



## Hearing Transcript

<b>Project:</b>	A46 Newark Bypass
<b>Hearing:</b>	Issue Specific Hearing 4 (ISH4) - Session 1
<b>Date:</b>	05 December 2024

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# AUDIO\_A46\_ISH4\_SESSION1\_2024-12-05

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Good morning, everyone. The time is now, 9:30am and time for this hearing to begin. Before we go any further, can I just confirm that everybody can hear me? We get a thumbs up in the back of the room. Thank you. And can I confirm with the case team that the live streaming and recording of this event has commenced. Thank you, Mr. Keats, I would like to welcome you all to this issue specific hearing on the environment in relation to the application made by national highways for an order to grant development consent for the a 46 New York bypass project. My name is David love and I am a chartered town planner with postgraduate qualifications in ecology and a particular practitioner member of the Institute of Environmental Management and assessment. I'm an examining inspector for nationally significant infrastructure proposals with the planning inspectorate, and I will be leading on today's hearing. I will now ask my panel members colleagues to introduce themselves. Mr. Stone, please

Good morning. My name is Kenneth stone. I'm a chartered town planner, and I've been appointed by the Secretary of State as a lead member of the panel to examine this application.

Thank you very much.

Good morning. My name is Paul Burley. I'm a chartered town planner and an examining inspector for nationally significant infrastructure projects with the planning Inspectorate. Thank you. You

will also hear, hear us referred to as the examining authority, or x A Our role is to examine the application and to report the Secretary of State for Transport with a recommendation as to whether or not the development consent order should be made. The application seeks consent for a scheme that comprises online widening of the a 46 to north of the existing route for most of its length, between the found and roundabout and the a one followed by a new section of offline jewel carriageway proposed between the A one and Winthorpe roundabout, where a new jewel carriageway ties the existing a 46 to the west of Winthorpe roundabout. The widening works include earthwork widening along the existing embankments and new structures where the route crosses the Nottingham to Lincoln and East Coast Main Railway lines, the river Trent and the a one. The roundabouts at Farndon and Winthorpe will be enlarged and partially signalized, while the cattle market roundabout will be grade separated by elevating the a 46 access to the a one to and from the a 46 will also be improved by upgrading the brown hills and friendly farmer roundabouts planning inspectorates. Case team here today is represented by Mr. Ewen Keats case manager, with Tim Hall as one of as the case officer, and they are being supported today remotely online by Mr. Stephen Parker. Please don't hesitate to talk to a

member of the case team. Should you need help at today's event or with the technology? Now, before I go any further, I will deal with some a few housekeeping matters for those attending in person. Can everyone please set all devices and phones to silent? The toilets closest to the Great Hall are down the ramp and to the left in the event of a fire, there are four fire exits out of the Great Hall. Please familiarize yourself with your nearest exit. The fire evacuation assembly point is near the tennis courts on the front lawn. To get there, you will need to walk through the car park and past a business center for anyone with any mobility issues, there is a ramp to use. There are no scheduled fire drills planned today. As far as I'm aware. I'll now deal with a few preliminary matters before I move into the substance of today's agenda. Today's hearing is being undertaken in a hybrid way, meaning some of you are present with us in the room, and some of you are joining us online using Microsoft Teams. We will make sure that, however you have decided to attend today, you will be given fair opportunity to participate. If you are participating virtually and you wish to speak at any point in the proceedings, please use the raise hand function and we will invite you to speak at the appropriate time. Alternatively, please turn on your camera if you are happy for your image to be seen and recorded, so that we can see that you wish to speak. In terms of the recording, the hearing is being both live streamed and recorded, and the recording will be available on the a 46 New York bypass page of the national infrastructure website shortly after this hearing for the benefit of the recording, please, can those present ensure that you speak clearly into a microphone, stating your name, who you're representing each time before you speak. If you're not at a table with a microphone, there is a roving microphone, so please wait for one of these being brought to you before you speak. For those observing or participating remotely, in order to minimize background noise and distraction, can you please make sure that you stay muted and your camera remains off unless you are speaking. If anybody wishes to use social media report film or record during today's hearing or in subsequent hearing, then you are free to do so, but please do so responsibly and with proper consideration for other parties. This must not be disruptive and the material must not be misused in terms of GDP. Er a link to the planning inspectorates. Privacy notice was provided in the notification for this hearing. I assume that everybody here today has familiarized themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Please speak to the case team. If you have any queries about this. Anyone who wishes to speak at this hearing must do their best not to give any information which should be kept private and confidential, such as health conditions or an address. If you submit information in writing or at hearings which is considered by the planning Inspectorate to be personal data, it would not be published and considered as part of the examination. If you have questions about personal data, you may speak to the case team or access the nationally significant infrastructure projects advice pages for submitting representations. In this vein, I would mention that if you want to tell us something about where you live today, because it is relevant to what you have to say, please just provide a general location without mentioning your Pacific address. Now the today's hearing will follow the agenda published on the national infrastructure planning website on 25 November, examination Library Reference, Ev, 2006, it'd be helpful if you had a copy of this in front of you. Could I ask the applicant to the applicant to display the agenda on screen at this point. Thank you. Focusing on the point of discussion and scrolling as we move through the agenda. In terms of substantive matters, the agenda is split into various items to seek to examine the applicant's case in relation to the wider environment, including, but not limited to biodiversity, landscape and visual cultural heritage, noise and vibration effects. However, please note that as a minor change to the agenda, I have decided to move item six habitat regulations appraisal to follow immediately after

item three, biodiversity. Then we will continue with the agenda as advertised. I trust this is acceptable to all parties. The agenda is for guidance only, and we may add other considerations or issues. As we progress, we will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matters and defer other matters to written questions. Likewise, if you cannot answer the questions being asked, or you require time to get the information requested, then please indicate you need time to respond in writing. We plan to have a mid morning break around 11 o'clock, and then aim to conclude the hearing by 1130 when we take breaks. Those of you who are participating room virtually will need to ensure that your cameras and microphones are turned off during the break. I'm now going to ask those of you who are participating in today's hearing to introduce yourselves. Could you introduce yourself, stating your name and any title you wish to be addressed by who you represent, and let us know in which agenda item or items you wish to speak. If you are not representing an organization, please confirm your name, summarize your interest and the agenda item, or items upon which you wish to speak. I will start with the applicant. Please, if I could hear from whomever will lead the submissions today and any others who will make regular contributions. Thank you. Thank

you, sir, and thank you very much for accommodating our request to move the agenda items. Emma Harling Phillips of Council, I am a partner at one will bond Dickinson, and I am here on behalf of the applicant. I am joined by Vicky Coulthard, who will be addressing you on items A and C under item three of this morning's agenda, Ross Holgate, who will be addressing you under item b of item three, and Jane sothkit, who will be addressing you under items D. They will introduce themselves as and when they get to their agenda item, thank you. Thank

you. My colleague has just advised me that I said we'd be finishing up around 1130 that is not the case. That would be a very quick hearing. We will be taking a break around 11 depending how matters progress, and aiming to finish up by 1230 apologies for that. Okay, thank you. The applicant for that. We will now move on to the representatives of local authorities, statutory parties, statutory undertakers, parish councils and then interested parties. Firstly, may I ask Newark and show a district council to introduce yourselves today.

Thank you, sir Lindsay Preston, Newark, and show a district council speaking as and when needed throughout, have my colleague, Nick law to my right and colleagues from via East Midlands, which I'll explain their involvement as we move forward.

Thank you. And can I ask Nottinghamshire County Council please?

Kevin Sharman, Nottinghamshire County Council, major transport infrastructure lead, will be speaking on items three through to five, but as and when and needed, we've got a number of officers with us as well. And we'll introduce them as we need to. Thank you. Thank

you, sir. Statutory undertakers, we do. We have the Environment Agency joining us online today. Nope, that's fine. I don't have any parish council representatives who registered to speak. Can I confirm that remains the case. Are any parish council representatives with us in the room? Not seeing any hands online? No, I'm not seeing any hands there either. I will now move to interested parties. I don't have any interested parties pre registered. But are there any interested parties in the room or online who wish to speak today? I'll come to the room first, please, if you do wish to participate today, please just raise your hand. Nope. And online. Anyone online? No, okay, is there anyone I've missed in the room who wishes to wishes to participate today? No, and I'm not seeing any hands online either. Okay, so just to reiterate the point to all of our participants today, for the purposes of the recording, it will be enormously beneficial to us if each time you speak through the hearing, you could state your name, who you're representing, yes, and who it is you represent. Please. As I mentioned earlier, the event is being live streamed and recorded and will be available to view on the a 46 new bypass page of the inspectorates website. Anyone watching on live stream or at a later date has the opportunity to make any comments about the matters covered today in writing for deadline form, which is Friday, 13th of December.

Agenda item two, purpose of the hearing and the examining authority's opening remarks. Let me please briefly explain the purpose of today's hearing. The application for the proposed development includes matters that will directly and or indirectly impact on variety of elements of the environment. This could be consideration of the mitigation hierarchy with respect to ecology, noise impact on on sensitive receptors, cultural heritage, matters such as list of buildings, conservation areas and archeology. Therefore, it is important to place these matters under examination via written questions and through this hearing. This hearing is to enable the examining authority to hear and probe the applicant's case. In respect of these matters, This hearing will help us to consider whether the proposal meets the relevant policy tests in the national policy statements of national networks, 2015 and all those other relevant matters considered important and relevant. The purpose of this hearing is to consider the matters on the agenda, which was published on 25 November. If when making a statement of comment, please note that it is not appropriate to refer to documents that haven't previously been submitted as part of the examination. If you propose to refer to a new document, that document will need to be submitted along with your written summary of your oral submissions so that it can be formally entered into the examination library and other parties will have an opportunity to view and comment on it. If during the course of the hearing, we need to refer to a document, well, you will use the document reference in the planning and spectra examination library the objective of today's hearing is to develop the examining authority's understanding of the issues. The expectation is that we as the examining authority will lead on questions, but there is provision for direct questioning by interested parties. Should this be necessary? At our discretion, I would remind participants that applications for development consent orders are examined principally through the written process. However, hearings can be held to examine matters whether it is helpful to the examining authority. This is a subject matter controlled agenda. This means that the matters for discussion today are those matters identified on the agenda. Parties with an interest in the particular subject matter are known as interested parties. We will seek comment from interested parties or IPS at the appropriate time, but the applicant will always have the right of reply. For the purposes of this hearing, we are assuming that representatives of the applicant are reasonably familiar with legislative policy and guidance framework and with the process that the examining authority and Secretary of State will go through. For those of

you less used to the due to issue specific hearings, we should explain that we may refer to a number of the principal documents from the application today. Some of these were listed in the agenda, but this has now been updated. Some of these documents are the examining authorities rule six letter, the environmental master plan, general arrangements, plans, nitrogen sensitive ecological receptors and so on. There are quite a number of them, but what I'll do is, rather than list them all, now we will, I will reference, give the reference number of the examination library and provide participants with an opportunity to bring this up on screen together. These provide the bulk of the material relevant to this hearing. In preparing for this hearing, we have looked at all relevant material, including the environmental statement and all submissions at deadlines, one, two and three. All of these are available via the examination library on the project web page of the planning inspectorates the national infrastructure website, you can read these application documents and provide us with your own opinion on such matters. If you have not already done so in your own written representations. These are due for receipt by deadline four. Finally, may we remind you that the focus of today's hearing is explicitly on the environment and we will not be taking any submissions or evidence on other aspects of the proposed development itself. There will be other opportunities to write or speak to us on other aspects of the examination, and these are set out in the examination timetable reference, PD 006, if you make a verbal presentation today, we may request that you submit a follow up written summary of your oral submission after this hearing. By deadline for written submissions should be based on your representation today, rather than include new material, but they can include more detail and corroborative or supporting evidence. Those of you who haven't attended proceedings such as these before there is necessary formality, I would ask you to refrain from interruptions. These are most unhelpful to us, potentially disruptive for those who are speaking, and could in some circumstances, lead to an award of cost against the person responsible before I come to the substantive agenda items and the applicant's general case, is there anything of a more general procedural nature to anyone wishes to raise before then? Don't see any hands in the room, and I'm not seeing anything online. We will now turn to matters of the environment and the substantive agenda items. The

so the

first agenda item would be, it's under biodiversity item three, and what I'd like to explore first of all is the impact of the proposal on biodiversity, including mitigation and compensation. Firstly, can I ask the applicant to explain their approach to biodiversity, considering the mitigation hierarchy, especially if we, as we have several local wildlife site designations affected by the proposals and what efforts were taken to avoid these? Over to the applicant, please.

Thank you, sir. Emma Harley Phillips and Barth for the applicant, I'm going to hand over to Vicky Coulthard, who will address you on this matter.

This is Vicky Coulthard on behalf of the applicant. I'm sorry.

Can I ask you to go closer to the microphone? It's just for the recording.

This is Vicky Coulthard on behalf of the applicant in terms of our general approach, chapter eight of the environmental statement, a P, P, 052, provides an assessment of the impacts of the scheme and biodiversity following implementation of the mitigation hierarchy for the scheme is anticipated to result in one residual, likely significant effect during construction, which is the direct permanent loss and of a section of Great North roads, grasslands, local wildlife site, as well as temporary loss for section of this grassland, which is located around the cattle market. Roundabout, mitigation and compensation measures for all biodiversity receptors are detailed within the register of environmental actions and commitments within the first iteration environmental management plan, R, E, p3, 22 and figure 2.3 which is the environmental master plan of the environmental statement.

Sorry, was there anything further?

So in terms of impacts to is it to the Great North rose local wildlife site, like some detail in terms of how we've avoided potential effects on this site. And so impacts to the potential impacts the local wildlife site around the cattle market roundabout were minimized during the design process by introducing 70 degrees steep and slopes of the embankment, reducing the overall cross section of the carriageway, by narrowing the new central reserve and reducing the access track width either side of these from five meters to three meters. And the cattle market the working space to widen the gyratory and steam and mutant arches have been reduced to an absolutely

minimum, okay, so there will obviously be minimum requirements, safety and so on that you for a road scheme that has to have consideration of that is it fair to say that you are the You've considered impact on in terms of avoidance, you've considered that, and you're at the sort of minimum sizing that you can be in terms of safety.

Yes, that's correct. Yeah. This is Vicky Coulthard on behalf of the applicant, again. In addition, in terms of access, in terms of maintenance, access to this area, the location of the access was also realigned to sort of run adjacent to the works area, rather than going through the area and area of lowland meadow to reduce impacts to this habitat further.

Okay, thank you. And just for my own understanding in terms of avoidance into in the chapter two. In terms of the alternatives. Chapter in the ES avoidance was considered at that time, so avoidance has been sort of baked into the scheme from the outset. Would that be a fair comment?

That's correct. Okay, thank

you. Right. I just want to move on. Then. Can we turn to document as 045, it's titled figure 8.4 compensation planting for loss of local wildlife site habitats. And I'm just going to, I'll just give the applicants an opportunity to bring this on screen.

You shut down please.

Beautiful.

Thank you very much. Can we turn to the last page? Please? It's PDF page four of four.

Perfect. Thank you very much. Okay, we may want to just scroll to the sort of top of that. That figure. There we are, brilliant. Can you talk me through those areas of temporary loss on this page, please, because it might be, it might be just, I'm not seeing it, but I don't. I see areas of retention which are outside the order limits and but I don't, and I see areas of permanent loss. I'm not seeing any areas of temporary loss on this page. Am I just missing it? Or you just talk me through, please.

This is Vicky Coulthard on behalf of the applicant. So we're referring to dairy farm, railway strip, Newark, local wildlife site. You

so it's just above where it says a 46 on the a 46

Okay, yes. So this is Vicki cauldron on behalf of the applicant. So that refers to old Trent dyke local wildlife site.

Ah, yes, okay.

Is that the only area of retention on that, on that plan, I'm not missing anything else.

No, that's, that's the only area temporary, temporary loss.



Okay, thank you very much. Okay, I'm going to ask before we move on from the local wildlife sites, I'm going to ask if Newark and Sherwood District Council have any points they would like to make on local wildlife site habitats and the impacts.

Nick Nick law, biodiversity and ecology, lead officer at Newark and show, sorry, sir, could

you move closer to the microphone?

Sorry. Nick law, biodiversity and ecology, lead officer at Newark and show with district council, it was just one comment on the impacts of the Great Northern road local wildlife side. Potentially, the impacts were related to the loss of the area of the local wildlife site. But I believe, after the death study have been done, that possibly the boundary of being contracted on that site anyway, because, you know, they there's a rolling re survey program that's done by the those that sort of manage the system. So possibly the, you know, the potential sort of loss on that site might have to actually be less against the designation, since that's been done, but that updated sort of layer was created after the death study had been done. And I asked the

applicant, do you have anything you'd like to respond to that, please?

This is Vicky Coulthard on behalf of the applicant. Don't have any further comments. Agree with that statement that the boundary of the local wildlife site has been amended so will result in this. So, yeah, the area of the local wildlife sites is reduced compared to as reported within the environmental statement. Thank you. So

New York and Sherwood, are there any concerns? Answer them with respect to local wildlife sites. No, okay, okay,

that's uh, that's good to hear. Thank you. Okay, then let's move on. Then um, in the environmental master plan document, and if we could have this on screen please as well. It's as 026,

now what I'd like to explore here are its compensation measures retain its areas of retained vegetation, and compensation measures such as the Kestrel and bat boxes, which are outside the order limits. What I would like to ask the applicant, is the areas of retained vegetation? How can we ensure their retention? Or are they just in there for completeness? And my other element of the question is we did discuss briefly the other day, I think it was in the DCO hearing about barn owl boxes, and it was touched on, then about side agreements to secure the placement of barn owl boxes, but there are also

bat and Kestrel boxes outside the order limits. And I would just like to ask how they would be considered, how they would be secured. Please.

You Thank you, sir. Emma Harley Phillips, on behalf of the applicant, your query regarding the retained vegetation is that the retained vegetation that's within the order limits.

No, it's outside the order limits.

I believe that's the site at Doddington Hall. No,

ma'am, what I'm referring to, it might Yes, sorry, we have it on screen now, if we scrolled even just to page, page three, I

but if we keep scrolling, there we are, stop there, please.

There we are. In fact that that's actually rather useful. We see the edge of the order limits there, the red line indicated there. But then we this is just an example. If we look through every every map, you'd see. So we have retained vegetation to the left hand side of that red line, which indicates the extent of the order limits. And that that is a feature throughout, the maps and the environmental master plan. How do we ensure the retention of the vegetation?

Thank you, sir. Emma Harley Phillips, I'm part of the applicant. I think the point of the retained vegetation being shown on the image is that it's vegetation that the scheme isn't affecting. It's not doing anything to it. It's not that it needs to be retained as a result of the scheme. It's that it's vegetation that exists that is being retained, and the scheme is therefore not relying on that vegetation being in place. So it's just a matter of, it's part of, say, the highway verge, that would be managed and maintained by either national highways or the local highway authority, whoever has responsibility for the particular road in question. Okay,

so it's, it's sort of there for completeness and to provide an overall, larger picture of the habitat links.

That's correct. It's to show the vegetation that exists that we are not affecting as part of the scheme.

Okay, thank you. No, that's, that's helpful. And if we then scroll to apologies, I need to keep taking my glasses off to see my my own screen. Um, most of the bird and back boxes are within the old limits. But I think if we scroll to the to give you an example, if we scroll to the very last page, which would be page nine of nine on the PDF, and we have a like say, this is just one example. So this is Kellum and Abraham on the right hand side. You see outside the order limits, there's an area of retained vegetation, and we have the purple circle, and that's a proposed bat box like I say. This is one example. How would that be secured? Please?

Emma Harley Phillips on behalf of the applicant. So when we referred to our boxes yesterday, that should have been a more complete answer. It relates to the back boxes as well, and the castle boxes. Discussions have already been commenced with the landowners. All landowners are aware where there is a box shown on their land. And as I said, I think it was at yesterday's hearing, the plan is that licenses are going to be used in the first instance agreed with those landowners so that the boxes can be put in place and they can become natural. Closed, and then separate agreements will be entered into that deal with the management and maintenance. And the reason that two pronged approach is happening is so that we don't delay the actual construction of the boxes so that naturalization can happen. And it's the applicant's intention that those agreements will be in place by the end of the examination, and if we get towards the end of the examination and they are not then we would consider having a pre commencement requirement of the type that was used on the A 303 Stonehenge scheme.

You preempted my next question. Thank you. Okay, so if we now turn to the

if we turn to the statement of common ground, please with Natural England, and then, remiss of me, I don't have a document number to immediately to hand, but I will get one. I

but on pay on Section five, it states Natural England expect to deliver further advice on protected species to national highways. Within this I wondered if this was, this was part of just ongoing discussions with that between national highways and Natural England. Or if this was something more fundamental, yes, sorry, it is document. Pardon

me. What if you have the document open? It's a page 13 of 28

so I believe it's rep 1026, yes,

that is correct. Thank you.

Now we on page 13. Maybe it's not that. Sorry, bear with me.

It might actually be better to ask the question in such a way, which is simply to ask for an update on your discussions on Natural England, on protected species.

Please, yes, apologies, it's at the bottom of that page there under protected species point number five, the fourth box along.

Thank you, sir. Emma Harling, for looks. On behalf of the applicant, I'm instructed that the discussions with Natural England have focused on the HRA, as we believe that's the only issue that's outstanding with them in terms of protected species. As you'll be aware, from the beginning of the statement to common ground, a letter of no impediment has been issued by Natural England, and species protected species licenses will need to be granted in the future by Natural England. And so my understanding is that that reference is to that ongoing process that will continue post the examination during construction of the scheme.

Thank you. That is clear that that answers the question right. Moving on with considerations to comments from Natural England, and this is rep 1026, I statement of common ground, point one page 26 that tree shelter belts provide good mitigation feature for atmospheric pollutants on terrestrial habitats. I'd like to turn, if I may, to Newark and Sherwood District Council. Are we satisfied that habitats which will be exposed due to tree felling. Are we satisfied that they will not be adversely impacted by atmospheric pollutants? And secondly, are we satisfied that new tree planting will suitably protect newly exposed habitats? Do

uh, Nick Lord, you can show District Council. Yes, I don't think we have any specific concerns on that matter.

That's helpful. Thank you. I assume the applicant doesn't have anything further to add to that. No, thank you, sir.

Okay, I'd like to explore the issue of habitat severance in more detail. Please. Can I refer to the applicant to Newark and Sherwood District Council's responses to the examining authority's first round of. And questions. Rep, 3037, specifically question 3.0 point four. Do you consider that the issue of habitat severance has now been resolved? I

This is Vicky Coulthard on behalf of the applicant. Yes, we had some comments from NSDC or from the examiner, but in terms of habitat severance and we've provided responses to these comments.

Okay, thank you. Sorry. Was there anything further? Nothing. So can I come now back to Newark and Sherwood? Would you agree that the matter of habitat severance has now been resolved?

Lindsay question for Newark and show could you just repeat the question number so we could find it on that? Yes. So

rep, 3037 and it's q3, 04, you

rather, the document is, that's the comments to responses to XQ one from the applicant.

Thank you. Lindsay Preston for Noah. Can show it? Do you say? Rep, 3037,

yes. It was national highways. Response to comments, two responses to XQ one. And if we turn to page 23, of 66

that's why the question numbers weren't in order. That's why I confirmed it. Sorry.

And yeah, so it's very bottom of that, and I'm just looking for confirmation about Habitat severance. Do we feel it's been resolved, or is there, Is there more work to be done here? I

thank you so new can share with district council Nick law, yes, we're quite happy that you know the severance issues have been resolved from that matter.

Okay, I note reference in in this response to Nottinghamshire County Council. Do the county council have anything to add? Matter of habitat, severance?

DJ, how? On behalf of Nottingham county council, we've taken note of the responses from the applicant, but we're still reviewing the responses, and if we've got any further issues, we'd have to take the open statement of common ground. Okay?

Thank you. That's helpful. Does the applicant have anything they wish to respond before we move on?

Thank you, sir. We Emma Holly Phillips and Barth the applicant, except to say, we, we will watch out for those responses, and as you say, update the statement to Common Ground when they come through.

Thank you. Okay, can I now ask the applicant to provide me with an update on your discussions about the fish escape passages following your discussions with Natural England? Please.

This is Vicky Coulthard on behalf of the applicant, so fish escape passages are required mitigation as part of the habitat regulations assessment for potential effects on the Humber estuary SAC and rams, so relevant representations were received from Natural England on the habitats regulations assessment and the habitats regulations assessment has been updated in line with these so This has included producing a fish, fish escape passage technical note, which has been appended to the habitats regulations assessment and provides details of consideration of four options for fish escape passage from the farmed and flood compensation areas with a justification for selection of the preferred option. Natural England has. Reviewed the technical note and has requested further clarification on a few points which we've then discussed. We've arranged a call next week with actually need to go over the last few points relating to the habitats regulations assessment and the proposed fish escape passages, and this will be agreed within the statement of common ground.

Okay, thank you. That's helpful. We haven't got Natural England with us today, so I'm quite happy for that to keep evolving, as you've described. Okay, I'm going to move on to the next item, which is biodiversity net gain, including the appropriateness of the applicant's approach and delivery mechanism. A biodiversity net gain is not mandatory nationally significant infrastructure proposals. It's not expected to come into force until November next year. What weight do you consider should be applied to biodiversity net gain in this in for this project

that Emma Holly for lips on behalf of the applicant. So that's a rather difficult question to ask, because weight is a matter for the decision maker. As you say, the the requirements to deliver net gain are not in force. The applicant is providing an increase in biodiversity units as part of this application that is seen as a benefit of the scheme and an enhancement that is being delivered when there is no obligation to do so. And the case for the scheme refers to that as a benefit and enhancement of the scheme. But in terms of the weight to be given to that, that really is a question for the decision maker.

No understood. Okay, so bearing in mind that the bng, rather than saying bad arresting again, I'm going to say bng is a benefit of the scheme. It's not a mandatory requirement. If we then turn to the wording of the national networks, NPS, 2015, 5.33, and for ease of reference, I'll just read out the key part. When

considering proposals, the Secretary of State should consider whether the applicant has maximized such opportunities in and around developments, and that relates to ecology and biodiversity. Do we feel we have explored all the opportunities for enhancement in and around the site?

Thank you. So I'm going to pass on to Ross Holgate. Will be addressing you on this matter.

Ross Holgate, on behalf of the applicant, thank you for the question, sir. Firstly, as you, as you've already mentioned, there are no mandatory requirements. The applicant has produced a, b and g assessments. Which bng technical assessment, application reference, PP, hyphen, 159, which details our approach and the findings of that assessment, the in in line with using version 3.1 of the of the biodiversity metric and the guidance that comes with it, we've followed that that process without deviation, and the starting point before that is applying the the mitigation hierarchy. So the first thing to consider, I think, is the is the fact that the design process has sought to avoid and minimize impacts to habitats wherever possible. And that's, I think that's a critical starting point for looking at, looking at performance of the scheme against the bng assessment process. But moving on to the question you asked then, then, yes, we the scheme has sought to enhance biodiversity units. Enhanced biodiversity the development of the design wherever possible, including for the three, the three types of biodiversity units that are included within the biodiversity metric. So those, those being area based habitats, where we've achieved a gain of 4.99%

increase the hedgerow units, where there's an increase of 8.17% in hedgerow units and a 36.93 increase in. River units, we have sought to within the parameters that we need to work to

enhance biodiversity through the design of the scheme wherever possible, because, because there is no mandatory requirement. It's not possible to increase the extent of the order limits to accommodate additional biodiversity enhancements. We have to work within within the scope of the scheme, and seek to add in as much biodiversity value as possible to everything that is designed, whether that be the landscape design, how to deliver, how essential ecological mitigation is delivered, integrating with things like the drainage scheme and the flood making maximum use of the flood compensation areas where we already where there's already a requirement for relatively large areas to be sort of included in the landscape for the scheme and managed in the long term. So it's we can integrate additional biodiversity into those, into those sort of design features within the context of it's been a not being a mandatory requirement to achieve any particular level of biodiversity improvement as measured by a biodiversity metric. So if that's okay, okay, thank

you. I'm going to sorry. I'm just going to have a I'm going to have a scribble some notes and have a think about that. I'm going to ask my colleague, Mr. Burley, to ask a question, but Miss Harling Phillips, thank you, Emma

Harley Phillips and Barthes applicant, if I could just add to what Mr. Holgate has said and draw your attention to the MPs accord table, which is as 090, at page 101, that explains, in a summary form how the scheme has sought to meet that requirement in the NPS, nn. That explanation refers, for example, to the scheme design report, which is application document reference, app 194 which sets out the environmental considerations that have influenced the design of the scheme, how that has incorporated opportunities to benefit biodiversity. It sets out the embedded mitigation measures that have been incorporated into the design of the scheme from the outset. For example, the landscape design objectives include retaining notable extents of existing planting, providing new planting to replicate existing features and establish visual screening. The mitigation strategy also seeks to reinstate landscape features lost as a result of the scheme and enhance the landscape contact context wherever possible. So I would just commend that document to your reference as well as the scheme design report. Thank you. Thank

you. I'll ask Mr. Burley to come in just now.

Thank you. So we're looking at npsn 2015, aren't we? Biodiversity net gain doesn't feature in that as a concept, does it?

Marlin, but on behalf, that's correct, sir, it refers to the enhancement measures that Mr. Love has referred to. Thank

you. So in terms of biodiversity net gain, given that it's not in the policy document we're looking at, and it's not, it's not commenced in law. Why should we take that into account? In any event, this is a two part question. So why should we be taking it into account? Why should you be doing it, I suppose, is the question. And then the second part of that is, is your approach, or has your approach been informed by the way the decision maker so the Secretary of State has dealt with previous national highway schemes in their decision and the weight that the Secretary of State has given to voluntary biodiversity net gain in those decisions.

Thank you, sir. Emma Harley Phillips, on behalf of the applicant, in terms of why the applicant is seeking to achieve biodiversity net gain wherever possible. As Mr. Love has pointed out there is a requirement for enhancement and obligations to benefit biodiversity and take those opportunities in existing MPs. So what we as the applicant are badging here as bng could also. Just as easily be taken to be opportunities for building in benefits to biodiversity under the NPS. So to that extent, they are still relevant in your decision making, because they demonstrate compliance with that part of the MPs, nn, to the extent that the applicant is relying on its provision of bng that is seen as a benefit of the scheme. It's something that is being done voluntarily. It is not a requirement, and therefore the applicant's position is it is not required to provide it. We do not, we do not need to demonstrate that we have



provided it to be compliant with the NPS. Yes, the Secretary of State's previous decisions have factored into the decision to attempt to provide bng, and the applicant has also been listening to the music that comes out of Natural England and the Environment Agency. And as you'll be well aware, sir, in ever since the bng requirement became a live topic of discussion, the statue of nature conservation bodies have been expecting to see it, even though it is not a mandatory requirement. And as such, the advice for schemes has been, if we can achieve a net gain, we should attempt to do so, but within the parameters that we can do so, given that it's not a mandatory requirement. So for example, we are not in a position to compulsorily acquire land to deliver bng, though. Instead, opportunities need to be looked for on land that the applicant owns, we need to look at enhancements via the mitigation that's already going to be provided, and so we have to act within those parameters.

Thank you. So are there any previous Secretary of State decisions you'd like to point us to in terms of the weight that the Secretary of State is accorded to voluntary bng and thank you, sir. Emma

Harley Phillips, above the applicant, we can certainly take that away. And I assume, unless you tell me otherwise, that you'd like us to focus on the Secretary of State for Transport decisions, as opposed to any other sector. Yes, that's

right. Thank you. Thank

you very much. Can I now turn to Newark and Sherwood District Council and Nottinghamshire County Council? Please? I'm going to essentially ask you the same sort of question, do you consider that biodiversity opportunities have been maximized? Now I'm using that word on purpose because in the paragraph 5.33 of the NPS. It does say whether the applicant has maximized such opportunities in and around developments. Do we think that is there anything else that could be done within the order limits, within the gift of the

scheme Nick Lord new can share with district council, those of us that are practitioners with biodiversity net gain know that it's actually, it's not a perfect system by any means. And I think for sort of infrastructure projects like this, which tend to be very linear in habitat, one of the first challenges, you know, can be, you know, following that mitigation hierarchy, where you're actually, you know, you should be trying to sort of, you know, Mini, minimize your sort of impacts, deliver your sort of, you know, net gains if you're going down that route, you know, within the site or you go outside the site boundary. But of course, you know, with projects like this, it's, you know, it's a working transport link, which then does create its own problems. So I think that it's, it's right, and, you know, it's, it's almost, they sort of become the accepted approach that ncips Do try to demonstrate using the, you know, that you know, the net gain approach. But I think because it doesn't have to do that at the moment, it's just sort of a cautious approach to make sure that that's not been slavishly followed, whereby, sort of, you know, other opportunities for sort of, you know, more sort of creative, sort of habitat creation and

enhancement, which, once again, those of us that are practitioners With bng. Know that to some extent, that's been taken away by that process, you know, it's got to go into a box. And, you know, there's habitats got to be created in a certain time frame, you know, to get, get the units. So as long as I think there's confidence, and, you know, perhaps a response from the applicant, from you know, that point of view, would be sort of useful to know. Then I think that you know, within the constraints which the app is just sort of mentioned, I think they have attempted to maximize where it possible, because there are those specific constraints with it. The other thing is, which I think my colleague might want to come back in on, is. That there's been some other requirements outside of sort of bng, in terms of sort of tree planting, wasn't it to make sure that that hasn't been overlooked purely slavishly to sort of, you know, do more on wetland habitats, etc, you know, to get the units. So just at that point, I'll ask my colleague to address that specific point,

Lindsay question for Newark, and show I think this probably comes into more of a landscape and heritage item, but it's noted that there is a lot of wetland creation in especially around the cattle market, and the area between bond and cattle market, and the approach to the cattle market from the sugar beet factory that that approach will suffer, because the landscape is now going to be very flat In terms of creating a wetland, which we believe is to boost the bng credits. So in that respect, they are boosting their bng credits, although, obviously it's not mandatory, but there is some enhancements that could be done in consideration of their BMG credits on that approach.

Okay, so just to test my understanding, then, is there? Is there the possibility that it's quantity of equality,

Lindsay Preston for Newark and Sherrod in some areas, it could be, especially around the Sandhills Park area and the cattle market, which we've in all our submissions, we've been quite consistent on. And so that is the areas where we feel there could be some review in terms of the quality that they're providing over what is actually deemed necessary from our visual perspective. Okay, thank

you. So I'm going, I am going to come back to the applicant in on top of what you've just heard about, the possibility of falling into the quantity over quality aspect, considering that bng isn't a mandatory requirement. At this time, we've also had comments about fish units, sorry, river habitat units, and the downgrading in units. And so what I would like to like when you respond to what you've just heard, if you could consider the if you could also outline the difficulty in providing the upgrade in river units that would be useful, please for the XA to here.

Ross Holgate, on behalf of the applicant, in terms of the point of not being a slave to the biodiversity metric. I am quite satisfied that all of the habitats that have been developed where we had a sort of a choice of approach were were the most appropriate ecologically that provided the greatest biodiversity benefits, and then the the score from the uplift in biodiversity units shown in the metric is simply reflects

what we felt was The most appropriate way to enhance biodiversity and validates what we've done to enhance biodiversity maximize the value of the development proposals to biodiversity in relation to wetlands, the new wetlands that I'm aware of at the cattle markets junction are all in relation to drainage and water management for the scheme. That's a good example of how that kind of operational requirement has been developed between different different technical disciplines to maximize the benefits to biodiversity of those drainage areas, for example, the swales that run alongside the highway have been designed to have gently sloping sides that will support emergent wetland vegetation, and They will hold water for the majority of the time, so that they do develop a biodiversity interest with the wetland flora and fauna, both within the swales and and the the drainage detention basins, including including ponds, particularly around market, but throughout. Scheme, the larger areas of wetland, which might have been part of what was referred to, are sort of down in towards the farms and end of the scheme for the two flood compensation areas either side of the road, part of what is included in there the particularly the coastal and floodplain grazing Marsh does actually constitute essential mitigation for small areas that were unavoidably lost to that habitat alongside the the the highway. So we are obliged to mitigate on a like for like basis in terms of the habitats involved in that instance there there was some discretion, or what other sort of uses could be that that flood plain compensation area be put to clearly the nature of it as somewhere To hold flood water with lowering of ground levels means it's going to be wet anyway, at least part of the time, which does somewhat steer you towards creating a range of wetland habitats, as we have. But regardless of what the biodiversity metric makes of that, I'm satisfied that that was the right approach and creating a mosaic of wetland habitats along the River Corridor of the river Trent that will provide connectivity for flora and fauna associated with wetlands that will clearly rely on the River Corridor anyway, linking as a stepping stone with other wetland sites up and down the Trent Valley is an entirely appropriate thing for the scheme to deliver and constitute some paint and major biodiversity enhancement. Moving towards the second part of the question on river units, river habitats, while no mandatory bng requirement applies to the scheme, impacts to rivers and streams have been minimized and enhancements sought wherever possible. These include the creation of new sections of river channel and stream enhancements of the fleet upstream of Winthorpe. However, there is a lack of opportunity to enhance river habitats within the order limits, as these were, these were limited to where works will be taking place, close to water courses on the short sections of the river Trent within the order limits, there are constraints from engineering structures that perform flood defense, erosion protection and navigation functions, making it difficult to attempt to enhance those particular sections of river. There's also further constraints from adjacent, unrelated development, meaning, base is quite constrained, because there is no mandatory requirement for B and G, it's not possible to, as I said, increase order limits or use compulsory acquisition powers to allow extra space to Have that creation or to fund off site, river enhancements, when there's no no sort of tangible link to the requirements of the scheme um, such actions would not form essential mitigation to the scheme. Our habitat enhancements to provide an increase in biodiversity units can only be included as part of other works are required. The lack of opportunity for river enhancements has meant that although the scheme is predicted to increase river units through the creation of ditches, the trading rules for loss of rivers and streams could not be avoided. These issues were raised with the environment by the Environment Agency in their relevant representations, the applicant has since discussed this matter with the Environment Agency, and they have then stated in their written representations that they consider the issue to be resolved.

Okay, no. Thank you very much for that. That's that is useful. I think my final point on that is main would be the maintenance of these wetland areas. Would that form part of the maintenance plan secured under the third iteration environmental management

plan? Ross Holgate on behalf of the applicant, yes, yes, it would the predicted gains, net gains in biodiversity units would be secured through the mitigation displayed on the environmental master plan of the draft DCA requirements. 12, one. And B of the draft DCO. That's a document, Rep Number, rep three. Hyphen, 003, this requires a detailed design to accord with the mitigation principle shown on the environmental Master Plan B and G. Management and monitoring plan is included in the React commitments. It's commitment B 12, and the bng audit report is also included in the React commitments, which is B, B 13, both within the first iteration environmental management plan, reference, R, E, P, hyphen, 023,

thank you, and you actually answered my next question without me asking. So that was nice. Okay, so I would like to ask now about Doddington Hall

given bng isn't necessary. Why are we? Why are we doing planting at off site, at Doddington,

Hall, Ross Holgate, on behalf of the applicants, the scheme would result in the loss of lowland, mixed deciduous woodland. This is a priority habitat or habitat principle, importance and compensation for its loss is classed as essential mitigation. It has been agreed with stakeholders that for losses of this and other habitats of principal importance, the amount of compensation to be provided would be calculated through use of the biodiversity metric to determine a position of no net loss for the for the relevant habitat units, the biodiversity metric showed that on site proposals for habitat creation were insufficient to off to fully offset the losses. Additional offset on site options were considered, but there was insufficient space to achieve adequate compensation on sites the shortfall in provision of biodiversity units in relation to lowland mixed deciduous woodland, therefore needs to be dressed at an off site location.

Did you consider any other locations?

The location of Doddington Hall was selected because the baseline habitat type in that location and its condition and the condition of the and in the proposed location is highly suitable for providing low limits deciduous woodland habitat is located in an ecologically desirable location, it forms part of an extensive network of woodland within the dodging Hall estate. This includes areas of ancient woodland and habitats of principal importance nearby within that habitat network, the enhancement of the proposed site area would strengthen that habitat network in this location, and therefore contributes to the

establishment of a coherent and ecological ecological network. Locations with a different baseline habitat would have required more intensive habitat management and greater land take to meet the requirements of the biodiversity metric. In other words, the fact that the proposed off site location is already a form of woodland makes it much more easily achievable in ecological terms, to achieve it, to provide that required habitat of principal importance in comparison, say, to attempting to create low and mixed deciduous woodland from from an arable field somewhere which would have carried much higher risks of failure and required a far longer time span to get to that point of representing the habitat principle importance.

Okay, so if I go back to my comment earlier about potential for quantity over quality. Doddington Hall is my understanding. I'm happy to be corrected. It's not ecologically linked in any way to the site you looked at. Sorry. Let me ask this properly. Did you go through a sequential site selection regardless of bng, because, to use your phrase earlier, not being a slave to bng is not a mandatory requirement. Are there sites closer to here which are ecologically linked, or within the district or within which are closer, which would have been regardless of volume, which would have been more suitable, Emma Harley

Phillips and Barth of the applicant. If I can just make one point before I hand over to Mr. Holgate, I think the short answer is yes, other sites were considered that were closer and potentially ecologically linked, one of the one of the fact. Factors that influences site location is not just the ecological function of the site and how well it will perform, but also the site needs to be deliverable and it needs to be capable of being maintained. My understanding is that a lot of the sites that were looked at and rejected were in multiple different ownerships, which would have which would have made the land assembly incredibly difficult and complicated, it also potentially could have undermined the ongoing management, whereas Doddington Hall was a single site with a willing landowner who was very happy to enter into, as we understand it, maintenance and management obligations. So whilst that isn't the driving factor, it is another factor to note in site selection, and it is important for the maintenance and management of that habitat.

No thank you.

Ross Holgate, on behalf of the applicant, the only thing I wanted to add was just in terms of looking at through the biodiversity metric, it includes something called a spatial risk multiplier, which is something that comes into play when you're looking at an off site location, and effectively incentivizes local delivery of offsite habitat creation and enhancement and penalizes delivery and excessive distance from from the from the locate, from the location of the application sites, the location at dodgington Hall, by virtue of being in the same national character area as The application site, which is the Trent and Belfast bales. National character area is considered local by the biodiversity metric, and because there is no there's no penalty or the proposed location in that spatial risk multiplier, I appreciate we're not here to be slaves to the biodiversity metric, but I think it's also relevant that that's that that issue has

been given quite a lot of thought in the development of the metric, and the proposed location does, does meet its requirements of being been sort of incentivizing local provision. Okay, thank

you. Is that detailed in the in the documentation?

Sorry, Russ, I'll go for the applicant. Yes, that will be detailed in the in the B and G. Technical reports, Opp, one, iPhone, 159,

sorry, can give me that reference again? Yeah.

Biodiversity, net gain, technical reports. Uh, reference, A, P, P, hyphen, 159,

thank you. I'm going to ask the District Council, do you have anything you'd like to add to the discussions before we move on?

Um, Nick law, newer can show a district council only really to sort of acknowledge that, you know, once one has to go off site, you know, it is actually quite challenging to find a site. And I think as long as you know that's detailed, that you've gone through that procedure, and the fact that where that compensation is ended up would be acceptable. Okay,

thank you and county. Do you have anything further to add?

DJ, how? On behalf of Notre Scott and the council, I think the council's quite comfortable with the approach that the applicant has taken.

Okay, thank you. Okay, so I'm just going to my final point on on this is simply, how will the planting at Doddington Hall be secured through the DCO please.

Emma Harling Phillips on behalf of the applicant, so the planting is being secured by way of a separate legal agreement. There'll be a section 253 agreement under the Highways Act. We will provide that agreement to the examining authority or the Secretary of State once it's entered into, as I said earlier, it is our aim and our belief that we will manage to do that prior to the close of the examination. On a worst case scenario. If that were not possible, we would introduce a pre commencement requirement of the type that was used in the A 303 Stonehenge, as I as I referred to earlier.

Okay, we'll just need to keep an eye on the progress of that and and secure it as either, as you say, entering it into the examination or a suspensive requirement. Okay, my final point under this agenda item is, can I ask you for an update on your discussions with Nat? England on the compensation for loss of lowland meadow and also, how would that be captured through the draft development consent through the development consent

order, Ross Holgate, on behalf of the applicants Natural England have indicated in their relevant representations that they were satisfied with the outline approach that has been proposed for that bespoke compensation. But for Lola meadow, they did also note that, because we're not in the realm of mandatory bng, that it wasn't necessarily a legal requirement that they do sign off that detailed, bespoke compensation agreement, though, in the In the absence of them wishing to do so, we would then look to develop that, the compensation agreement, the the methodology, detailed methodology for that habitat creation and management, a lot alongside other other aspects of the detail for habitat management and creation, else elsewhere, within, within the site, but keeping that recognition that it has got that special status in terms of how it's assessed under biodiversity net gain.

So if I just may add Emma Holly Phillips, on behalf of the applicant, the fact that Mr. Tollgate said naturally England consider the conversation proposed to be appropriate is recorded in the statement of common ground with Natural England, and that for your reference, IS rep 1026,

thank you. If I need anything further on that, I'll cover it in writing. And as it just occurs to me, and you may already have answered this under deadline, three of which you have, please just direct me to the document. Maintenance, biodiversity, net gain. There's a requirement there for a maintenance period of 30 years. Standard approach generally would be maintenance of five years for, you know, for like, planting of trees, etc. How do we separate out within the order limits, those items which will be maintained for 30 years and those which are going to be maintained for five years? And evolving on from that line of questioning, given this is a 120 year scheme, and it would be within your gift to do so, should that just be maintenance thereafter, in perpetuity? I

and I suppose if the answer is no, why not?

Thank you, sir. Emma Holly Phillips, on behalf of the applicant, we did address this in our responses to the examining authority's first written questions, I'm attempting to bring up the response and I'm having network issues. It may be that it's best for us to respond to that in writing, if you don't mind pointing you to the previous response and adding to it with the the other questions, if it's not already provided in that response,

please. That would be ideal. And if we could take as an action point, please, of course, I

yeah, he's captured that. Excellent.

Thank you very much. The next point I had is habitat severance, but I think we've covered that already, so I'm happy to move on if everyone else is as well, which should bring me on to impact on trees. This is an issue I just want to get to the bottom of, and it might just be a matter of clarification and point to me to documents. Obviously, there are going to be some impacts, not a loss, but they are going to be impacts on veteran trees and their root protection areas, but they're obviously going to be requirements in terms of in terms of the design manual roads and bridges that national that your principal contractor will have to abide by. Can you just give me a summary please of the of how you will avoid impact on veteran trees, and I'm sorry I did have the reference numbers written down, but I've, they've they've gone missing. But there are three trees in particular I believe that you did reference, and this was in a previous written question. Questions, and I'm just looking to bottom this out, please. So if you could just give me the sort of how these trees are going to be protected.

James south, go on behalf of the applicant, so the trees in question are, T, 03, 8t, 136, and T 139, and these can be seen on sheet eight of as 088, trees, T, 136, T, 139, and sheet 12 of as 089, for t, 038,

so in terms of protection during construction. Sorry, could you give me that document reference again?

Yes, so two documents as 088 and as 089 Thank you. So in terms of minimization and protection of veteran trees during construction, the well worth pointing out first that the design has already been pinched as much as possible to try and achieve complete avoidance. Initially, these trees were thought to potentially have to be lost, but through changes in the angles of earthworks and realignments, they have managed to be remained, retained. However, all three of the trees are in extremely constrained areas of the site, with existing a 46 railway tracks, bodies of water hemming in their root protection areas. So the infringements are going to be surface level only, so there will be no breaking ground or digging within the RPAS to utilize this. We're going to be using loading construction methodologies for any razor levels and also for construction of any temporary access and permanent access, I should say temporary and permanent. This will be captured in an arboricultural method statement for one, there's already a outline one existing within a P, 140, and that will be updated to a full ARB Method Statement and be captured within the register of environmental actions and commitments, R, E, p3, 022, also captured within the same it's going to be Monitoring during construction, the position of protective barriers and position of ground protection is already detailed within as 088 now as 089 and within AP 140 monitoring during construction is going to be monitoring protections in place, ensuring that the works within the RPA are carried out as sensitively as possible, in line with the method statement and for monitoring of the trees health, as well for any potential remedial actions help to improve the health



of the RPA outside of construction area, as the majority of it will be root protection area, I should say, will be construction exclusion zone.

Okay, thank you. Who monitors, or who will monitor? Who would monitor, sorry, who would monitor the health of the trees?

It would have to be a of a cultural consultant, the principal contractor buys for the job. Okay, and

apologies if I've missed this, but is there, as they're monitoring the trees, and given the given the importance and the status of them, if there is there a report or anything that would be submitted to Newark and Sherwood, for example, any point to sort of say, yes, these trees are absolutely fine and healthy, or no, there's a bit of a problem here. How is that? How do we avoid and for want of a better term, the principal contract to signing off their own homework,

it would have to be submitted as part of an overall cultural audit, which should be part of the same supervision works that would be transparent.

Okay, I'm going to ask the Newark and shower. Do you have anything you would like to comment on? Respect to ultimately these three trees and construction works, please.

Thank you, Lindsay Preston for Newark and Sherwood. Yeah, we raised it as part of our local impact report that whilst all eight veteran trees would be retained, there is impact that we consider to to the three which have been identified already. And that involves, obviously, the the route that goes through, I think, yeah, the access track they've already the applicant has already stated within their comments, back to us on our local impact report, which is rep 2018, point 9.5 that the the access track corridor from has been reduced from five to Three meters in order to avoid removal of the trees, but the there is an unavoidable, permanent adverse impact to three veteran trees due to the partial, direct, partial impact to their root protection areas. And we'd already raised that you know, as you have stated before, how is that going to be monitored during construction, and has all possible avoidance methods been explored throughout the design of the of the scheme? You know, is there another route that could be taken where you don't have to go through the the RPA of the of the trees. And if, if that is deemed acceptable, again, who is going to be monitoring that work within those RPAS to make sure it is minimized to the absolute necessary that is required as part of the scheme? And then again, if, if that is all deemed acceptable, then what is considered to be the impact on those trees in their duration? Will there be any monitoring, as you've stated, sir, either during construction or afterwards, it's part of a monitoring plan. And will there be any, any provisions within that plan for if there's considered an impact as a result of the scheme to the health or longevity of those trees, either through a replacement or further works that we could be involved in in terms of monitoring of that plan. Thank you, sir. Thank

you. I'm going to pass that over to the applicant. Please to respond

Emma Harley Phillips on behalf of the applicant. So just to give you a specific reference on the supervision and inspection requirements under the agricultural management plan and Method Statement. As Mr. Southcott explained, there is an outline of that that's been provided with the application that will be transferred into a detailed plan. That's appendix 7.4 to the ES, and there is details on the supervision and inspection required under that method statement at section 5.4 of that plan. And we can detail that in greater detail in our written summary. But just to give you that reference now And now, I'll hand over to Mr.

That's useful. Thank you.

James tothker on behalf of the applicant. So I'll touch on the avoidance aspect of the question. First, in a little more detail. So for trees, T, 136, and T 139, the situation is very similar. They're actually located directly beside each other. To again, understanding of the constraints surrounding this tree is useful to look at sheet eight of as 088, see how constrained their environment is with the existing a 46 located directly to the south east of them, large body of water, south of the sugar factory, directly north of the railway track, also directly beside them. In this area, the As mentioned, the width of the track has already been minimized, but due to these other constraints, we don't think there's any space or scope to change or minimize the design to lower the impact any further it's been explored as far as possible. In relation to tree, T, 038, this is a one. Sheet 12 of as 089, there may still be some scope for minor changes during detailed design, which may be able to retain slightly more of the RPA if implemented. These would include the um increasing the gradient of some of the earthworks to the west, locally steepening Earth profile from two one and two, to reduce the overall footprint at the bundesside. It the alignment of the access road and swale to the west and southwest of the tree will be reviewed with the objective of removing minor incursion into the RPA there, if possible. Similarly, it's anticipated that the head wall to the north of the tree may be able to be adjusted very slightly, so the footprint for t 038, could still be improved

in terms of the well capturing the monitoring during and after. I believe that has covered off during my previous response and captured the the the You get

captured within R, E, p3, 003002, sorry. I

Okay, thank you. In terms of your written response deadline for could we capture this additional detail and we can pick it up in in writing? Thereafter, it needs to be

trying to talk for the applicant. Yeah, thank

you. Okay, we have been going for quite a while now. I do appreciate but I would like to just wrap up this biodiversity, ecology element of today's hearing if, if we can just move on to we're actually going to jump into item six, and I'm hoping this is going to be rather quick. I would just like an update from the applicant, please, and your discussions around the habitat regulations appraisal with Natural England

speaking caulk on behalf of the applicant, so we had some relevant representations submitted by Natural England as part of the DCO examination. So following this, number of changes have been made to the habitats regulations assessment. This has been updated, as referenced earlier, the fish escape passage technical note has been produced, which refines the proposed design of the fish escape passages that are required for mitigation for our qualifying feature of the Humber estuary SAC and rams are so, yeah, this has been, this has been produced. There are a number of different number of items that needed clarifying within the habitats, regulations, assessment, though, the document has been updated to reflect these. There were some particular relevant representations around the in combination assessment. So this has been updated to provide some additional clarity of the on the geographic scope of the assessment. And has also been updated was updated in September 2024 to include additional plans and projects that have been submitted for planning since the DCO submission in 2023 so it provides an up to date assessment in combination effects and the first iteration Environmental Management Plan has also been updated to reflect changes to the habitats regulations assessment. We've had discussions with Natural England following changes to the habitats regulations assessment and associated fish passage, fish escape passage. Technical note, and as mentioned earlier, we've got a further call with them next week to discuss the statement of common ground and to agree some final points relating to the habitats regulations assessment. Okay,

that's that's useful, and it sounds like it's going in the right direction. Do you think we'll have that resolved by deadline five?

Emma, holding off the applicant. So depending on the outcome of that meeting, our aim is to get you a further draft. Sacg, at deadline four, if possible. But if not, it would be submitted at deadline five.

Yes, that's rose. That's that's helpful. Thank you. Okay, I have no further questions on the habitat regulations assessment agenda item, so I'm going to propose a 20 minute adjournment where we come back and we go into things. Ender item for landscape and visual impact. So we'll take it in German, and I'll see everybody back here at 1125, thank you. Applause.