



Hearing Transcript

Project:	M60/M62/M66 Simister Island
Hearing:	Issue Specific Hearing 2 (ISH2) – Session 5
Date:	28 November 2024

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00:05

Good morning. Everyone. Before I begin, can I just confirm that everyone can hear me clearly? And can I confirm with the case team that live streaming of this event has commenced? Thank you. The time is now 10am and this issue specific hearing in relation to the M, 60 M, 60 2m, 66 sinister Island Interchange project is now resumed. So my name is Sarah Holmes. I'm a planning inspector and a chartered civil engineer. I've been appointed by the Secretary of State to be the lead member of the panel examining this application and ask my colleague to introduce himself

00:39

Good morning. My name is Andrew Robinson. I am a planning inspector and a chartered town planner, also appointed by the Secretary of State.

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So together, we constitute the examining authority or exa for this application. For those of you who have been present in the room, you may have also spoken to or heard from back COVID act. Who is the case manager for this project, Mr. Barrett. COVID is supported today by Melissa Whitlock, our case officer. For those of you who have joined us virtually, then you will have spoken to the other case officer, Elias Pereira. Together, they had a case team for this project, and if you have any questions or queries, they should be your first point of contact. Their contact details can be found at the top of any letter you've received from us or any on the project page at the National Infrastructure website. If you have any questions about today's proceedings, please speak with the case team before we continue with the items on the agenda, I just need to cover a couple of housekeeping matters. So can everyone attending? Please make sure your phone is switched off or turned silent. A fire test alarm is planned for today at 11am I understand the alarm will sound in three three times, in short bursts, and we will just pause when that occurs. We don't need to leave the room. Should the alarm sound at any other time. That's not in short bursts, and this is an emergency and we will have to vacate the building. Emergency exits are located to the sides of the room, wherever you can see the green signs above the door, and for the doors that you entered through, the fire assembly point is at the back of the cow Park, as far away from the building as possible. And if anyone needs assistance, please, can you let the case team know toilet facilities, including disabled facilities, can be found outside this room, across the lobby area and back along the corridor towards the main hotel reception. We will aim to take a break every 90 minutes or so. And for those people watching the live stream, if we do take a break and adjourn proceedings, we will have to stop the live stream to give us clear recording files. As a result, at the point we start the meeting and the live stream, you will need to refresh your browser page, but we will remind you this of again, should we need to adjourn this event is being live streamed and recorded. And our

letter of the seventh of August, which we referred to as the rule six. Letter, explained that because we retain and publish digital recordings, they form a public record to which the General Data Protection Regulation GDPR applies. Does anyone have any questions with regards to anything I've just said in the room or online? Okay, so today is a continuation of issue specific hearing two, which we adjourned at 5pm yesterday, and it will be based on the published agenda, starting with agenda item 10. I don't intend to reintroduce the participants of today's meeting. Hearing, you were here yesterday, but can I just check if we have anyone new who did not attend yesterday, who would like to be introduced. Thank you. Yes,

03:30

I've been to two meetings before on the issue, and I'd focused in on certain issues, on motel lane and Paul lane. Sorry, could

03:39

you just give me your name and refer to for the recording. Thank you. Okay,

03:44

David. My name is David Heaney, and I'm one of the residents on motel lane. Thank you very much. Mr. Healey, you're

03:51

very welcome. Thank you. Is there anybody else online or in the room that's like to be introduced? Don't see any hands? Okay? Thank you. So I'll now hand over to Mr. Robinson to continue with the items on the agenda.

04:07

Thank you. I think, could the applicant display the works plans, which is as 006 which shows the areas of proposed environmental mitigation areas? I think this will be useful for the discussion of this item, and it will probably also be useful if the applicant not to display no but could get the following figures ready, which is figure 8.33, of the environmental statement, which is The Bat activity visualization. So that's a P, P 091 and also possibly the landscape and visual figures, which is a P, P 066 but to begin with, we'll just start with the works plans, and then we may bring those figures in whilst the discussion is ongoing. So. So further to comments that have been raised in relevant representations on this and also the discussions that were initially held within the compulsory acquisition hearing one on Tuesday, I think it would be useful if the applicant can explain its approach to the proposed environmental mitigation areas their proposed sizes and reasons for the locations, expanding further upon a previous response that you've provided on this in rep 1020,

05:35

Good morning, sir. Tony Weston, for the applicant, I'm going to bring in the ecology lead on the project. Who is Alex Steele, from Jacobs. So if I could pass over to Alex,

05:48

good morning, Alex Steele, representing national highways, I'm conscious that biodiversity net gain was mentioned a couple of times over the last few days. Would it be possible for me to just clarify the applicant's position with biodiversity net gain how it relates to environmental mitigation. Thank you. So the environmental mitigation, which is shown on the environmental master plan document reference a, p, p, 057, is related to the avoidance of significant adverse impacts to the environmental receptors, and relates to the assessment that's presented within the various chapters of the environmental statement, the applicant notes that interested parties have raised comments in relation to bng, and the applicant is in agreement that there's no statutory requirement for us to deliver bng for the scheme. The applicant does, however, need to mitigate impacts to receptors to ensure that significant adverse impacts are avoided where possible, and this includes impacts to receptors both within the order limits. So an example of that would be loss of habitat due to construction of the scheme. But we also consider receptors that are outside of the order limits. So for example, a visual receptor that might be located outside but could be impacted by construction. Whilst there's no statutory requirement to deliver biodiversity net gain, the applicant has undertaken a bng assessment, which we've presented in document reference, A, P, p1, 02, and that's because we anticipated that there would be an interest in what the scheme was delivering from key stakeholders such as Natural England and Berry Council, and that's reflected in the statement of common grounds with both of those parties. So the socg with Berry is rep 2009, and with Natural England is document reference, R, E, p1, dash 017, and that's why we included that document within our DCO submission. Are we happy if I focus on the North East quadrant? Yeah, I

07:55

think that's a good place to start. Thank

07:56

you. Would it be possible to show the Environmental master plan sheet two, please do

08:36

Thank you. Okay, so I'd just like to explain that some of the mitigation that's shown within the North East quadrant is located in this area because it needs to be sited in that place to to actually achieve its aim. So if I could start by just explaining what some of those features are. So firstly, talking about bats, so the applicants undertaken a suite of bat surveys to determine the baseline for the scheme, and that was used to inform the assessment presented in Chapter Eight ecology. The Bat survey data is presented in Appendix 8.3, bat survey report. That's document reference a, p, p, 091, figure eight, point 3.3 of the bat survey report presents a visualization of bat activity recorded during surveys. Actually, sorry if you wouldn't mind just jumping to that figure.

09:36

I think it's the one that I said to get ready so I own.

09:56

Thank you so this figure presents. A visualization of the areas of higher bat activity within the scheme. And from this, you can see that associated with the hedgerows that come along Egypt lane. Within that North East quadrant, there is a an area of higher bat activity. Chapter Eight, biodiversity, which is rep

3010, identifies potential impacts to bats in this part of the scheme in relation to both construction and operation. So firstly, looking at the construction impacts as set out in paragraph eight, point 10.109, of chapter eight. Construction of the scheme would require removal of nought point eight, eight kilometers of hedgerows which are used by low numbers of common bat species, which could result in impacts to bats due to fragmentation of habitats. Would it be possible to bring up page five of 10 of figure eight, point 1.15 which is from the UK habitat classification report. I'm asking to show this because it shows the baseline habitats for the scheme, so you can see what's there at the moment, and if it's possible to then show That alongside sheet three of The environmental master plan.

11:22

So thank you. So firstly, looking at the plan that's on the right, which is the UK hubs classification plan. The hedgerows are shown in a green line, which is a mixture of a sort of green and black hatch, or dashed line. So that runs along Egypt lane and then continues across the scheme towards the motorway. There's two points on the plan marked with the number 15, thanks for zooming in. It runs across there. And that actually coincides with the footpath, which is shown on the environmental master plan. You can see where the footpath has been stopped up under the northern loop is. So the area of high bat activity that we looked at on the bat visualization coincide with the head rows in that area. Okay, so the construction of the scheme would lead, would lead to loss of hedgerows in that part of the scheme in order to construct the northern loop. So that would be the construction impact. So then looking at the operational effects which are set out in paragraph eight, point 10.247, of chapter eight, biodiversity, there's also potential for impacts to bats during operation of the scheme due to collision with vehicles that would be using that northern loop. So the applicant has proposed a central mitigation for these impacts to bats. And as stated on paragraph eight, point 10.110, and shown on the environmental master plan, the landscaping design incorporates replacement hedgerow So firstly, we're proposing a length of hedgerow habitat running north to south on Egypt lane, and this would provide connectivity between the retained hedgerows on the section of Egypt lane that runs east To West, it bends around with the retained broadleaf woodland habitat that runs alongside the motorway. That makes sense? Or do you need me to indicate that on the map more accurately? Can you follow what I'm saying? Yeah, for a bit. Yeah. Okay, the applicant's then also proposing a length of hedgerow running east around the northern loop, and that would provide bats with connectivity going from north to south, from Egypt lane to Pike fold golf course. So this would guide bats and other wildlife around the northern loop, and would reduce the risk of collision with vehicles on the northern loop during operation of the scheme

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that's illustrated in green. Isn't that going around? Yeah, it's

14:24

the green yeah line on the environmental master plan, correct? Okay, yes, that's the mitigation proposed for bats. If I can then pass to my colleague to just elaborate on the points that were raised in the compulsory acquisition hearing about the attenuation pond, and then I'll come back

14:44

Morning, Sir, good morning, madam. As we discussed the other day in compulsory acquisition hearing one, we alluded to the fact that the pond is obviously cited outside of the loop for a number of reasons. I stated initially, obviously. Is principally due to the hydraulics involved in the need for a pumping station. I'll just expand slightly on that specific detail. Obviously we did confirm that we would also provide a written statement on this as part of one of the actions to take away. But essentially, we've got a very little, or a very shallow level difference between finished road level and the outfall into castlebrook, to the point where siting the pond within The Loop takes those sort of hydraulic head, so to speak, so that the sort of force with which water can navigate from the pond to the outfall, it would be sufficiently low that a pumping station would be required now, pump solutions are ultimately not preferable to the applicant and national highways as a as an organization, and there's several reasons for this. Principally, it's whole life cost equation, citing a sort of high initial capital cost of the design of the pump and the installation of the pump, they're more complex to design, and have a long term operational maintenance cost and ultimately a liability that is associated with that. There's also the risk of pump failure. So if the pump was to fail, it's likely that the road pavement itself would be submerged, and that obviously has road safety implications for one but also implications on the sort of operational life of the pavement itself and the road box of the pavement and the embankment associated with it. So those are things that if a positive drainage solution is available, we try and go down that revenue in the first instance, the overall sustainability of a pump is also questionable in terms of the energy required and the carbon impact of operating it full time, which probably would be needed given the high water table as well, because you might end up in a position we haven't looked at this in detail yet, but we probably will the water table being relatively high, we might end up just continually pumping groundwater back into castlebrook and sort of ending with this sort of continuous cycle of pumping. But there's also a geotechnical element that we sort of quickly looked at, that being the pond sited within the loop would warrant a deep excavation, and when that's conjoined with the sort of surcharging, of installation of a new embankment on well nearby to that deep excavation that that presents geotechnical challenges and risks that from an engineering point of point of view, we're not keen To sort of pursue when, again, another alternative is available to us, obviously, that, as my colleague Alex has stated, that there are other elements to this related to biodiversity and habitat creation and severance, which obviously she's so the expert on that will cover in or is able to cover in more detail, but that's The sort of fundamental point as to why we've cited the pond outside of the

18:05

loop. No, thank you for that clarification. And I know we've got an action point from the CA hearing where you're just going to give us that detail in writing. Yes, thank you.

18:15

Alex Stewart, representing the applicant, and so just following on from what my colleague has said, with the installation of the drainage pond, there's also a requirement, then for landscape planting to integrate that pond into the local landscape and to maximize its benefit to biodiversity. We've included marginal planting, a wet grassland within that design, and although it's not a primary location, excuse me, a primary reason for its location by siting the pond outside of the Northern loop. It does have an extra benefit to wildlife in that it's more accessible and can be used, whereas if it was sat within that northern loop, it would then be fragmented by the highway, which would pose a barrier to wildlife using it. So then coming on to visual impacts to the local character area. And these are set out in paragraphs seven

point 10.7 to seven. Point 10 point 12. And paragraph seven point 10.26 to seven point 10.28 of chapter seven, landscape and visual which is document, reference a, PP 046, and this relates to the impact to local character area 26 which is pretty wood, pillsworth and Unsworth moss. So the part of the mitigation within this part of the scheme is to mitigate impacts to that local character area through provision of a mix of wet woodland and shrub planting in a mosaic with grassland habitat. There's also then visual impacts to residents, walkers on footpaths and visitors to Pike field Golf Course, which are receptors, VP three, VP four, VP five and VP seven, identified in Table 7.7 in chapter seven, landscape and visual also shown on. Figure 7.5, Representative viewpoints and photo montage locations in the figures A, P, P, 066, and again, the landscape mitigation within this part of the scheme is designed to mitigate impacts to those receptors through woodland planting to provide visual screening. And then lastly, related to landscape, is just the general integration of the Northern loop within the local landscape through provision of, in particular, Woodland planting. So as I previously mentioned, and the mitigation that I've just gone through is specific to this location to be effective, but the scheme does, however, also need to mitigate general loss of habitats, including lowland mixed deciduous woodland, priority habitat, broadleaf woodland modified grassland and other neutral grassland and scrub. And that's set out in Table 8.17, of chapter eight, biodiversity. Rep 3010, as explained in the applicant's response to relevant representations, which is rep 1020, the applicant has located environmental mitigation within land that's required for temporary works. The benefit of that is the applicant is then able to control and manage the remediation of that land, and it enables the applicant to ensure that there's optimum conditions for the establishment of mitigation planting. In addition by using these temporary works areas for essential environmental mitigation, the overall land take for the scheme is reduced compared to siting environmental mitigation in other parcels of land. And then the last point I wanted to make, which is of particular relevance to the biodiversity benefit, is that by citing areas of general habitat creation alongside the location specific mitigation, we're able to deliver a bigger area of land in one space which has much more ecological benefit compared to if you have The same area of habitats broken into small fragments across the scheme, and that is an established ecological principle that's reflected in making space for nature by Lawton in 2010 so for the reasons outlined, we believe that this is the optimum solution for environmental mitigation.

22:22

So thank you for your submission there. So in respect of in mitigating impacts to bats through the hedgerows around the proposed northern loop and also along Egypt lane, how has that dictated the size in terms of what's quite just for, for the bats, to mitigate against bats. So for example, if you look at the area to the to the south of the Northern loop, you've got the hedgerow, the hedgerow that's in green, and you've got an area of grassland that's proposed to the south of that is that grassland also required to mitigate for for bats, or is that part of the mitigation? Alex

23:06

Gill from national highways, and the mitigation of bats is specific to the hedgerows. So it's it's specifically the commuting corridors. We're concerned of they would use the grassland habitat for foraging, but that's an additional benefit, and that's there to mitigate the general loss of habitats for the scheme.

23:24

Okay, thank you. And you mentioned viewpoints three to seven, which obviously was, was referenced in your response at deadline one. I know it's set out in the table on the landscaping visual impacts. But maybe just for the discussion today, could you just briefly summarize how at each of those receptors, the mitigation has reduced the effects. And it might be useful to display the figure in the landscape and visual impact figures where we've got those receptor locations, and then just talk us through, for the benefit in the Room, how your mitigation is successfully reducing the effects you

24:34

uh Tony Weston, for the applicant, I believe that's a matter that will probably be best picked up, if it's okay, in the landscaping section that we'll come on to. It's something that Miss Gill doesn't feel that she can answer at the moment.

24:48

Okay, that's fine, because I didn't have it in under the agenda for landscape, but I'm happy to pick that discussion up as part of that agenda item if we want to do. That that should be fine. Okay. Well, we'll stay there for the for the moment when we'll park that and come back to about one in agenda, in the next agenda item. So your submission there is focused on the North East quadrant in terms of mitigation. Are there any other areas within the order limits that could also provide the opportunities that you've for environmental mitigation. I know you've referred to the bat visualization survey that you did, but is there any where else, particularly the northwestern where the construction compound is proposed, was there is some environmental mitigation where this whether you've got a attenuation pond proposed. But that wider area that once the construction compound has been removed, was was that considered for any environmental mitigation area?

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Alex jewel, representing national highways, so yeah, as you said, we have got the drainage pond in that part of the scheme. And there is similarly, we've got integration planting for that pond, and there's planting for screening of that part of the scheme, but there'll be specific things relating to the north east quadrant, like the bat head rows and the screening that's related to from specific viewpoints in those angles that couldn't be located within the North West quadrant to be effective. And I think because of that, it really lends itself to have it to supporting the sort of general habitat creation, albeit there are parts of that across the rest of the scheme as well. So it's not all in that North East quadrant. It is spread along the scheme, but a proportion of it is within the North East quadrant.

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And sort of faci is it the case that environment environmental mitigation proposed in the North East quadrant could be more beneficial, or will work better than if it was to be located in north to the northwest of the junction

27:11

Alex Steele national highways. Yes, I think, for the reasons I've outlined in terms of the specific things, I have to be there, and as I've talked about having this more more cohesive, joined up approach. That's why that area lends itself to having the mitigation. At

27:28

the beginning, you tried to differentiate the difference between biodiversity net gain and mitigation in respect of a biodiversity requirement. Could you just refer us to a section of the national policy statement, the national networks, national policy statement which is supporting the approach that you're undertaking? Alex Jill from

27:59

national highways, is that something we could respond on in writing, because I don't have it. Writing? So don't have it

28:03

to hand. Okay, that's fine. We'll,

28:05

we'll ask. We can add that as an action point.

28:07

Thank you for

28:11

Okay, that's, that's all the follow up questions that I have for the time being. So I will now open this up to any parties, whether they want to, I will go to the Hillary family first, so I know that obviously this is an issue that is affecting you, so I'll let you have your say on what you've heard.

28:34

Thank you, sir. Chris Stroud, of moral developments, representing the Hillary family, well, we've heard a lot, haven't we? I don't know about you, but I haven't heard anything that meets the absolute requirements of CPO. As regarding the land being absolutely needed, it's preferable. So national highways say that this area of land in the northeast quadrant is provided for environmental mitigation, but the as I said yesterday, I consider the justification flaky, to say the least, taking the bats. First of all, the bat habitat in the North East quadrant, as it currently stands, is being destroyed. So have the designers considered and the environmentalists considered that if this is so important, it shouldn't be destroyed in the first place. Moving on from there. The their own words tell us that bats, this species of bat that's in the in this area, is. Resilient. They tell us that they're not destroying any habitats, and they make a very good case for there being very little impact on bats. And their conclusion at 810, 116, says taking into account the assessments of effects for the pathways on effects on bats, overall, the level of impact is considered to be at most negligible adverse and therefore the significance of effects is neutral, not significant. Now that's these are their own words. Yet we turn that over in the latest questions against our submission, and it basically says, Well, hang on a minute. Well, we've got a major foraging issue. It can't really be a major foraging issue if all we're doing is the talking about the reinstatement of two hedge rows, one which I believe was referred to along Egypt lane, which is being taken out of the scheme by virtue of the construction. We think that's probably about 150 meters long. And the retention of a hedgerow along the north east boundary, which exists to an extent at the minute, and you know, we're talking about further enhancement. If we look at the planting scheme overall,

setting aside the two mitigation areas around this northern loop, it is extremely extensive. It's dense, for the reasons of of shielding and shelter and visual amenity. And I find it very odd that merely the retention of two hedgerows of limited length is justifying the whole of the environmental mitigation area to the the Can we, can we call them the north and south areas? Because there are two areas, the South southern area hasn't been referred to at all in the responses from national highways. So I presume we can have that back, can't we? Because all we're doing is putting natural grassland on there. Now it's natural grassland at the minute. So what's the difference? So that being, that being environmental mitigation area south, as I call it, to the north. We've touched on the bats in regard to visual amenity, there is, I'll go back to the pot, the point that within the the construction area, excluding the environmental mitigation areas, there is a massive amount of planting. The planting on the embankments, as it's identified, will provide more than enough mitigation from all of the receptors referred to, I would question also, some of the visual receptors are a very significant distance away. One of them that's quoted happens to be David's house. Just as an aside, David's house will no longer cease to exist when the whole area is redeveloped under PFE, under the emerging supplementary planning document, David's house is over a kilometer away from the northern loop, and you need pretty good eyesight to be able to work out exactly what is there at the moment and what might be going on there some of the other receptors. Receptor one, for example, is that there are two properties mentioned in receptor one, one is circa 2.1 kilometers away, and one is circa 2.2 kilometers away. Some of the receptors to the north that are quoted on the opposite side of the golf course are over a kilometer away and are shielded. Even the descriptions of the those viewpoints recognize limitations moving on to the directional issues of those receptors, there are none. I don't know whether anybody's actually plotted where these receptors are, but I've done a rough plot on the on the Google Earth image, and if you look at that quadrant, there are no views from any distance that go through what I'm calling environmental mitigation area north. There are very limited views that go through environmental mitigation area south. But again, I would make the point that the whole area around the northern loop is being extensively modified and replanted as the most recent photo montage. Pm Oh, one will will concede. We can see from PMO one that all of that embankment around the eastern edge of the Northern loop is visible and is planted and is green in a very short space of time following construction, because, again, using northern national highways, own words, the greening up by seeding instantly provides a level of mitigation that's before any plantings taken place. Do

36:25

as to some of the other planting that's proposed within environmental mitigation area north. Why is it needed in those locations? Again, going back to my point, the whole of the Northern loop is very, very heavily planted in new landscaping. So why do we need the mitigation at that point within that segment? Major question, it's clear that whilst bng is being set aside, and that it's acknowledged that there is no requirement to comply with bng for this scheme, that it's very clear there's an awful lot of mitigation seems to be an allocated in this space that could well be provided elsewhere. You know, let's, let's take the North West quadrant, which you've, you've highlighted. Wouldn't it be a good idea to provide a nice green space there next to a residential area as a as a an amenity space, because the only people that are going to enjoy the area around the north east segment are the very few people the that are going to you that are using those footpaths. Now you've got to be fairly brave to use that footpath down the side of the M 66 and I don't know, I presume that you've, you've, you've been on it. It's not the most pleasant of environments to be in. I think you'll agree. We talked about air quality, we

talked about access, we talked about all manner of things yesterday. We talked about noise you struggle with every single one of those points, so the numbers of users of those footpaths are going to be very limited, and the fact that they're diverted through the scheme, that's fine, the fact that they are being mitigated within the within the construction area, fine. But as far as any other mitigation is concerned, there's ample there, as it is. So I feel that we're being unfairly treated, as I said, as I mentioned, either yesterday or the day before that, when you look at the aerial view of this junction, we are being unfairly treated as far as the allocation of environmental mitigation is concerned. And there's not a single point that I've heard this morning that tells me that this is an absolute requirement that would fall within the requirements of a CPO. They are preferred, not absolute.

39:41

If I could come back? Apologies, it's a long one. If I could come back to pond one, I understand some of the justification for pond one. I've been in construction and developed. Engineering all of my career. So I get some of the points. Is it preferable not to put a pumping station in? I would agree it probably is, for the reasons stated. Is it an absolute requirement that we don't use a pumping session? I don't see any justification again, going back to compulsory purchase. Is this an absolute requirement? Is, can it only go in that location? Can it only be that shape? Can the outfall from it into the water course only follow that route. My argument is the answer is no to all of those points

40:49

to zigzag. It is just because it probably looks good on a on a plan

40:57

is again impacting the amount of lamb that is being taken off us. Why can't it go in a straight line? If there's an issue with a straight flow, for example, to mitigate water flow, and we've put some bends in it to slow the water down. Well, there's all manner of other ways that you could mitigate water flow. So why don't we put it in a straight line along the boundary to end up at the same point? Why can't the pond be nudged to the left? Why can't it be changed in shape so that it doesn't impact the overall land take all of those are questions that we haven't heard any answers to attenuation upon design is a function of volume, not shape. So you could produce the same volume with the same shape. What were the other points made? Flooding of the road. I think that's, I'm not entirely sure how the hydraulics would work. That meant that the road would flood before the pond overflowed on the surrounding land was inundated, unless the pipe was blocked, unless it had been badly maintained. Now, the road won't flood. The water will still go from the road because the road is significantly higher than the level of the pond, so the pond will overflow if for any reason, the outlet from the pond is blocked, simple gravity, actually. So I think the to suggest that the pond can't go within the center of the the loop for reasons of flooding is a bit of a stretch. I

43:04

I've got quite a few other points in detail around the views, but I'm quite happy to pick those up later, if that's what I think

43:14

that would be useful, because we're going to talk about that in the next item. So I think, yeah, if you could just park those points for the time being, that that would be useful. Yeah. Okay, thank you. I

43:28

was just going to say so obviously, the applicant is supplying, in relation to the pond and the pond location as well the action points that are going to supply detail as to why, why it is where it is, and the problems with having it located in the in the northern loop that will be issued at deadline four. So I really appreciate if you could respond to deadline for when you've seen that and give us something for deadline five, in terms of your comments on what on what you see from the applicant.

43:58

Okay, thanks. Applause.

44:07

Yeah, my colleague has just picked up a good point when you're talking about the pun. Can you also include the comments that were raised in terms of the size and the shape and as well? Thank you, and I'll put that in as an action point. I did have one other action point as well, just the what you submitted over the in terms of the environmental mitigation and why it is in those locations, particularly in version to the area that affects the Hillary's land. If you could supply that in writing your post hearing submission, I'd be grateful. No

44:39

problem. Thanks.

44:44

I think as well, it would be really useful if you could find also supply a post hearing summary of what you've or submission of what you've said, because you've obviously covered quite a lot there, and we'd make a lot of notes on that. But it would be useful as well to have a but. Post hearing, written submission, submitted that encapsulates all the points that you've raised

45:07

will thank you.

45:13

Does the applicant have anything it wishes to respond to on what has just been said? I uh,

45:25

Alex G or national highways. And just to confirm, Mr. Stroud referenced a paragraph Within chapter eight. So I can think I can have some clarity on that. I believe it was paragraph eight, point 10.116, is that correct? Yeah. And so this is our a summary assessment which takes into account the mitigation. So the way the chapters laid out, there's a section on potential impacts, and then we go on to describe the mitigation that would be required to offset those potential impacts, and then we make conclusions about the residual impacts with mitigation, and that's what that's referring to, which is why we've concluded not significant, So that does rely on delivery of the mitigation you

46:27

so any other points that you wish to respond to at this time?

46:31

Tony Westen for the applicant, I don't think there are research. I think we will just come back in writing. I think the only point that I did pick up on from Mr. Strauss comments was, obviously, I think a distinction does have to be net be made between essential mitigation to manage the impacts on diversity of the scheme, as opposed to biodiversity net gain. So I think it is very important to make that distinction. And I think it would be helpful if Mr. Stroud, when doing his post hearing written submissions, could obviously have regard to that issue as well, I think not to confuse the two matters and then in terms of the compulsory purchase elements, then we can respond on that when we do our written submission as well, because obviously some of the points that he made on Tuesday have been repeated this morning. So thank you.

47:26

On your bng calculations that you done, I'm assuming that all the calculations that are within the table include all of the litigation proposed in this area. Anyway, I know that you're saying they're separate issues, but just for clarification, the bng calculations does actually include all of this area, Alex,

47:46

dual national highways, that's correct. So the master plan is what we've assumed to be created as part of the bng.

48:00

Does anybody have any comments they want to raise on this matter? Mr. Pierce Riley Smith, no. Does anybody online that wants to raise anything what just heard? I don't see any. Hands up. So I think we I think we'll move on to the next part of this agenda item, which is a discussion on avoiding planting trees on areas of peat. And this just relates, really, to a question that we asked in our first written questions, which was bio 1.4 which sought clarification from the applicant as to how avoiding planting trees on areas of peat would be secured. And your response of deadline three has referred to the green position between yourselves Natural England, which refers to the content of ES figure 2.3, information within the geology and soils chapter the environmental statement, and also that the landscaping scheme required under requirement five, which must be in accordance with the mitigation measures set out in the register of Environmental Action commitments and the environmental master plan. Could you just advise where this matter is actually referred to in the register of Environmental Action commitments.

49:28

Tony Weston, for the applicant, the planting of trees in areas of peat is not referred to specifically in the React, but it is shown on the environmental master plan, and the landscaping scheme must also be in accordance with the environmental master plan.

49:52

Would it be useful if you could just show me how that is illustrated on that plan? Because we. Yeah, what I'm trying to get out on this one, in this particular one, is whether it's it will actually be secured. So what you've got on what is effectively a preliminary design at the minute would be carried through to when you do your detailed design. So if we could just display that plan, so you could just point that out to me.

50:22

I uh, yes. Jill Rankin, on behalf of the applicant, what the environmental mass plan shows is the overall landscaping scheme, which includes the proposed tree planting. So the areas of tree planting as shown on that plan, and they are located such as to avoid the very limited areas of a deep peak that there are within the scheme. And as such, through securement of requirement five, which is in to be secured in accordance with the environmental master plan, then that follows the locations of the planting as shown on that plan.

51:10

Okay, so it is definitely the case that all those planted areas that are shown Indicatively on that plan have avoided all those areas of peat,

51:19

the areas of deep Pete, yes, okay, thank

51:21

you. That's that's sufficient to answer that for the time being. That brings us the end of this agenda item. Does anybody want to raise any comments before we move on to Agenda Item 11? I don't see any. Hands up. So we'll move on to landscape and visual I'm just wondering whether, rather than going on to lighting, which was the first part of the agenda item, whether we'll just squeeze in what we were just discussing before, which is, is I'll check with the applicant whether you've got the right people available to do this, I think would be the first place to start

52:04

Tony Western for the applicant. Unfortunately, not so I've just canvassed opinion, and actually, I don't think we do have the right specialist who can answer that question at the at the moment, so it may be one that we just need to take away and come back in writing.

52:22

Okay, well, on that, I think, given what I heard from Mr. Strau before we've walked the viewpoints around those areas from viewpoint three, which is located on the other side of the golf course, I think so what we'll do is we'll given that we don't have anybody here today, we'd want further explanation, based on the comments of Mr. Stroud about the distances of the views and it's and how the mitigation areas that oppose would be beneficial in that respect, because I think we would observe that some of those views are quite far away. So in the absence of anyone being here to talk us through that, if you could take that with an action point to respond specifically to the comments that have been raised. Mr. Strode about the distances of those viewpoints and how they manage the mitigation, I think that would be useful. I

53:43

Okay, I think that's everything on that then. So we'll just carry on with visual effects from from lighting. So question to the applicant. So paragraph two, point 5.38, of ES. Chapter Two, it states a scheme wide lighting assessment has been undertaken with paragraph two, point 5.39, then stating that a lighting appraisal, following the process outlined in dmr, ta 501, road lighting appraisal has been undertaken. Can you explain what the findings were in these documents, and whether the LVA has considered these documents in its assessment findings.

54:32

Morning Andy Pierce for the applicant, yes. So the TA, the TA, 501, process is a is a DM IV process, as you alluded to ultimately, it's a it's a benefit to cost ratio appraisal of lighting versus the overall well, provision of lighting against the sort of benefits it provides in terms of operational safety and the maintenance implications. And the overall operational cost of provision of lighting. And those two things are sort of balanced against each other. So the tier five goal itself consists of that that benefit to cost ratio compared with a safety officer's appraisal. And obviously Jamie Castle, who was one of our panel members yesterday, he basically undertook that safety appraisal, and the the overall conclusion of the TI 501 as a product states that lighting should be provided throughout the scheme to help mitigate operational safety risks associated with the overall operation of the scheme as a whole, given the sort of relatively short weaving length we've got between junction 17 junction 18 and the operation of some Mr. Island itself as a junction. So, yes, ultimately, given that the conclusion of the TA 501 is that the scheme should be lit, the basis of the assessment and environmental statement, aligns with that and that the scheme is fully lit throughout.

56:01

Okay? Paragraph 2.5, point 838, is stated a scheme wide lighting assessment has been undertaken. Can you signpost to me where that is in the application documents? Do

56:30

and the PHP applicant that appraisal itself isn't documented within the the application documents are submitted, but it is as more of a technical assessment as opposed to a environmental assessment.

56:43

Okay, so has your landscape and visual impact assessment established which, if any, receptors, would be most susceptible to light pollution? Yes, and

56:56

appears for applicant. I believe it has Yes.

57:00

And can you point me to where that is in the actual landscape and vision impact assessment of where that's been set out.

57:20

Basically applicant, it's part of the operational lighting assessment included within Chapter Seven of the environmental statement. Unable to have the actual specific reference quote to me, but we'll confirm that in writing.

57:40

Okay,

57:58

so does that document when you come to do your lighting scheme, is that going to does that set out those receptors that are most successful susceptible to light pollution? Because in relevant representations, there was a lot of concern from people in sinister saying of lighting pollution, and does this is the scheme in particularly, going to be designed so that it mitigates any impacts to receptors. Because what I'm if you, if you haven't established which receptors are most likely to be affected By this, how can the scheme successfully mitigate that? I

59:00

uh, Tony west on for the applicant. Um, unfortunately, I don't think we're going to have that information available this morning, so it's probably something that we're going to need to come back to you on writing.

59:16

Okay, we'll, we'll draft an action point that requires more detail on the lighting assessment and the receptors that have been

59:34

great timing, as always, yeah, so effectively, yeah, the receptors from operational Lighting of how that's been taken into into account in the assessment, and going forward how an operational lighting scheme will mitigate against any pollution effects.

59:56

I suspect another one is about to come on sample. Okay? Moment you

1:00:24

right? I count that to be three, so I should be okay to carry on. I think another one will be on in 10 minutes, so we'll see what happens. Okay? So in responses to concerns from interested parties on increased lighting, your response has in rep one, dash 020, so it's your response to relevant representations in respects of measures as to how construction lighting would be minimized that A commitment to implement lighting measures during construction and maintain a suitable lighting strategy that minimizes the impact on sensitive receptors. Is detailed in commitments, g6 and g7 in the register of environmental actions and commitments. And then paragraph seven, point 9.20, in ES chapter seven, which is the landscape and visual impact assessment, advises that the principal contractor will implement measures to minimize impacts and receptors and construction lighting with measures such as directed lighting to minimize glare. Can you just explain further how these commitments would avoid adverse light pollution to receptors during construction.

1:01:46

Thank you. Phil Anderson, for the applicant, and so what do we say about the directed lighting and such like? So we've talked already, over the last couple of days, about the layouts of the compounds. The compounds are sited, as you know, far away from Marston, close, for example, Lane. And then the sort of design of the lighting schemes, it sort of describes is that there are different areas to the temporary construction areas. There's different zones for one of our description. So the actual compound area which we talked about has sort of varied use I described yesterday that I suppose, and sometimes through the night time, no significant workforce there. But we might have the reactive traffic management crews, security personnel, minimal workforce, basically, and the wider working areas not in use. So in those times, the wider working areas would not have the lighting on. So the lighting reacts the situation and the occupation, I suppose, at the time, something like the site compound. Perhaps in days gone by, you'd have huge tower lights everywhere on a scheme like that. Nowadays, you know the lighting for safe navigation around the compound, for example, around the cabins the footways, is cabin level lighting that is motion sensitive, so it's not just lit up and all the time. So that's the kind of principle behind the lighting scheme that would be derived at the time. You might imagine, as is probably the case in all our homes, you know now, energy saving measures, lights going on and off and all that kind of that's all part of our minimizing carbon and all those other features. So there's a few kind of commitments interacting here to the delivery of a strategy around lighting. So we described that motion sensitive lighting. There's a number of measures, aren't they bulleted in the management plans and the commitments. So that's kind of what's going on. I think it's important to say, you know, we have said we do have operations that are required operation lifting and bridge beams and things like that. I think, you know, obviously that would have the larger scale lighting that perhaps some people might have in their heads, and we understand that I mean, but those are for those short term overnight operations. So that's the kind of what goes on in the compound areas, and perhaps the lighting strategy and how that's part is all around the different areas, and how the sort of sighting and design of the site compounds and cabins is, that's where that would come in to minimize the light spill, and it's angled lighting, not directly shining at properties and such like,

1:04:17

yeah, Okay, thank you. I think our main area of concerns, the right word or not. Obviously, we're aware of the close proximity of the construction compound to residential properties on mode Hill lane and that and that area. And you do have the possibility for 24 hour working, which means if contractors work and need to work, they will obviously require lighting. Is there anything in the the register of Environmental Action commitments that requires you to actually produce a lighting design strategy, construction lighting strategy, which can sometimes be required inside. Of construction environment management plans, for example, where you have to set out the details of the design for the lighting. Have you got anything like that that's proposed in your React? Just going to

1:05:20

try and find the reference. There's a specific management plan, I believe, around the actual construction compound and the operation of it. And that's where that would come in, in terms around the compound and the operational lighting, sorry, the construction phase lighting in the compound. So that would apologies. I

1:05:46

Yeah, so requirement for secures the second iteration Environment Management Plan and management plan construction, it's the construction compound management plan that forms part of that second iteration Environment Management Plan, the outline plan I'm advised is app 136 that's in the first iteration.

1:06:10

And does that require you to produce a lighting, actual lighting plan with within that plan? So

1:06:18

typically, we would have, sorry, a Compound Layout, and we would detail the lighting on the around the compound, on that compound design, if you like.

1:06:28

Can I just turn to the council here? Is this? Is this something that you would find? Are you satisfied that the measures within that plan would be sufficient to mitigate against construction lighting, or does it need further information to ensure that the design of the lighting wouldn't give rise to that you you would Be satisfied that the lighting wouldn't affect neighboring residents. I

1:07:22

as a thanks, uh, Peter's Riley Smith for the council. I think that's something we would want in terms of the construction compound management plan. That's something specified within it, in a bit more detail, given the points that have been raised and the sensitivities around it, I think it's something where, while it probably would have been included anyway, having it more expressly referenced would be, I think the council would be supportive of okay

1:07:50

Tony Weston for the applicant, if it assists. Then the first iteration environmental management plan. Appendix I contains the outline construction compound management plan. And if you go to paragraph 1.5 you'll see that refers specifically to site lighting, and it includes reference to lighting being positioned and directed so as not to unnecessarily intrude on adjacent buildings. So the principle of it is already there in the outline, and obviously it will be expanded on in more detail in the second iteration in the environmental management plan.

1:08:30

Okay, thank you for that clarification. Does anybody want to raise any points on what they've just heard there? I No, I don't see any hands up or online. I'll move on to netting to Pikeville golf course now. So we noted the applicant's response to x, q, 1l, V, l, a, dot, 1.10 and this basically related to the we had queried the golf ball netting around pike for golf course. And in your comments, you advised that what's been shown on the Indicative plans is based on a worst case scenario in relation to the landscape and visual impact assessment, given that this is indicative layout and heights shown in the application documentation is based on what you said was an early assessment in the preliminary scheme design, and that we also noted the council's response to c l, C, E, dot, 1.1 in our first written questions, which

advises that the golf course have submitted lawful development certificates to undertake works to amend the layout of the golf course. Does the final layout to heighten appearance of the netting need to be more accurately secured in a. To minimize visual effects. I

1:10:26

Hi Tony Weston, for the applicant. I think at the present time, we haven't got to a sufficient stage in the design of the netting to fully know kind of what what needs to be secured there. So that's why we've undertaken an approach of looking at the worst case scenario. I think you'll have seen also in our written responses that we are presently in discussions with the golf club, and we hope to perhaps reach a position whereby with them, whereby works could be delivered, which would again minimize, or even remove the need for the netting. But we're not at that stage yet, so we have to operate on the worst case scenario, which is that the netting could be as kind of effectively described in work number 40, which is up to, you know, the 25 meters high and yeah, I'm not sure if that answers your question, but I'm not sure what else I can give, whatever detail I can give at the moment.

1:11:27

Yeah, I think what I was sort of querying is whether you could include a separate requirement in respect of this, in the case that it's needed, that you had to submit details to be approved by the Council or the secretary of state based on the uncertainties around this, because I completely appreciate that you've included it within and don't have any queries on that. It's just ensuring, effectively, what we're keen to ensure is that a netting just isn't erected for the sake of it, and it's overly large, because these structures can appear given it's, I mean, one example, there's one further around BM 60 at the Trafford center, and that's in an urban context. This would be in a rural context. And whilst the visualizations have done exactly what they need to do in respect of showing the worst case, and I appreciate that to we would want some reassurance that the, if any netting, is to be erected there, that it is the smallest, smallest sort of structure possible. And that's not just from a visual perspective. We've obviously heard the evidence before about bat activity in that area as well. So there's potential collision risk from ornithology and bats. So is there anything that you could consider as to whether, because at the minute, it seems that it's just would be secured under requirement three, which is quite broad at the minute, and it's just whether something needs to be secured more in respect of this structure, given the uncertainties surrounding its its need.

1:13:09

Tony Weston for the applicant, yes, potentially so I note your points. It's perhaps something that we can take away and consider. As you say, a new requirement might be one way to go whereby we effectively get the Secretary of State to approve the details, perhaps having consulted very Council. But we'll take that away and consider it. And then, obviously, I'm mindful that we do need to supply a new, revised draft DCO at deadline five. So that might be the point. If we come back to you on it, then,

1:13:38

yep, I think that's a way forward. Does the council. Wish to add anything to what you've just

1:13:42

heard there. Fauci said, pierce with the council, we were, as it were comfortable with the approach taken. We were aware of the Indicative goal or netting. We were aware of the height in the worst case. But hearing so what you've said, I think we have some discussion with the applicant and have potentially some input into an appropriate thing. We're comfortable with that approach.

1:14:03

Okay, thank you for that clarification.

1:14:10

Think we'll, we'll add that for deadline five as well, for the for the council as well. So we'll just add that. Okay, does anybody want to raise any points on on the netting to play golf course? No, okay, and there's no hands upon like that. Brings us to the end of agenda item 12. But before I do, has anybody got anything they want to raise in particular? And I think we've brought to my attention. Your hand was up earlier, Mr. Stroud, so if you just like to state the point that you were going to raise, thank you,

1:14:44

sir. Chris Stroud of Maro for the Hillary family, just a couple of things up as I'm not going to get the chance to respond, because we've not got the correct people here from National Highways on views and so on. I think there's, there's one for. Of the point that I would like to make, and it covers both biodiversity and screening, and why can't we combine the two? There's evidence and sort of precedent has already been set by national highways in their design in the North West quadrant and in the southwest quadrant are some fairly dense tree lines used for mitigation, and I presume that's to mitigate the views in those quadrants, just as we're attempting to mitigate views in the northeast quadrant. So why can't we adopt a similar policy and plant a dense row of trees along the boundary between the environmental mitigation areas, the work area, for want of a better description, and that would serve two purposes. It will provide a bat foraging corridor, and it will provide a more instant visual barrier, sheltering the all of those view receptors, including the Golf Course, including the views that PMO one from Egypt lane, which is a more recent photo montage. And we could kill two birds with one stone. Excuse the killing birds when we're talking about environment, but a proposal,

1:16:48

I think probably rather than getting the applicant to respond on that. Now, I think if you can include that in your post hearing submission, and then, and then, the applicants can respond to that deadline at the next deadline. I think that would probably be the best way to go on that particular but thanks for raising your points. Mr. Heaney,

1:17:13

thank you on the tree line proposal that came up on the last meeting as well, the company in the highway says they were going to plant trees after the meeting. I thought about it, and I suggest that, from the residents point of view, wouldn't it be a good idea to build a fence line, a three meter high fence line, not a one meter or two meter, but a three meter high fence line, plus the cheese would help to cut down the noise and the environment and environmental impact on the residents.

1:17:56

So in the meeting, and as a way, you weren't here yesterday, we did talk about the potential for putting in maybe more noise barriers along the scheme, particularly in the noise important areas. And the applicant has taken action point to go away and consider if that could be if that could be done, I appreciate you weren't here. There will be life. There will be recordings of all the hearings, and I'd be really happy if you could have a look at those hearings and comments, supplies, comments and everything you want to raise a deadline for which the applicant can then review. Okay.

1:18:29

Thank you very much.

1:18:34

Okay, moving on to agenda item 12. I don't think this will take a huge amount of time this agenda item, but we'll see which should then take us to a break. Oh, Mr. Mr. Stroud, yes,

1:18:47

apologies. One, one final item, and it may be pertinent if national highways are going to respond in in writing, can I just refer you to 810? 108, regarding bats, and this is it talks about the loss of foraging habitat. It states that the impact will be temporary. Is not considered likely to affect the integrity of the bat resource due to the mobility of bats and the availability of alternative foraging habitat in the wider landscape. So this is not particularly this appears to acknowledge that this is not a very local issue, and is one where the bat population would be quite flexible and go and find their own space.

1:19:49

Thank you again, if you want to add that to your post, hearing submission, I think that would be the best way to to deal with that. Okay, so under. Item 12, we're essentially seeking to understand here the extent of harm that would arise to the significance of two designated heritage assets that have been identified, and that's through changes in their setting, where slight adverse effects have been predicted in the environmental statement, turning first to heat and park registered park and garden. Can I ask the applicant, could you just talk through how the slight adverse effects that you've predicted to occur within the environmental statement would harm the heritage significance of this asset and where it would be most pronounced?

1:20:39

Tony Weston, for the applicant, I will hand over to Mr. James Goud, who's the cultural cultural heritage lead, and he's available online. I think he's just coming on now.

1:20:52

Hello. Yes. James goad, for the applicant, yeah. So Heaton Park, I put in the assessment chapter six table, six point 10, that there are some limited visual relationships from certain areas within the northern end of the park with the with the scheme. And therefore there was, there could have been some the construction activity associated with the constructions of ponds four and five might result in some sort of temporary visual intrusion into the into the designated area, just again, the northern half the park, which is obviously itself, been subject To a lot of sort of change in historic terms over the years. So it was a bit of a marginal one really. The effect would probably be very limited, and sometimes with using

the dmr criteria, a negligible sort of adverse kind of impact magnitude as this would be, this kind of visual intrusion would be, could result in a slight adverse effect when using the significance matrix in dmr, la, 104, so

1:22:18

That was Yeah, so something of a marginal one during construction, at least seeing that as a, you know, a very slight potential for

1:22:32

for impact there, in terms of the operational scheme, the the ponds will be sort of, the landscaping will be, in effect, a kind of an enhancement. And I think the the change to the setting of the park would be actually more historic than than visual over time as the vegetation mature, so I'm happy to, in terms of the impact during operation, I'm happy to take that one away and give a written response, if that's okay.

1:23:11

Yes, I think that would be helpful. What would because, in some ways, with heritage assets, this is sort of the two stage approach. You've got the environmental assessment that you've done, and then we obviously have the separate process that we have to do, the planning policy test, and it's on the heritage significance of the asset, and it's obviously in your documentation, you've you've stated that you think it'll be less than substantial harm. And we're just trying to understand a little bit more what the less than substantial harm to the heritage significance of that asset is, because obviously we have to report on that to the Secretary of State, and then we have to then weigh that harm, and give great weight to that harm, potentially well within the so we really want To understand a bit more what the less than substantial harm is to the heritage significance. Because Is that something that you can explain a bit more now, or is that something that you're welcome take away? Well, I

1:24:13

will

1:24:14

take it away, but I'll just, I'll also sort of summarize here that less than a substantial harm is quite a wide range of change to an asset, really. In terms of harm, there's no harm less than substantial harm and harm, harm being obviously very high in by an asset basically losing its, all you know, its coherence as a historic environment asset less than substantial harm kind of covers quite a range, I think, between something that's fairly negligible, which, in this case is Heaton Park. I mean, it's really, is kind of on the cusp of being no harm and and teetering over into less than substantial harm. And it's quite, it's quite a range of. Of impact really changed the setting in terms of hidden part of the change in setting, it's going to be minimal in both construction and operation, so I'll probably explain better in writing, but I think it's just maybe it's a mine was a glass, half empty view of of the effect. But I'll take that away and explain more.

1:25:32

Okay, thank you. Yes, we'll, we'll put that as an action point for deadline for I'll just turn to the council now on this particular heritage asset. Does this fall within your remit to assess the or is this Manchester City Council?

1:25:53

Sir Pierre Riley Smith for the council? I believe it falls within Manchester. But I do know we have Mark Kilby on the call virtually. Who is the council's conservation officer? It may be useful if he just confirms that point.

1:26:11

Hi, Hello, Mark Kilby, the bury Council conservation officer, yes, obviously the asset is, is within Greater Manchester's jurisdiction, so to speak. But I wouldn't have anything to add other than what the applicant has added regarding impact on the setting if they're going to make further submissions, I would comment on those when they when, when they are when they are submitted.

1:26:45

Okay? Thank thank you for that. So I think trying to think of the best way so we can get the response we need from the right party when we receive the deadline for response, we've got second written questions coming after that, which is the best party to direct that? Is it Manchester City Council or the Yeah, okay, right. I think we will do that and we'll try and get their response on on that. Okay, that's all the questions I had on on that particular asset. Does anybody want to raise anything further on that? No, okay, turning now to brick farmhouse, the applicant's response to H our first written question, he dot 1.7 you confirm that the extent of harm has only been assigned to designated heritage assets under the under the both national networks, national policy, state and national planning policy framework, and that no other designated heritage assets were identified experiencing a less than substantial harm, noting that slight adverse effects are anticipated to the grade two listed brick farmhouse during construction. Can the applicant advise whether harm would arise to the significant of this heritage asset?

1:28:17

James goad on behalf of the applicant, the less than substantial harm arrived at in my assessments would be temporary. I mean, limited to construction, given the sort of inter visibility between the asset and pond two, which is the only part of the scheme that would change the setting of the asset, temporarily, taking into account not just the footprint of the pond but the wider working area around it. So that would be because of the visual intrusion and other construction related impacts arising from working activity. It was, again, maybe a glass, half empty approach. I marked that down as sort of a slight adverse effect, which is not significant. So again, on the scale of substantial harm, more on the kind of lower end of less than substantial harm, between no harm and, you know, less than substantial. So, yeah, just a temporary on a on a temporary basis during construction and during operation, there would be no harm.

1:29:40

Okay, so you you would admit that there would be less than substantial harm to that heritage asset, but albeit on a temporary this during the construction operations, because that's not clear in the application

document was before us. And obviously, if there is that harm, E. Even if it is temporary, then obviously we still need to be aware that the Secretary of State needs to be aware of that when, when they when they make their decision. Could you also add that to your post hearing note about extent of harm to that heritage asset, even if it is temporarily during the construction period? That would be useful, but thank you. I'll just ask, since the council's got anything that you want to add on what you've just heard

1:30:27
again, so

1:30:28
I'll just invite Mark Kilby to come online.

1:30:31
Yes, Mark, Mark Kilby, conservation officer, no, I agree with the applicant in so far as the temporary harm needs to be identified and separated from what will be considered any permanent impact. And yes, I think it would, the permanent impact, so to speak, would be very much at the lower end of less than substantial harm, in terms of impact on the heritage values of the building and therefore the impacts on its overall significance. But yes, I would also welcome, again, I would welcome the details of the temporary harm during construction that would accrue so we could assess that as well. Thank you.

1:31:21
Okay, that's fine. And we can, we can put a prompt in our second rate of questions when we get the deadline for submissions, and similar to the approach, we can do for heat and park registered Park and gardens. And that's all the questions I have on Historic Environment. Does anybody want to raise any points on what they've heard? No, okay. Well, that brings us to the end of agenda. Item number 12. The time is now 1131, so I think it's time to take a break and we will resume at Yeah, we'll take a just slightly less than 15 minutes. We'll resume a quarter to 11, so This hearing is adjourned until quarter to 12. So.