC is not possible, we now know the data. That is not the case. Up to three trapping visits will be undertaken each woodland to attempt to capture and tag BB is still under a project licence, followed by five days nights of tracking. The applicant has confirmed that it's committed to sharing the bat survey data it collects from the above surveys with natural England in a timely manner, such that the findings can be discussed and evaluated by both parties. Through ongoing engagement. The applicant envisages that any related matters or actions arising would be recorded by way of updates to the statement of common ground. The applicant has drawn natural England's attention to assumptions in relation to permission being granted by natural England the availability of bat tags, weather conditions being suitable for trapping and tagging and land access permissions are being obtained for the SEC and Woodlands close to the scheme. But as Mr. Lynas says reported, we have already achieved a number of those.

27:55

And indeed these surveys have begun. We have the licence from natural England and the licence from the National Trust and permission from a second landowner to carry out work on the estates and survey and trapping started last night as again, Mr. Lyon has reported. So I would like to take the opportunity to say a big thank you to natural England for expediting the licence into the National Trust and, and the local landowner for access. And we will be getting in touch with Guinness Book of Records shortly. Thank you.

28:37

Thank you, Mr. Wade. Appreciate the the updates that you provided. And I'm heartened to to hear that there's ongoing engagement with natural England in respect of this, which is which is good news. And can I just briefly come to miss Nestle and also perhaps Miss Ahmed from Cambridge county council, just to just to confirm that you're comfortable with how the applicant is described this. And also for all parties. Obviously, our findings are driven by the examination timetable. And whilst I appreciate this is

ongoing work and you're progressing as swiftly as you can within the time available with the moment will this work? What I'm interested to know is whether the findings from the surveys, what surveys themselves and then the subsequent findings and being shared and commented upon by all the parties will be able to be will be completed within a period for them to be submitted by deadlines seven on 14 to January 2022. So perhaps when it comes to muscle first, just about the your general thoughts on this Roche

30:02

Janet nuts all natural England. Yes, we're satisfied with the approach to the further survey work as outlined by the applicant, and we welcome that they've they've commenced and look forward to those further survey findings being published. And yet we appreciate fully the the tight timescales of the examination. And I look forward to working with the applicants and we'll commit to work with the applicant on the survey findings and to provide our advice as far as we possibly can to meet to meet the deadlines and to meet the request of the examining authority.

30:40

Thank you so much for perhaps just just your your brief thoughts on the approach that's been described.

30:48

Deborah amata, can she can't counsel? Yes, we weren't involved in the meeting between natural England and the applicant with regards to the scope of the works, but from the information we've received, we're happy. And that obviously, Matt, natural England is happy as well with the work. So we welcome that the server works will come forward. And hopefully by deadline seven, we will have all the information we require.

31:14

Thank you, Miss Ahmed. Mr. Wade, just just finally on yourself in terms of achieving deadline seven on the 14th of January? Are you confident that it's going to be achievable?

31:29

Max Wade, for the applicant? And yes, I am confident that that's achievable. And we may come on to a little bit more detail in respect to that. In terms of some of the other questions

31:42

or answers for the applicant, perhaps we can add a bit more detail on risk jumping ahead with some further questions, but I might as well deal with at night, a lot depends really on what the sort of information shows, for example, that indicates that you can't exclude likely significant effects, there may be the possibility of providing information that advance of headlines, seven because monitors are clear. It may be possible. deadline, six, really?

32:17

Sorry. If I can just interrupt you that there's a there's quite an echo on your, your your voice. Time. I don't know if there's a problem that what what, what I'd like to do is really go through the agenda rather

than jump jump out on it. I appreciate the most of the points are interrelated. But if we could try and stick to the agenda first, that would be appreciated, I think,

32:39

very well. But to stick with a specific point about the survey results, it may be possible for those to be produced in advance of deadline, seven, depending on what they show. That's the short point and we can come back to other implications for the survey results and later questions.

32:57

Yeah, no, thank you. Appreciate. Appreciate that and appreciate you. You're trying to get it done as quickly as possible. No, thank you for that. Okay, in terms of the next point, which is, which is one of the ones that Mr. Lyons has referred to agenda item B, is the implications or if likely, significant effects on the special area of conservation cannot be excluded. The applicants position statement is known, and I appreciate that that what they're the work the surveys that they're undertaking is without prejudice to the position that they've stated in in their evidence so far, in terms of the necessity for these, notwithstanding that, if likely, significant effects of the proposed development on the SEC cannot be excluded. And how, how would that how would How does it How would the applicant intends that they would proceed? If a judgement that's likely significant effects could not be excluded was was was determined.

34:05

Scotland's for the applicant, if that conclusion were reached, an outcome would need to proceed to stage two appropriate assessment. And we would take the data that was available from the survey work is being conducted present the results within the context of a report which looked at impacts of the scheme on the integrity of the SABC as part of an appropriate assessment.

34:35

Okay, Miss masakan I just see what what your views are on the applicants approach in those circumstances.

34:44

Janet, not all natural England. Yes, we we would agree with that approach. I mean, it's it's very it's very difficult because this is all hinged on the findings of the the further surveys that are being undertaken. And you know, it comes down to the availability of sufficient evidence to eliminate reasonable scientific doubt. And therefore the risk to the SEC and the BB store back population associated with the proposed scheme. So yes, you know, advocating the precautionary principle application and precautionary principle under the habitats, regulations. Yes, that where we don't have sufficient evidence, we would expect the assessment to progress to the appropriate assessment stage. So, yes, we're satisfied with it the approach I think, by the applicant.

35:34

Okay, thank you. So that moves us nicely on to the to the next agenda point, which is information and timescales to the provision of information necessary for an appropriate assessments to be made. If it turns out that is required. So it's not the only factor perhaps just just ask you, again, beyond the sort of

aforementioned surveys that that we've been discussing earlier this morning, is there any further information that you would consider would be needed in order for the competent authority to be able to undertake an appropriate assessment of the effects of the proposed developments on the integrity of this special area of conservation?

36:19

gentleness all natural England? Yeah, again, I think I think it's really difficult. And, you know, it's all hinged on the on the outcome of the further further survey work. So, you know, we'd have to take a view on that, as the, as a survey findings emerge, and, you know, have discussion with the applicant to come to a view on that.

36:40

Okay, there's nothing particular that, you know, if you can't see a particular gap in in the evidence that we're that worked at the moment to be something that the applicant could perhaps be working on? Or, you know, if such circumstances transpired?

36:58

No, not not, not at the moment. And, you know, as I say, I think we'd need to take a view on that as the as the findings emerge.

37:06

Okay, thank you. No, that's, that's helpful. Is there anything you wish to comment on in that regard?

37:20

No, I agree with Miss Nuttall, on this matter, or really, as we go forward, it will be looking at if there is any mitigation required, and how we deal with that going forward.

37:36

Thank you. That's helpful. misalignments props. Seems to Terrell's got his hand up before we start, just come to this line this person, just get your you've got anything you wish to say in regard to that matter.

37:48

Scott liners for the for the applicant. We agree that a lot depends on the icon, the further survey work, but our anticipation is that subject to the results of that work, if they show that nothing further is required by the way of mitigation. We'd anticipate that you could prepare, we could prepare an appropriate assessment, again, by deadline six, hopefully, if further discussions need to take place on mitigation, then that time skill would probably need to be pushed back, probably to deadline. it, sir, should be the 25th of January, if discussions are required. We hopefully don't need to anticipate that. And one thing it'd be useful to us is to know for natural language, what their view is on the mitigations already offered by the scheme, because that will help as a prelude for any further discussions that are going to take place when the survey results come in. So that's one element of work, it would be helpful to ask to progress with natural England in anticipation, the survey results coming through.

39:03

Thank you, Mr. Lyons. There's no sorry. Yes, perhaps, if I can put that to you.

39:11

Yet, not all natural England? Yes, we'd be happy to progress those discussions with the applicant, on the options for mitigating any adverse effects. As soon as possible, we'll commit resource to have those discussions and come to an agreed solution with you.

39:28

Okay, now it's helpful. I wonder if that's a hearing action that we could we could identify that that natural England and the applicants to discuss the potential mitigation compensate tree measures without prejudice. Should that should that must arise.

39:49

Sorry, Scott liners for the applicant? Yes, of course, we can participate in those discussions. Just to go back to the point that raised the outset about the timing for action. Points arising from this hearing. That's something that may not take place, obviously, finally, by deadline, three, it may well be deadline three that we indicate what might be happening, but these things are going to take for granted. There's going forward through successive deadlines that there won't be a final action as it were for deadline three.

40:20

No, I appreciate that. Yes, it's, it'd be an update report, a deadline three, and, and hopefully a timetable for how things will progress going forward. Thank you. Thank you. That's very helpful. Mr. Terrell. And that's all you know, if you had your hand raised, can I ask you to your use points contribute?

40:42

Thank you, France to run a bath. The Council's larger point, actually, I think the Miss exam has already made. But just to say in relation to mitigation, obviously, we set out in the written reps, which is document route 148, at paragraph 715, some various points about mitigation in relation to bats. And obviously, that came from authorities would like to be involved in discussions about mitigation measures. If and obviously it isn't, if if we move through the likely significant effects stage onto the front stage with appropriate assessment to determine whether or not there's a material adverse effect. That was the main point. I just in terms of more recent discussions. I just that I heard. I wasn't quite sure if I heard from Mr. Lyons, that the reporting of the surveys and the reporting of inclusion on likely significant effects might be delayed. If discussions were necessary as to mitigation measures. I don't see why that would be the case. But just wanted to confirm whether that was what was suggested. sliders

41:45

has got louder for the applicant request question of timing, it depends on the survey results at the survey results, in combination with the mitigations already proposed in the scheme suggests that there wouldn't be any adverse effect on the integrity of the sadc then we anticipate the possibility that a could be prepared by deadline six, FYI, ever further discussions are necessary on mitigation measures. We

think it's prudent to programme in some time, where there was discussions to take place on that event. We'll be looking at deadline here for submission of an appropriate assessment.

42:28

Thank you, Mr. Lyons. Thank you, sir. Could I just clarify one other point? Yeah. Well, I mean, just will the applicant be following the surveys? Will they be reporting whether or not they think there is likely significant effects and whether or not they are therefore proceeding through to an appropriate assessment?

42:49

slyness? You're muted.

42:52

Yeah, so just taking instruction sorry, Scott line is for the applicant. It really depends on what the survey results. So as I've mentioned already, if they show that there wouldn't be any ladies, no defects, obviously, we will report that and time for deadlines, sex offenders. If those results, excuse me, indicate that there could be a likely significant effect, but that mitigation would address it, then those would be reported by deadlines x as well.

43:24

Sorry, sir, just just to clarify, my understanding is in terms of habitats work tests work is firstly want to consider there's like significant effect without mitigation. Then one considers whether or not there's material adverse effect on the habitats in question, taking into account mitigation. What I was just trying to clarify was whether or not once we've conducted the surveys, we have a view or the applicant has a view on likely significant effects or not, that should be known. There is no need for that to be delayed by any consideration or discussion or mitigation. That could then be reported one way or the other. Then if, obviously, if that was a negative conclusion, and there were like a significant effect, we need to proceed through to an appropriate assessment. And honestly, I understand that would then need to be done that afterwards, with discussion on mitigation having happened. So is that what is intended.

44:14

Scot liners for the for the applicant, I'm sure there's a means by which we could indicate what our position is. But the point I was making was in relation to preparation of the report, because one way or another select is never going to report is going to have to be updated or is going to have to be an appropriate assessment which takes on board the mitigation discussions, those reports would be prepared by deadline six, but I'm sure there's a there's a means by which the possession of the applicant can be made known in advance of the actual preparation of the reports.

44:52

So

44:54

why do you think it'll be helpful to both natural England so we're not talking on their behalf but nationally and also to the council's to know Whether or not they suddenly need to be discussing and mitigation

measures with yourselves to avoid the material adverse effect or not, or whether we're content following the surveys that there is that they'd like to significant effect can be ruled out. So I think there's a utility in that, and probably perhaps a utility for the power as well.

45:18

Thank you, sir, of course, that the surveys that are being undertaken are are what can be achieved within the course of the examination. And so it is a limited time time scale within which these works are being undertaken. So, within that context, I think that the examining authority is aware of the restrictions and the constraints that that has imposed on the situation. Mr. Lyons, would you like to respond?

45:53

Sir, very briefly, sort of Scotland, for the applicants. Of course, we will be keeping in touch with natural England, we can let the counsellors know what our position is on the back of the survey results as part of the general discussions that are inevitably going to take place in the applicant and the council's in any event. So you don't have a problem without the timetable for submission of any written work. There were reports as I've indicated.

46:25

So

46:29

thank you, sir. I'm sorry. I should just also just clarify in relation to your earlier comment, obviously, what we're talking about doesn't increase the amount of work in terms of surveys all the time from surveys, it's just whether or not once their surveys are completed? We have Is it the question is, is it an iterative process involving all parties or not? So once the surveys are completed, and the view is taken by the applicant on LSE? Is that then circulated? I think from what Mr. Lynas says has just said that that is intended. So obviously, we can all join in in that iterative process, and it's just a bit more efficient manners.

47:02

Okay. Yeah, that's fine. I think we'll we'll move on slightly. The next point we then come to is, is one for the competent authority. Should whatever surveys and findings be produced? If in that circumstance, the competent authority did not consider it did not have sufficient information to undertake an appropriate assessment of the effects of proposed development on the integrity of the special area of conservation. What would be the implications of that? And if we could perhaps, take the applicants and then natural England into police.

47:48

Scotland, for the applicants. I mean, the way we see this working is that within the timescales that we have identified any issues relating to a negative appropriate assessment without prejudice to the position we've expressed so far, we'd be under consideration by the applicant in advance of deadline, it had reached a stage where contrary to everything that we hope and expect, and anticipates that when we're looking at a negative finding, then we would need to take that on board and advance a deadline, it and we would need to by deadline, it gives an indication and star position on a Ruby on another

matters. But that was really something that needs to take place in tandem with any work in relation to the appropriate assessment itself, which, which also follows the survey work.

48:57

Thank you, Mr. Elias, also for this not all Can I just ask you the same the same point, it's the position for the competent authority. Either either if the negative finding is produced from the survey work or it is considered that there was insufficient evidence from the surveys, both concepts or authority in order to insert to assess the effects on the integrity of the essay so

49:26

yeah, john, it not all natural England. I think we wouldn't need to take a view at the time if that situation arises. And as I've said previously, we will commit the time to discuss the situation with the with the applicant and to come to an agreed solution and way forward with that.

49:51

Thank you, that's helpful. Again, this is there's a theoretical stick sequence two to the agenda. That's morning. And so if we can perhaps move on to item D of the agenda. So if we, which we've covered in part now, and this is kind of part of part of the issues that would need to be considered at that stage, but I just wanted to, to, to, to predict to the parties really at this stage, if if appropriate assessment cannot exclude adverse effects on the integrity of the special area of conservation, or there's insufficient evidence to enable them to do so with reference to the national policy statement for national networks, and habitats, regulations themselves. What would be the what would the applicant do, considering in terms of the timescales and the details of information that would then be required for derogation of the habitat regulations? I'm thinking here in terms of the alternatives to the proposed developments and the impacts of reasons overriding public interests that may cause this such a derogation to be to be permitted in those circumstances. I wonder if we could perhaps ask the applicants to respond in that.

51:24

Scotland's, for the applicant, sir, I think it probably covered this in relation to my previous comment. So it's very difficult to put a timescale generally on these on these matters. But as I've said that, we anticipate that should we against all expectations end up in that territory, this is something that we would need to be addressing an advance of deadline yet, because it's in line with the approach we'd be taking to the appropriate assessment work. The results of our analysis would fall out either in the appropriate assessment work, which gives a positive answer or improved assess work, which contract expectation to give the negative balance, and we'd have to start thinking at that stage about our response to that, it's very difficult to say what the content of that information is going to be. Because obviously, when one looks at questions, alternatives, a lot of that will depend on the information that comes out of the further survey works was typically indicate exactly what might be required the content of any submission that's made to but as far as the time skill is concerned, it's as I've indicated, we'd need to be thinking about that before. Before deadline, it

52:42

absolutely. And I appreciate that. It's it again, it's a future that may or may not may not transpire. But I wanted to, given given the situation we find ourselves in at present, I wanted to just make sure that you were a price of that. And you were thinking in that in that in that direction, as needed, which which you've explained that you that you are and it's on your agenda. So that's fine. Thank you. Miss Natal. Can I just just ask you the same just just to any comments that natural England may have in that regard in terms of the potential derogation of regulations and any information that you might feel appropriate in those those circumstances?

53:24

Get gender not all natural England? Yeah, I mean, it's difficult. But if this scenario did arise, again, natural England would would be in a position to have to, you know, we would commit our resource to work with the examining authority, the applicant, and my understanding that natural England's role would be to advise on the accessibility of any alternative solutions to to reduce or produce zero effect on site integrity of the the SEC. And being consulted on any alternatives that might be being considered by the competent authority. So yeah, you know, it's, I think it's despite committing our time or resource to working with the applicant, should that situation arise?

54:11

No, thank you accept that. That's helpful. Appreciate that. Just in terms of and again, we've covered this to some extent in terms of the existing mitigation measures that have been covered, we've got point A, the measures that could potentially mitigate adverse effects on the integrity of the SEC and again, accepting that this is likely to be dependent upon the outcomes of the survey work. Do either of the main parties at this stage have any any thoughts on what what potential compensator II measures that may be there to talk to to mitigate against any adverse effects on the on the special area of conservation installations? First, I can see first,

55:01

Scotland for the applicant will be quite specific about referring to mitigation here, sir, not compensation, given the given regulations. But I can ask Mr. Weird to explain in broad terms the nature of mitigation that could be contemplated.

55:20

Thank you. Max wait for the applicant. So natural England's concern has sort of focused on BB star crossing the scheme to reach resources to the north and or travelling to the SEC as part of the species breeding cycle. on the basis that we we don't have any evidence from natural England or, as we've discussed, we're waiting for the outcomes of the surveys, addressing more effort to direct and encourage bb astell to use the underpasses built into the scheme would certainly further contribute to mitigating this effect. Thank you.

56:07

Thank you, Mr. White. Just Just to come back to you on that point, though. My understanding is the terrain of the of the order limits means that whilst you have an existing about tunnels towards the western end of this of the scheme, the train doesn't really facilitate itself to to further back tunnels. So I was just thinking, you know, if there were foraging routes towards the eastern end, or central or eastern

end, is there, you know, are there any potential mitigation options that you might be thinking about? What do you wish to talk about them at this stage, that's the other thing I suppose

56:50

max weighed for the applicant. And what we do, there are already within our mitigation, we have sort of five underpasses, one of which is towards the the eastern end, I think it's important to go back and just remind ourselves that we undertook a series of surveys in order to determine where bats are crossing the scheme. And that includes garba style. So we looked at the scheme as a whole right across the scheme, focusing in on potential crossing points, and then undertook substantial surveys in terms of identifying the degree of movement of bats across these crossing points. And it was that information then that informed the location of mitigation in terms of underpasses across the scheme. So we do have mitigation in place at strategic locations along the scheme. And as I say, there is the scope to encourage bats to move towards those underpasses as part of the mitigation. But I think perhaps going back to miss nettles agreement, I think that it will be valuable to talk through this mitigation and, and, and enable us to explain in more detail, perhaps, I noted in a recent response from natural England that they haven't seen the detail of the underpasses. So I think a good starting point will be to talk about in more detail discuss and look at the mitigation that we are providing, and then that would help prepare us for the the results of the surveys when they when they come. Thank you.

58:56

Thank you, Mr. Wade. It's not all passive income to you. From what I've been hearing from Mr. Wade. There's no, there's no particular alternative mitigation proposals that at this stage that the applicant is considering. Do you have any thoughts of potential mitigation that could be potentially used?

59:19

gelatin is all natural England. The specific mitigation Will you know, it all hinges on this on the findings of the further surveys and we'll be pleased to engage in discussions with should the situation arise the adverse effect impacts having to be mitigated with with further measures to have those discussions with the applicant as you know, as soon as possible to start start the ball rolling on that to help with the the project timescales that Mr. Wade has already mentioned some of the measures that are already in place, the potential for additional measures, which will be You know, come down to the findings of the firt, the survey that is currently being undertaken, but you know that there are options there are recognised options for mitigating the adverse effects of road schemes on bats.

1:00:16

Could you perhaps explain in broke? Yeah, briefly what sort of measures you're talking about?

1:00:22

Well, for example, mitigating the impacts of severance abroad schemes, several sobering bats foraging and commuting habitats, through through things like underpasses, which, you know, there's already been discussed. Key with bats is mitigation to address severance impacts is to is the location and locating measures on the existing alignments of the commuting and flight path corridors of bats. And also the specific design measures, depending on the species impacted.

1:01:02

Thank you, Mr. seamless, Miss eisah switch camera on our channel, if you want to say anything. I just wanted to clarify

1:01:09

a few things with the pocket if I could. From what I've just heard, it seems, Mr. Wade, and correct me if I'm wrong, but you're saying that there's already mitigation embedded in the scheme. There's already mitigation proposed in the proposed development. And you think that if we reach that stage where we need additional mitigation, then that additional mitigation will only take the form of measures to encourage the bap to use the mitigation that's already been provided proposed in the proposed development? Did I understand that correctly?

1:01:45

Max Wade, for the applicant? Yes. as Miss Nuttall was explaining, until we know, till we have the information as to whether there are any bats crossing in where they're crossing? It's it's quite difficult to answer on to answer your question. But I think it is important to recognise that on the basis of the considerable information and data that we have already, that there there is mitigation for for bats, and as European protected species, obviously, we need to cover all of the species of bats, we're talking specifically about barber style, and barber still are, are incorporated within within that mitigation. So it will be good to establish that the should barber style at this time of the year be using the routes that we've we've already established and so on. And that the mitigation is that we that we have built into the scheme in a in a structured scientific fashion as Miss nettle was saying it is absolutely in the bat tunnel, for example, that we've designed is built on the on the flight lines of the bats so that they have a direct line of travel, the height and the dimensions etc. of the of these underpasses is is important that, you know are they have the dialogue as to determine whether they are providing that that function, which we haven't had as yet. And I think that would be very valuable and and could pave the way for dealing with the data when when they arrived from the

1:03:39

Yeah, but Mr. Wade, there is there is likelihood of a scenario where bats are not crossing at the point where you the current mitigation would be effective. And therefore you might need to modify or provide additional mitigation. And that's the scenario that and I know that that conversation can't be had at today's hearing. But we just want to explore that scenario with both yourself and Miss not all and and other other parties here today that in that scenario, what sort of mitigation might you be thinking of what kind of implication is that likely to have on the proposed development, this examination and what we ultimately recommend to the Secretary of State

1:04:23

max Wade for the for the applicant. And I could talk about various sort of possibilities in terms of hop overs or looking at other structures that we have across the across the scheme at the moment and the the ideas I mentioned before, but it's without knowing, you know, the location, the situation, the numbers of bats that that are crossing in terms of proportionality, and those those various factors. You know, we can have a really interesting And probably quite long discussion as to what we would do here or what we would do there and so on. But the reality is, we don't know. And we're just going to have to

be patient and wait till we get the survey data and then bring to bear a fair amount of knowledge in relation to how to deal with these situations.

1:05:22

I just have just a couple more questions, Mr. Park, and if you can bear with me, it's to miss Natal D, Mr. Shawn, do you see any scenario where no additional mitigation than it is already proposed in the proposed development and the application would be required? Following the service the bads? Are there scenarios where that could happen.

1:05:46

Janet, not all natural England. Yes, I guess that scenario could arise. Okay. Okay. But it's all hinged on the findings of the further survey work that

1:05:56

has been taking. Okay, that's really helpful that that clarifies things for me, I don't know for me, but I guess the only thing I would say is that I completely understand that a lot is hinged on the findings of the surveys. But and I also understand that if you start doing some of this pre emptive work, thinking around brainstorming around what kind of mitigation, additional mitigation you might propose, it would all be sacrificial. But I would just encourage parties to perhaps at least start having that discussion. So that we don't get to deadline eight. And the discussion is only just beginning. Because as you know that by deadline, eight, we are less than three weeks from the close of the examination, or just over three weeks from the close of the examination. That's all for me, Mr. pukin. Thank you.

1:06:46

Thank you. So thank you. I think that was helpful. I think we've probably said enough on on that aspect, as we can really. So moving on to agenda item F, which is what would be the cumulative and in combination effects, if adverse effects on special area of conservation cannot be excluded. The African stated position is that in the absence of any significance, in their view, the absence of any significant effects of the development on the SAIC, there is no potential for in combination effects to occur on the SOC. We consider that with other plans and projects. However, obviously, this matters are being looked at, again, if likely, significant effects could not be excluded, then this would need to be reassessed. Mr. Linus? Basically, could I just just put it to you and ask at this stage, if you agree with that, with that assessment, and how and when this this matter would be addressed?

1:07:52

Scotland the applicant? in shorts, sir, yes, this issue would be picked up in the stage to the appropriate Assessment Report.

1:08:04

Okay, thank you. Mr. So I assume that your your concern with that as well. assessment?

1:08:16

Do not not all natural England. Yes. If we agree with that approach, it would need to be picked up in stage two assessment.

1:08:23

Thank you. Thank you. That's helpful. moving swiftly on to G. We're approaching a broad vote for just try and get through a few more of these. These points. The, obviously the, in the environmental statement, conclusions on biodiversity may need to be revisited if likely security effects cannot be excluded. I just wondered. The SDS concludes that the price dog would have no significant effects, either a construction or operational phases. And whether if, in light of what we've been discussing today and other things, there would be a reassessment of the conclusions in regard to biodiversity in this sense, is the one

1:09:14

score most applicants need to distinguish here between legacy Navigant effects and adverse effects on Tegrity. Because it may be that even if, for the sake of today's discussion, lightly significant effects are find, but then they can be mitigated sort of the new adverse effects. It may be that the conclusions of the biodiversity chapter don't actually need to be changed because the ultimate result was that there wouldn't be any effect. If however, we are in negative appropriate assessment territory, then the conclusions would need to be updated to reflect that change in approach because it would be to be a difference in the way the conclusion was expressed in the yes

1:09:58

yeah. Thank you. That's helpful. Does anyone else have any comments in that regard? That's good. Okay. Okay, moving on now to some more general biodiversity matters.

1:10:29

If we're just looking at the value of the highway, drainage ponds and channels in terms of biodiversity, the drainage of the proposal would include attenuation ponds and associated channels. slimes for crops ask you or Mr. Wade how the how these ponds and channels are assessed in terms of biodiversity value.

1:10:53

Scott last for the Africa last semester, where to pick us up please.

1:11:01

Max Wade for the for the applicant. So if I could deal with the ponds and then the drainage drainage channels, then they'll be about 30 Highway, drainage ponds and channels distributed along the route, which you can see in the environmental master plan. These will be additions to the wetland habitats or this sort of largely sterile, intensive agricultural landscape. For example, these ponds and channels will provide habitat for great crested newts and another amphibians post their their breeding season. Highway drainage ponds or sustainable drainage systems are recognised as having a significant biodiversity value. For example, the RSPB and wildlife wildfowl and wetlands trust guide on maximising the biodiversity potential of sustainable urban drainage systems. And I can certainly recommend Brian Moss's book on ponds, which looks at sort of the biodiversity and where's biodiversity come from. But essentially, the biodiversity value derives from the gradient of moisture. From temporarily fully aquatic all the way up, the sloping bank gradually becoming drier, until at the break of the bank where it's

permanently dry. Now, this gradation of ecotone supports a range of plants and animals adapted to the different degrees of water availability, sort of compressing a considerable biodiversity into into a small space. So these are very much nodes of significant nodes of biodiversity. And they mirror parts of the communities found in field ponds. And as such, make an important contribution in reducing the distance between these ponds in a landscape

1:13:07

which, which has seen a substantial decrease in the number and enhance density of these wetland habitats. Oliver Rakim and back in 1965.

1:13:18

Sorry, if I can just interrupt you there. I appreciate you've got you're very well informed about the value of these wetlands, increasing wetland habitat. The question I'm really interested in is there's going to be a loss of existing ponds as a result of the proposed developments. Obviously, you're replacing it with a number of attenuation ponds as well. And I appreciate that they these do have biodiversity value but they're their primary function isn't biodiversity primary function is to is to drain the highway and potentially as a result of that, to carry pollutants into these habitats, which would, to my mind suggested that the biodiversity value would be degraded are what I'm trying to get to is in terms of their function has drainage and attenuation ponds. Has this, you know, has the primary function has drainage basins and watercourses being considered in that sense.

1:14:26

x Wade for the for the applicant? Yes, certainly. And what I was just talking about is is completely relevant in the context of the of the role that sets have within a scheme like this. And again, I take you back to organisations like the RSPB and wildfowl and wetlands trust who recognise the value of these funds. We have on the scheme we have two existing sets, one at either end of the scheme, both of which support great crested newts and And have have done in the case of one of them for quite a long time. So, these are valuable wetland habitats and for the relatively few ponds that will be lost to the scheme there is a significant increase if you like in the overall wetland habitat pond habitat as a result of the scheme overall which will link into those ponds outside of the scheme which are at a low diversity, they have been disappearing from the Cambridge landscape at a rapid rate and hence the scheme will have a role in improving the sort of biogeography if you like in terms of of these What are really quite isolated wetland habitats within the landscape. I hope that helps

1:15:58

Thank you restored yes it does it's puzzling to miss miss all now. Just Just to see briefly what natural England's position is with regards to the biodiversity value of the attenuation ponds and drainage channels.

1:16:15

Internet not all natural England. I mean, I would agree with everything Mr. Wade has just said and I think you know, just emphasises the point that it's it's so important it's highly important to to manage these features as best as possible to design them as best as possible to support a wide range of

biodiversity which when they are appropriately designed and managed they can do as Mr. Wade has just highlighted

1:16:42

Thank you Mr. Turtle on mazon that belief came Cambridge may have made representations regarding this as well as then if you have any any thoughts or views on what we've been discussing. Yes, thank

1:16:57

you Deborah almost came she came council I agree with what Janet Tana max have said in terms of the benefit of these features, but that's not really transformed into the documents that we see before us. Especially in the if you look in the drainage strategy, which is apologies.

1:17:16

Document reference up

1:17:18

a pp. O eight two, it does make reference to the drainage ditches which will be created for the benefit of wildlife, or biodiversity including specific planting by no makes no reference to how the attenuation ponds will have any features for biodiversity does make reference to there will be some pollution controls. But there's nothing specific within that are about how they'll be designed for biodiversity. And the same within the first iteration environmental management plan, the only reference to the balancing pond. So I don't think there is any specific wildlife ponds being recreated. There's only these balancing ponds, it just says they will be left to naturally colonise, so there's no actual specific planting and to be undertaken in there, there doesn't appear to be that much reference on what's going to happen in the drainage ditches in terms of there is reference that they will be enhanced, but there's no planting plans for them in terms of what species might be added to. Now in most situations, you would agree that we should have some bare areas, which is great for a number of invertebrates and species. But unfortunately in Cambridgeshire, if we leave everything completely bare, then the species around aren't necessarily of high quality. So there is a potential to enhance the biodiversity value of these by planting out specific areas of the species rich marginal plants or aquatic plants as well as allowing areas for natural colonisation, which I don't think has been captured within the documentation. And that certainly where our concerns came from with regards to the ponds that there was discussions within the biodiversity chapter of the environmental statements so it's a PP o seven, seven, that these ponds would be created but we don't even understand if they'll hold water because in the environmental masterplan they just shown as wet grassland. So is that there's an understanding of what those features are as well that were unclear off. And all of those features within the drainage easement network have been identified within the biodiversity chapters as IPP, oh seven, seven has been mitigation due to the loss of the wetland habitats and the associated invertebrates. So within our written representations, which is document our EP T, hyphen, 003. We've asked for more clarification specifically with regards to the design of these ponds and how they will benefit by diversity and not just be attenuation features.

1:20:01

Thank you so much. That's helpful. Mr. Wade, put that to you briefly. I'm just mindful of time and whether, if I give you the chance to respond briefly, but whether this might be something that we could encourage the applicants, natural England and potentially all the local authorities, perhaps to have a discussion away from this, and perhaps see if you can, you can come to some common position statement with regard to some of the matters that have been discussed. As to I'll let you respond.

1:20:35

Max Wade, for the applicant. Thank you. I think perhaps we're talking about two things here. One is, and we seem to be agreed that these features that the the ponds and the the drainage channels, whilst they have a drainage function date, they are valuable from a biodiversity point of view. And as I say, I have the impression we agreed on that. But just picking up your your, your your lots of points. It would be it would be valuable. And then it comes up again in question shortly, for us to understand more and come to a consensus in terms of the planting and the plants that Mr. Mr. Meadows has referred to, to make sure that Yep, that we do make the most of these features. I would certainly agree with that. Thank you.

1:21:32

Thank you, Mr. White. Can I can I leave Can I leave that as a hearing action and you will learn you will engage with natural England and local authorities, in terms of some of the detail matters. regarding these. And you're right, there are other biodiversity matters. So if I can probably fairly open discussion, and you can perhaps, come back to that deadline three with an update report on how those on the scope of those discussions and how and how they are progressing. Do that to hearing action as actually from this hearing? Thank you, guys. Sorry, I'm conscious at the time there's just I think the the matter regarding the veteran trees and linear biodiversity, we may need to come and cover that it's under landscaping. So I propose that we'll deal with the biodiversity and the landscaping issues later on in the agenda. What what I what I'd like to do, though, if we possibly can, is perhaps just just touch on agenda item J. Which is concerns the likely significant effects of the proposed development on the use washes SBA and SAIC and drums are sites and the Porto SAIC. And this is a question for natural England really, and there's been some discussions in this regard. And natural England in your written submission as deadline one you state that for the purposes of the habitat regulations, the projects, the first development is unlikely to have a significant effect on either the Porto SAIC or the US washes SAIC or SBA, or Ramsar sites alone or in combination with any other plan or projects. This is a paragraphs 2.1 point four and 2.1 point nine of your RSP one dash 087. On this basis, are you therefore satisfied there's an appropriate assessment and consequent consideration of mitigation measures in relation to the effects of the proposal on the integrity of the fulltone Soc. And the US Washington SOC strike SPI is unnecessary? across products you miss not all

1:24:01

Genet not all natural England. Yes, I think that's right. Our position hasn't changed on this since since that stated in our written representation, we're satisfied that mitigation measures being proposed, which will be delivered in any event and those together with with the distance of the proposed scheme from those European sites, we are satisfied with the no likely significant effect conclusion of their habitats, regulations assessment and therefore, there is no need for those for that to progress to the appropriate assessment stage.

1:24:36

Sorry. This is the nub of the issue. Really, what I'm trying to get to is if you conclude that there's no likely significant effect, you wouldn't move on to the appropriate assessment stage. So the mitigation measures proposed Don't you know are largely they don't serve a function in relation to to any effects on the site if you've already concluded that There wouldn't be any likely significant effects on the site. Is that Is that all right? That's That's correct. So effectively, you've concluded that there are no likely significant effects, and therefore the appropriate assessment is unnecessary. And that's right. Okay. Thank you. That's helpful. I see. Mr. Wrightwood from cpra has joined us. So I think particularly wants us to talk about this rivals

1:25:32

girlfriend from CPRE. Now, just on the previous point, you mentioned just in documentation that you're going to produce in terms of balancing ponds and the loss of other ponds. Just whether the applicant will be actually providing evidence of biodiversity biodiversity net gain in its in its submissions.

1:25:56

And slight as perhaps put that to you and appreciate you you already have covered and biodiversity net gain, introducing from your submission, submitted evidence, is there anything particularly yourself

1:26:10

sort of nothing doubt that's covered separately in our evidence, the previous agenda was talking about discussions between the parties on reaching consensus in relation to plumping and so on, in relation to the pawns. So it's a separate, it's a separate issue. There's separate information on biodiversity net gain on the application documents already.

1:26:35

Okay, thank you. I thought that was helpful. Thank you very much for your time, we've had a slightly longer session than than perhaps was was originally scheduled. The time is now 1128. Exactly, like post have a short break at this point. And we will resume at 1145. Exactly. If you decide to leave the meeting during the breaks and you can rejoin using the same link provided in your invitation email. And if you're watching the live stream, then please refresh your browser to resume the next Thunder any subsequent sessions. But for now, we'll we'll pause and take a short break. Thank you all