

# transcript\_ISH2\_session3\_01122022

00:30

Good afternoon, everybody. I think the microphones not on.

00:36

Okay, let me go. Thank you. Good afternoon, everybody. courts to this hearings resumed and hope you're all

00:47

out.

00:50

Before we move on to the next item on the agenda, I just want to inform the parties that we have been discussing very various matters over matters over lunch to do with the timetabling and given the time and being able to,

01:08

to discuss what we need to discuss

01:11

the exercise of the view that some matters on the agenda could be put to written questions,

01:19

which is scheduled on the timetable for next week alongside the publication of the rule eight if we need to. And on that basis, we are proposing a slight rejig of the timetable. Accordingly, we will deal with design and landscaping next for that was a bit short notice to change that one. But if we could, we will then deal with Brockville fair after that. conscious that Mr. Welsh has been here all morning and probably doesn't want to be here till five o'clock. So if we could move Brookfield fair next, after we deal with design and landscaping, and then we will deal with the flooding and drainage and climate effects. And it's possible depending on time, and that matters concerning traffic and access trees, air quality and cultural heritage. And indeed, the DCO can be deferred to written questions if if we need to. So say we'll see how time goes but conscious that that we may get quite late if we don't do that. So unless anyone's got any particularly concerned a particular concern

02:32

from that, Miss, Rubio and so just a point in response, which is that's all understandable. When you say defer to written questions, we could certainly if it would help on those matters. We can't deal with the day where you feel it's appropriate, make some written submissions in the post hearing note, because obviously, we prepared to deal with the issues today. And it wouldn't be

02:55

unduly burdensome on us then to sort of put that in a written notice that would help short circuit things. I'm sure we if we come to that, yes, we can talk about that. I mean, specifically on just on the trees, which I was going to deal on that something that we could essentially do in a minute, if depending on your answer, but yes, but potentially, that could be very helpful. Thank you very much indeed. Okay, so let's move on to item 3.1. And design and landscaping. Mrs. MILLIKEN.

03:28

Thank you, Mr. Allen.

03:31

Examining authority has identified that three substantial structures are proposed as part of the proposals and for the benefit of everyone present. These comprise the bidet crossings at trackback, Kringle back, and more back.

03:48

Mr. Owen, I think we can agree count we that the three structures I've just referred to are substantial. And that's not a trick question. To be clear.

03:58

It's certainly our observation that they are substantial.

04:02

And whilst we note the viewpoints and photo montages submitted by the applicant, it was surprising to the examining authority that the engineering section drawings provided are the only drawings in our view that really showed the structures in any level of detail.

04:17

And by that I'm referencing the engineering section drawing schemes.

04:22

Overall, it's our opinion that the structures are shown on the section drawings are not adequately portrayed on the photo montages submitted from publicly accessible areas. We are therefore going to request additional viewpoints and photo montages in order to assist us in this stage of the examination.

04:42

An additional and accompanied site inspection was undertaken by the panel on Monday, the 28th of November, a note of which can be found on the website examination Library Reference ev 006. And we have some suggested viewpoints arising from that. Oh,

05:01

Mr. Rowland before I go through any of our suggestions, is the applicant got any initial comments to make on this matter? Are you happy for me to proceed?

05:10

I think Madam, if you just thank you, thank you. That's fine. Thank you. Okay, so for reference, I'm going to refer to the following documents. So it would be really helpful first, if they were brought up on the screens, the first of which is a PP. 110. And this is not to put them up nicely. This is just to have them ready. A pp 105 and a pp 109, please.

05:35

And hope you don't mind but in order to assist the panel, we've actually borrowed the venue hardcopy of those documents. Thank you.

05:44

So starting with the tripe back scheme, 405 the viaduct

05:49

can we firstly turn please to a pp 110. So that's the viewpoint photo montages. And I'll just pause for a moment why that document can be brought up on screen please.

06:31

No, I recognise it's a very large document and it may take some time to can you just confirm that that?

06:47

was a miracle? I think Mr. Wallace has been ejected from the meeting the virtual meeting.

06:53

Case team can we

06:56

thank you. We tried to reconnect just pause for a moment while he's brought back into the meeting.

07:42

Okay, thank you. And if we could just scroll down please to pages 10 and 11 of that document once we're there. Thank you.

07:55

And once we get there, I just firstly like to ask the applicant to confirm that the sheets in question show the existing and proposed montages for the triad back like structure.

08:09

So that's a pp 110. And it's to be clear, it's my understanding of the pages was done on the left hand side. So pages 10 and 11.

08:19

If that's clear, madam, I think at this stage, if I could ask to come to the table, Mr. John Simmons, from John Simmons Landscape Architecture who is responsible for the landscape and visual environmental impact assessment.

08:36

Mr. Simmons, would you be able to respond to the question just put please.

08:42

John Simmons, landscape architect for the applicant

08:47

until it comes up on the screen. Yeah, I know. I know the image you're referring to. And yes, it does. This image, but we'll just wait for it to be selected.

08:56

For good. Oh, good. I say it's the next page non displayed. Yes. Sorry. I tried to make it easier by listing the pages rather than the sheet.

09:13

Thank you, Mr. Simmons. Are you able to confirm?

09:18

Yes, I can find Yes. Okay, thank you.

09:22

Now that we're there, I'd like us to turn to actually turn to a PP 105 And that's the Zed TV viewpoints sheet three please.

10:06

So sorry, that was a PP. 105. So that's the Zed TV viewpoints, sheet three please.

10:58

Okay, thank you, if you could, it's difficult here. But if you're able to zoom in, if possible, please. I think all I'm asking the appellant to confirm here is that the photo montage that we've just seen is from viewpoint 4.10. A. Thank you.

11:14

That's correct. Thank you. So following our site visit and from After some consideration the examining authority think that it would be preferable to us if,

11:25

if that could be if the montage could be from 4.09 A, can I just ask the applicant to take a moment to confirm that this could be produced please thank you

11:51

do you mean 4.9? A?

11:54

Yes. 4.98.

11:57

We have the photographic record to enable that to be done.

12:02

Okay, thank you.

12:04

Spit that down as an action point.

12:08

I'm now going to briefly pass to Mr. Humphrey to discuss an extra viewpoint and photo montage. In addition to that, thank you. I think the issue we have and I think it's probably clear on the one the photo montage so strobe backcrossing it's quite an oblique angle taken from a distance schoenebeck crossings in excess of 300 metres long is it not? You don't get that impression at all from that photo montage and there's a bit of me wonders whether we'll get that from 4.9

12:39

So what we looked at when we're out in the site the other day is some potential additional viewpoints and photo montage positions so with that in mind, but I'm sorry to do this to you but could you bring up general arrangement plan up 013 The scheme she should I'm not sure what she did is actually.

13:18

Be one second

13:32

for q4

13:44

don't think that's not true but crossing

13:48

is actually for

13:51

coming.

13:57

Okay, last one. Thank you. So someone with who can point the little lane running down to the 66 of sleaze in that way more or less where the hand is now. moved away.

14:10

There are that there is a gated there is in that lane is gated at that point on the A 66. We were suggesting a point they're looking

14:23

pretty much eastwards if that's north south plan that will be looking straight at the side of troutbeck Crossing.

14:31

So that's where we'd like a photo and a montage please.

14:40

Okay,

14:42

what receptor would that represent?

14:47

Somebody driving on the 866 somebody's driving walking along day 66 It's it's a A66 now rather than Yes.

14:58

Now understand

15:01

I don't think we have the photography for that. So we need to take additional photographs.

15:08

So if I can just interject, I think the you may want appreciate this. But for the benefit of everyone in the room, and virtually where we have the photograph already taken, then obviously we can produce the photo montage rather more quickly than where we don't. So I think we may have to produce the additional photo montage as you're wanting to see in a couple of phases. Yes.

15:31

So I'm just conscious, we didn't actually set a deadline. So when we say deadline, one, that the sorry for the first action point that was for the trout back.

15:39

I think, Mr. Simmons, I don't know whether that's feasible for where we have the photographic evidence.

15:48

I'd have to come back to you on that one. I don't I don't know whether the team have the ability to produce it in that short timeframe.

15:59

When am I likely to get confirmation on which deadline? Well, I think we can certainly, Madam

16:05

confirm the

16:09

I don't miss him as well at whether we can come back tomorrow with an idea of that. Either that or in the post meeting notes. We could we could confirm that. That's fine. Thank you.

16:25

Mr.

16:30

Green, go back viaduct, which is scheme six.

16:34

And I'd like us to turn firstly to a PP reference 109 which are the viewpoint photo sheets. And I'll just pause a moment again while they're brought up on screen.

16:57

Once we're there, can you go down to page 54? Please? Excuse me?

17:08

Miss Nixon, can you please wait until you're called?

17:12

It's just that we've moved off the track back. And I had had my hand up. So I'm just wondering when you'd be able to come back to me when

17:21

you let us deal with the other photo montages and then you will build will call you okay, that's fine.

17:37

Just before we move on to two suggested viewpoints This is I think the nearest viewpoint to Kringle back viaduct. Is that correct?

17:50

Which one are you referring to? Sorry, that one that's on the screen? 6.5 6.5.

17:59

I think we just want the applicant to confirm please that the view is from the point 6.5. looking southeast towards the scheme. Yes, confirm. Thank you. Okay, well, the point I want to make here is potentially one that applies to the troutbeck crossing, because there's similar sort of hedged lines of trade back. But this viewpoint to me Summer and Winter looks like it's a viewpoint of a hedge. Because to the crinkle backcrossing is behind that hedge. Now accept the topography is it's up to what up the hill, but any chance you'd have seen that crossing is obliterated by that hedge.

18:40

So my point is, when we go and take one at a gate for troutbeck, I don't really want to end up with a picture of a hedge

18:52

when they the team take the photographs in the field, they try and get the rest of you that they can from a safe vantage point without standing in carriageways or, or on roadsides.

19:05

Not sure what to say other than if there's a hedge in the way there's a hedge in the way and it's part of the assessment process, but they will take the best view that's available for the additional viewpoint that you're asking for. Yeah, I accept it. But having been along that lane, you can find a point where that heads isn't anything like as dense as that. And I know at troutbeck there are gaps in the head. So what we want to see is really gap in the head.

19:30

Okay, thank you.

19:33

If we can turn now to the general arrangement plan scheme 06. So that's a p p 01. For sheet three please

20:18

Thank you.

20:21

So following the site visit and after some consideration we would like to request a new viewpoint and photo montage from the public

20:49

the public footpath at the rear of Wheatsheaf farm and that footpath reference for your reference is 372 forward slash 014 And that's looking sight words

21:04

and that will be looking towards the Kringle back



21:10

if you want to hover over this screen we could agree the location if that's okay

21:29

put the cursor on the footpath

21:32

and the field boundary more or less a second crossed down from the farm

21:37

on the football

21:48

Yes, that's correct

21:58

Yep.

22:00

Thank you.

22:02

Once again, can I just ask the applicant to confirm that they are happy to prepare an additional you point and photo montage from that location Thank you. It may be useful for us to confirm in our posts

22:18

that we've got the right location for you as well understood Thank you

22:31

lastly returned to the mirror back Viaduc structure which is shown on the general management plan for scheme six a PP. 01 for sheet three again.

22:42

No, I think I'm correct on time and please correct me if I'm wrong, but there's no nearby viewpoint in the context of that particular structure

22:57

the two viewpoints we have a 6.7 and 6.8 which is a photo montage. Okay, thank you representative of residences along that line.

23:09

If we can turn these two sheet for a PP 105 Please.

23:23

polishes Madam Yes.

23:26

Mr. Wallace has been ejected again.

23:30

Case team can we reinstate Mr. Wallace? Thank you

23:44

so yes, if we can turn to sheet for a VPP 105

23:50

Please

25:20

Okay the the viewpoints on the photo montage, but I don't think on either of those, either the photo montage or the viewpoint you would see more about viaduct.

25:31

That Correct?

25:38

You wouldn't see it on the on the photo sheet. But on the photo montage? No, I think it's hidden. It's actually behind the house in that view and that viewpoint, which is why I think

25:50

request a different viewpoint, which is on that

25:54

general arrangement.

25:56

One that was up before.

25:59

Yes, general scheme says TPP 014 sheet three.

26:18

Again, what we're requesting is an additional viewpoint and photo montage from the footpath reference 372. Forward slash zero to one on the footpath looking southwards towards the moorebank viaduct crossing.

26:40

Again, if it's possible for the cursor to be hovered over the screen, so we can agree to location please.

26:48

That's that's not the right generation plan, though.

26:52

It's the same one we had before for the Kringle button, find out

27:03

that's the one

27:07

that's more or less right place.

27:11

Yeah,

27:13

there's a field boundary

27:15

just before the wider field, that's where we'd like it on that football.

27:25

Field, just once again, can ask applicant to confirm that they are content with producing the additional viewpoint, please. And the photo montage requested.

27:36

Again, will will confirm in the post meeting note. Thank you.

27:43

Okay, you'll be pleased to know that I'd like to move on now to the design of these structures.

27:50

I'd like to draw your attention to chapter 10. Please have the environmental statement.

27:57

That's a PP reference 053.

28:13

Apologies Yes, before we move on to that, Ms. Nicholson, did you have a point you'd like to raise please?

28:27

Yes, I do. I just wanted to emphasise

28:32

the two things in respect of the viewpoint viewpoint down to the viaduct. Firstly, was CSUN highly and if you drove it, you may think that it is simply an access to too high rises, and it is only going to be two houses who get this view. The reality is that this is firstly, the main walking point for the village they're useless and holy and

29:01

like if I look out my window now I can see a dog walker coming up the lane and it is used by local groups for running mountain biking, horse riding, the cause is public right of way. And it is also the Lydian long distance national

29:24

footpath so this is a lane that is used regularly

29:29

and heavily. The viewpoint at the moment you may feel some of it is

29:37

disguised by hedges. But of course hedges have to lead and we do lay hedges here for the benefit of birds and wildlife. So the assumption that that view will be disguised at all points is wrong. So that's the first thing I'd like you to consider the reality of home

30:00

Many people actually get this view, long spaced and highly and the track that you mentioned, that runs down to the track back again, whilst private track. The reality is that the village views that it creates a loop, a circular walk, where they come along that track back from the village, up that path and back down to the snow holy. And so they, even though that would be cotton to the reality is that are still like ugly to use the walk along the river, and would have a full view of it from that side.

30:39

And then, from our own perspective, it doesn't appear to me that any viewpoints have been taken from sleeping highly in or for in respect of space and high farmhouse or the bungalow, we will look straight down the floodplain

30:58

and onto that structure. And I wonder whether there's an opportunity for more viewpoints or montages to be taken from here.

31:10

Thank you, Miss Nicholson. Mr. Owen, do you think Mr. Simmons would like to comment on the matter? Raised by Miss Nicholson? Yes. Happy to hand over to Mr. Simmons for any comment on that, please. Thank you.

31:22

So we've already requested an additional photo montage from 4.9. A right.

31:30

I think the comment was regarding the private access of sleeps in her lane. If you could just cover that please. In brief, thank you.

31:41

Yeah, both those from the viewpoints taken a foot by nine foot by nine i from the lineup to sleep and how

31:49

apologies. Could you just repeat that, please? So both 4.9 and 4.9. A

31:55

are taken from the property in front of the property at least.

32:00

With respect, Mr. Simmons, I think the question here is a question of publicly accessible land versus private access. If you could just cover that for me. Thank you.

32:12

In respect of our requirement on the use of publicly accessible land to create our photo points,

32:20

it's one of the criteria we've we've we've been using,

32:25

as I described earlier, safe area on public listed publicly accessible land, which gives hopefully a representative viewpoint.

32:35

Miss Nicholson, just like cover your point, do you think know, the

32:41

publicly accessible on the attire lane is heavily used the knee and viewpoint is from the highest point, which is not just our viewpoint, it is the viewpoint of the village and viewpoint of walkers who will use this national long distance track. Runners, riders, cyclists, it is publicly publicly accessible. We are on the top of a Drumlin and that is the obvious place for the privately access the publicly accessible viewpoint. And we have not been asked to the best of my knowledge.

33:23

Well, we there's been so many surveys taken on private land, that

33:30

there has been ample opportunity to do it from the private land as well because the reality of how this is used that track is used has been emphasised regularly.

33:44

Mr. Owen

33:46

Thank you, ma'am.

33:48

Robbie, over the applicant. Can I Can I just

33:51

seek some clarification here? I think what we're being asked by Mr. Kosan is to at the point she's referring to make that an additional viewpoint and additional photo montage it might be helpful just to get up on the screen the relevant plan so we can just agree if that assuming that is her request if we can agree the location that then I'll ask Mr. Simmons to comment on that. Would that be okay that's fine if that's all up to you Yes, Mr. Wallace you able to get up the relevant drawing Thank you.

34:59

Mr. Sim

35:00

So you clear in terms of if this public right away

35:05

is such that, that that is some somewhere from which an additional viewpoint can be taken and photo montage put together. Are you clear on what Mr. Kosan? is requesting?

35:21

Not Not entirely.

35:24

Miss Nicholson. Can you see that plan on the screen? I can. Can you announce difficult? Yeah, I know it's difficult, but where are you suggesting? On that plan? There is an additional viewpoint.

35:41

There are

35:43

all along since in high level

35:51

can you recommend another? Yes.

35:54

I say it should be all along the way. And because there are a few points all along the public lane, and the transit is used. But the main point is the gateway of sleeps and high

36:10

farm highs, you

36:13

is quite literally scraped down the floor.

36:19

Okay, I think that's probably sufficient to locate where you're talking about. Thank you very much. This is Evans, is that clear to you? Are you are you happy to if that's public accessible to do additional viewpoint from the yeah, I'd like to confirm the location of that in a post meeting note and make sure we're in we're talking in the right place. We I was going to say,

36:41

ma'am, that in the post meeting note, we will set out

36:46

our understanding of each of these locations we've been talking about including this one at CES now lane by when we will be able to produce those additional viewpoints and photo montages. And I think for complete clarity, we will attach to the post meeting to the post hearing note.

37:03

Plans marking those locations. All helpful. Thank you. Yes.

37:09

Could I could I just in conclusion,

37:12

can you when you're making those arrangements?

37:18

Ask us because we can give you access to the pieces that are

37:25

most visible and I understand the carpet or parish council have also asked to have input in this because it is such an issue for the village. So rather than a situation where where you decide how it's used and you take the mantises

37:41

and have a say

37:46

this new person we've lost your audio could you possibly turn off on your microphone perhaps?

37:55

Is that better?

37:57

Yes. Can I just confirm this Nicholson that you are finished with your point? No.

38:08

Ms. Nicholson, we can't pick up your audio.

38:14

Ms. Nicholson work I'm going to move on to Dr. Wilshaw now and then I'll turn back to you before we finish is that okay? Yes, thank you.

38:22

Dr. Wilshaw. By and capable soft Policy Officer Friends of the Lake District. We have an interest in landscape issues and protected landscapes especially now, one of the things that I'm very concerned about is the lack of view points in this in these maps which actually show how the road is foregrounded in front of the AONB the details of the AONB. So I actually sent a list of suggested photo montage positions to Mr. Allen yesterday, actually his request which he had requested the day before the first hearing. And I'm particularly interested in how it would act the the viaduct across troutbeck would actually look from the road near Bolson, which is on the west side of the existing i 66. And then some footpaths along the river Eden.

39:24

Does the applicant wish to make any comment?

39:28

Mr. Simmons,

39:31

Johnson Simmons, landscape architect for the applicant.

39:35

obviously haven't had sight of the proposed additional viewpoints. If we do have side of them, we can probably come in next week on whether or not we can provide them or whether or not they're already covered elsewhere by an assessment. I should point out that the assessment isn't determined by photo montages. It's determined by site visits and

40:00



The lack of a photo montage doesn't mean that it's an area or viewpoint that hasn't been scoped out.

40:05

Firstly, Dr. Warshaw, I'm trusting that you heard all that. And we need time to consider both your suggested viewpoints montages.

40:16

And secondly, yes, I understand. And I take your point that it's this is merely to aid our understanding.

40:26

Ma'am, can I just add that

40:29

the hearing might find it helpful, you might find it helpful just to assemble this very briefly to outline the process by which the viewpoints used were selected, because I would wish it to be clear that that was done fully in consultation with local authorities, Mr. Simmons.

40:48

Yes, John Simmons for the applicant.

40:51

Yes, it was undertaken under normal normal method by a disc study of the zone of theoretical visibility, which was then backed up by site survey.

41:06

The viewpoints were then

41:08

checked on site, and where there was a view,

41:13

measured photographs were taken. Now the viewpoints were tabled at our regular technical working group meetings

41:22

to which the local authorities were

41:25

present, and additional viewpoints were added. And you can see some of those with a prefix or suffix A.

41:33

So that some of those will be refined and added through the process. But at all times, they've had a chance to ratify where we've taken the viewpoints from. And I think this is someone's that was in accordance with

41:50

normal practice in the design manual for roads and bridges was it it is yes is in La 107.

41:57

Can you give reference numbers in a one a seven please?

42:06

Take seconds.

42:09

If not, we can put them in the post hearing note. That would be helpful just for time. Thank you.

42:18

Thank you Miss Wilshaw. Can I Can I just come back on that as I said previously, because we did not receive invites to go to any of the focus group meetings, I did not have an opportunity to input into this process I have in previous DCO processes. So I felt that the whole landscape issues been at disadvantage because we were not able to be involved. We would have suggested viewpoints looking towards the AONB from this particular place looking at the viaduct, this has not been done. And again it's because I haven't had that involvement up till now.

42:55

Thank you, the applicant can respond. All I would say is that in accordance normal practice, the technical working group was made up of local authorities and Natural England and the North Pennines AONB partnership so statutory bodies with statue responsibility so that is

43:12

that that explains what we've done in accordance with established practice.

43:19

Just lemons, I have the reference numbers now if you want them it's la 107 3.3 to 3.33 and 3.3 4.1.

43:30

I think for completeness, if you could also include those in the note

43:35

before we move on, Ms. Nicholson, can you make any final points please?

43:53

Sorry, in trying to hit my camera, I paused for a moment. Can you hear me? We can hear you.

44:02

I was just going to add there is obviously there's

44:06

established guidelines and then there's local knowledge. I live here I know how the road is used. I'm aware that the village is concerned about this. So what I had asked was that when coming to take the montages I've already said where we will happily provide access that

44:27

suggestions can be made by us and that there is also communication with the parish council because whilst may have liaised with the local authority, again, the parish council would like an opportunity to represent the views of village in terms of the view of this viaduct so I think it would be

44:51

sensible to involve them in this and their suggestion we can provide access

44:57

to the private track and you

45:00

At suggestions along the lane.

45:03

Miss Nicholson, thank you. Any final comments from the applicant?

45:09

I would suggest that

45:11

the post meeting note that we will put in, as I mentioned, will set out the additional viewpoints that we've discussed and

45:19

will welcome then the views from Mr. Coston and all the parish council. If it would wish to

45:26

comment on on this issue further, I would suggest that's the best way of proceeding. Sensible, thank you.

45:35

Okay, if we could move on pleased to the design of the IDOC structures.

45:41

I know drew your attention to chapter 10 of the ES, which is landscaping visual, a PP reference 053 Paragraph 10 point 9.4. Please, if that can be put up on the screen?

46:20

And just to be clear, that's the paragraph which is headed structures.

46:25

Thank you.

46:28

Most I won't read that paragraph out verbatim. Mr. Owen. My first question is just in regard to that second sentence. And I just want the applicant to explain what an aesthetic review encompasses, please. Thank you.

46:45

Thank you, Robin for the applicant. I think Mr. Carey is best place to answer that initially.

46:52

Mr. Simmons may wish to come in as well. But initially, Mr. Carrier would suggest.

46:59

Good afternoon, Paul Carey design engineering lead on behalf of the applicant.

47:05

Yes, each of our structures, as it says there has been designed

47:10

as a collaborative effort between the teams, whereby our structural engineers design engineers work closely with the environmental teams to understand

47:22

not only the structural form and function, but then how that is set in the context of the landscape escaping, I'll defer to colleagues in a moment in a bit more detail in that regard.

47:35

We undertake as part of the design process, we prepare

47:41

an assessment

47:44

those structures have been designed in principle to be complimentary and not detract from the value of the landscape.

47:54

They are

47:57

designed to be minimised where possible and the overall function and form of the structure is to minimise the bulk of the structure. So the span arrangements have been given careful consideration taking account of the necessary need to cross the watercourse taking account of the top of banks where the piers need to need to an arrangement, alignment of the columns that support the structures and then the span arrangements that go thereafter. So those arrangements, I say,

48:27

complimentary in terms of the structural design, but also the aesthetic design in that regard. I'll ask Mr. Tenpenny, to perhaps talk about the PDP aspect of that sentence if that's okay to continue. Yes. Just before you do, I think I guess where I'm going is that and you've somewhat confirmed that is that the structures have been architecturally designed, as well as design from a structural perspective.

48:54

That's correct. Yes. Thank you.

48:59

Ma'am. Can I ask Mr. Tenpenny, from Stevenson Halladay then he's a technical director there. To introduce himself, he's been responsible for the landscape and design input to the project design principles.

49:13

Thank you, Mr. Chairman. Good afternoon. I'm Andrew tympani. I'm the landscape design advisor for the project. I was also the coordinator and co author of the Project Design Principles Document 5.11. And what I'll do though, is just explain some of the design principles which have guided the consideration of the viaducts and their integration with particular reference to those three structures in question as well.

49:43

So sorry to cut in there. Are you? Is this going to be you just reading out what's in the design principles? I'll summarise it briefly. I'm not sure I necessarily need to go there. This was going to neatly feed on to what I was going to say

50:00

walkabout, I have those in front of me. And I've read them at length. So I don't necessarily need them read out to me if that's okay.

50:11

It's been established as we know that these three structures are fairly sizable structures, particularly crinkle. Back is quite a tall structure as well from I think 14 metres high.

50:26

And I was listened with some interest about the fact that you say this is these have been architecturally designed. Where in the submissions, can I see where this has been designed?

50:42

I think the answer is, it isn't before me at all.

50:58

I want if Mr. Carey is able to indicate that or is this something we need to take away?

51:06

I think it's something we need to take away. But

51:09

okay, well, perhaps I can provide you some guidance as to what I'm looking for here.

51:15

I've read the the project design principles, particularly li Oh, four, two li oh eight,

51:22

which you set out

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how the structures and over bridges and should be designed? What I don't see as any evidence for that. And what I don't see is how

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these are going to be designed at all.

51:41

And it seems to me that there's a missing step here. A missing and what I what I would like to see. And something that I think I would ask you to consider is whether I could be whether a design brief could be submitted for these three structures, where I could see how these commitments that you've made in the in old principles have actually been carried out how the designs of these structures

52:09

could could be could be designed. I don't think it's something necessarily I'm looking for the exact designs, I appreciate that, that you are still evolving the scheme, they will also new will need to to tie them into the engineering side of things. So to ensure they're structurally sound as well. But the only drawings I have are the engineering drawings, which look fairly crude. And I'm sure you have no intention of doing that. But

52:38

a present all I have is a series of words, I want to see that actually shown in a brief of how your how these bridges could look how they could be designed, and for that document to be secured in some way.

52:54

So if I can come back on that.

52:58

Obviously the we don't yet have a detailed design as your appreciate. We have a reference design, we can certainly understand, provide something akin to a design brief that has already been been done. And Mr. Carey, I'll ask him to comment on that in a moment so that he'll explain better than I can, what we can produce.

53:21

And, of course, because of article 54 of the DCO, that does already secure the project design principles, which is the ultimate guarantee of the quality of design that you'd expect. But Miss Mr. Carey, would you care just to sort of elaborate on what we can provide? In terms of the current design?

53:42

Yes, I think I think you if I've understood correctly, just maybe for my own repeat here is the looking for the documents that perhaps support the process in terms of how the structures were determined, how their aesthetics were determined, and therefore the assessment of perhaps goes with that in more detail. Certainly something that we've done.

54:04

So, yeah, I was gonna say what I'm looking for is some evidence. You started out early as slightly earlier in this conversation telling my colleague that the bridges had been designed

54:18

almost a fait accompli now I appreciate that they, they they may evolve. However, what I, to me, there is a missing step. You've given me a series of principles. But I want to see how they're going to be carried into a concept design or how these bridges could look. Because at the moment and I'll come on to article 54, Mr. Owen in just a second.

54:42

The I've no idea how you're going to translate these. I was going to ask in the agenda as well whether you had any examples of

54:51

of where you have undertaken beauty in the design of bridges and made them you know, aesthetically

54:59

be

55:00

autiful, which is what I think we would be looking for.

55:04

But however, if you want to include that within your overall design brief, I'm very happy to defer to that. But it just seems to me there is a missing step. missing documents of that next step is to take is to taking these principles and actually demonstrating how you could design the three bridges so that they are so that they are appropriate to their landscape and well designed and not going to appear, if you pardon. Just some concrete structures in what is a fairly a very attractive landscape at that point, particularly at crinkle. Bank and more back. Yes, I can confirm that will provide

55:48

take away the action, including as you suggested, some images or examples. Sorry, other structures were similar arrangements in respect of flood plains and watercourse crossings. In terms of your reference, Kringle back elevation, and perhaps more Beckett's lower elevation, we can we can cover that off in a in the document. So yes, yes. So just to be clear, I'm not looking for just a document of examples, aren't you want to see how these principles have been evolved into the potential designs of the three structures? And then from there, obviously, you would then fight finalise the designs? After that, yeah, I can confirm we can provide that and maybe just to clarify design. So in terms of the way that we presented when talking preliminary design here, I didn't mean it in any suggestion that it's a fait accompli, it's understood.

56:38

You did say that had been architecturally designed, which was which is now when when would ideally that piece of when when can I expect that? Is that? Is that something that's too soon for deadline one, or do you think deadline one is achievable? For that, I would prefer to consult with colleagues and then provide the data as part of the response to the task to post hearing those hearing note, if that's acceptable. Thank you very much. Thank you.

57:05

Mr. Allen, can I just then draw you to article 54, please.

57:11

And I know this refers to the overall design, but I'm specifically interested in the bridges or the or the viaducts as they're referred to, firstly,

57:24

the design report is not a certified document, the design principles are but design report isn't a certified documentary that isn't

57:36

necessarily referred to in article 54. But should the design report because it seems to me it is linked to the design principles? Should the design report, which I think is a P. P. So we could look that up for me? I have got it written up. 009009. Thank you. Should that be a certified doc? And we'll start with that. And then I'll come on to the rest of what I wanted to talk about. So Robin for the applicant? No, no, we don't believe it should be this has been given careful consideration. And I think the best way to answer this is to invite Mr. timpani to set out at a high level given the time the different



58:16

role and purpose of the project design report and the project design principles because they are different, and therefore that drives which should be secured and which should not be secured. Mr. tympani. Thank you.

58:28

Thank you, Mr. Ryan.

58:30

Understand landscape design advisor. I'll explain briefly, the project design report essentially explains the narrative behind the development of the reference design, and explains the factors that are relevant to the development of that design. And it gives the reader a visually rich tour of the vision for the reference design and the key features of that, effectively it summarises how the design team got from the broad alignments to the reference design for which the development consent is sought. It also illustrates how with the human the constraints or the parameters for which the consent is sought, that the project could come forward. So it does that by reference to a selection of the project design principles in the in the PDP, the project design principles document to illustrate how the application of those design principles will work spatially and to secure good design. The Project Design Principles Document 511, on the other hand, are the key document intended to to guide the hand of the detailed designers to develop those parameters into a scheme that meets the criteria for good design set out in the NPS for national networks. And the other relevant design guidance that we've cited in both reports.

59:41

The project design principles also the vehicle for securing important aspects of the design that are relied on in the environmental statement. So our view is that certifying the project design report would introduce a degree of ambiguity in relation to the importance of the design principles that wasn't intended

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as the project design

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The report essentially contains a selection, but not all of the design principles. It really only articulates those in summary form.

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And I think that in a way sort of creates a risk of a lack of clarity and interpretation of the principles. And in terms of the objectives of the PDP really,

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if that that helps summarise it, I think. Yeah, I think so. In summary, the project design report shows one way in which the DCO could be designed and delivered, and is the sort of, if you like the illustrative articulation of the themes and specific principles in the project design principles.

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And therefore, that's why we feel that only the latter, the project design principles should be secured and therefore could be a certified document.

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Thank you. So, again, going back to design in general, but just

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specifically, to the bridges, which because that's what I'm I'm particularly talking about the structures, fire ducts are where they're referred to. Am I right in thinking, Mr. Owens, that

1:01:11

there is no regulatory approval needed for the designs of the drawings, as set out by article 54. That this essentially is a self approval process that does that correct?

1:01:26

Not entirely, sir. In accordance with the way in which a lot of highway and other GCOS over the years have been expressed, the detailed design is tied to a number of

1:01:42

what we call certified documents. And in this respect, article 54 says that the project must be designed in detail and constructed so so that it so that it is compatible with a number of things, first, compatible with the design principles. Secondly, compatible with the works plans. And thirdly, compatible with the engineering section drawings, plan and profiles and the engineering section drawings, cross sections. And that is that's that's become the established way of doing things. And certainly for national highways, schemes, there is no

1:02:21

provision in DCA practice for detailed design approvals, because you're tied back to the

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preliminary design, as Mr. Carey put it earlier, shown on the works plans and the engineering section drawings, and you're tied to comply with the design principles.

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And if

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you are prepared to put in a design brief for the bridges, and thinking about how that would be secured, would that document or could that document also be added to that list in 54? One

1:03:01

other otherwise those otherwise, that document isn't secured in any way? Is it? It wouldn't be if it wasn't? So can we take that issue away with us, because I certainly for one, hadn't seen the design

brief that Mr. Carey has been mentioning in which we will produce. So I'd like to see that. And I think we need to discuss that, to understand quite what that says, and therefore, whether in fact, it'd be appropriate in our view to secure that. So I think we need to reserve our position on that issue, but I understand the question.

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Thank you very much. Let me just see if I've got any further questions. So my moment please?

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No, I think the other questions I had just reflect the discussions we had this morning about the materially worse issue. So

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I will leave that for now. I don't I just to say that.

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I think from my point of view, and if you if I

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hopefully have expressed it clearly enough. I think a design brief for the bridge bridges is needed. I think we do need to take that step further from the design principles. So we can see how these important structures and I stress that they are important structures in the landscape are to be designed, how they could look how and how those principles have been or could be carried out. And then that document is secured. Probably the best way is by by by way of adding to that list in article 54. And I will leave you with that. Mr. Owen. Thank you very much, sir. Thank you. That's been very helpful to us. We understand exactly where you're coming from and we will

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respond. Thank you, Mr. Maliki.

1:04:51

Thank you, Mr. Allen. I just wanted to address the agenda point under this item in relation to the discussion of the effect of the proposed development and the AONB. Now

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I'm mindful that we had some discussion on that matter yesterday. And in light of the examining authority, a debt and requesting additional viewpoints and montages in addition to other parties, I don't see any benefit in revisiting that matter now. So my suggestion is that if anyone has any additional points to make in relation to the effect of the proposed development in relation to the AONB, that they submit their comments please by deadline one, thank you.

1:05:32

Is there any other point anyone wants to raise on design and landscaping before I move on to Brookfield

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Miss Nicholson?

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Just quickly, one of the documents brought up

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had a clause it says landform. And planting has been carefully considered to retain important views. I'm aware from the parish councils interaction they're being told,

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or given indications that using trees to screen

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is not something that highways really want to do due to the maintenance.

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And I'm just inquiring whether

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that is our code for landform. And planting, carefully considered to retain important views really translates into we won't be planting

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to screen around the village or to screen the viaduct or the road.

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Does the African monster responds on that place?

1:06:59

Hi, Carrie Wally behalf the Africans? Yes.

1:07:05

I think the console make is that screening by planting is certainly a technique that's used in the landscaping design where it is appropriate in the landscape. And so we would have to take that on a specific location by location and perhaps Mrs. Nicholson could Brooke could put in writing the specific location she's concerned about in some parts of the landscape across across this route. As you can imagine, planting by using trees and using dense, dense woodland isn't appropriate to the landscape in some places it is and so we've taken a a location by location approach of either using landform or vegetation to achieve that screening. But happy to comment in detail refers further detail that can be provided in in writing. Mr. Nicholson, are you happy to produce that deadline? One?

1:07:50

I would ask I would invite highways to just just speak with Andy is with the parish council, the chair of the parish council is actually has got quite a specialism in this area. And it is really disappointing that that she has been ignored. So rather than putting the onus on on me,

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I would suggest the onus is on highways to make contact with the parish council and liaise with them properly. They've actually had to go to the MP recently to raise points because they do not feel that they are being engaged was properly.

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Do you want to final comment on that? Thank you Miss Nicholson

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for having Okay.

1:08:34

Mr. Versus inviting you to someone from your team to go and visit the parish council. So we're happy to do that. Thank you. Okay. Thank you.

1:08:43

Okay, so I'm proposed, we move on now, as indicated, we're going to jump now to Item five, and deal with the bluff Hill fair.

1:08:56

Mr. Humphrey. Thank you, Mr. Allen.

1:08:59

To start with one question for the applicant, which is I've read a lot in the application about Raphael fair. I think I know where the preferred alternative site is. But I have to say I've read a lot where two alternative sites have discussed I just want you to confirm at this point, what is the preferred alternative what's the proposed alternative site

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so we can

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certainly confirm that Can I Can I just before we turn to that invite Mr. Wallace to put up on the screen a plan which I think we will find helpful Mr. Wallace.

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So the

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plan on screen shows

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The top half the current site of rough Hill fair.

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And the bottom half shows the proposed relocation site. And that is identified in the draft developed consent order, if I can invite you to turn to article 36. That that, and that, as you as you know,

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is the intended mechanism for the replacement and that identifies the replacement site. But it's certainly the case that in all of the discussions with

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the Gypsy community and others, alternatives have, of course, been considered, and there was a consultation, as you will know, a supplementary conservation exercise earlier this year, between 18th of March and the third of April,

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looking at a possible alternative, referred to as the Eastern site.

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But following that supplementary consultation, and consideration of the Constitution responses,

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the site that is now in the application and referred to in article 36, which we call the bivi, or the video act site that was selected as the proposed replacement site for the relocation of roof Hill fair. And that is what national highways is promoting as the replacement site.

1:11:24

Thank you. Is this plan submitted in the application? No, it is not that that plan was prepared to assist ongoing discussions with Mr. Welsh and the Gypsy community, we can certainly submit it with the post hearing notice, that'd be helpful. I think it'd be helpful because just on a personal point, it took me a long time to discover where is the existing site from the documentation that I was provided with?

1:11:51

Well, we can certainly rectify that.

1:11:54

In that way, which I would hope would help. Yes, thank you. But for now, that's what I wanted to know. And I'll now turn to Mr. Welsh. Thank you very much for being patient with us for all day. No, thank you for inviting me.

1:12:10

The questions I have for you, Mr. Welsh, is there's a couple of general points First, this year's fair, which was the end of September, it always says you arrive at the end of September, and you leave at the beginning of October. How many? How many people were there this year? Well, since COVID,

1:12:29

numbers have dropped really down under lockdown. I think like a lot of a lot of things. But the last two years, the weather conditions have been atrocious. And last year, we only had about 30 caravans and this year, we only had two. But it's done that before and next year could bounce back to go be two or 300 next year.

1:12:47

Yeah, that's very useful. Thank you.

1:12:52

Also, in your representation, you made mention of a 1330. Charter. I don't expect you to have one for Bruff. But is a maybe that's for you and the applicant, but I'll ask you first, do you have specific details of the charter that you could provide that make the application in 2019? When we went on the internet, you could get them up on the land registry? Okay, well existed now. But for some reason, it's been took off, it's disappeared. But there is genuinely a chapter within that fair, that goes back to 1370. Okay. And there is also a law, Old English law that says that, if anyone, any people have gone to the same place, and on the same thing, at the same time of the year, every year, for 101 years or more, it can't be stopped. Thank you.

1:13:47

Also,

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I will ask the applicant Abella in a minute, but could you just what's your views about the problems? As I understand there are you have with the with a replacement site? Could you sort of outline those problems for me? Yeah. Well, we're very grateful for I always made a big effort to try and relocate us. But the problem is

1:14:15

the new site proposed site will be too close to the jewelled carriageway. It's right next to it. The sound pollution, the

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fumes

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and also, it's right in front of Mr. herons front door. The local farmer was a very nice man he gets on the Gypsy traveller community, but it's right in front of his front door. But our main concern

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is that if anybody knew the equine experience would understand that arses that can be a very temperamental animal. And some of them's got better temperaments than others. And some of the officers walk down a broken as some of them aren't, and it can be quite difficult at times.

1:15:00

If one was to get through the gate of that fair, or the fence or over the fence onto that dual carriageway with vehicles travelling at 70 to 100 miles an hour, because let's face it, not everybody will do the speed limit, it could be the potential for a disaster.

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So we feel that the actual new dual carriageway should be 100 metres north of the existent 66.

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And on a straight line, what we've identified, I've actually I've asked them, but to put a map up from the road, the 66 from Apple beta roof, it actually comes along as you pass it off, and then it goes off to the left in a single carriageway. It goes around and over the hills, and then it comes back down again, to meet up with a jewelled carriageway, again, we just suggest that you just go straight, it's a shorter road that would need less slip rods, it would have less impact on local residents. And it will be just the more sensible route really, it would be cheaper for the English A was

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100 metres north of the existing 66. And it would just be a straight line, I shot a route. We don't understand why they even took that road. And all the keep saying that it's Iran and Babel.

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If you look at it, it's just scrubland. Eastland, a big large part of it just looks like an abandoned industrial state. So well of God as an area of our national standard beauty. I honestly can't work it out. My people can't work it out. Now the kind of people that work or walk up a roof.

1:16:37

Thank you, Mr. Wells, have I mean, our discussions still ongoing with national highways? Well, I would like these plans a little bit earlier than now. So give me a chance to let my people go over them. They only got these plans last week and I got some more plans yesterday afternoon. So but like I said the the proposed site, we think it could be an extremely

1:17:02

well, it's dangerous. I have I've spoken with quite a lot of the heads of families and elders and the Senate it's too close to that jewel casual. If a horse happened to bolt, I got through the fence. I got through the front gate and it got into that cage where it could be a disaster.

1:17:19

Yep. What you just mentioned recently receiving some plans. What are the what plan is just a photograph of



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like a MacBook Florida like metal photograph of the pause site? What you've got on there. Alright. Okay, English. I was gave it to me last week.

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Okay, well, perhaps the question is for them about? Yeah. Can we see those? What's been provided?

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For the moment? Thank you very much, Mr. Welsh. You're welcome. Thank you. Is there anything else you want to say? Yeah, it's just it's extremely important site to my people, culturally.

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It's what our ancestors have gone for centuries. And when we're there when we get a sense of place, a sense of belonging, a sense of ancestry, it is called very, extremely culturally important to us.

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Thank you very much. Thank you,

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Mr. Owens.

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The first thing is about what's being provided to the Mr. Welsh, could we could you submit that into the application so we can look at that, alongside that plan?

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The other point is about this charter. We don't know examining authority. Does this have any relevance to our consideration?

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I don't expect you to come with a an old charter to the examination. But we would like to know the details if possible. If what Mr. Wilson said it, it was available.

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I kind of hope it should still be available somewhere. Could we see that?

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So thank you very much, Robbie, and for the African. I think I can help on all those issues.

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may take a few minutes. But if you allow me to.

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Just first in relation to engagement and dialogue with Mr. Welsh and the Gypsy Java community that's been ongoing for many, many months and indeed the visualisation, the visualisations that Mr. Welsh just referred to were sent to him digitally on the eighth of April, I'm told they will then send in hardcopy, a two size yesterday that the same the same thing was sent in hardcopy yesterday. So

1:19:38

a few days after that sequential consultation that I mentioned earlier, closed on third of April on the on the eighth of April, as I say those visualisations were produced so there's been plenty of dialogue with Mr. Welsh and that is ongoing and and we can hear from Rachel Smith, who's been leading that if you'd like to know more, but for now

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We can certainly attached to the post hearing note those visualisations as well as that plan on the screen, which was also produced to aid the ongoing discussions with Mr. Welsh, which as I say have been taking place for many, many months.

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In terms of

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the concern expressed in Mr. Welsh is relevant representation about noise and the proximity of the site to the to the dual carriageway as proposed.

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Again, in an attempt to look into this and to try to address Mr. Walsh's concerns, we have done some additional noise modelling.

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And Mr. Hiller from Eric, who you heard from before can certainly speak to that and we can, in fact, if Mr. Heller could come to the table, I think it'd be helpful before I go on to the nature of the REITs. Just to address that issue. And before he he does so. Mr. Carey, Could you perhaps just comment on the

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proposals for

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some changes to the proposed replacement site to make it entirely suitable as we feel for the Gypsy gypsy traveller community, including the possibility of bunding to deal with noise issues. And then if Mr. Hildur could just briefly talk about the noise modelling that's been done, I think that would be helpful.

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Paul carry design engineering lead for the applicant.

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Mr. Owens referring to

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the site in and if Mr. Wallace can just perhaps hover over the blue, the lower drawing

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the visualisations and the Mako, that Mr. Welsh is referring to include two bonds, one that runs adjacent to the carriageway

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yet on the northern edge of the larger triangle to the west, and then another bond that runs to the south as well.

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In reference, with the property that Mr. Welsh referred to, to the south of that as well,

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in terms of security, obviously.

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Understand the concerns that Mr. Welsh have is in terms of horses and loose horses and being spooked by the traffic, that is certainly something that the detailed design will consider in terms of the protection and provision of appropriate fencing for the site, Robbie. Mr. Curry, could you just

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help orientate us as well? Because I think I'm right in saying that the current site shown in green, if you were to move that down to the right hand end of the of the blue site, that's roughly where it is currently, isn't it in terms of how one site relates to the other? They are the same, they are the same size or they're not? Yeah, they're there. They are the same size, just approximately five acres in total. And we, I wonder missed, it might be useful to overlay the two drawings as a as an evolution of this to show how they they marry up because you do need to slide the one that the top to the right, in order to then overlay it. So maybe there's an evolution of this that would help the examination to show Yes. I'm sure that can be done, presumably, quite quickly. Yes. Just before we move on from my poor eyesight. Where's the access to the blue area? Yeah. So So on the left hand side, there's a little notation of station road that you can see.

1:23:31

There. Yes. So that's an existing road that loops round.

1:23:36

Connects currently to the mobility trunk? We did visit that, yes. It's currently the the baby site and fenced off if you have visited, so yes, so Mr. Carey, we can maybe make that a bit clearer on the revised version of this that shows the two sites alongside each other. Just again, another fairly obvious point seems to be a significant pinch point, the middle of the replacements, like

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there is an outpouring of so yes, in terms of passing through.

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I think we do it is dimensioned we need to zoom in but we will provide a drawing an appropriate scale.

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Miss Mr. Mr. Hiller could I invite you to just briefly tell us about the

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noise modelling that's been done to respond to the concern expressed in Mr. Walsh's relevant representation about the

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proximity of the proposed replacement site to the dual carriageway?

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Certainly Good afternoon, David Hiller Emir up for the applicant noise and vibration lead.

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As has been said already, this proposed new site does have funding around the the northern perimeter and in fact to the southern perimeter.

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The northern perimeter with being there primarily for the objective of being a noise barrier.

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we've modelled the existing site with the traffic noise

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and exposure as it currently is.

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And we've marked the new site.

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With the buns included,

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there's still obviously a strip along the northern edge of the site that's exposed to high levels of noise from the road, as currently. But that high area, that level of sorry, the area of high noise levels doesn't extend as far into the site as it just wouldn't in the existing site, because of the noise bundling providing that that barrier function close in behind the behind the Bund.

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So, there is a

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actually in terms of the relative areas

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at different noise levels, it is actually under with back from the carriageway of the new site, there is a greater proportion of the new site and that is at lower noise levels in the existing site. So it's it's certainly not making the situation

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detrimental to the current situation and in some areas probably brings about an improvement in terms of the overall noise level. Okay, and what that study will not be given to us as well, if we can provide that it's only imperative conduit and noise contour plans, something like that. Yes, absolutely. The other point on that course, as well as giving it to us, has that been communicated to Mr. Welsh? I believe so. But I have to defer to him. colleagues to answer that sorry.

1:26:34

Mr. Owen, you're gonna go on to I will I think Mr. Johnson just got he's going to read you introduce yourself, Mr. Johnson. Good afternoon panel. Andy Johnson. I'm a chartered civil engineer, fellow of the ice. I'm the project director for the design and assessment team on behalf of the applicant.

1:26:52

We have shared the information, the outcomes from that noise assessment, at the same time that we shared the visualisations that the mock ups sort of speak of the Divi site. So, Mr. Welch's in is aware of that that lowered noise level. Thank you.

1:27:10

So shall I turn to deal with the nature and status of the brothel fair REITs. Yes.

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This is something that we have given a lot of attention to in preparing this these application as you'd expect, and the precise nature and legal status of peripheral ferrites remains subject to a significant degree of uncertainty. What we do know is as follows that the origins of the fair are traced back to a royal charter granted by King Edward the third in the 1300s to Robert Clifford and his heirs of the manor of bluff understand more.

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We have a translation

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of at Royal Charter, I recall obtained from the county records office, we can certainly provide to you with our post hearing note what we what we have, and the charter, authorise Robert to Clifford and his heirs to hold one market each week on a Thursday, at his manner of breath understand more, and in addition, one fair, they're lasting for four days. That is to say for two days before the feast of St. Matthew the apostle on the feast day itself, and for one day following, so long as the market and the Fed do no harm to neighbouring markets and neighbouring fairs, and fewer information the feast day of St. Matthew the apostle is 31st of September.

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Now, we haven't been able to identify the precise location of the original fare or at applications in which it has been held before the modern era. But we do know that the current

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will sorry, but we are aware that the Bruff Hill fair is known to have been on Bruff hill at some stage and then about 70 years ago, began to be held in the current location.

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It's worth while noting that the current location and rough Hill neither of those locations is within the known boundary of the manor of rough understand more to which the original Royal Charter relates

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the existing site, the ownership of was transferred to the Minister of Defence in 1947. And the agreement for sale of that land, dated 22nd of February 1947 said that the land would be sold subject to and I quote, the ancient right of holding breath Hill fair annually, and to all liberties and customs is here to for enjoyed in connection therewith.

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We don't have any further information relating to this land transfer, but we are proceeding on the assumption that whatever such rights were in existence prior to the transfer, we're on the transfer transferred with the land. So we it probably goes without saying that I should say that we we don't

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purport to be and clearly can't be the arbiter of whatever the legal rights are in relation to rough Hill fair. But we have

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tried to ensure that the

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nature and state of those are those rights, whatever they are, will remain effective if this DCO is made and the land is transferred. And yeah, so whether those rights are still rights pursuant to the Royal Charter, whether they're prescriptive, right, or whether they're customary or public rights, we have in a, in a fairly tried and tested for use of wording in article 36, paragraph five, referred to the Brookfield fair rights, meaning any and all customary rights, prescriptive rights rights derived from Royal Charter and

public rights that relate to the event. And we felt that was the best way. And it's often a combination of words, you do see in things like DC shows where this comes up, we heard it was best way of capturing whatever the rights are in his Broadway as possible. We clearly the DCO can't create new rights. In this respect, it is all in all it can and we say should do is transfer, whatever the rights are the current bundle of rights to the new site, and we believe that article 36 would do that perfectly well.

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And, therefore that yeah, that's what we've tried to achieve. And I hope that helps clarify, it does. And I think, Mr. Allen and have a question about article 36.

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In a two, but that's been very helpful. Thank you. For me.

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All I would say on this, I mean,

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I know you're saying about emailing Mr. Welsh on April. But we would like to see there was an there was a real dialogue with Mr. Welsh and his community. And

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it continued and the noise survey, all of those things to try and alleviate concerns about this particular site.

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Having said that, I am happy with your responses on that. And Mr. Welsh, is there anything you want to add at this point, not where does the actual site itself, there's, it's sort of the same size as the other one, it's not the actual ancestral site, we won't be staying where our ancestors did, which is important to us in our culture. But the problem is with it is if there was a horse to get loose or bolt onto that carriage will vehicles travel on that, that kind of speed. At the moment, now, it's a little bit of a problem. But it's a single lane, the compasses much slower. And a couple of times, maybe your time on AWS has gone off, the cars have stopped because they're not travelling up between 70 to 100 mile an hour. But the it would be a big difference, the traffic would be three or four times a year and travelling much faster. And if a horse got onto that, it would be a disaster. Yeah, so that's why we think it would be better if it was 100 metres further off, and we don't see the reason why it couldn't go that way to shorter distance. It's a straight line, less junctions, and it would the most beautiful is part of that is self other 66 where we're talking about its pristine, beautiful English countryside. Its picturesque, we refer to it as God's country. The other side, it's an abandoned industrial set where they don't want to throw so we can't see the sense in it.

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Thank you, Mr. Wells.

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That's all from me. Mr. Allen. Yes, thank you. Just a couple of points. And I'm referring

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to article 36. For the DCO.

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I suppose,

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Australia, the question I'm asking, asking here

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is

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if the DCO is made,

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and clearly Mr. Welsh and the Gypsy traveller community are not content with the site being offered to them what what happens then?

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will be for the applicant?

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Well, there's no obligation on Mr. Welsh in the Gypsy traveller community to

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accept the replacement sighted it is what we believe is appropriate. And I should say that,

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as you'll be aware, national highways is subject to a public sector equality duty. And we have taken that

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very seriously as you'd expect, and we've prepared an equalities impact assessment aipp to four

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or three for the record. And that sets out how regard has been had to our public sector equality duty during the development of the proposals for the project and this replacement site, and how we've consulted with representatives of the Gypsy and traveller community on the replacement. And I well, and that

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duty obviously continues,



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if and when the project is implemented, but I should also add that the engagement and consultation with Mr. Welsh and the Gypsy traveller community has been detailed and

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prolonged over a long period of time. It's been that I know from myself and Mr. Johnson comment, if necessary, that there'd been a lot of face to face meetings. If it hasn't, it's largely not been done by email and things, because I detected a slight concern perhaps from you so relation to that.

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But I think I think that, I mean, we will keep on

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as we are now in response to the relevant representation, engaging with Mr. Welsh? Absolutely, we will, in the hope that we can

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persuade him and his community that our proposals are appropriate and better than any alternative that we have looked at. And we have looked at a lot of alternatives, including the Eastern site in relation to which as I said, we had a consultation or supplementary consultation in the spring of this year.

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And, you know, we entirely understand the, you know, the concern about

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the sort of loss of the cultural connection with brothel. I mean, as I've explained, you know, the first the fair hasn't been there for many years anyway, but certainly, this is right next door to the current fair site, and we feel that,

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that yeah, that feeling of loss of the cultural connection can be mitigated by maintaining

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some of the old site in the layout of the new site, and we are working off and discussing with Mr. Welsh you know, what, what what should be the precise layout of the new site and that is

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provided for

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under Article 36, the reference there to a scheme to lay out the new site. So,

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and I should also add that you had the Ministry of Defence who own

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the current site, but also the replacement site,

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our

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content with our proposals for the replacement sites, so, landownership is, is going to be covered as well. So, I would hope the situation you refer to Sir does not arise because we we have been working in will continue to work hard to

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try to resolve the concerns Mr. Welsh has expressed. The exception for the reasons really recovered yesterday, of moving the proposed dual carriageway into the OMB is something that, as we explained, we can't agree to. Yeah, okay, we just answered my second question, which was about who who is the owner of the new land. So that's very helpful. But being the pessimist that I am mr. own.

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Whilst I calls except that conversations are ongoing, we could end up in a situation where the Secretary of State in facing to discharge or give approval under Article 36 is faced with a headache, if you like where the Gypsy and traveller community are not happy with this site. It just seems to me that a simple fix for this is that under to a 36, to a the Gypsy and tribal community should be consulted upon that it's a Secretary of State has following consultation with the relevant planning authority and the relevant local highway authority.

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But not the Gypsy and traveller community, or at least the representative of the Gypsy and traveller community ought to form part of that consultation, should it not if having listened to the Gypsy driver community, the Secretary State is still minded to grant to discharge this and grant the site then so be it at least he will have had that opportunity to have spoken to them at that stage. Is that fair?

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Sir, I think yes, it is fair, we can take that away and give some thought to how we might reflect that in some added some additional drafting of this provision. There is of course, the immediate difficulty of how you define the Gypsy traveller community or a representative of that

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community, we will need to give that some thought. I think you can appreciate the difficulty I'm immediately anticipating but but yes, I think I think we can

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deal with that in that way. I've no doubt Mr. That's a difficulty you'll be able to overcome. I just it seems to me that the that this article in transferring the Gypsy community from one site to another avoids talking to him about it from the Secretary State. So I think that's something that I would certainly welcome. And I look forward to an updated iteration.

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I will, Miss Mr. Ross, do you want to come in at this point? Or because I know Mr. Roscoe has some questions, particularly around

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transfers and stuff, but do you want to listen and then speak at the end? Or do you want to speak now? Yeah, listen, and speak and speak at the end. Okay. Thank you.

1:40:57

Thank you, Mr. Owen. I'd just like to come back to the Brookfield fair REITs. And in article 36. And that article in five actually tries to define those rights, in terms of customer customer rights, etc. And you've mentioned these on the way through, it would be useful in the post hearing notes that you are going to provide on this subject, I think to actually relate what you've actually found to those actually actual terms that you've got in article 36. So that we can actually so that the dcl can actually be related back to things that actually exist if you like. So that would be useful, we can certainly do that. So thank you.

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In terms of the rights that we've talked about, then there's nothing in the book of reference to suggest any rights is, is that because you haven't been able to currently find anything on the land registry?

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So yes, it's because of that. And also, we don't believe that the rights, whatever they are, are proprietary rights, that they're not property rights. They're different sort of rights.

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That's essentially why. So with that difference, then is that something also because I haven't seen that actually identified as such in the documents that I've looked through, could that be added to the post hearing? We can certainly say what I've just said, yes. Thank you. Thank you. Right. In terms of the Royal Charter, then I haven't heard any reference anywhere to any local legislation that might bring that Royal Charter through to a time closer to the present, if you'd like. We don't believe there is any localization on this point, we have obviously done a search, as you will know, from elsewhere in the order, but no. So it's those kinds of things that we'd like to close out. Yes, in terms of the note that you're going to provide. Thank you.

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You mentioned the public sector equality duty, and it was mentioned in the agenda. But we haven't spoken about temporary suspension, and 36. Three,

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I'm just wondering your of the the intention of 36. Three, to temporarily suspend the rights

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you may wish to come back in the notes on this point. Thank you. So do that. Okay.

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And then the final point, on this particular agenda item mentioned special category land.

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Now, I just wanted to be to be clear that I mean, your view seems to be at the moment that is, this is not any type of special category land. I'd be just interested in your thought processes as you as how you would sort of how you had eliminated that option, if you like.

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I could just take a brief, a brief sentence or two now, or you could add it to the note. Thank you, sir. We have given us a lot of thought. And we've covered it in the STEM two reasons, a pp 299. And we

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are sure in our own mind that the size of the existing Brookfield fair is not special category land because it couldn't be considered to be

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open space, which is land used for the purposes of public recreation. And essentially,

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on the basis of this land is used for the firm for about five days a year. For the same reason as farmer's land used for the site of a popular summer music music festival or an annual sporting event we don't think

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because it's used five days a year, it can be said to be land use for public recreation. But we will give a bit more detail around that in the note, thank you, because I've got, obviously I've got a PP 299 in front of me, and you've gone further than is actually in 731. So if I could have that in writing, please, we will do so. And can I just comment that we'd be happy, as well as

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saying that at the post meeting note at the appropriate juncture to elaborate on the statement of reasons. And I we think that's probably the better place to elaborate on this point than doing so in the explanatory memorandum, which I think the agenda item did contemplate us doing. But yes, I didn't. I mean, I agree that it does have a place in the statement of reasons in relation to the the explanation. But in the explanatory memorandum, if something could be put in there relating to this, because it's often the case that a better explanatory memorandum can give a faster decision at the end of this particular process. And I can see you nodding in that right. You're also we will do that as well. Thank you very much. That was all the questions I had for you, Mr. Owen.

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Thank you, Mr. Welsh.

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Do you is there anything you you wish to say if you've heard the questions, you've heard the debates? Would you like to

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make any comments that you wish to

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the actual map, but the short of the proposal, and it is technically the same size as the old fair, but it comes to a point at one end, and then it goes very, very narrow, by the time the built the bank, that long thin strip wouldn't be much use for anything. And the actual information about this was on the internet, about the land registry in 2019. It seems to have gone off for some reason, my secretary is actually trying to get in touch with Mr. D Now see if they've taken it off for any reason. And the last point was

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last point. Yeah, it's just the fear of that road vehicles travelling anyways, up to the speed of 100 miles an hour. On average gas can weigh as much as small care.

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And anybody with that, like I said with equine experience, they would understand the man in chaos would call if a horse got onto that dual carriageway. On Appleby fair, we have the same kind of thing, but it's about two or 300 Meet Yap metres away. But the small rod in between, with we believe that the 66, if it was 100 metres north of the original, the jet, the the 66. Now,

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the 66 would be left it would be a corridor between walk open roof and near the villages. And it would be a safe road for cyclists, farmers with machines and or strong caravans. But without prejudice to that position, assuming that the road isn't going to be moved, assuming that that's where it's going to go. The Secretary of State is satisfied and grants the order for it.

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Where do you stand specifically on the site? I mean, what what does the applicant need to do to overcome your concerns assuming that that road is going to be built where it is proposed to be it's not going to move? No, just I just wanted to hit to hear your view, assuming that that that's not going to happen, the road is going to go where it is shown. The Secretary State agrees that Yeah, well if it's that or nothing, the curse would be we don't want to go down this road. But the would go further inland the gipsies, and they'll come along the roadsides, which would upset the local residents. And we've got a good relationship with them we have done for generations, all peoples walk up and roof and even the farmer next door, Mr. Harun what we would before we would go next to that motorway, at jewelled College, we're with horses, and we've got children riding them as well. We would probably move further

inland, maybe half a mile or a mile and camp along the road sites which would upset local residents. So this site as shown is not acceptable. I was many phone calls last night, when the lefty I went home, I was on the form to a lot of people and they said the problem is a lot of the elders said the problem is too close to that motorway. It's a disaster waiting to happen. Okay. All right, could burst through that fence it could get over it last year witnessed stallion OS, get out of the back of a horse box. Something a bit highly strong, especially purebred things. The don't need to be next to a dual carriageway like that, especially when they're on broken.

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Mr. Wells, thank you very much indeed, if

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the applicant has stated that conversations with you are ongoing

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I think from from our point of view, I hope that they are resolved and but we have looked at other alternatives and other fields and have said maybe that one would work better or this one we seem to be, it's that or nothing, we would be willing to leave the ill provided the charter was transferred from there to another area, but somewhere would be more suitable. And that, that the thin point at the end of the thin net of that, and then the rest of all the way along still smaller than anything with okay, that's, that's very, very helpful. And as I say, I will give my Australian the final word. But I think I speak on behalf of my colleagues that we that we do press upon the applicant to try and resolve this issue and if necessary, suggest a

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moat of suitable sites. But I know those conversations are ongoing. Mr. Jones. Well, sorry, Mr. Welch. Just one more thing just before the actual chatter for the fair in 1370. was actually in rough itself. Yeah. In the streets? Yes. What the plague was sweeping through the country in 1385, that the fair was moved out of the town onto the hill, for safety reasons. We're bringing the plague into the town.

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fascinating thing is very, very, this shows you how long, how long ago this charter extends. Yes, Doc. Dr. Martin. Thank you.

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Dr. America, Martin, I'm speaking in my role as a member of the World Cup, most great Community Liaison Group. And I just wanted to remind everyone that what Mr. Welch is proposing, was approved both at a public meeting where he spoke in July 2021, which was also attended by the MP Neil Hudson, who, as I've already said, there's been promoting the northern route. And it was also approved at Community Liaison Group meetings around about January to March earlier this year, which I can find the minutes for. And as also, this issue has also been referred to in the relevant representation by David Keatley, who's chair of Walker parish council and spoke yesterday, I had a very small question about air quality as well. So close to motorway therapy, especially if there are children involved.

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I realise Time is short. So that could be taken outside the meeting. Thank you. Okay.

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Okay. Thank you, Australia. Final words on yours, please. Thank you, sir. Just Just briefly, to reiterate that we have, for many, many months, probably two years now looked at alternatives to the proposed replacement site and consulted on that, as I've said, and we believe this is the best alternative site available, and therefore it is our proposal, make that very clear, as article 36. demonstrates, we are continuing and will continue to

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discuss these matters with Mr. Welsh and those he represents, as we've done following submission of his relevant representations. And I think that the

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focus here might most productively be the kinds of things that the scheme that article 36 refers to

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should, you could could provide for because we've deliberately expressed it broadly in article 36, that the Central State has to follow in consultation, certifies being appropriate for the purpose, a scheme for the provision of the replacement, Bruff Hill fare site, or on the site we're proposing. And that scheme is capable of dealing with all sorts of issues that we've discussed today. And I think that

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discussed discussions between national highways, Mr. Walsh knows he represents in terms of the kinds of things the scheme could do to try to deal with the concerns, for example, the concerns about horses breaking out and getting onto the dual carriageway, what measures could be

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dealt with for that the bunding discussed that the access to the site, all those things are things that could be and I think, you know, anticipate would be covered by the scheme. And that might put a bit of practical reality to this, to try to put some flesh on the bones because we don't think there's any other suitable alternative to this proposed replacement site. And therefore, we would wish to continue discussing the granular detail of what the replacement site would be looked like and you know, how it how it will be laid out, and all those sort of things.

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The kind of improvements that it would represent to the current site and the current site has no electricity or water, the new site would do all those sorts of things. Would I think the issues that could productively be continued to be explored with Mr. Welsh on those represents

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thank you and

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Yes, well, I will look forward to being updated on those conversations during this examination. Thank you.

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Let's take a short break. It's 22 Four. So we'll take a 15 minute break here resume at 355 where we will talk about flooding and drainage and I know that we have to deal with that because the representative of the Environment Agency has to leave so we will be dealing with that matter next. So 355 Please