



Hearing Transcript

Project:	M5 Junction 10 Improvements Scheme
Hearing:	Issue Specific Hearing 3 (ISH3) – Session 6
Date:	14 August 2024

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M5J10_ISH3_SESSION6_14082024

00:05

Okay, we'll come back then to

00:08

ongoing questions regard to landscape. I think there's just one final point I would like to clarify, and it's come about following the submissions at deadline three

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in the rep three Oh 15, which I think is the

00:27

explanatory explanatory memorandum. There's been an amendment in with regard to the hetero regulations coming through the DCO. So I just wanted to understand what the implications might be for that change

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within the DCO and the landscape assessment side of it, I

01:04

can we just refresh and look at the document you refer to, the expansion memorandum, 350

01:11

just insanely, yeah, by all means, I'm sorry it's coming over, a bit of a surprise, but it wasn't directly on the agenda, but it's just me Catching up with the correspondence that come through. And I just wanted to understand

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the implications,

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and where what,

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yeah, understand the implications, where it takes us in terms of the landscape assessment, in light of that change to the Eco i

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That's

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my understanding that doesn't change The landscape assessments in any way. It is simply the

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process

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of avoiding separate requirement for

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subsequent licenses. So it brings the assessment into this

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eco which

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has already been undertaken, which is my understanding. Okay, so

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the the DCO has has been adjusted to give it a different power from that which was originally

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drafted.

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And so I just wanted to make sure that the landscape assessment that had been undertaken was still aligned with

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the powers as now redrafted. Yes, so we believe that is the case, but we will come back in and give you a definitive response on that. Thank you. Applause.

03:06

Okay, I'll just again before I move on to the next section on heritage. See if any other party has any comments or concerns they would wish to raise at this stage.

03:22

Okay, so we can move on then to the heritage part of the agenda.

03:28

And

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I think largely this is going to focus in on the archeological investigations, because they seem to be the element that's potentially outstanding. And I wonder if you could explain to us the degree of uncertainty on the effect of significance concluded for archeological assets, given the current status of investigations.

03:54

So can I bring in for this, Kay Neustadt, who's the heritage lead for the project?

04:03

Thank you. So Kay, no, I stopped for the applicant.

04:07

If I need to spell my surname, I can

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the uncertainty is always some degree regarding impacts to buried archeological remains, as there's no solid way of being able to tell what's there until we've actually done any excavations,

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and

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the impacts to buried archeological remains are going to be unknown unless the entirety of the order limits have been excavated in advance of the application, which is not considered a prudent or proportionate approach,

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and whilst the impacts include a degree of uncertainty, the effects can confidently be determined due to the significance of the archeology being related to the information and understanding of the past that can be garnered through excavation, analysis and interpretation of the remains. So the significance of the archeological remains doesn't necessarily lie in.

05:00

In their existence below ground, but in our ability to understand the past through the appropriate treatment, via excavation and recording.

05:12

It's the evidential value of the archeological remains that makes them significant, not necessarily the their pure existence.

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Preservation by record is the standard for mitigating the impacts to archeological remains that can't be avoided by development, and even where highly significant remains worthy of preservation in situ are identified, excavation and assessment must be done in order to assess that sensitivity or value of the

remains, we can't necessarily tell what should be preserved in situ until we've removed some parts of it to analysis, analyze it to determine whether or not it is something that is of national significance, which is something of a

05:56

paradox in archeology, as oftentimes the buried remains, particularly early prehistoric or some of the Roman remains, you don't know how significant they are until you encounter them, by which point you're already beyond preserving them. Luckily, the preservation by record and proportionate approaches to the removal, recording and assessment, analysis and reporting of the evidential value is considered to mitigate the impacts of removing them from their in situ condition. So Historic England, in their responses to the examining authority's questions has agreed that preservation by record is the appropriate mitigation response for the impacts of the scheme on archeological remains that's outlined in our rep 3072,

06:49

the archeological management plan in the first iteration as 038

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provides a mechanism by which the archeological remains preserved by record through identification evaluations such as trenching, analysis and reporting are ensured that a less than significant environmental effect overall is the result of the scheme. The investigations done in advance of the DCO application so far are considered sufficient enough, sufficient to understand the potential significant effects on the Historic Environment, the level of disturbance along the motorway and the existing junction, along with the safety implications of conducting archeological surveys within highway boundaries,

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surveys or trenching in those areas, meant that the focus on identifying and assessing the significance of archeological remains was primarily conducted for the link road where new disturbance would be input into the landscape, and the likelihood of significant preserved remains was higher,

07:59

and consultations with the Gloucestershire county archeological advisor, Mr. Toby catch ball and Historic England inspector of ancient monuments, agreed that the approach was appropriate to the DCO application, recognizing that coverage would not be 100% due to also problems accessing private land and a design that was in continual development, the early assessments in geophysical survey and evaluation trenching along the link road were done in part to influence and aid the design of the scheme so as to determine whether or not significant impacts to archeological remains could be avoided if there were ways of addressing impacts to heritage through design changes, which is one of the reasons the moat lane to Cook's Lane connecting road was removed from the scheme, was because it was considered to have an unacceptable impact on The setting of the scheduled monument at moat house

09:02

and we discussed with Historic England and looked at the significance of those assets in order to determine whether or not

09:12

it was necessary to have that connecting route, or if the design could be changed. The design was changed to protect that setting.

09:21

The issue of protecting the buried archeological remains is slightly different because, as mentioned, the uncertainty of knowing exactly what's in the ground and before excavations take place. But we have done that as an approach in an early development to look at where the most likely level of significant disturbance would occur to any intact and in situ archeological remains, and have progressed to evaluating them to determine that they are not necessarily worthy of preservation in situ and that preservation by record is the appropriate.

10:00

Response to that the archeological management plan sets out the process and is required under the semp and the DCO order requirements that the React

10:15

is outlined the process of how any additional remains are identified, evaluated and recorded that in a manner that is proportionate with their significance and in agreement with the local planning authorities, archeological advisor and the historic England's inspector of ancient monuments and where necessary, their science advisors,

10:42

as I understand it, there is still some investigations ongoing. Yes, there are areas that were not previously identified as part of the scheme boundary at the early stage in which we initially did the geophysical surveys and trenching,

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this was primarily due to difference in the

11:04

locations of attenuation ponds flood alleviation, not flood alleviation, sorry,

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attenuation ponds and compensation areas, ecological compensation areas. There were also some concerns, some areas that were not surveyed or investigated due to land access agreements not being completed in time,

11:28

and landowners or tenants being unwilling to have the work done on on their land at that time, as I mentioned, though, that the the assessments done for the environmental statement and for the

geophysical surveys and trenching that were done along the link road were considered sufficient by the local planning authority to characterize the archeological nature of the area.

11:56

At the moment, the ECI contractor is has been given all of the information and data that we have from the geophysical surveys and evaluation trenching to progress with the additional geophysical for the surveys for the remainder of the DCO orders, and that approach has been agreed by the local planning authority. Archeologists, there will be a a archeological project design submitted to him prior to the surveys being undertaken. That's the the project design is formally known as the written scheme of investigation, the tech the technical terms have changed, and we're still adjusting. So that's been agreed, and that's following the stipulations of the archeological management plan and the react so we have the assurances that those surveys and evaluations will be done in the same manner as what's been done previously.

12:57

So in terms of

13:01

the examination, we're not expecting any further reports on surveys or any additional surveys during the examination period. I understand that the geophysical surveys are just are expected to take place be starting from September. I don't know if they will be completed by the end of the examination period.

13:29

Okay, that's helpful. Can I come to the joint councils then so I can understand the joint Council's position with regard to the archeological, archeological assessments, but that have been undertaken to date, and then the proposals for future assessment? Yes, certainly. And guy Kendall, speaking for joint councils, basically the we're quite content with the work that's been done to date from a baseline perspective, but we are we still don't have the Archeological Survey of trial trenching information that is to be undertaken in September, and some of that geophysical survey that's being undertaken in September onwards, may need some form of trial trenching to further identify the significance of any deposits that are likely to be there.

14:28

We were given some information relatively late yesterday, which was the geophysical specification and an updated addendum to the archeological assessment it was undertaken for the Yes. So we haven't really had a great time to

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consider that archeological information, however, the geophysical survey areas that were proposed are we're content that they will fulfill and inform the DCO decision going through.

15:00

Forward. So with regards to the extra work that's been proposed, we're happy with its location.

15:08

But as of yet, because the initial geophysics haven't been undertaken, you don't know whether it would be necessary to do further trial trenching, and that's what extent that might

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entail.

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So my sort of overriding question is, Are you content with the information

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that it gives us sufficient confidence that the

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significance of the fines so the the archeological remains has been appropriately assessed, because we've obviously got

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to have that assurance that the appropriate tests in the legislation have been met to inform that

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guy, Kendall, joint councils, Essentially the we do not have enough information to date to make a decision on the significance of the archeology across the entire scheme, based on the fact the additional geophysics hasn't been undertaken, and the results of which may turn up archeological areas of significance that are hitherto unknown at The moment, that we can't comment on. So we can we won't have the full picture until the geophysics and the trial trenching has been undertaken.

16:31

So can I understand then?

16:34

Is sounding unlikely, but you correct me, if I'm wrong, that that information will be before the examination.

16:43

Doesn't sound like that's likely to be concluded prior to the end of the examination. So how would we advise the Secretary of State in terms of the legal tests on whether there's been an appropriate understanding of the significance of the effects.

17:04

Guy Kendall, joint councils,

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essentially, we we've been given the understanding that the archeological work is going to start, the geophysical work is going to start in September,

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depending on how that long that's going to take, and bearing in mind

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arable and crops and livestock in the fields.

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We would expect the trial trenching to continue sometime after. But as to any length of time that they say additional archeological work is going to take, that's something we would have to come back

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to once we have a full scope of times, locations and when, when that's going to actually undertake be undertaken.

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I hope both parties understand my reservation in trying to get clarity on what we can advise the Secretary of State when there are specific

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tests on heritage

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that

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we need to understand the

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have been met appropriately and

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Will are you saying to us that we will need to have those future geophysicals and potentially The Trial trenching to properly inform us on that, you would guide Kendall with joint councils, you would certainly need the geophysical survey

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in advance of the examination so you could 100%

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quantify the site archeologically. Whilst we have a good record of the Southern link road and various areas in the vicinity. We don't have a consideration of the archeology from a geophysical point of view across the wider scheme.

18:51

Okay, can I come back then to the applicant to see what time frame you're working to to hopefully? Oh, yes,

19:01

sorry, okay, no, I stopped for the applicant.

19:07

If I understand correctly, the ECI contractor is currently scoping the geophysical survey to start in September,

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provided there is agreement on land access and

19:22

suitable conditions, etc, the evaluation trenching should be able to be done before the end of the examination period in December.

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Obviously, the requirements of trial trenching, because it is intrusive, there are additional factors that we can't consider right now in terms of a landowner agreement and things like that, the

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impact on the archeology also cannot be 100% clearly identified at the examination state, as I mentioned earlier.

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So due to the fact that the you can't tell exactly what the archeology is until you've

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excavated it, because there are things that don't show up on geophysical surveys, you can put your trenches in and still miss things.

20:15

So a full understanding of the archeological character of the area being impacted is not possible unless you actually strip down everything in advance of the application, which isn't considered an appropriate or proportionate approach to the identification of archeological remains. We do have the background and baseline information that we've gathered that suggests that the areas immediately adjacent to the m5 and existing junction are heavily disturbed from the construction of the m5 and its junction 10, so that it's unlikely that there will be highly significant archeological remains Buried that would not be able

to be mitigated. Impacts would not be able to be mitigated. We know that there are some sensitive areas in the compensation areas that we didn't previously have access to, as well as the flood attenuation ponds near the fire station, and we've discussed those with Historic England

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and the local planning authority, archeologist and have agreed that the archeological management plan, which outlines the processes by which the archeology is identified and assessed

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and treated, is sufficient to meet the guidance of the NPPF and the npsnn, because it basically is the requirement that the conditions of those policies are brought forward throughout the entirety of the scheme, through detailed design and through construction, as some of the archeological work may not be able to be done until construction, generally referred to as construction integrated recording, or strip map and sample where the archeology is that the topsoil is removed

22:13

in advance of construction, under archeological supervision for them to go in and record. But it's done in conjunction with the earth works for construction activities in order to

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keep a streamlined budget and program involved, so you don't have to tear up the land more than necessary.

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So the main issue that we have, the main

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process that we have to address the impacts to archeological remains is through the requirement of the archeological management plan, which sets out the need for and requirements of the

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surveys and identification of heritage assets, as well as their evaluation for significance, their mitigate the mitigation of any impacts through recording and the additional requirements to consult with the local planning authority, archeological advisor, Historic England and

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the Historic England science advisor.

23:22

So

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just in terms of understanding the evaluation of significance, which obviously is the one of the first steps that needs to be undertaken. I can understand the point you're making about

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not being certain, unless you were to

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strip the entire works area, and why that would be not proportionate. But

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what I'm really trying to get at is whether we have sufficient information at this stage to inform us with

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sufficient confidence that

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in advance of the

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surveys that are yet to be undertaken,

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the

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significance of any heritage assets has been

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and can be appropriately understood

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for the applicant,

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in terms of understanding the significance of the archeological remains that may be impacted by the scheme. I believe that with our

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baseline information that we've baseline evidence that we've prepared for the environmental statement, including the archeological and historic background, as well as our assessment of archeological potential based on the professional judgment of the team that prepared the information. We have enough information to understand in general.

25:00

All the likely significance of those archeological remains that would be encountered, and therefore have been able to

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prepare a confident assessment of the potential for significant impacts, as well as to prepare a plan and process through the React and the archeological management plan for how those impacts would be further identified and mitigated. The

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confidence of whether or not we the confidence that we have regarding the nature of the archeological remains and their significance

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is mostly based on professional understanding and academic understanding of the archeological potential in the area, specifically to the location, but as well to the the known impacts already In the form of the motorway injunction, various utility works and things like that. And we do believe that we probably have a high level of confidence of what the

26:12

significance of that archeology would be, and what the impacts would be to it, and what the appropriate way of mitigating those impacts are, obviously, like I said, it's not 100% because it can't be, but I would, if I had to give it a number, I'd say probably about 90% confident of what that is is going to entail.

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We do have to do more archeology. We do have to do more surveys, we do have to do more trenching, we will have to do mitigation.

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But we have sufficient information

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in the studies that we have done, and we have sufficient assurances through the React and the archeological management plan that they will be treated appropriately and provision has been made to be able to make a decision

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for the DCO based on an understanding of the requirements of those

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management plans and commitments.

27:22

Thank you. So if,

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as it currently stands, you get on site at the beginning of September

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to do the geophysical surveys. What's your current

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program of undertaking those How long are we talking about? We're talking three weeks, four weeks, or we're talking about less than that.

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I would have to get back to you on that. Sorry. Kay noise, not for the applicant. I'd have to get back to you on that because I don't have a current program from the archeological contractor where the applicant is not doing that directly. We

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would need to get that through. I don't expect it would be as much as three or four weeks. Again, it is contingent somewhat on ground conditions, landowner access, crop cover, that type of thing, and being able to actually access those areas with geophysical surveying equipment.

28:19

So the other thing we would need to remind pins about is that the geophysical survey does not actually, I confidently, 100% identify all archeology that is in the ground. So it would still need to be evaluated. I understand that what I'm just trying to look forward to is an understanding of the likely program relative to the examination timetable, and where the geophysicals then lead into any possible trial trenching and evaluations of both sets of assessments

29:00

in time for the local authority to be able to review those

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and give us an input within the examination,

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I appreciate there's a fair number of unknowns at the moment, but are with a fair wind. Is it going to be possible that

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each of those elements would be concluded during the examination for us to take forward in our understanding for the Secretary of State's report, provided you know land access is available and There are no

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overarching problems with crop cover or climate, if it floods difficult,

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there's no reason to believe that the geophysical survey could not be completed

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by the end of September,

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and that any evaluation trenches would be i.

30:00

Are able to be done before the end of the examination period in December. And of course, all of the geophysical surveys and any evaluation trenching have to have project designs written, schemes of investigation, prepared and reviewed by the local planning authority, archeological advisor, so they will have the ability to input into those through their their local planning authority advisor,

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who will have the sign off on any project design for Archeological Survey and evaluation, trenching.

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I'll come back to to you on from the council's perspective in trying to understand

30:45

the challenges faced in designing the program and fitting in with the examination timetable. What are your views at the moment in terms of

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not only the timing of the investigations, but whether

31:03

it's going to be possible for a local authority response, you may not be able to answer that because so many unknowns, but I guess the key that I'm getting to is,

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do we need this information in advance of the close of the examination?

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Do nation

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to appropriately inform the Secretary of State,

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Guy Kendall with joint councils. I think, as the applicant was said, the majority of the work that's been done across the site has categorized the site well. So we have got a good understanding of the baseline of the archeology across the whole scheme.

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As I said, the work done for the link road has been comprehensive, well done, and has been written up so we know what's going on there,

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the additional geophysics and trial tension that's going to be undertaken, whilst I'm confident the geophysics will likely be be

32:04

able to be undertaken and access, allowing

32:09

the trial trench in you, it might be looking it might be a bit tight before December. However, said that if the geophysical survey comes back, and we have good data from it, then we may be able to move forward and maybe push the trial changing down the line. However, if the trial changing, if the geophysical data comes back, and we've got ephemeral features, or we have areas that that look significant, and we'll need ground truthing some of these, these areas may need to be assessed so we can get 100% idea of what's going on. Significance wise for these, any of these identified archeological deposits,

32:54

okay, thank you.

32:57

I i Not sure I can take it much further. I think I would just encourage

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progress before the end of the examination, as far as possible.

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Thank you, sir, Kate, no, I stopped for the applicant.

33:15

I do think that we should be able to get a good amount of information from the geophysical survey and as well as having the all necessary procedures in place through the archeological management plan to ensure full consideration.

33:36

Okay, thank you.

33:41

So before I move on, then to the next sub topic, are there any other points of concern that anyone would wish to raise on

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heritage at this stage? Guy Kendall, joint councils. It probably worth noting that the

33:56

the Gloucester city as Gloucester County Council archeologist Toby has retired, and he's only working two days a week at the moment, support the work that's been going on. So I understand that somebody's going to be replacing Toby in September. However, I don't know how long that would will take them to get up to speed with with the project, so that there may be potential for a delay from that side of things.

34:27

Okay, thank you. Applause.

34:51

Okay, I'll pass over to my colleague. Then, who's going to lead on the next section, on, on, on, noise? I.

35:03

Duncan. Thank you, Mr. Bong.

35:06

So turning to noise and the first sub points under that, please, can the applicant explain the context with regards to the noise increases predicted along stoke Roden and Stoke orchard and the status of any mitigation proposals there, please. Thank you.

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So Colin Cartwright for the applicant.

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So the

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mitigation measures in Stoke orchard that are referred to in paragraph six, point 8.43,

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of ES chapter six. That's reference as 014, and described in the applicant's response to the first written questions. 12 point 0.1,

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these have not been included as part of the assessment presented in ES chapter six.

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So these mitigation measures in Stoke orchard are being undertaken by GCC as a separate, independent project to the scheme, and they're not necessary to support the conclusions presented in

ES chapter six. So these separate works, they're scheduled to start construction in March, April, time, 2025,

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so as reported within es chapter six, in Table 629, and 634,

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the noise assessment reports that traffic along stoke road and through stoke orchard will result in a significant adverse effect as a result of the increase in traffic in this location when the scheme is open.

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So the mitigation measures that

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are described for this location, and they were the measures that were included in the response to the first written question, 12 point 0.1,

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they are designed to reduce the increase in noise associated with traffic, with

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the increase in traffic along stoke road when the scheme is open, but they have not been included In the assessment reported currently.

37:21

Thank you. That's that's helpful. So just turning to

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what you've just said there, and the fact that it's not relied upon or included within the noise assessments, is it true that it's responding to a significant adverse effect? I think you confirmed that it was as a result of the scheme.

37:43

It is, yes, okay, so, and it's also true, I think that is described in the noise es chapter as essential mitigation.

37:56

It's listed within that mitigation section, yes, but it's not included within the assessment.

38:05

So is it that we should take that there is a significant adverse effect that is not mitigated?

38:12

That's what's reported in the ES chapter currently? Yes,

38:17

okay. And why is it that there is that

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that significant adverse effect that has not got any specific mitigation secured to resolve it. I understand what you're saying, that a separate scheme will respond to it, but I think what what we're grappling with is there doesn't seem to be any provisions within the DCO or way which we can be assured, or the Secretary of State can be assured, that that mitigation will actually be in place. So the

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so those works within stoke orchard, they're not within the order limits for the scheme. They were not part of the order limits for the scheme when that adverse effect was identified through the ES chapter,

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the

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the works proposed with stoke orchard as that separate scheme

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were expected to have been completed by now,

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and will now be completed before

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completion of of this scheme,

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but they weren't included within the assessment.

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Thank you. So so we can have, I understand that you're saying they will be completed, but we have no evidence before us which which can give us confidence that that will be the case. There's no mechanisms or certainty that you can sign post with respect to those actually being in place to mitigate that significant adverse effect. It's not, not tied within the DCO. No, I.

40:00

I can provide some further information on the program for that scheme for those works at Stoke orchard and when they're proposed, but that's not tied to within the DCO.

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You can

40:20

understand where we're coming from. I think in terms of you've you've identified as a problem, you're not mitigating it. You're reliant on a separate scheme that's out with the DCO.

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And what we're trying to ensure is that the gap is bridged somehow or other, so that

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that significant adverse effect you've identified doesn't occur or it's mitigated to an appropriate level, which, at the moment, you're telling us is not secured within this environment, within the DCO. So

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how do you see that being bridged?

41:02

Does it need to be bridged? Are we asked? Are we asking you a fair question? I think we are. Yeah. I

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understand Colin Carter of the applicant, yes, I understand the question. And

41:16

yes, you're correct in that we have that effect in Stoke orchard, and the plan to implement those works is outside of this current DCO.

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So is our understanding, then effectively that you accept that you're going to

41:45

have a significant adverse effect on those properties within stoke orchard, and that would be something that would weigh against the scheme for the in the Secretary of State's balance.

41:58

That is right, and that's, that's the approach in the ES, it doesn't, doesn't rely on, on, on those so that is the position. The separate scheme is, there's a sort of future baseline, in a sense, but, but it isn't relied on expressly in the in the ES, no.

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I mean, that's helpful clarification. I mean,

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you obviously have a direct

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you can have a direct conversation with the

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county council who are undertaking their separate scheme, and how much it might help the secretary state's deliberations in terms of understanding the progress and the certainty of that that might help us to a degree, but even if we're not directly relying upon it, so it will be it will it's relevant as context, and we will seek to give you more information about the program and the degree of certainty that one Can, can or can't attach to that. Thank you.

43:05

Thank you for that. That's helpful. Just sticking with noise, if I may.

43:11

And these are some perhaps more general areas I'd wish to explore, really, and it's to deal with the potential need for any rehousing or noise insulation. Now, we're aware of the content of the relevant EMP with regards to the thresholds and trigger points for those

43:36

potential need for rehousing or noise insulation to actually bite. But can the applicant explain how they envisage the monitoring and the need and the ultimate delivery of any such mitigations to work in practice and how it would actually be secured? Thank you. So Colin Carter, for the applicant, is this in relation to construction noise, noise at construction stage? It is yes.

44:02

So

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as you've identified, the requirements for rehousing or provision of noise insulation have have two levels of trigger point. There's one is the

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level of noise changing noise involved, and there's also the duration of that noise impact. So at the construction stage, that noise impact being generated by a particular construction practice, particular piece of machinery operating,

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so the the

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duration of that effect, how long that machinery will operate will be determined by the construction activity and the program for that activity

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and the information that we've provided within the ES.

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Far is that whilst there may be construction practices that will generate noise levels that exceed that noise threshold, it's not expected that the duration of that activity

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will be sufficient so as to trigger the requirements for noise insulation, for example,

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and that would be has to be managed through

45:30

the construction stage by the principal contractor.

45:35

And further, I would expect further information would be known when there is then a more detailed plan on the on the construction program, for example, work down the A, 4019,

45:45

thank you for that, because it strikes me that with regards to the the duration of of those noise increases, some of the thresholds in the MP suggest that some interventions or mitigations may actually bite if there was exceedance of, for example, a specific noise decibel increase over 10 days in any consecutive 15 day period. That seems like quite a sensible, yet short window that would need to be monitored and kept on top on off to ensure that any necessary mitigation for any any sensitive receptors was was identified really. So can you talk to us really about how, how the data and the noise conditions would be monitored, be it continually, or how it would actually be encapsulated to ensure that any necessary mitigation to protect any sensitive receptors in homes was actually identified promptly and then delivered appropriately. Thank you. So Colin Cartwright, for the applicant you're writing that that is one of the duration periods that would need to be considered,

47:00

I would expect that would be managed well, not expect that will be managed by the principal contractor, and

47:09

I can get some further information to explain the detail, or some of the detail, of the questions that you were asking in terms of how That would actually be implemented during that construction stage.

47:24

I think what we're going to need is is not only that, but how it's

47:29

that is then secured within the DCO, either by requirement or through an environmental management plan or best working practice of you know how the elements hang together to deliver the certainty that the

47:48

noise environment is appropriately controlled so that those

47:56

harms don't arise.

47:59

So I would expect that to be managed through the commitments in the React and then the noise and probation management plan, of which a first iteration has been produced to date.

48:12

I know, but whilst you might expect it might be an unfortunate phraseology, we would like to see it. You know, in in reality, how it's spelled out, so that

48:25

we are confident, and the local authority are confident, that the wording of the requirement the Environmental Management Plan has has the teeth it needs, so that

48:37

those controls are genuinely in place.

48:41

We're familiar with what the MP actually says in it, and it does commit to identifying the need for the rehousing and double grading lasing interventions by our observational checks and physical measures. But I suppose what we're after is the next layer of that particular cake. You know what? How can we be certain that they are given the kind of windows of time we're talking about, you know, 10 days of exceedance in any 15 what confidence can we take that residential amenity and and such like is going to be adequately protected and mitigated based upon what's the principal contractor is ultimately going to be doing? So I think what we're asking almost isn't necessarily the next full blown version of the MP but it's perhaps some further detail and commitments which can give us some confidence to be able to to include in our recommendation report on those points. Yeah. Colin Carter for the applicant, yeah, understood I was going to say that that level of detail, that's what would appear in the second iteration of that environmental management plan for noise and vibration, but we can provide some information in advance to bridge that gap, as it were. Thank you. Applause.

50:05

And just in sticking with a similar point, really, there's perhaps

50:11

a slight anomaly between what the noisy yes chapter's saying and what's presented in the React that we're going to come to a little bit later in the agenda. But I think what I'd like to explore at this particular point is there are some

50:26

levels of noise harm identified at Sheldon passages in ELMS cottage which are predicted to exceed the threshold value for a moderate or major impact, including a threshold for noise insulation.

50:41

So could you explain, with specific reference to Sheldon cottages and ELMS cottage again, how the given the current findings of the noise chapter and the noise assessments, can you explain how the noise insulation need or rehousing would work in the instances of Sheldon cottages and ELMS cottage to end with a, perhaps a loaded question, I mean, is it that, for example, that that may require permanent noise surveys or actually a greater level of monitoring than would be the case elsewhere? Thank you.

51:18

Is this in covid car drive for the applicant? Is this in relation to construction stage or operational? It's construction again.

51:25

So I

51:27

will need to come back to you on ELMS cottage. I don't have that information to hand with Sheldon cottages. There is also a commitment within the React that the

51:42

the occupiers in those cottages will not be present during the construction stage. And I think we're going to come on to that point anyway. I think that's exactly the discrepancy that we're picking up on. Because the conclusions of the noise chapter, if I'm right, seem to suggest that the exceedances for any noise,

52:04

or

52:06

any noise levels wouldn't actually constitute the need for glazing or rehousing, and it doesn't expressly stipulate or confirm to us that Sheldon cottages wouldn't be occupied, whereas the reactors actually jump to that conclusion. So there seems to be a bit of a disconnect between the two two specific areas.

52:34

So I don't know whether James catamall can deal with the position about relocation of Sheldon cottages. She's been in negotiation. Certainly, James casmo for the applicant, the negotiations in

relation to the acquisition of Sheldon nurseries are well progressed. We have now agreed terms for the acquisition of the site that would include the freehold of both cottages, so the applicant will be in control of those cottages and able to ensure that they are vacant during construction.

53:10

Thank you. That's helpful.

53:21

I think at this stage, could I invite the joint Council's view on what they've just heard and their position with regards to the how that any necessary mitigations for the noise would be would be secured. Thank you, sir. Kezra Knight, joint councils, my apologies. Our noise expert actually has covid and has had some time is not available

53:42

online either. However, you have actually requested the information that we were after, and we will be reporting back at deadline. Four.

53:52

Understood. Thank you. Is

53:57

there anybody else in the room who wishes to raise anything with respect to what we've just heard on noise,

54:04

seeing any hands online either?

54:08

I think at that stage, then we can move on to the next topic on the agenda. Thank you.

54:15

I think rather than moving on, it's probably a sensible lunch break time, Everyone breathes a sigh of relief.

54:24

Okay, so shall we adjourn until two o'clock? Is that sufficient time for everybody? Okay, so again, I'll remind those on the live stream, you'll need to restart your browser page when you return. And so we'll adjourn now until two o'clock. Thank you. Applause.