

TRANSCRIPT_BLACKCAT_ISH3_SESSION2 _24092021

00:05

Welcome back, everybody. Time is now 1145. Exactly and I am resuming session two of the third issue specific hearing. Mr. Williams, can I just ask if you could please confirm whether everyone who wishes to be present for this session has joined back? What am I suppose I can Yes, I can confirm that everyone that's meant to be for this session is back. Thank you very much. The next item on the agenda is item number four, which is the assessment of alternatives and Mr. Scriven will be here Join me for this this item. Can I also ask perhaps if the applicant and Bedford Borough Council and historic England and the Environment Agency Leeds could also join me by switching on their cameras. This item concerns the proposed by cuts junction which again was a matter we discussed at issue specific hearing one. And in addition to the documents listed at the beginning of this agenda, you may also wish to have access to the following documents which is in the examination library. And it's the applicants response to actions arising from issue specific hearing one on the 18th of August 2021 and its reference are EP one dash 034.

01:39

Thank you. So item a four a the process and reasoning for selecting the junction option that would require the demolition of book cottages. as requested at issue specific hearing one the applicant has submitted a summary narrative of the criteria considered in the assessment of alternatives for blackcat junction and the alignment of the a one in the immediate and wider area with particular reference to the historic environments flood risk and floodplain constant compensation. Land take and effects on other residential and commercial uses the restoration of the quarry and on the gas main to the south of the existing roundabout and they are in documents, Appendix B of documents RMP one dash 034. First question is to the applicants. Thank you for providing this, this narrative, which is is what we asked for. And it does likely repeats the points that were made at issue specific hearing one. And so whilst it's helpful to have it doesn't greatly add to the examining authorities understanding of this issue. The national policy statement for national network states given that heritage assets are irreplaceable harm or loss affecting any designated heritage assets should require clear and convincing justification. We've got what the applicant is produced at Appendix B and particularly in relation to paragraphs 1.1 point four and 1.1 point five 1.1 point one six and 1.1 point one seven. In particular. I wondered if I could ask Mr. Linus to perhaps explain how these how these matters that were listed under those paragraphs were considered as part of the option development and selection process.

03:31

Scotland if the applicant Can I ask Mr. swannell to pick up this issue please.

03:42

Hello, Paul Swanson for the applicant. And as we stated in the written summaries of the oral representation made it issue specific hearing. One, the applicants developed and assessed the scheme in accordance with highways England's project control framework including stage one, option identification, stage two option selection, and the current PCF stage three which is preliminary design. The details of the option identification and selection process that was undertaken is provided in chapter three the assessment alternatives of the environmental statement, which is app hyphen, 072.

04:21

Sorry, Mr. Swallow, can I just stop you there? We're not talking about the options that are that are in the evidence these are these are the options that proceed that stage of the process, these the options that were considered and led to the options that were considered and are set out in the environmental statements.

04:42

Okay. Apologies I've Miss understood that then. Can I just take a moment to gather my thoughts please?

04:55

Certainly. Yes, yes, that's that's fine. Something else?

05:18

I'm sorry sort of got laughed out because just so much response quite clear. Would you mind just repeating the references that you give earlier? So he knows which document you're passing him to?

05:30

Yes, Yes, certainly. It's, it's documents on our EP one dash 034. And its Appendix B, paragraphs 1.1 point four 1.1 point five 1.1 point 161 point 1.17. Those are the particular paragraphs, but it's not that you know, it's not exclusive to those paragraphs. It's the is the appendix B as a whole.

06:00

Okay. Okay, or I wouldn't need to have a look at that properly then. And come back to you.

06:09

Mr. Mr. Linus? I wonder, I've obviously got a number of questions on this proxy, if you can come back to this perhaps a little bit later on. If I don't know whether Mr. Swan will would be would be covering these. But what I propose to do, Mr. Swan was obviously going to consider that what I've just asked him. I'll move on to the next question. I don't know whether this is one that you were also going to intending him to answer. So perhaps if I just read the question out and see where we go from there, yes. Okay, the next one. It does relate to similar issues. So I suspect it will be Mr. swannell who will be looking at it. But the points that are referenced in the paragraphs that identified Mr. swannell previously, for selected that informed the selection of the proposed blackcat Junction. There's no reference documents or evidence documents linked to those statements. Consequently, statements haven't really been substantiated. They are assertions by the applicants that have not have not been evidenced what what I'm interested in is what evidence such as costings or options that were discounted or metrics that

we use to assess the various options on statements that are listed under those paragraphs that I mentioned. What what evidence is available to support those those statements? And as it's not in the evidence before, it's can it be submitted for consideration of the examination.

07:52

It's got liners for the, for the applicant. So if you're indicating that you would like to see more evidence to substantiate the points that are raised in in that document, I'm sure we can provide further information to explain further, the decisions that were taken.

08:13

Thank you, Mr. Lyons, that would be helpful. And what I'm what I'm, what I'm trying to get is the actual documents that were considered and how they were used. That's that at that time, I mean, appreciate that you may wish to, you know, take this away, and then come back

08:30

to Scotland for applicants. That's very, that's very helpful. We can take that away. As an action point, this may be one which we're unable to deal with fully by deadline, three, but we can certainly indicate by deadline three, the process that we'd be following down to this time to this question, but we're happy to take that away.

08:54

Thank you, Mr. Lyons. Yes, that would be helpful. Appreciate that. There's a challenging deadline, it is quite quite an important one. And it is something that we did raised white raised previously. We did also discuss hearings earlier this week, some of the how the existing options were assessed in terms of the costings for those options, and it's perhaps if something broadly similar, that you could you can develop along those sort of lines that would also be available for the options that we've mentioned previously, or which were discounted, that would be helpful.

09:28

Let's go on to the applicant. Understood, sir. Yes.

09:32

Thank you very much. Okay. Well, we'll leave that as action for the hearing action and move on to the next question. And this is also for the applicants, Mr. Linus, so you obviously wish to pass to one of your team. Throughout the the objectives of the scheme are f Throughout the application and have been mentioned in various hearings that we've had to date, including of how the proposed development meets these objectives. However, examining faulty notes that the story got that there are historic environments and historic assets that are affected by the proposed development to a significant extent, and is therefore surprised to see that cultural heritage and historic environments is not included anywhere in scheme objectives. I wonder if, first of all, you could perhaps explain the process for how this has happened.

10:40

Scott liners for the for the applicant Alaska, Mr. swannell to develop everything I'm about to say. But the the scheme objectives are really defined by reference to what this piece of infrastructure is designed to achieve in highways terms. I won't repeat the scheme objectives. We've seen them in the ies chapter. But they include mainly relief of congestion, increased capacity, resilience, there are certain environmental considerations in there relating to noise and air quality that have a relation to the hub in relation to the traffic related objectives. That's that's not to say, though, that other effects of the scheme have not been taken into account. Even if not specifically identified as discrete scheme objectives. It's important to draw that distinction that just because an objective of a highway scheme is to relieve congestion and provide further capacity, and cultural heritage isn't identified a specific objective, along with a number of other environmental matters, does not mean that those factors haven't been properly taken into account in accordance with with policy. So the important point really is whether the policy approach to heritage impacts the policy opposed to any other impacts as property taken into account, even if every single form of environmental impact isn't separately identified as a particular objective of the scheme.

12:15

Thank you slice. That's helpful. I would like to go back to the point that I made though, multiple locations throughout your evidence and the application, you you reference how the proposed development accords with the scheme objectives. And as you as you've noted, there are I appreciate that it's, it's a highway scheme, and there are highway objectives in terms of travelling and effective and efficient travel forward, but you did mention noise and air quality and the impacts that he would have on that I understand that that's obviously from the travel. But it also references biodiversity. So it which is again, an issue that, you know, is not, I would say directly related to the trouble of people along along the new dual carriageway. We come we come to the position that we're in at the moment, whereby the environmental statement identifies substantial harm and the requirements to remove designated heritage assets listed building and I'm just I'm just trying to understand whether or not the process and the assessment of the alternatives for the black cap junction might have proceeded differently if cultural heritage the historic environment had been considered in the scheme objectives, given the multiple references to it throughout your evidence.

13:48

So, I can ask Mr as well to pick this up, but as a generality, think bearing in mind this is a a highway scheme. When one is looking at various options, there are certain sort of fundamental considerations which have to be met by any alternative option that's under consideration. So, there will inevitably be a stage where options look at technical feasibility, economic benefits and so on. But that is not to say that once initial sifting process or assesses are undertaken, or once various options are considered that issues relating to cultural heritage are ignored in the overall analysis. And we would say that for the reasons that have been given in the in the documentation today, including the junction, blackout junction design options, cultural heritage and other issues were considered other proper stages part of the as part of the design evolution of the scheme. It's important, as I said to recognise that in any highway scheme such as this, there'll be certain fundamental requirements, which have to be met by a scheme before one then refines dine options and then looks at particular factors relating to the options that have been shortlisted on the nesc. In this case, we would say that the question of cultural heritage and brew colleges was considered an appropriate stage accepting that some other form of analysis

relating to feasibility of scheme had to take place as part of an initial sift. So, whilst it may be said that there's not a direct reference to broke colleges at every single stage of the sifting process, and a sense of that needs to recognise that Alzheimer's engenders going through its adoption hearing, it has to meet certain fundamental requirements for this game. First of all, that's not to say that cultural heritage considerations are ignored when alternatives actually come to be assessed before it before an option is actually selected.

16:03

Thank you slightly. So I appreciate obviously, there's a chapter in the environmental statement that deals with cultural heritage. So I appreciate it's been assessed. The issue I was talking about is particularly the the objectives which are the overarching raison d'etre for the for the project, and it doesn't doesn't reference cultural heritage. So that was the point of view making. What if I could, if I could perhaps just come in with an ask the historic England and Bedford Borough Council perhaps, to give their views on this situation? Excuse me the history?

16:47

Yes, thank you. As we've said, in our representations, we're not really in a position to directly assess and criticise the highways engineerings, justifications for the the route at the roundabout, which has resulted in the proposal to remove cottages. We were consulted on options is quite clear about this, though. I don't have a great deal of information about that consultation that took place. But for full disclosure, a colleague who no longer is with the team was dealing with case that time, and I can't find record, but I think the African neither of us have our response to it. But our response would have been that we're not in a position to judge highways issues. I think the issue of how the cottages themselves are assessed is possibly something you'd want to be considered separately. So I'll

17:38

come on to that later on. But what sorry, what if I can just press you on this slightly? So so you're talking about the options that are in the environmental statements that have been submitted to the examination? I'm talking about the previous previous options. But anyway, what you seem to be saying is, you can't comment on whether there's a there's a need for highways need for the demolition of road cottages. Is that what you're saying?

18:09

Correct? Yeah.

18:11

So I don't I'm struggling to see what you what you then contributes to the process if if you're not able to sort of comment on the the removal of a designated heritage asset what what what do you do you take that as read that this is lost? And then you just look at mitigation measures? Is that that situation?

18:32

What we've been looking at is the significance of the cost just to make sure that that's correctly and fully understood. And then yes, correct missing mitigation measures. I mean to put it simply the that we have seen the options the various options, they are discussed in terms of issues to do with highway layout to

deal with safe to do traffic speeds these kinds of issues. These are not something that we have so it's Mr longest talking sorry. These these are sorry, these are hose engineering options that we are we are simply not equipped I don't think it will be helpful or valid if I want to say we consider option x y Zed is or is not feasible from a highways engineering perspective.

19:27

Fair enough. Thank you. I'll learn process Mr. Mr. Round who's going to be leading on this or is it Mr. Watkins?

19:35

I will start our our set out just to apologise our highways witness had a bereavement last night. So he's not here your team we're aware of that. So I will try and field your questions as best I can. In terms of consultation on alternatives, I know the highways team looked at options which presented the three of them from a highways assessment and That was very broad brush technical issues. And then my colleague jack was involved in looking from a heritage aspect. So he can probably give you more specific information on the book cottage impact.

20:12

Thank you, sir. And what what I'm particularly interested at the moment is the objectives matter and the fact that has no reference to the historic environment and cultural heritage in the scheme objectives. And whether you feel that had there been a reference in the objectives to cultural heritage and historic environment, we might have arrived, options that perhaps retained constant use.

20:37

It is difficult for us to say what would have come out of the applicants design scheme, we assess the proposals that were put before us in terms of their general impacts on heritage and highways aspects. We didn't analyse or look at the main identifying features in the applicants application at that time.

21:02

Okay. Thank you. Mr. Lyons. Is there anything you wish to add at this stage?

21:13

It's very briefly. So obviously, the scheme objectives derived from an assessment whereby highways angle identifies the key problems with the with the network, on a scale of jack as a response to those problems. And that's explained in the case for the scheme paragraphs 1.13321 point 2.1. And notwithstanding that cultural heritage isn't identified a specific issue in the scheme projectors. We don't consider that to be of great significance in the circumstance of this case, in the sense that any environmental topic could in theory be added as the scheme objective, but fundamentally, here, the scheme of jaggard were defined to deal with specific problems on the highway. Now, as I said, that does not mean in any sense that options or environmental assessments haven't been carried out in accordance with policy, even if those points aren't specifically mentioned, the scheme objectives themselves. The absence of a specific reference to cultural heritage in the scheme, objectives shouldn't be taken to mean in any sense that alternatives haven't been considered in the proper sense, or any environmental topic hasn't been considered as policy requires it.

22:31

Thank you. So Linus. Mr. High, so you've joined us, so anything you'd like to add?

22:35

Yeah, just I think one of the reasons why, probably? Well, I suppose because we've not been able to cover agenda item A, which was to look at some of the options that were considered that were considered for the black cat junction, which perhaps did not require the demolition of pro cottages and reasons why those were discounted and the ones that have been brought forward or require the demolition of Brook cottage cottages, we've not been able to have a fuller discussion on that matter. And I suppose that's why this discussion is perhaps not moving us forward all that much. But I think what I hear from you, Mr. Lynas, is that even my correct me if I'm wrong, even if historic environment was one of your scheme objectives, the weighting that you've given it, in terms of the assessment of alternatives, or indeed, the mitigation that has been proposed would probably not have changed? Am I correct? Can you confirm that?

23:40

Scotland is the applicant. And so I think that's true, because my eyes have said before, fundamentally with the highways scheme, there are certain requirements that have to be met to achieve the fundamental objective that highways England is directed towards. So provided that the process has been followed properly in terms of considering alternatives and complying with all other aspects of environmental assessment. The fact that it's not mentioned the scheme objective shouldn't make a difference to that. And to put it right the other way, as you suggested, even it has been mentioned. I think the process we have turned out the same way.

24:18

Okay. And I think one of the points that we've missed in both points A and B slightly in agenda items for a and for B is just evidence to support that. So you've told us that in the technical note, in the note that you submitted a deadline one, we just need further evidence to support that, and in particular evidence to support the criteria that we used in the assessment of alternatives to Black Cat junctions, in particular, the evidence that you relied on to dismiss the options that require that did not require the demolition of cottages,

24:56

Scotland for the applicant, that's understood Ma'am, I mean, we can obviously go away and undo that know that Mr. Swan was seen the the references that Mr. Parkin helpfully give, which I think really concerned this option of moving to the east, he could be in a position to describe the decisions taken but in the interest of time, if you prefer, we can come back with the further information that we've been asked to provide to explain the thinking behind what I said. And it was put in those document references. If you'd find that more helpful, we were certainly prepared to do that.

25:34

I leave that for Mr. Parkin to say yes or no to but there's just one final point from me that at the composer acquisition hearing, we talked about how cost was taken into account with respect to

compulsory acquisition, you'd said that you would add it to the same matrix. And I think I'm just making the point that this is a related action, yes, where we're just looking for some of the evidence supporting how those criteria were actually used weighted and then how it was further discounted. So again, I'm looking a little bit further ahead thinking I at the moment, Mr. Parkin and I Mr. Scriven, I just struggling a little bit with the evidence to support some of the assertions that you've made with respect to why some of these options were discounted. And it's just that gap that we feel does need filling in

26:26

Scotland. That's very helpful. Man, we understand what we need to do. I think as I mentioned, in response to this issue being raised the compulsory acquisition hearing, perhaps one thing to do to start with some of the document references where you've picked up on areas where you're concerned about a gap, and we work from there, use that as a starting point and then do our best to fill in the gap that you've mentioned.

26:49

So you want us to do that in the hearing Action List? No,

26:53

we understand there's been a hearing on this already in relation to the costing. We understand there's a hearing Action List already as far as elaborating upon the decision was taken in respect of the document references that Mr. Park and has given we'd take that approach on board but responding to those two action points.

27:14

Alright. Okay. Thank you very much. That's all for me. Mr. parkins. There's one pending question from Mr. Lynas that was directed at you.

27:21

Okay, yeah, thank you, Mr. swaddle, I don't appreciate the view you perhaps not fully prepared for this, this thing, it probably would be helpful if you could put a written submission in to cover these matters. But if you want to perhaps give us a quick highlights summary of it, that'd be helpful. The other the other points that mentioned in addition to this is concerning that the pre submission options that were discounted are not just referred to in the paragraphs. It's whether or not though whether and how those were consulted upon, for example, with Bedford Borough Council, or the historic England or one of the parties, and whether that's something that you pick up there.

28:09

Scott, sorry, Scott,

28:11

Scott layers for the applicants or that points taken on board, we can do that in the as part of the action point, consultation issue. Swallow

28:33

course, one off for the applicant. And I know that during the design process, several lots of options were looked at a black cap junction. And the primary purpose of those was to develop a design that met the criteria, and that we needed in terms of traffic flows, and safety. And a lot of that work was done back in 2016. And then if those options, I think there were 12 options that were looked at for the location of blackcap Junction. And if those 30 if those were taken forward, and this is probably already in lots of the documentation already, but three of those were taken forward for the non statutory consultation, which are options A, B, and C. And of those option A at the time was noted that it didn't affect brick cottages or didn't require the removal of brick cottages.

29:35

Sorry, Mr. Swallow. Sorry, I'm gonna have to interrupt you, though. I understand about the submitted options, ABC and the option C was was the selected option. Yeah, we're talking about before this, this process with reference to the comments that are made under those specified paragraphs that I mentioned, and its options and alternatives for covering loads, and how those were considered and consulted on and what they actually entailed. So I appreciate your I don't really want to go over the submitted options that we've gone through, because that's all in the evidence. It's the stage prior to that that we're interested in.

30:15

And any of those 12 options include moving blackcat to the east.

30:23

No,

30:24

I don't know. So we're interested in how have we got to those 12 options? How was the East rolled out before those 12 options we'll come up with.

30:34

Paul is one of three applicants. And that is information that we would I think have to provide separately as part of this hearing action? In order to gather the

30:48

Yeah. If that's what you need, if you need time to do it, then that's absolutely fine. But there's no, there's no real sense in going over stuff that we've we are aware of, and we've covered. So if we can leave that as a hearing action that we discussed earlier. And we'll come about through that. That means and hopefully get to get us get some some more information coming through on that regard.

31:14

It's called last stop can Sorry, I think that's the most appropriate approach and circumstances. Thank you very much.

31:20

Thank you. And do the historic England or Bedford Council have anything? Any any comments on that approach? Are you generally concerned with

31:30

that content continue with that, sir?

31:34

Thank you. Thank you all that stop that was helpful. Okay, now, if we can go back to its agenda item for see consideration given to the proposed use of land to the east of the existing blackcat roundabout in the assessment alternatives. Not not wishing to revisit what we've just been covering. This is this is specific issue. In relation to to Bedford Borough Council. A budget Council has made representations to the examination regarding the London east of the existing blackout roundabout, which it has aspirations to develop in the future, quite, quite rightly, legitimately. The Africans aware of this has made reference to it in in in one of their submissions, which is rep one dash 034. If I could perhaps just ask Mr. Linus or one of your team. What consideration if any, did the council's land ownership and development aspirations for this lands to the east of the roundabouts? Having in your determination of the proposed Black Cat stringent option that we were submitted? So I'm slyness you're muted at the moment.

33:03

It's got land for the applicants to deal with that for me.

33:09

Paul funnel for the applicant and the aspirations of Bedford borough council had no impact on our decisions. And whatsoever, and the fact that they have development aspirations only came out partway through our work in developing the blackcat Junction. And the primary reason for avoiding using land to the east was the impact on the greatest floodplain and we already knew that this game would have an impact on the floodplain and floodplain compensation and would be necessary. And so the the decision was made to not go eastwards because the the because of the impact on floodplain and then providing suitable and floodplain compensation. We knew that that that would then have required additional land in order to provide that and and moving nice would potentially have required acquisition of residential properties on the east side of the Awan known as Great North Road and then also another residential property to the south known as Green Acres. So that the requirements for the council to and to develop had no influence at all on the junction design.

34:48

Thank you. That's helpful. If we turn perhaps, to Mr. wran on one of your colleagues. What can you tell us at this stage about This potential development of this land to the east of the existing blackcats roundabouts and appreciate it's not yourself, Mr. Ren, but your colleague previously stated that one council determined to support option C for blackcats Junction. You didn't consider any environmental or the impacts at all, in reaching that conclusion. Can I ask you whether whether or not the council's land ownership and development aspirations played any part in your support for option C?

35:37

And I don't believe that it's at that time, it was a pure highways technical question to our highways team, and they were dealing with it on that basis.

35:47

Okay. And Mr. Benn, I don't know if it's you or one of your colleagues, I'll just the question to you. Obviously, you may be aware from the evidence that, obviously that the applicants are in knots deciding to go for an option to the east. One of their reasons for it was the potential impact on floods, flood risk and compensator e flood basin storage as a result of the loss of functional floodplain for the for the river, great news. In your in your opinion? How would it work? Is it impractical to develop the land to the east The only way and not and still provide adequate supplies of base and storage? For us?

36:54

level band environment,

36:55

they offer the options that are presented to us we consider that the chosen route is the best in terms of flood risk.

37:04

Sorry, Mr. You broken up there? I can't I didn't hear any of the

37:08

ologies Yeah, narrowband Environment Agency of the options that were presented to us, we consider that the ozone is the best in terms of flood risk.

37:20

Thank you, Mr. And that's not not actually one answer to that question. What What was it was seeing was it impractical to develop the lens to the east in any way

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in terms of flood risk and cloud based storage. For any detail, I'll hand you over to my colleague, Jenny Goff, who should be on the line as well. Thank you.

37:48

Hello, Jenny, golf Environment Agency, joining the call someone else to that the black cat, where it stands at the moment is in flood zone one. And if that was moved further over to the east, it would be encroaching then into flood zone two and three. And it would require flood compensation to do that, as well as the crossing of the river graters itself, the extended road network. So yes, it's it may be achievable. We we didn't look at that option with that. I don't think about actually blackcat Junction being moved. It was more about the actual road crossing the river graters and its floodplain.

38:28

Thank you Miss golf. That's helpful. Just if I can perhaps just come back to you on that. What I seem to what I think you were saying was that it's not impractical for development of the land, to the east of the

roundabout to be undertaken, obviously there is development of the land to the east with the viaduct for the proposed road, as submitted in the application. What I'm what I'm trying to get to is water further take of land there to the east. Would that have any significance or particularly an impractical impact upon? So basin storage for the US?

39:09

I haven't seen that. But I believe that moving a busy road junction potentially three tears into an area of high risk of flooding may be significantly difficult, and the flood flows and the compensation may be quite difficult to achieve in that area. But yes, it's it's something that would sequentially moving something into the floodplain is is is going to be problematic. If that helps answer that question.

39:43

It does. Thank you, Miss Crawford so far. And in the same regard, in terms of the development of the lungs, the serve for the Bedford Council's development aspirations would that raise similar issues

40:01

Where this floodplain? Yes, that would do, we always look to do a sequential approach, which is to look at land in flood zone one at the lowest risk of flooding, and then I'll see two and three, where that isn't appropriate. So where this flood zone three, we would be looking for that to be remain undeveloped or there to be significant compensation mitigation to allow that still to achieve what it's trying to achieve.

40:27

Do any of the any of the other policies and scrubbing Do you have anything you wish to say at this stage?

40:31

And I know it's it's rather hypothetical, but so would the the flood risk associated impacts be? Therefore, are you saying would they be greater with this sort of magnitude of a highway scheme than the development proposals, albeit they are quite loose at this point in time that Bedford Borough Council have described?

40:58

I think if we go back to the sort of guidance and PPF, we'd be looking at essentially infrastructure, and then we'd be looking at development. So you, we would look at them a slightly different way. And if there was very strong material reasons why the black cat had to be moved into the floodplain, we would obviously be working with highways England to look at how we could mitigate that as best as possible. When it comes to development where there is potentially more flexibility and choice in where that can be developed, then we will be looking for them not to be in the floodplain as much as possible in terms of sequential test. If your question

41:41

isn't, that's helpful. Yeah, I think that's probably the best we can expect from that sort of hypothetical scenario. I did wonder whether or not Mr. Ren wanted to respond to comment on any any of this.

41:56

And so not having had any involvement in the discussions about the land acquisition and Bedford's aspirations. I can't really add much to that. Jenny Goffs advice is in line with the nppf and the guidance and developments in flood plains.

42:16

with Mr. Parkin,

42:17

thank you scrubbing. I think that's, that's, that's, that's the size as best we can at this stage. That item on the agenda. So thank you for that. And moving on to for D. Appreciate we're slightly difficult situation with Bedford Council's attendance today for, for unfortunate reasons. thrown in fact, if I put this to you, and then you can you can decide whether or not you're you feel competent and able to respond to it, and then we'll take it from there, perhaps. So it again, I don't whether this is is kind of set aside, given that what information that's going to be submitted in future by the applicant. So again, bear that in mind, it what I'm trying to do is is understand whether or not notwithstanding what you've said in the past in terms of this scheme, whether you consider that there is potential for an option for the blackcats Junction that would be provided that would retain will cost you whilst still meeting all of the necessary highway functions. That's the applicants is concerned about.

43:50

Thank you, sir. That isn't an exercise the counsellors undertaken primarily due to staffing and resourcing we've assessed the options put to before as we haven't actively sought to identify alternative options that may or may not be more suitable.

44:09

Is that something you would be able to do during the course of the examination?

44:16

I'm not sure we have the in house expertise to do that, sir. In terms of all the design and the issues, certainly I will pass it on to my always colleagues, and see if they can do a broad brush review of that

44:34

seems so high, because

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I just only to say that, that I think there's a few actions that we've already got noted with respect to some of the items in the agenda that we weren't able to cover early on. And, and yes, if Mr. wran of your colleagues could do some broad broad options in order to inform the examining authority of other highway alternatives, Whether the alternatives assessment has been fully exhaustive. And and in addition to that, perhaps comment on when the applicant provides all the options that were considered in the early stages as alternative assessment, that I think that will give us a fuller picture.

45:22

Thank you, we can commit to do that. Could we say not by the next deadline, which is fairly soon, I believe. Is it possible to have a bit more time on that?

45:31

Mr. Ren, I was just going to suggest that in fact, I was going to say if the applicant is going to provide us information by the next deadline that I think this might be alongside any additional alternatives that you might have might be something for the following deadline if that's okay with Mr. Parkin.

45:50

Mr. Weiner, so is anything you'd like to say in that regard.

45:53

For the applicant, yes, just to deal with appointed with a deadline. So don't think we said we'd definitely be able to provide all this information by deadline three, that we're going to see what we could do probably going to have an eye on it on a later deadline to provide the information. So it may be that the council's deadline needs to be managed accordingly.

46:19

Mr. Linus, the information that we're requesting and we'll go through this is evidence that supports the criteria that were relied upon, and the assessment of alternatives. So it is evidence that you already have, which you have relied on previously, in order to make that assessment. So so I'm gonna, I'm going to push slightly on a deadline three, submission for this. Because I think there's a few things that rely on it. But let's come to that when we get to the end of the agenda. And if you're if, if if you if you put your hands up, then we'll think about what we can do then.

47:01

Very well, mom's got live for the weekend.

47:04

Okay, thank you. That's all for me.

47:07

Thank you, missy. Thank you. I think our staffs been helpful. And we've moved on some extent, hopefully, we can we can make further progress based on what we've we've had and what the what the actions that have been committed to. I don't think there's anything particularly more that we can we can add on this. Mr. scribbins, do you have anything you wanted to finish with? We move on that vote nothing further. Thank you. That's very helpful. I think we've now therefore concluded this agenda item for alternate assessment of alternatives. So perhaps, perhaps, with the exception of the environmental agency, I'd be grateful if the parties here who were already on screen but perhaps remain ons with us to the next agenda item is fun. It's to do with how it's adjusted. So it's perhaps not something you're directly on this golf. It's not something you're directly involved with. So you don't need to be present. And also, the other local authorities may also wish to join us from Cambridge, and from Central Bedfordshire.

48:26

Thank you. So we're moving on now to agenda item five, which is heritage matters, including the effects on listed buildings, on archaeological remains and on the setting of heritage assets. So five, a Brook cottages survey and relocation updates. So the applicants, historic England and Bedford Borough Council have all made reference to the potential dismantling should it be practicable and relocation of reconstitutes to a museum. I know that some information has been submitted by the applicants in terms of a photo survey the interior of the approved costumers, but slides of perhaps ask you or one of your team to provide an update on the proposed surveys to be undertaken to inform the future potential dismantling of cottages and relocation and also with regard to relocating it to a museum setting.

49:32

Scott asked the applicant Alaska Amy Jones to provide this update please.

49:39

Hello, yes. Amy Jones on behalf of the applicant. Just to update you on the situation gardener survey coaches, you'll already be aware that cottages still half of the building spoken to two cottages still occupied. We've continued to pursue attempts to access the building to do the necessary through surveys, unfortunately, the owners of the building, still denying us access to undertake those surveys. Due to the, the occupant who is isn't is in firm, and they don't want to upset him, which is completely understandable. So we have not been able to undertake any of the necessary intrusive surveys. As you've already mentioned, we did manage to get into the unoccupied half and undertake another visual survey which the information the computer which we we submitted it to find two national highways are looking to pursuing powers to enter the building to undertake that survey, it would still need to be a limited intrusive survey, though, on the basis that still don't own the building. It's not in our ownership. So we haven't moved too far forward on the the survey regarding the relocation of the cottages, we have approached a number of museums to see if they would like to take the building. We had a positive response from one Museum, hopefully your work the Museum of East Anglia in life, and we have been progressing discussions with the museum. And they have, we have nothing formal at the moment because it's still an unknown regarding the condition of the building. But with those discussions have progressed quite far, the museum has been out to visit the cottages. And we have been out to the museum due to you where they would like to relocate the cottage. So the discussions with the museum are progressing as far as they can at present.

51:46

Thank you, Miss Jones, just in terms of when you expect any sort of formalisation of that process, I take it that would be very difficult until you've undertaken the survey, and therefore you can't really it's all of it. You can't really certainly think formal out in terms of an agreement because you don't know if it's practical to do the dismantling and relocation as you're you're intending.

52:16

Yes, we are still in a situation where we can't confirm it formally. But yes, discussions are progressing up to the point of discussing costings. So we are fit we are competent museum would like to take the building out with just outstanding information.

52:33

Okay. Thank you. Any do Bradford council or historic England have anything you wish to say in this regard? At the moment?

52:50

I'll ask my colleague Jack to just set out our position at the moment.

52:55

Last Name John Wilkins, both of our council broadly, I think we're in agreement in that respect. We don't know where we stand. I think that will that will come I think as we progress through this particular topic, but yes, it's without the survey, we're unsure as to what the impact will be in terms of relocation. And furthermore, I would, I would point that we have raised the potential for alternatives to his relocation to a museum. We do we have asked I think previously, that alternative locations are suggested proposed, particularly within the borough within it's the vicinity of the existing building, and perhaps within a residential use. And that's something that we've we've we've sought clarification on from the applicant. But in terms of the relocation to the museum, it's obviously very difficult at the stage without anything formal in place to understand that, you know, whether that could be supported on

53:59

Thank you, Mr. Watkins. stay stuck England, Mr. Mr. Eve, perhaps if I continue my view of you any anything you wish to add? I'm just also interested, particularly if the council is considering it, rather than relocating it to a museum relocating for residential use of continued residential use, if you have any, any thoughts on that or all the other matters?

54:32

Yes. Thanks, David, for historically, yeah, I didn't have a great deal to add to that. I mean, I think we would like the borrower consider that both alternative uses have the potential to conserve the significance of the significance of the historic building. So whilst we welcome the additional information that's come forward in the cottages technical note, following Jones's visit, I think it was the information necessary today. Title seven, I think all would agree is not yet there to assess both the significance of the building in the details necessary or the consequences on that significance of either use, but we would certainly wish to see both explored Yeah.

55:17

Thank you. That's helpful. Thank you. I think that moves us on to B, which is the scale of harm that would be caused by the removal of Brook cottages and nor its relocation. So this is the highest

55:36

Mr. Parkin perhaps it's something that you can cover and be it just because this proposal to relocate or cottages to somewhere other than a museum and bring it potentially back into us if I understood Mr. Watkins correctly, is something that's not before us whether that is something that the applicant had a response to, or indeed, wanted to put something to us with, in that regard.

56:02

can ask me, Georgia, Scotland or South Africa to explain the Africans position on that, please?

56:09

Hi, yes, I'm getting some call, the applicant, we have looked into the potential to relocate the building as a residential property. We've, we've been continuing to do a number of studies into potential relocation sites. And we've also been looking at how that might impact on the building itself. Obviously, with relocating as a residential dwelling, there are a number of other considerations to make, which wouldn't apply to museum things like conforming to building regulations and actually making it a viable property on the market. So we've we have looked into that we are still, in some ways waiting on information from her intrusive survey to see how much alteration would be required to undertake those works.

56:58

Yeah, Miss Jones. That's helpful. It's just that whether a that can is something that can be fully considered undiscounted, during this examination,

57:14

during some of the efforts, yes, it's something that we are continuing to consider.

57:22

Fine. So I think this is one, I'm not going to put it down as a hearing action, but just as a point that perhaps needs Yes, Mr. Reeve?

57:34

Sorry, can I just pick you up? And just say you asked Miss Jones very specifically, can that question be resolved during this hearing? My answer to that would be no. Because as we set out in our representations, the information base, the applicant states, in their statement of case, essentially, about the impact of a residential use is not backed up by an investigation, we've happily helped with advising how that investigation could be done. Yeah, it cannot be concluded at this stage.

58:04

So yeah, that's helpful. So, so well. So what I was saying is that whether that can be concluded upon during the course of this examination, rather than the hearing, and so so yes, so the evidence that needs is required to back up any of those options that might be taken forward and why the others were discounted is something that we would probably need to see in the examination. Is that would that be possible Miss Jones?

58:37

Am Joseph have the I suppose it would be I'd have to say partially achievable. We can look into potential sites to relocate to, but as mystery this as just indicated, we need the information from an intrusive survey to make those conclusions. And until we have acquired the building, we wouldn't be able to undertake the surveys to a level to give us that information.

59:03

Well acquiring the building. I think I think we might be potentially a couple of steps too far forward in that regard, aren't we? Because so Okay, let me just go back to that. What's the plan what's Plan B, for getting access to the building to provide do the survey

59:22

and we plan Plan B at the moment is to gain powers of entry to undertake some intrusive works, which should give us some information. However, it won't give us the full information that we would need which would be quite an intensive, intrusive survey, which we can undertake until we actually had acquired the building.

59:48

Well, Mr. Eve has offered support in terms of how some of that assessment can take place. And what I understand that that does not include access to the building to do a survey, but Potentially to assess relocation options. Is that something that we can perhaps just explore a bit more

1:00:17

mystery? diving for the historic England? This? I know this isn't very helpful. But I think it goes on, I would agree that you need full access to both parts of the building to get the information if we are in a slightly chicken and egg situation. And I don't really know how, how we we can fully understand when should I say that the consequences of what's being proposed the demolition and the total loss significance, I think do require a detailed examination, we have a broad picture of the significance of the building. I don't know how to get that without having full access to both parts of the buildings. We are to be explicit talking about starting the partial, the pastoral process of the of dismantling, to find out what we've got. And the practicalities of relocation, you may have data as part of the practicalities of relocation, once we've done that are such that the process becomes invalid. I don't know how we can do that without actually effectively having possession off the building.

1:01:24

Okay. All right. I think that is something that we will have to probably consider further, but I'm happy to leave that there. Mr. Parkin, thank you.

1:01:36

Yeah. Thank you, for all us. That's interesting, interesting stuff. Just going back to the agenda item, and the scale of the harm that would be incurred. Whilst whilst there is this in principle, support for dismantling and relocating with corsages to museum and or essentially an alternative use. This is something that we can't really consider as a governing authority, unless it's, it's it's secure through the 3d drafting Co. So just just the Ask the parties to bear that in mind in terms of how you're progressing, obtaining this extra extra work and extra information. I know No, I think it was Bedford council suggested that potentially relocating the constitution to a museum, if it were practical and feasible, would potentially reduce the level of harm that would be incurred in terms of in terms of a designated heritage assets. At the moment, the applicant concedes that even if it was relocated to Museum, their view is that substantial harm would still be incurred. If we could perhaps come to historic England and ask your your views on on that. History.

1:03:09

Yes, they believe the historic England What's clear from the proposal we have before us, which is to demolish the building, that there would be total loss of significance in terms of the national policy statement. The issue of whether there's substantial or lesser substantial harm, and I feel with total loss necessarily incurred substantial harm. I think it's a little difficult to say, I think we know so little about the consequences, not just the significance of the building, the fabric that is not exposed, but also, crucially, the consequences of relocation and the consequences of refurbishment for either use. But it's a little difficult to say, I mean, the I think it's likely that we're dealing with substantial harm. But I also think that what's being processed total loss, I think that's where the justification needs to stem. But we do need more surveys to really be accurate about this.

1:04:11

Thank you, Steve, as I said, the environmental statement concludes that there would be substantial harm, even if it were to be removed and dismantled and rebuilt in a museum. You're saying that that's not necessarily the case. You'd want to see evidence to potentially it could be dismantled and relocated to a museum, you would you would consider that to be less than substantial harm. Is that what you're saying?

1:04:36

Not necessarily. I think there are certain assumptions within the applicants statement, I mean, to give to give an example, it is assumed that humbling curve from the loss of the material is within the time frame. We do not yet know of one photograph, Miss Jones don't produce what that what that material is. I mean, he may very well be that on investigation, the significance of the building expense has to be significantly reduced. If the listing I have to say is one that's been done largely on it some morphology and topology rather than a detailed assessment. Okay, I think it's very likely that we are dealing with substantial harm in any of these options. But I also think that we need to consider is the justification of a total loss of significance, which is what's worth.

1:05:30

Thank you. I think we've perhaps covered sufficient on the scale of this stage given the available information.

1:05:46

Yep. Okay. Thank you. Move on. Moving on. We'll move on to agenda item five. See, this is a question for the applicants. with reference to the national policy statement for national networks, you evidence to support the exceptional demolition of the grade two listed building. And given that the NPS states that substantial harm or loss of a grade two listed building or grade two registered park or gardens should be exceptional. Given the development of the scheme over a timescale of several years are informed by an iterative environmental impact assessment process. I'd be grateful if sliders you could perhaps explain why the demolition of Brook cottages should exceptionally be allowed. I understand and don't wish you to repeat the the arguments that you've already made in terms of effective operation of the highways. But if, but if you could perhaps address the issue of exceptionality, an exceptional demolition.

1:06:51

Scott line is for the applicant. So the essential policy test when one reads the MPs paragraphs leading to Heritage's and paragraph 5133, which sets out the were proposed development with substantial harm. The Secretary of State should refuse consent unless we've demonstrated that harm is necessary in order to deliver substantial public benefits that outweigh that loss or harm. So if one works through that paragraph, we would say that demonstrates exceptional circumstances anticipated in your in your question. And upon text that that paragraph in short, we say that's as far as the question of whether substantial harm is necessary is concerned. We have considered that by reference to the question of the alternative design for black cut junction, and that was the reason behind the black cut junction design options report, as will be supplemented through the action points that have been identified in the in the hearings to date. In short, the evidence we will submit is that it's necessary to demolish because there is not a reasonably suitable alternative for the black cut junction design that would avoid demolition. As far as substantial public benefits are concerned, I won't go through the detail of those but say in short, that the substantial public benefits are set out in broad terms in chapter four of the case for the scheme. And we say that the public benefits have been identified there are sufficient outweigh the harm that would be occasioned by the demolition of brick cottages. So by following those steps, the policy we say there was an exceptional circumstances that would be demonstrated for the demolition of the cottages.

1:09:00

Thank you slyness Africa, perhaps turn to psych England and to better Borough Council. Appreciate that, well, misaligning society with regards to paragraph 5.1 point three, three and the the overall scale of harm and the the overall public benefits of the proposed development. I'm interested at this stage in the issue of exceptional exceptional harm, the exceptional demolition of the grade two listed building and also the clear and convincing justification for this, I promise to both of you in turn. If If I could have your views as to whether you feel the exceptional demolition of a grade two listed building has been clearly justified in accordance with what the MPs requires

1:09:57

by takeover jack I mean, I would swipe, if I may just first. So just have a slightly different take on paragraph 15133. for Mr. lioness I would read it as where the proposed total loss of significant other asset, which is what's being proposed through demolition, after all, it should be demonstrated that the total loss of significance is necessary to deliver the substantial public benefits. Now, what I would take that is that if the highways engineering argument is accepted, the site must be cleared, we should then be looking at the justification that the total loss of significance if necessary, and I feel that testing perhaps in order to discard the prospect that the total loss of evidence could be avoided through relocation is part of that justification. So to sum up, I wouldn't critique as we've said earlier on the highways engineering, this discussion about an Eastern option is interesting to look at that, but we wouldn't, we don't have the expertise to bring to that. Ultimately, we would also not wish to criticise or judge the scale of public benefit to be delivered by the highway scheme in its entirety. That's very much beyond our compass. However, I would say that there is one aspect of the total loss of significance that does need to be justified, in addition to purely stating the public benefit would accrue from the road scheme as a whole. And that would be to, to justify that that total loss of significance cannot be avoided in a really viable sense through the relocation. So that just comes back to the previous point that we

discussed. And I think if the evidence is there, then we gladly assess that and come to that conclusion to accept that.

1:11:52

Chemistry that's helpful. And prospected, Castleford continue.

1:11:57

Thank you. So Joe Watkins, buffer Borough Council. And yes, I would agree with Steve, in that respect, I think we could get to a stage following I think from from the applicant providing further information on those earlier options, where there's justification for for its removal, but not necessarily at this stage. We don't have justification for its total loss. And so I think that needs to be demonstrated. And that's where the focus has been, from, from my perspective is whether we can we need we need that justification, that clear and convincing justification that the building cannot be relocated, and that it would result in substantial harm at the moment. We don't have that clarity. We need that survey before we can establish what the next course of action would be. So yeah, I think I think I would say that really.

1:12:49

Thank you, Mr. Watkins. Mr. Linus, is there anything you wish to comment on?

1:12:57

Just briefly, sir, as far as relocation is concerned, because you'll be aware that as matters stand, we've assumed that should any relocation take place that substantial harm would be caused anyway. And one needs to assume that so we don't see the the task being applied exactly the same way that historic England has, as explained to you. We we don't consider that one should be able to assume that you could avoid the substantial harm through relocation because substantial harm could well because by the relocation anyway, we have to assume that for present purposes and RB

1:13:44

Thank you, so long as that's helpful. Is there anything further anyone wishes to say with regard to to that matter? Thank you. Oh, that's very good. Moving on, then we go to item five D. And this is concerns more archaeology rather than brute corsages. So, I'm sure people will be pleased for a change of flight Change of topic.

1:14:19

So in the use, path survey work has been undertaken by the applicant has used two metre LIDAR surveys. And there are some questions as to whether this is a suitable metric for assessing archaeological data essential archaeological remains underground. And the potential implications on of this on any consequent construction effects listed in the environmental statements under app 165 and rep 1077. If we could put this points to the applicants in historic England given the use of the two metre LIDAR surveys for a significant part of the audit limits. Is there a risk that's important archaeological remains have not been identified and assessed. Past the start with you, Mr. Lyons,

1:15:17

Scotland applicant allows Helen McLean to pick up this point, please.

1:15:23

Hi, hello McLaren for the applicant. The first point I think I would make is that according to paragraph 3.11 of appendix 6.3, which is the analysis of aerial images, which is document reference app 165 76% of the route has actually had the one metre assessment level for LIDAR, which is what would normally be required. The other point to make is that that LIDAR data has not been used in isolation. We want to take a geophysical survey the entire route. We've done comprehensive trenching, and we've also undertaken review of aerial photographs or taking all that evidence together, we have a robust assessment of the archaeology and those small areas where there is only the two metre level, there's there's no change to the assessments.

1:16:20

Thank you. I appreciate what you say. And obviously what what you what it still results is 24% of the the order limits that have been surveyed at two metre LIDAR, which appreciate is less than 76%. But it's still a significant proportion. And notwithstanding what you've said, Is there the benefit of the room? Really, is there are the areas that have been surveyed to different the teammates from Huawei to LIDAR? Are they are they present in the evidence anywhere? It's really easy.

1:16:56

And there is a plan contained within that appendix 6.3. I think it's easy to figure one, figure two from memory. Okay, thank you.

1:17:11

Perhaps mystery before I come to you on this, or your colleague who's dealing with the archaeology.

1:17:18

Thank you. So yeah, if I could ask my colleague evidentialist to comment on this one.

1:17:27

Hello, thank you. Yeah, thank you for raising the point. I appreciate we made it several times in our wrap. And thank you to Helen for clarifying. And I just want to say it was a sort of artefact of systematically reviewing the documents. But we would support what Helen said about the use of LIDAR with other techniques. So we recognise it was used as part of another technique. So just to confirm, really, we wouldn't think that it would affect the conclusions of the environmental impact assessment and, and have a knock on effect on risk. And apologies if that wasn't clear.

1:18:03

No, thank you. Thank you. That's helpful. My assumption was. So effectively, you're saying you're satisfied with the approach to to identifying archaeological remains through the various LIDAR formats, and other means click such as aerial photos, you're content with the approach the applicant has taken.

1:18:25

Yeah, and I think further successive surveys have followed on from that death based assessment. Say yes,

1:18:32

right now it's great. Thank you very much. Perhaps if I could open this up to the local authorities now. Perhaps starting start, we'll go west to east. So we'll start with Mr. Ron Bedford Council, or Mr. Watkins.

1:18:51

This will be my colleague, Jeff Saunders, that there was an archaeologist.

1:18:59

So are you asking just regarding specifically on the LIDAR point in point D. I have to say I don't have anything else to add that's not already been covered by Abby and and Helen, historic England and for the applicant.

1:19:17

Cracking soul is not central Bedfordshire Council.

1:19:31

Thank you, sir. LIDAR is not actually terribly relevant to us in central Bedfordshire because of the actual nature. The current land youth nature of the field, though. Yeah,

1:19:43

I don't have anything further to add on that at all. Thank you. Thank you. Mr. Turtle. What you are one of your colleagues.

1:19:56

Thank you, sir, for answering on behalf of the camera councils. I Miss gannets on the call as well, and she can add to point if necessary, but my understanding is that the counsellors are of the view that the approach taken is reasonable in all the circumstances.

1:20:13

Okay, thank you. That's helpful. Moving to the next sub points, which is views on the archaeological mitigation strategy, which is in the examination library under reference a PP dash 238. I know this has been an issue of discussion between between various parties over and over some period of time. Can I just ask, I'll start with you, Mr. Lyons. Our discussions between between yourself and the local authorities in historic England, continuing with regard to the differences over the article, the various differences over the archaeological mitigation strategy

1:21:06

Scotland for the applicant, I understand that they have in the sense that the comments that have been made certain avail three console's on the archaeological mitigation strategy have been taken on board as I understand it by the applicant. And there is to be an update today Ms. submitted a deadline. Three. I understand perhaps I can ask Miss McLaren to explain that, please.

1:21:36

Yeah, hello McLaren, for the applicant. yet we've received comments from all three local authorities, which have been addressed in the updated archaeological mitigation strategy. in tandem with this. We've also had a meeting and further discussion about the joint council brief. This has now been agreed with some minor amendments, and that will be appended to the archaeological mitigation strategies Appendix B. And that include updates to the sampling strategies of features which will be in line with that joint brief.

1:22:07

Okay, thank you for stopping. Again, if you just go around the authorities, by exception props, if there's anything you wish to add, raise your hand, speak.

1:22:27

regard to this. Okay, that's

1:22:31

fine. That's helpful.

1:22:36

Sorry, if I may, certainly, first of all, Yes, correct. I think we may have lost yet. So I was about to ask her to speak on the issue. She's disappeared. The gist and that was just said, I think we look forward to receiving that updated Ms. Particularly the the document dealing with the joint counsels brief. I just had a query in terms of will that also be dealing with the question of sites I know, the chemistry authorities had some disagreements about the relevant sites, and the categorization of sites. In the DMS, I was wondering if that would be being updated and dealt with

1:23:19

frozen, I think on my screen.

1:23:23

Scott line is for the applicant, perhaps I can ask Miss McLaren to address.

1:23:29

Yep, hello McLean for the applicant. And those discussions are still ongoing on a number of the areas. But we are confident that the design we have come up with meets the aims of the mitigation strategy, which are primarily to sorry, I've just lost my place in my notes. sitcom. I've lost it completely, which is basically to add to existing knowledge in line with public benefit. So there are a number of areas where extensions have been requested. But based on the results of the excavations, the geophysical survey the aerial photographic information, we don't believe there is a justification to do this at all. One example is site 32 in field 94, where there is a request from Cambridgeshire County Council to extend the mitigation area to the east and the south, but trenches in those areas were completely blank of archaeological remains. And there's nothing on the geophysical survey in those locations. There will be further information in our response to the local impact report on individual mitigation areas.

1:24:41

Thank you. Thank you. That's helpful. Certain sitting Sorry, I'm just good on it.

1:24:53

Thank you, sir. I'm catching it on yes for Cambridgeshire County Council senior archaeologist. Welcome very much the move to update the MS act 2384. Need to see a new version of this one that better aligns with the brief now that it's been accepted from the joint local authorities. That is a primary document that sets out local requirements and standards. And we do expect, you know, all developments to comply with those, they are proportionate strategies, they contain proportionate strategies to ensure that a good level of understanding of sites before they are lost is made. This is particularly important in relation to NP s nn, policies 139 and 240. Which really give the ability to be able to record sites and ensure that they are properly understood before they destroyed through national road networks. You know, there's major adverse harm that will be placed upon these sites as part of such a construction project. And and so we expect to see further talks to occur to be able to agree areas in line with our local requirements. This is partly because we don't accept the loss of some sites on ideological grounds of what is able to give further knowledge gain and what isn't, I don't think we're at a position to be able to do that. We've got very good information from the evaluations to date all the surveys non intrusive and intrusive, but we are not there yet with understanding the grain of some of the pioneering Iron Age sights on the place.

1:26:54

Thank you. It's because I it's just just on that basis, given that there is seems to be some continuing disagreement in this respect. I wonder if we could perhaps have it as a hearing action that came through and only through the local authorities, perhaps engage with the applicants and historic England, if that would be helpful in terms of trying to come to a joint position statement in this regard? and just see if you can make any progress on it. Would deadline three be sufficient time for that? Do you think,

1:27:33

sir, if I may add funds to and on behalf of the authorities? Obviously, we're looking forward to receiving this revised ms at deadline three? I think so I think it would be slightly premature. Do have a position statement as well, at the same deadline. Obviously, we need to assess that and hopefully have some discussions with the applicant and then perhaps we could report back at a later deadline if if matters were still outstanding.

1:27:55

Yeah. Okay. Perhaps this statement common grounds deadline for so perhaps we can go through that as well. Thank you. That's helpful. anything anyone else wishes to speak on that on that matter at the moment? Let's go on. He still got your your hand raised. Thank you. Great. We shall very shortly breaking for lunch, there's just try and cover item five f first, which concerns settings of heritage assets, including roxton croxon, Park, a PP dash 113 and LPP 114, including from a number of viewpoints dp seven, dp eight, ep 11, dp 14 and Vp 44. Since since this, since this question was drafted, and the applicant has produced additional submission reference as 010. And I've just perhaps, put this to historic England and Bedford Borough Council. Does this address the matters that you were you raised previously in regard to this matter? Perhaps come to historic England first.

1:29:23

Right. Thank you to the document in question. Would that be 9.19? historic Kingdom bethabara Council clarification mode? That'd be correct. Withdrawal say? Yes, that's correct. Right. Quite recently. Yeah. Just to pretend this is essentially a ratio of one which is for your information referred to in our representations frequently, as a document shared between us and the applicant in August. I forget the exact dates that I think yeah, this is a very useful document. It does cover most of the issues. Very briefly. I think we still do meal on one slice point. Rarely, I think we really is a slight point, which is to say, as regards the northernmost setting of Croxton registered Park. And within the sheduled mediaeval village, we feel the viewpoint 44, which shows the presence of the new carriageway and the bridge taking existing minor road over it, we feel that that would introduce a measure of harm into the setting and therefore into the experience and the significance of those assets. Whilst we acknowledge that the new currentware would also take traffic off the existing road, which is immediately next to the park, we feel unbalanced, that would in fact, not be the slight improvement the Act will suggest, but in fact, it's a measure of harm, certainly less substantial. Can I think that isn't, our position is not reflected in that calculation. So perhaps we could agree disagree that one. And secondly, as relates to roxton church, we haven't commented on the conservation area, we do feel that the position of viewpoint to approximately, is in the setting of the church, one can experience the church tower from those fields to the east of the church. And again, we feel that the increasing scale of the round amounts, like cat, and particularly its elevation in height, we would have a more intensive effect on the experience of somebody in that part of the setting of the church. And again, I think we be we don't have a viewpoint with a photo montage, suggesting what that would look like to go with my experience of visiting the site is to assume that in fact, they will conclude the fact there would be a better home to the setting of insignificance of the church from that, again, less substantial. And again, that's not really reflected in that document. So again, we've reached a screen Other than that, I think that covers all our comments on the on the setting of designated charity essence, or less, I just invest. My colleague, Abby Angeles has anything to say on monuments. Erica, could I ask that?

1:32:19

Yeah, the only point I would add is a similar observation that he made regarding the church does now so there wasn't a particular viewpoint illustrating the impact, or the Caxton gibbet junction in the setting of the moated site at pastors farm. Just the same, the same rationale, I think we would accept the level of harm is less than substantial. But again, we didn't quite have an illustration of how much harm there would be. Within that lesson, substantial harm.

1:32:56

Thank you so much was helpful. I can come to Mr. lionesses, anything the opposite, which is to say in response,

1:33:07

am I can ask Miss Jones, if she has anything to add or miss McLean after that.

1:33:15

Hello, yes. Amy Jones on behalf of the applicant, just in relation to Croxton Park and the the monuments within the within the park and park itself. The clarification document we produce did do a little bit more research into the air to the north. And I think we've accepted that, that that did for me for part of the park, and is certainly part of the setting of the asset, which we already took into account when we were on taking the assessment. It's just been confirmed as part of that clarification. We accept that there will be an impact as a result of the EU highway. I think in you just bounce that against the benefits of removing the draft from the president road and came up with the the beneficial effect that's not to say that there wouldn't be any harm to the assets cells but on a balance, we thought that it would be beneficial and certainly less than substantial as as sort of been agreed with historic England and with regard to roxton the viewpoint was taken from the edge of the conservation area we haven't undertaken one from the church itself because we thought that the conservation area where we took one from the far north as we possibly could so yes, we accept that the surrounding agricultural landscape is part of the setting of the church but we still stand by our our assessment of the depth of lesson substantial harm.

1:34:49

Okay, thank you Miss Jones and ministry because I often used to say I it sounds like you're kind of at different positions here. I don't know. I don't want to try and force us together in that sense for them. Is it a kind of thing you're gonna have to do agree to disagree on what you think.

1:35:06

Thank you, sir. Yeah, there's anything striking. I think as regards the Croxton complex? Yes, I think there is. Again, we would not deny that there is benefit from the movement of the traffic. It's a it's a slim, better professional judgement. And it is good that as Josie just said they do acknowledge the neck the negative effect of a new road being in that setting it is that their research has identified that it was possibly a 19th century extension to the park, which I think gives it some additional interest. So I think that's a fine point. As we go out roxton church though, I do think that the assessment, when she says it accepts less than substantial, that is to the conservation area, we're commenting on that I am picking out the church as a different issue and the fields in question immediately to the eastern North East of the church. I'm not talking about one literally walking out of the church door and seeing the roundabout, I don't think that's likely to be the issue. It is the experience of being in that immediate agricultural setting. And again, so I think there we would say the evidence not immediately present, but our assessment is that there would be some additional measure of harm specifically to the church from that. So I think that is, that is a difference. But again, less tangible harm. There's clearly already a huge road there. I mean, one can't be unaware of that. So it is a question of amplification I feel of the of the effect that's already there.

1:36:38

And you want to say in response.

1:36:43

I'm just off the boat, except what Mr. Reid has said that the church itself is a is a distinct asset, apart from the conservation area, and and the agricultural landscape does form part of its setting. So I think we're in agreement there.

1:36:59

That's great. Thank you. Thank you all, we are slightly behind time. Is there anything anyone wishes to say on any any of the heritage matters that we've discussed so far? I mean, appreciate we've we're in a slightly unfortunate position and not been able to be words to go into some of them in sufficient detail. But we are generally Is there anything anyone wishes to add on heritage muscles at this stage? Thank you. Thank you all. Okay, so yeah, the time is now, just after 20 plus one. I suggest we break and return at 10 plus two. So with that after lunch, I shall close this session of the hearing. Thank you.