

# TRANSCRIPT\_ISH3\_SESSION1\_01112023

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## SUMMARY KEYWORDS

applicant, assessment, leicestershire, air quality, question, relation, woodland, county council, construction, terms, behalf, introduce, emissions, considered, national, discussions, note, representing, effects, energy

00:05

Good morning, everybody and welcome. It's now 10 o'clock. It's time for this hearing to begin. I welcome you to this issue specific hearing on environmental matters for the Hinkley national rail freight Interchange project. Can I just confirm that everybody can hear me clearly.

00:22

And you can also confirm with the case team that the live stream and recording the event has also commenced. Thank you very much.

00:30

My name is Robert Jackson. And I have been appointed by the Secretary of State to be the lead member of the panel to examine this application. I'm going to now ask my fellow panel members to introduce themselves.

00:41

My name is Graeme Saad, I've been appointed by the Secretary of State as a member of this panel to examine to examine this application.

00:51

Good morning. My name is Matthew heron. I've been appointed by the Secretary of State to be a member of this panel to examine this application. Thank you. Together we represent the we constitute the examining authority for this application. I'll now deal with a few housekeeping matters for those attending in person. Can everybody please in set all phones, devices and mobile and watches to silent the toilets if you need them are on the out, throw them on your left hand side along the corridor. There are no planned fire drills today. So if the alarm goes off, please treat it's a real emergency and follow the green emergency signs set to the master point outside.

01:30

This meeting will follow the supplementary agenda published on national infrastructure planning website on the 24th of October 2083 examination Library Reference EV seven triple zero double 01 It will be helpful to have a copy in front of you. The agenda is only for guidance, and we may add other considerations or issues as we progress. We will conclude the hearing as soon as all the relevant

contributions have been made and all the questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritize matter and defer other matters to written questions. Likewise, if you cannot answer the questions being asked or require time to get the information requested, then please indicate that you need it and you're able to respond in writing.

02:16

Today's hearing is being able to take it in a blended way. Meaning some of you are present with us at the hearing venue. And some of us are joining us virtually using Microsoft Teams. We will make sure that whoever you decided to attend today you will be given a fair opportunity to participate. A recording of today's hearing will be made available on the NES Hinkley national rail freight interchange section of the national infrastructure planning website as soon as practicable after the hearing has finished. And transcript will also have made available which will you utilize AI technology. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you're representing each time before you speak. I've been particularly asked by the audiovisual company today to be asked to please speak into microphones so that they can show the transcript is able to pick up what you're saying.

03:12

On each of the each of the table mics has got an on off switch. So please press those if you need them. If you're not at a table, there is a roving microphone. So please wait for one of those to be brought to you before you speak.

03:26

A link to the planning Inspectorate Privacy Notices was provided in the notification to this hearing. We will assume everyone has 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.

03:42

Please speak to Mrs. Emily Davis. I'm Stephen Parker. If you have any questions about that,

03:49

can I also make it clear that this hearing is a subject control hearing with us as examining authority leading on what we want to talk about? This may mean that you are either from constraint or time or otherwise, we will be not be talking about a topic you think we should be talking about. In that respect. We have read all the representations submitted to date, more take them into account, just that we need to concentrate on those issues which we think are most relevant, important in making a recommendation to the Secretary of State.

04:19

I'm now going to ask those of you who are participating in today's meeting to introduce yourselves. When I state your organization's name. Could you please introduce yourself stating your name and who you represent and which agenda item you wish to speak on? If you're not representing an organization, please confirm your name. Summarize your interest in the application and again confirm the agenda

item upon which you wish to speak. Please Could everyone also state the title by which you would like to be addressed? I missed the missus miss on.

04:49

So can we please start with the applicant and their advices

04:54

Good morning sir. Thank you. My name is Mr. Paul male. I'm a solicitor and partner eversheds Sutherland Ella

05:00

PN uninstructed by trade tax and a cre Hinkley limited in terms of introducing others who may speak this morning because we've got quite a wide agenda. I was proposing to introduce those who would speak to our agenda item three first and then others as they come forward under future agenda items, but I'll pass initially to Mrs. Hartman on my left.

05:23

Good morning. This is Laura Beth Houghton, I'm a solicitor and partner at eversheds Sutherland LLP, representing the applicant. Thank you.

05:34

Hello, Miss Amy Lundy sand. I'm Associate PwC Consulting act on behalf of the applicant with regards to air quality.

05:44

Good morning, Miss Claire meddings from the web consulting Associate Director acting on behalf of the applicant with regard to air quality.

05:54

Good morning. My name is Mr. Iqbal Russell, I'm a director at PWB consulting. And I'm representing the applicant covering the subject of greenhouse gases and

06:08

thank you.

06:11

That's, that's the applicants for the moment as it were. Right. Next, can we go to the local planning authorities? We'll start with

06:21

Hinkley England boss with today.

06:25

Warning says my name is Mr. Mike Parker. I'm a planning consultant. I'm here for Hinckley and Bosworth Borough Council on June Smalling by two colleagues last to introduce themselves.

06:37

Bargaining rich their child's rather than environmental health officer including Portsmouth Borough Council, I've been consulted on air quality and noise.

06:47

Morning, I'm Miss Elemis. Lee, from Associate Director of ecology from Elysee. I'm representing Hinckley and Bosworth Borough Council and Blaby district councils and speaking on air quality and biodiversity. Thank you, baby District Council.

07:04

Good morning, sir Mr. Duncan O'Connor, a solicitor at BDB Pitmans representing Blaby District Council.

07:13

We also have a number of technical consultants who will speak on the relevant topics I don't propose to introduce them on now that they can introduce themselves at the relevant time if that's okay, that's fine. Thank you. Leicestershire county council. Good morning, sir. Mark Westmoreland Smith, barrister at Francis Taylor building, appearing on behalf of the County Council and to my rights.

07:36

Mr. Robinson, wells will introduce himself. Mr. Dan Robinson wells, associate director at marrons planning on behalf of FCC speaking on item three. Thank you. And then for

07:50

Julie talent Miss Julie Thomas, head of planning historic and natural environment at Leicestershire county council here to answer any questions. Thank you.

08:01

Mooney says Mrs. Rebecca Holmes in Leicestershire county council,

08:06

national highways.

08:10

Morning Sir, my name is Mr. Ben sim. I'm a spatial planning manager at national highways and I'll be speaking in speak on a number of matters of and air quality and

08:21

I have forgotten you the one but no doubt I'll get involved at that point. Thank you very much. Now moving on to parish councils. The one I've got who is here is Burbidge parish council.

08:36

Would you please just wait for the microphone to come to you please?

08:46

See All right, sorry, David. Will German Burbidge parish council, thank you very much.

08:56

Are there any other representatives and parish councils here? Thank you.

09:03

Good morning. It's Jonathan weeks. I'm a planning consultant agent Rafferty representing Stoney Stanton parish council. Thank you very much.

09:12

Then I'm going to move on to other any other parish council representatives who wish to speak

09:18

in which case move on to other interested parties. We'll start with the CPRE Leicestershire.

09:25

Thank you. My name is Mr. Gerald Kells, I'm assisting CPRE Leicestershire. My colleague, John Mariette is here and may be weak as well at some point.

09:36

I expect we may want to speak on Item three and six is what I'm anticipating Thank you.

09:46

We have another nother five now. Got a few other people names here.

09:52

Dr. Barbara Elise

09:55

is

09:58

on it's Dr. Barbara nice

10:00

I would like to say I'm a resident of bounce thought. I would like to speak on issues number four and eight. Thank you. Thank you.

10:10

David bill.

10:13

Resume already done. Thank you. Mr. timbre. We're so

10:19

good morning. Timber also Mr. He is very bad. I'd like to speak please the item six and carry

10:29

out snow Paul Williams.

10:35

At Mr. Paul Williams include Bosworth Borough Council and verbage parish council as well.

10:43

Such as Scott

10:49

Scott, resident of Sapkota, a member of St. verbage. Common. Thank you.

10:55

I've got a Mrs. Catherine bass and whether she's online.

11:01

Yes, I'm online. I'm Katherine bass, sounds thoughts sounds together. And I may wish to speak on items 345 and six. Thank you. Thank you. Those the names of all the people that have been all advised who I would have been advised intend to speak or wish to speak. So anybody else here who thinks that might also be this gentleman over on that side?

11:28

I'm Mr. David Harold, representing Stoney Stanton action groups. Thank you very much, Mr. Harrell.

11:36

Anybody missed anybody else? Which case Thank you.

11:44

So I'm pleased to say that Ken

11:47

completes most of the first I've got one item of business. The case management team, were handed a note which I'm going to how over where you might manage to find the report at the public inquiry in progress on the construction of the M 69. And when we're undoes whether the

12:06

book with a question about the manaan southern facing slip roads

12:11

the suggestion has been giving people a website and a believed that the records may be it provides North Hampshire Record Office. If I give that note to if you give that note to let ballistics or other national highways on your list dystocia county council they're probably the two people between them. If you could liaised to see whether or not that information could be provided found from there. We did put it as a general comment for everybody yesterday, but it given that information, there might be a bit more specific and might therefore be able to help. Thank you, sir. We will do that. And we were we got our archive team looking in our own records as we speak. Thank you very much. Okay. Right. So that concludes the first item. So we'll move on to item two, the purpose of the mishits disposition hearing, and I'm handing item sterren. Thank you, Mr. Jackson.

13:03

Let me briefly explain the purpose of this issue specific hearing. This is to allow us to consider the environmental matters of the proposed development. This relates to five main areas air quality, biodiversity, noise and vibration, landscape and visual assessment and cultural heritage.

13:20

And we appreciate that there may be some overlap between these matters and there is in connection with Traffic and Travel, and notably in relation to traffic modeling. However, given that this was discussed yesterday, we do not want to discuss transport modeling further today. Therefore, please don't be offended if we stop discussions, should they stray towards matters discussed under the traffic and transport issues specific hearing?

13:41

Can I ask that everyone understands that if we if agreement is not bound between parties, either in our discussions today or hereafter, there's in our final report of the Secretary of State we will have

13:53

to make a conclusion on your disputes. Therefore, if we asked you for review without prejudice to your overall position, please bear with us and help us trying to defend a position which becomes untenable would likely harm your case in the wider arena.

14:08

Just before I move on to Item three, or just a quick point in relation to tranquility at Burbidge common, we note concerns in this regard and appreciate that this is a locally valued area for residents. However, concerns on this matter are clearly subjective, and are therefore not well suited to discussions here today. That being said, it is our intention to visit this part of the site and have a good walk around.

14:32

If I may therefore move to Item three, begin with air quality.

14:37

If we can start with the environmental improvement plan. Firstly, thank you to the applicant for your addendum quality pm sensitivity assessment. It answers our questions particularly in relation to the implications of interim targets for PM 2.5 within the environmental improvement plan, and ask if there are any comments from any party in relation to the implications of the environmental improvement plan targets

15:00

On the assessments provided

15:03

Okay.

15:06

Simply then the only matter I have on the first part of the air quality agenda is to suggest to the applicant that the environmental improvement plan together with the environmental targets fine particulate matter regulations 2023 should now be included in Appendix 9.2 which is national legislation and planning policy

15:27

to turning to air quality management areas, as chapter nine provides a discussion of effects upon these has the applicant considered guidance from environmental protection UK and the Institute of Air Quality Management in its consideration of impacts on a Q and A's and if not, why not?

15:50

Is climate things acting on behalf of the applicant and the the air quality assessment that was undertaken, considered the affected road network as determined using the design manual for roads and bridges screening criteria. This was stated in our consultation with Blaby and Hinkley councils and agreed in email confirmation from them.

16:18

The screening criteria was used to determine which roads would be considered in the air quality assessment for both the construction and operational phase assessments.

16:33

However, the impact in relation to road traffic was considered with regard to the Institute of air quality management and environmental protection UK

16:46

criteria. And that is stated in the chapter.

16:54

Thank you

16:56



is that as noted that Blaby District Council consider that in line with the guidance that we've just just discussed there, the scope of AQ Ma is to be considered or increased to include the AQa in the AQa sorry, in the village of Enderby, I've hopefully pronounced that correctly. Can I ask the representative of this council why this would be the case?

17:23

I didn't introduce him. Next thought he was going to introduce in self but

17:29

an officer from Ed from will introduce himself and we'll be able to answer that question.

17:34

Mr. Ed Stacy Blaby District Council, the statements of common ground that went in at deadline to represent an updated position from the counseling perspective, aka six NDB. i We're now resolved and the African provided some further information. So that's no longer an issue from the council's perspective cue. panelists, thank you for clarifying.

18:02

So in terms of dust mitigation, mitigation measures for potential negative indirect impacts on Berber toward an Aston first triple si resulting from increased recreational pressure associated with the proposed development are set out in chapter 12 of the ES. However, missing mitigation measures to avoid any negative impacts to Burbidge would ask them first triple si during construction from dust effects, and actually potential root compaction and encroachment effects are not referenced in the construction environmental management plan. Can the applicant clarify whether mitigation measures have been considered for these effects and whether they should be part of the CMP please?

18:45

Hello, Michael NEEP

18:47

on behalf of EDP on behalf of the applicant speaking to ecology

18:51

discussions with Natural England have taken place regarding the requirement CMP requirements seven and that does now specifically include dust management plan and dust management measures, specifically in line with the highly recommended measures within the air quality chapter naturally and they're happy with that position.

19:14

Thank you.

19:17

So as chapter 11 shows the impact from dust during construction at table nine point 17 And to a number of mitigation measures are recommended. Can the applicant explain how these will be secured and monitored please?

19:33

Michael ntdp on behalf of the applicant, again through requirements seven these will be secured in the phase by phase CMPs which are subject to local authority sign off.

19:46

Thank you.

19:50

I'd like now to discuss the recent decision of Boswell the Secretary of State for Transport which considered three decisions to approve consent for three and set road schemes

20:00

So amongst other things, the courts found that carbon emissions from each Ansett road scheme are calculated and compared against the UK national carbon budget. It is noted that this case has gone to the Court of Appeal with permission granted for a hearing. However, it can the applicant explain its views of the implications of this judgment for the proposed development, please

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pursue acting on behalf of the applicant

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that Boswell judgment is, is quite clear in terms of following

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presenting a similar methodology to that this particular application national highways applying

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the carbon budgets as a comparator to the footprint of OHS scheme, which is the same as as has been done in this application. And for that budget, to define the level of significance associated with that scheme. I think our reading of the judgment is is twofold. That confirmation of the use of the carbon budgets as as we've used in this application to be a lawful approach.

21:15

And the and also the point that from a scientific assessment perspective that

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that the global atmosphere is a single receptor and so

21:26

cumulative assessment is not required.

21:32

Thank you.

21:35

I can turn to emissions. It is noted that greenhouse gas emission, and my apologies, yeah, sorry, national highways.

21:43

Thank you, sir. I just have a quick statement to read on this, which is that permission to appeal the high court decision was granted in the possible case on the 18th of October 2023. That the case is expected to come to the hearing in January 2018. The line taken by national highways is that the conclusions of the High Court were correct. And this is our position at this time.

22:09

Thank you. Yes, Mark Westman and Smith for Leicestershire county council. I don't disagree with the applicants description of the Boswell case it really reflects one the specific specificity of looking at greenhouse gas emissions on what is a global receptor. And to therefore leaving over as a matter of

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adequacy of assessment is that biofin corner

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and it's a matter of judgment for the assessor. So

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just testing that

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give it a go.

22:57

It sounds okay. Okay. It's a matter for the assessor to judge an appropriate comparator and that is effective. The orthodoxy now through following the Southampton airport case, go ASA. And through into Boswell what I would say is

23:15

the critical question for you as the panel is

23:20

whether or not and the extent to which this project materially affects the secretary of state's ability to meet carbon budgets and ultimately, net zero. The assessment in chapter 18 of the s

23:36

identifies annual operational emissions of about 247 kilotons of carbon dioxide equivalent per year. And that's said to be 1% of the six carbon budget,

23:53

which is fine and so far as it goes, but in order to help you contextualize that, one has to appreciate that meeting carbon budget six is going to be very challenging see carbon, see the CCC advice.

24:11

And these are additional submissions that sit alongside or missions that sit alongside other projects, either pins infrastructure, website, all of which will use different comparators. But we'll come up with 1% contributions. So when one is considering the materiality, one has to put it in that wider context. Thank you.

24:35

Thank you, does the applicant Have

24:38

you pursue acting on behalf of the applicant? I think it's just a point of clarification there the the the the assessment

24:46

uses a 1% threshold in defining a level of significance

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being for this particular application, our assessment, smaller naught point

25:00

1% By way of comparison against the six carbon budget, way below that threshold, so from a EIA perspective, we're defining that as non significant.

25:13

The the assessment follows the standard IEMA approach that's been

25:19

agreed it's scoping and is the same is the methodology that is referred to in the judgment for Boswell?

25:31

Sorry, thank you, I think I think Paul may also the applicant would also add to that, of course, is considerations of the transfer of freight from road to rail, which is what this particular project facilitate should also be taken into account when looking at those factors.

25:51

Thank you. Yes, CPRE had a hand up there.

25:56

Yes, sir. And I'm not a lawyer. So I'm hesitant about both. But I just want to I think the important point I would like to make is that when one goes to the AI EMA guidance, the question is whether this is business as usual, or whether it is assisting in reducing the carbon emissions. And the comparator

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relates to that.

26:23

And notes 37. As we point out in our in our,

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in our permission,

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sets, this may not be the national one as appropriate. So I think in our submission, we've we've asked the question as to whether this meets that

26:44

standard of being business as usual.

26:48

Whatever happened was possible that is about cumulative impacts. And certainly we and I don't think the question is a cumulative one, it's a question of this

27:00

particular application, but it is still a choice about which comparative been used, and whether that answers the question as business as usual. So for us that is the central question, not the comparator.

27:15

If that makes sense.

27:18

Yes, thank you. I take the point. Does the applicant have any comments to make on that?

27:26

A couple of points to make. It's just

27:29

with reference to the intermodal, the modal shift benefits around freight, moving from road to rail. Although those are commented on within the assessment, those are not factored into the calculation of residual footprint associated with the scheme.

27:52

In taking on a precaution, precautionary and conservative view on the on the assessment that's been discounted,

28:00

and will undoubtedly, based on Department of Transport sound strategy undoubtedly will create a benefit.

28:08

In relation to cumulative effects. It's, it's worth highlighting that the our assessment does project to 2036 in relation to traffic numbers, and looking at the operational vehicle vehicular footprint associated with the operation of the site.

28:29

And so it it does inherently have some some cumulative assessment within it. Although the calculation of the car the residual carbon associated with the operational vehicles is a result of

28:49

looking at the difference between with and without development.

28:56

Thank you. Are there any other comments on this particular point? Yes. Mark Westlands with Leicestershire county council. I know what was said about the assessment being on a worst case was in relation to modal shift which is obviously the right approach. So also the right approach structurally when one looks at the TCO and requirement 10 which requires the rail port to be there by 105,000 square meters of warehouse but doesn't secure any particular level of modal shift or use of that facility.

29:35

I take the point

29:37

I can move to emissions. It is noted that greenhouse gas emission sources have been excluded from the air quality assessment that is stated in these these emissions are influenced by several factors beyond design decisions. And that's at paragraph 18 point 61 of chapter 18 of the environmental statement. Can the applicant explain what these factors are? Please listen to

30:00

EMS Barrisol acting on behalf of the applicant in terms of the the assessment that there is a there's an element of quantitative assessment and qualitative assessment the qualitative elements were elements that was felt to be insignificant in the in the hole when looking at the balance of carbon.

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And those those elements were related to the natural capital of the of the sites, the water demand and

30:35

the waste element of the development.

30:44

Thank you.

30:47

So we appreciate that the CHP Energy Center is to be used in emergency situations when there is grid failure or on site solar PVS are not operational. But can the applicant give an indication of the likely frequency of the energy centers use and has it considered emissions from choosing assessments

31:07

and readings on behalf of the applicant and the air quality assessment has considered admissions from the CHP. We have modelled two scenarios. The main scenario is the operation of the CHP for 10% of the year

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where it will be used as a backup

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to also do a sensitivity analysis. We also modeled a scenario for use for 30% of the year and to determine how long the backup CHP could operate for without any significant impact being identified.

31:55

Thank you

31:59

so it is noted that the latest version of its 2022 version of the depot technical and policy guidance has been used for the applicants air quality assessment. Will the applicant consider revised air quality objectives published by the government later this year and will this alter assessment?

32:25

A revised a clamoring somewhat half the applicant and the the most recent published PM 2.5 objectives which were published in March of this year have been considered as part of

32:38

the additional technical note that you referred to earlier.

32:47

Thank you.

32:50

So we had a discussion yesterday in relation to traffic effects it Narborough level crossing and additional traffic information has to be provided in this location in due course, will it be necessary for the

applicant to perform any air quality assessments for effects of the queuing traffic as a result of the additional barrier downtime here?

33:07

Claire meetings on behalf of the applicant. And so we have committed as part of the statement of common ground discussions with Blaby council to undertake an assessment to look at air quality at the Nobre crossing. And we will submit that

33:28

at deadline three.

33:30

Thank you.

33:34

I can turn to construction emissions. Paragraph 18 point 80 of chapter 18 of the environmental statement. That's a PP 127 in the library. It makes the comments about construction traffic being averaged over the 10 year build period at 250 light duty vehicles and 139 heavy duty vehicles per day.

33:54

Now, given the initial construction of highways works, can the applicant give us its thoughts on whether construction emissions should be based on the peak? And which will be during the early construction works? And would this make any difference to the analysis?

34:13

a barrel, so let's go on behalf of the applicant. I think it's

34:18

the construction related activity that there's assumptions made within within the chapter which which highlight an assumed period of construction

34:29

with

34:32

traffic modeling that was undertaken that that focuses on the emissions associated with that assumption. And that was the basis of the assessment during construction in in terms of an alternative assessment assessment looking at page because we're talking about greenhouse gases and a single receptor and a period of of time. I wouldn't see

35:00

that peak greenhouse gases, which would

35:05



would

35:06

be a detriment to the the budget that's been used for looking at the threshold of significance

35:15

as it was out in relation to construction emissions?

35:20

Yes, that's That's correct.

35:23

I wonder, could a sensitivity analysis be undertaken perhaps on this method to identify the effect of variations of construction intensity or modeling?

35:32

parasol acting on behalf of the applicant? I think I think we can produce that. So yes.

35:38

statline? Three appropriate? Yes, that's fine.

35:45

Thank you. Yes. My question is with the Leicestershire county council. So can we just see through you clarification as to what construction traffic modeling has been done? We're not aware of that or have seen it.

36:03

And then secondly, I understand the approach to average over 10 years in relation to greenhouse gas emissions. But in relation to air quality and dusts, then it seems that they're a different response may be forthcoming in that peak, could be significant to look at in that context.

36:27

To the applicant, I can readings on behalf the applicant and the air quality assessment does include

36:33

a model modeling assessment for construction,

36:37

traffic emissions, and within that assessment, the peak construction period which was identified as 2024 was modeled and assessed and the impacts with Aquinas negligible in accordance with the relevant guidance.

36:57

So as as I thank you very much for that mark, Western syphilis county council that

37:05

appears appropriate we just haven't seen the underlying construction traffic modeling on weights that must sit

37:12

in this be provided to the applicant.

37:20

Be parasol acting on behalf of the applicant. Yes, we can we can provide a note on that. Thank you.

37:27

Yes, sorry. Yes, thank you. So Mr. Benson for national highways can we also receive that information please punctual that's acceptable. Yes.

37:37

Sir, we submitted to the into the examination, so ever even become

37:40

more of a better expression public documents.

37:46

Thank you, moving to energy generation, can the applicant advise as to whether or not on site low carbon solutions have been considered for infrastructure such as cranes and lighting, not just offices and warehousing and in essence has the site's full energy system be considered in terms of low carbon solutions?

38:06

A parasol action on behalf of the applicant the

38:11

the assessment has been carried out based on the outline detail that's available at this moment in time. And within that there is a an energy strategy that's formed as part of an appendix to chapter 18. That sets out a broad principle of a strategy involving photovoltaics for the primary generation and, and electricity grid supply for dealing with peaks and battery storage. Also,

38:46

the in relation to the specifics within the different buildings to ensure low carbon solutions are being provided. The design code sets out a number of those.

39:02

And there's also a requirement in required security requirements 17 That

39:11

requires us to to undertake an energy strategy for each phase at work. And, and as well requirement for I believe it is which looks to deliver those phases of work in line with the design code.

39:26

That includes

39:29

a proposal for EPA on on the building's themselves, which in themselves would mean that we would be looking at low carbon and efficiency solutions for the buildings themselves.

39:47

I guess I've ever come to that a bit later on. Are there any other comments in relation to this?

39:53

Yes, I'm going to kind of Blaby District Council just returning to the energy generation point in the

40:00

Energy Strategy. So, we will draw your attention to the revised draft NPS, in particular paragraph 5.36.

40:09

And we will save it the question for you and for the decision maker will be whether the applicant has taken all reasonable steps to reduce total greenhouse gas emissions, you will have seen Blaby submissions on the the use of the gas fired combined heat and power plant. So, just draw that paragraph to your attention. Thank you. Oh, thank you.

40:29

Yes. My question is Smith or Leicestershire county council, can we just ask for clarification on a single point and that relates to ground source heat pumps and their potential use? Okay, I withdraw.

40:52

So, paragraph 18.263 of chapter 18 of the environmental statement, ABP 127, the second bullet point states that there will be the installation of battery storage technology once building energy use data is understood. Because the applicant please clarify this, does it mean at the point that the building is designed or once constructed

41:16

aerosol acting on behalf of the applicant, that it's it would be an assessment that would be carried out once the specific buildings specification is fully understood. And the requirements of the occupier are fully understood.

41:33

And designed stage so those features would be factored in as opposed to retrospectively after occupation.

41:43

Thank you. And so how will those be secured?

41:48

Again, I aerosol, acting on behalf of the applicant refer to requirements 17 That

41:56

requires us to look at phase Pacific Energy Strategy.

42:01

Thank you.

42:03

Can I just ask question, your implication is that obviously beginning a phased development,

42:10

it won't be until the last building is is designed that you will know what the energy requirements are that last building where yet the energy center is coming as one of the earlier buildings. So therefore, you're going to have to make it as a worst case, off the basis that last building will have a high energy demand,

42:26

which would by default, have the effect of increasing the emissions?

42:32

Potential emissions? Because that would have been designed in how do you respond to that?

42:39

Aerosol acting on behalf of the applicant? I think there's there are broad assumptions made around the the energy use for the wider site. And those will be the basis for any

42:51

CHP design

42:54

at that moment in time in the early stages. And undoubtedly there's there could be a situation where

43:02

where demand

43:04

exceeds that and they'd have to be looking at different solutions for that.

43:09

There's

43:11

there has to be an assumed design parameter to work to at this moment in time.

43:17

So I can also introduce Mr. Jonathan Wallace from tri tax, you can probably provide more information on that.

43:24

Sir, thank you, Jonathan Wallace from tri tax. So sustainable energy is at the heart of everything we do in our buildings. The reason for the energy center and the size of it is so we build in flexibility day one, because I think what we all agree is that the world today and its use of energy will be very different from the world in 10 years. So we build that flexibility in in size, in approach and strategy and and in infrastructure to enable us to have that flexibility. Should things need to change over time, from capacity through to methods of electricity generation.

44:04

And to one of the questions earlier as well, in terms of hurt ground source heat mentioned and also another couple of factors. We've also increased our commitment on a Breann level to build all of our buildings to brown, excellent as well, in a show that we are serious about our sustainability credentials.

44:26

Thank you.

44:28

Thank you.

44:31

Now Leicestershire county council raised the issue of heat pumps before now we note the response from the applicants on the response sorry, from the applicants on this matter. But could the council just elaborate on this please?

44:43

Yes.

44:45

In the response, we had to have written representations. I don't think it's got a number yet in the library because it's deadline two,

44:56

but page 1342135

45:00

The applicants they say that ground source heat pumps will be included in the assessment.

45:11

But requirements 18

45:15

secures the energy strategy and the current version of the energy strategy which is EPP 217

45:23

says ground source heat pumps are not considered further as part of this assessment. So the clarification that we were just thinking seeking is, which is it we assume the latter that ground source heat pumps will now be looked at the article to respond this point.

45:42

If pursuing acting on behalf of the applicant, the assessment the the energy strategy,

45:49

the appendix to the chapter

45:53

looks at a high level feasibility of the different technologies that could be applied

46:01

to the site, it makes. It makes a judgement in relation to the suitability of the ground conditions for ground source heat pumps, and and takes a broad conclusion that it's not so at discounts that solution

46:18

as part of the broad energy strategy, the

46:24

and refers instead to the use of air source or heating of the office spaces.

46:32

But I refer back to the point that

46:37

phase by phase that would be reassessed. And the feasibility will be looked at in line with the requirement.

46:47

Thank you.

46:48

Any other comments on this point?

46:51

That's not inconsistent with the response to the written representations, because what the applicant says is that the warehouse spaces the use of gases excluded. But if the occupier does require some heating to the warehouse ground source, will be included in their assessment. So ongoing assessments in the future. So

47:16

if that is right, it's not secured, because the entity statement says the opposite. But if that is right, that's fine. But one needs to give some thought as to whether it is going to be secured. And if so how?

47:31

Essentially, would is the applicant intending to submit a revised energy statement? And secondly, how does the this notwithstanding the provision in the draft DCO, on the maximum amount or of non creating an energy center? Does this markets have the effect of creating more energies than the current 50 megawatt limit?

47:58

I think in respect of the energy strategy, obviously, we'll take it away and see whether that can be made clear to reflect the conversation here. And if we can update them, then we will do and the requirement will have have the effect that it has.

48:13

I'll also take away that 50 megawatt point because obviously, there's some complex calculations behind that.

48:21

Thank you.

48:23

Has the applicant considered the publication of the additional planning practice guidance on battery energy storage systems in August 2023? And how might this affect consideration of the proposed development?

48:43

Bear A selectman on behalf of the applicant. I think it will have to come back to you on on that point. So because it's not

48:50

it's not something that I'm aware of. Okay, thank you.

48:57

And the applicant advise as to whether or not there have been any discussions with the fire and rescue authority in terms of battery storage systems? And if not, will it look to pursue this?

49:23

All Mail for the applicant

49:27

will take away and have a look at whether there's been any specific consultation on that issue. But of course,

49:33

the Fire Rescue authorities would have been included as part of the pre application Consultation requirements.

49:43

And so I mean, this is the SEC, this isn't a new proposal. It's the part of the proposal was in there but as to whether there's been any specific consultation with them on this particular issue will will will confirm Thank you.

49:56

Are there any other comments on this item before I move to item four?

50:00

Yes, so

50:03

clean Bosworth

50:05

Ella Mosley on behalf of laby and Hinckley and Bosworth councils, we have a residual concern which we'd like to put forward regarding the potential impacts on the ancient woodland at free hotword. As the stated nitrogen deposition levels are significantly above critical levels presently, thus, a new change given the sensitivity of their habitat can have a detrimental impact on the woodland. So our concern remains around the fact that this scheme will result in additional traffic impacts and a new heavily trafficked HGV Access Route. Therefore, we're requesting further detail relating to the assessment of impacts upon the woodland both through construction and operation, and details such as incremental distance contributions from the boundary of all relevant roads, including the new access link.

50:53

That sort of leaps into the biodiversity item, versus the applicant have any thoughts on this particular

51:00

Michael need speaking on behalf of the applicant.

51:04

So as outlined in the air quality chapter, specifically paragraph 12.188.



51:11

While there is some increase at ecological receptors, including free Hallward above the 1% critical level, these don't exceed an increase of more than 1% of the current baseline deposition without the proposals and therefore, that 1% threshold, the increase would not be significant in the worst, the precautionary estimate of increased nitrogen deposition as a result of the proposals would not contribute significantly to the overall deposition. Now, crucially, the 1% screening thresholds is not a threshold of harm and exceedingly special does not in itself imply damage to habitat.

51:52

The baseline modeling already shows that the woodland is already stated by Blaby already subjected to high levels of nitrogen above the critical load. So if there is an effect of that it's likely already occurred. And the modeling shows that the contribution of this development that's making the overall nitrogen deposition is minimal.

52:16

Now,

52:20

it's noted that the assessment doesn't include modeling of the removal of arable land, nor does it include

52:32

modeling of the proposed buffers around the ancient woodland. And indeed it does, modeling assessments can't, can't account for that. So at that point, there has to be a point of professional opinion whether or not such actions are going to be effective, but the use of of buffer panting around natural and sensitive habitats has been accepted by Natural England as a as a mitigation strategy in the past, and it's in line with their guidance.

52:59

So to put those figures into perspective,

53:04

the

53:05

2036 changes a percent of the baseline is only naught point 2%. And that's extrapolated data from table 930 of the air quality chapter.

53:17

So on that basis,

53:20

we've concluded that the assessment concludes that impacts of freehold ancient woodlands would not be significant, especially when considering the removal of arable land itself, a source of nitrogen and the proposed buffer planting around the edge of burden. Thank you.

53:35

Thank you.

53:37

Yes.

53:40

Having hurt Duncan, economy, health labor District Council, having just heard what the applicant said,

53:47

around the significance or potential significance of that effect, on the ancient woodland, we just draw your attention to paragraph five point 32. I'm sure you're aware of national policy statement. And what that says, and I think the information that's being requested from Lincoln Bosworth and jointly with Blaby is to provide clarity and certainty around the impact on the ancient woodland. Given that test in the NPS, about deterioration at the moment, we're not satisfied that there will be no deterioration, the impact is small, that's agreed. But will it lead to a deterioration and that clearly, given the wording of that paragraph and then the NPS you have to have a high degree of certainty we would say that there would be no deterioration as a result of the proposed development

54:41

I was also wondering that noting that that obviously you've made the comment about the reduction of down nitrates but this is this is further upstream, as it were, it's on the water. It's higher ground. The freehold woodland is on higher ground than the agricultural land that's been removed and therefore

55:00

Are the flows would be an any nitrate flows are not going to be positive in relation to this site. Do you have a comment on that?

55:11

Michael napalm pops up Can I have to take that away in terms of difficulty in terms of the removal of arable land, but the principle of the of the buffer also still stands that that would have a positive effect in in the round?

55:27

Is just that if the nitrates it the loss of agricultural I wouldn't be a negative would not be a positive it would it would only be that you will be relying on the buffers only.

55:42

It Yes. Well, the buffer zone and then strategic planting as part of that, but yes, that is our strategy.

55:51

Thank you. Are there any other comments in relation to Item three before I move to item for a

55:56

couple of the back? Thank you.

56:03

Thank you

56:06

said Mr. Jonathan weeks, Stoney Stanton parish council, this is a couple of points which I wanted to raise. First one to do with the whole concept of air quality. And I'm sure it's something which is at the back of everybody's mind anyway, but I wanted to make sure it was raised. The air quality is obviously predicated on the transport assessments. And and there was quite a lot of discussion yesterday about the accuracy of that. So obviously, any of the mitigation which has been shown has got to be really looked at as part of the outcome of that modeling. And therefore, a lot of the conversation which is gone this morning, obviously needs to be taken in that mind and whether or not other aspects need to be looked at.

56:47

I think that is obviously quite quite key, because there is a large number of areas where the, the impact in terms of pollutant concentrations are actually increased. And that's picked up in the environmental statement, paragraphs 9.147 and 148. And table 9.27, just for clarity point. And then the other point, I just wanted to raise in respect of obviously, we're trying to minimize energy generation, and sorry, renewable energy generation. And I know, there has been some discussions which have gone for, again, I believe, in other sessions to do with

57:25

the scale of solar, which can be accommodated. And I'm not convinced by answers which have been provided and that it could be substantially above what has actually been shown. And also, I'm not convinced that you do need to rely on a CHP to be able to actually get this to work, I don't quite see why it could not be designed entirely, essentially, as an off grid scheme, which would clearly have a significant improvement upon its energy credentials, and the contribution towards all of the government targets for the future. I think what we're looking to do is base a future project upon very old technology as a backup, and even if it is only going to be used for say, 10% of the time, as was suggested in one of the modeling. That's 10% More than they probably should be.

58:13

Thank you. I take the points. Councillor Bell?

58:17

Thank you.

58:19

David bill, parish council.

58:23

Could I express concern about the comments made by our friends over here about the fact that the introduced introduction of rail and taking traffic off the road onto rail will improve air quality? That is undoubtedly true. Unfortunately, we heard yesterday that there is no intention of installing the sidings to enable this to happen until a certain amount of occupation has already taken place. And I've not heard any guarantee at all

59:01

that more than one freight train a day will ever visit this site, I might be wrong. We were promised 16 freight trains at the start of this hearing five years ago. But that now seems to have been whittled down and whittled down. And there's no guarantee that any train will actually ever come here. And we're faced with the fact that

59:28

50,000 HGVs

59:31

are going to be are going to

59:35

go into and come out of this site. Now, it might not be 50,000, it might be 40,000 or might be 30,000. But it isn't one hell of a lot of and a lot. I know some will come out through the link road. That's fair enough. But the bulk of that 3040 45 That whatever it might be, will be going around junction to the M 69. Now the point I'm coming to

1:00:00

is the fact that I'm a member. I'm a member of the health scrutiny committee at County Hall. And the key figure we've been given there by Mike Sands is that 25% of deaths

1:00:15

in this area

1:00:17

25% of all deaths can be related to air pollution.

1:00:25

Now, that was that figure was given to me, or it must be two years ago. Since then, we've had a plethora of warehouse development, including patch Hall, which we talked about yesterday, which in itself will produce HGVs. And if you go along the a five, you'll see warehouse development springing up all over the place Magna Park is growing now, every time you actually see it. And this has to involve more HGVs. If we're introducing more HGVs into this area, the bulk of which will still be diesel hauled as I understand it, diesel run, because electric vehicles are not yet viable. If we're introducing more

HGVs. With with all the diesel fumes that are coming out, this has to have an impact on the increase of mortality based on poor air quality.

1:01:24

I would ask the that the the latest figures on mortality are taking into account before we before a decision is made on this project.

1:01:39

Thank you The points are taken, does the applicant wish to come back on any of those?

1:01:45

Yes, pull me off the applicant. I think a few things there. Clearly there were a lot of

1:01:50

figures, etc. Quoted there, it will be helpful if we could see the evidence that underpins those submissions when

1:02:00

summaries of what's been said or submitted at the next deadline so that we can properly take the opportunity to comment on them.

1:02:08

Secondly, just in relation to delivery of the rail port, which we obviously talked about yesterday, we have the requirement which says that the rail port must be completed prior to the occupation in more than 105,000 square meters. That's approximately 12% of the development. At that stage, that rail port must be capable of handling four trains a day and what Mr. Baker's evidence yesterday afternoon was explaining how additional sidings could then be added to that to get to the handling capacity for 16 trains a day as the as the development expands in future years.

1:02:49

Thank you. So what I typed in that counselor is that the applicant will provide a response based on your written summaries of representations in due course, but you are you're right.

1:03:05

It's a matter of unless it is submitted by you into this examination, we will not have it. It is going to have to be to you to go and find that information and submit it to us. Are you able to do Thank you. I'll put that as well that you'll be able to deal with that by deadline three of November the 14th should get on to it this afternoon.

1:03:26

Thank you

1:03:28

Alright, so if we can move now to Item four biodiversity Can we start with a Borah cultural issues? So we appreciate that there was engagement with relevant planning authorities in relation to the zone of influence for ecological effects. However, could the applicant clarify whether the woodland access tree management plan considers recreational pressure and disturbance in the zone of influence and if not, should this be considered

1:03:55

Michael nape on behalf of the applicant can I just clarify was that the woodland management plan? Yes.

1:04:03

So yes, the the woodland management plan it takes into account

1:04:08

existing management levels of offsite woodland and also the management in terms of proposed woodland within the site and that will also relate to access management.

1:04:20

Are there any comments on this matter?

1:04:25

Very briefly, then, in terms of protected species assessments, could be applicant data's with regard to discussions with Natural England in terms of relevant species licenses, notably for bats and badgers.

1:04:39

Michael NEEP on behalf of the applicant, the draft licenses have now been submitted to Natural England for review, Natural England turnaround times typically 30 working days to which we'll have a response, we should then be able to issue the letter of no impediment prior to deadline for discussions have been ongoing with Natural England regarding the baseline situation

1:05:00

and proposed mitigation and no red flags have been raised to date. Thank you.

1:05:05

If I can just touch upon shadow habitats regulations assessment before we sort of move to a short break.

1:05:12

I think I know what we said here. But can the applicant just confirm that both the construction and operational phases of the proposed development have been assessed as part of the stage one screening process in the shadow habitats assessment?

1:05:25

I can confirm that is the case. Yes. Thank you.

1:05:29

So paragraph 130. Of the shadow habitats regs assessment states that desk and field based investigations were undertaken to provide robust baseline information. Can the applicant clarify which desk and field based studies were used for baseline information please.

1:05:49

Desk desk based studies involved using

1:05:55

magic maps to identify site location in Prague in relationship to the to the development site.

1:06:04

In terms of field based, I shall have to come back with a note on that. Thank you that will be helpful.

1:06:15

The applicant has indicated as part of its proposals off for the extension to Burbidge common and woods, which it has said will be publicly accessible. Can I ask the applicant to explain how this will be secured in perpetuity?

1:06:33

Sorry, can you repeat the question? So you've indicated that as part of its proposals for the extension to Burbidge common and woods, which will be publicly accessible,

1:06:42

and I asked the applicant to explain how this will be secured.

1:06:48

This will be secured through the woodland management access plan, which is requirement

1:06:57

33.

1:07:01

Thank you.

1:07:03

So given we've been going for a while and parties online, I've been looking at screens for a bit of time. I'm going to propose a short break here before moving to biodiversity net gain. It's 1105 Now 10 minutes comfort break should be appropriate. So if we could just meet back here at well, course pass, please. That will adjourn until then. Thank you