

# TEXT\_ISH5\_Session4\_01122021

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00:10

All right, welcome back, everybody, the time is now 431. And I'm going to hand straight back over to Mrs Sahai just after some confirmation from the case team. First of all, can you confirm that everyone who wishes to be here has joined back?

00:25

Yeah, I can confirm everyone's here on the live stream. I started recording. Okay, thank you. Sorry.

00:33

Thank you, Mr. Scriven. So just to clarify that we are going back into seven B. And this is with particular reference to some of the matters that that Mr. Lyness said before the break, which is about the opportunity for everyone to engage us now. And correct me if I'm misquoting you, Mr. Lyness, the opportunity for people to engage us right now. But you expect that once if consent is granted, then you expect as detailed design stage to not necessarily engage parties?

01:09

Scott Lyness? That's correct, ma'am.

01:12

Right. So I will get comments from other parties if that is their understanding? Because I think that leaves me slightly confused. But if I could ask local authorities and any other parties who may wish to comment on this Mr. Wren?

01:34

Thank you. I think our only concern on that is where we've accepted a principle such as a bridge, if a bridge is provided, how much influence and say is the over how that bridge is going to look, his materials at scale and everything, the principles could be quite broad. And it's how we're now going down what those principles are that are going to guide that element of the scheme. And looking through the documentation, there's a lot of different principles that will have different weighting and priorities depending on each element of the scheme. So when we're saying that we won't have a further consideration, one of the principles for the bridge may be reaching the other side as quick as possible. And the other principles are to in the documentation dropped down that priority. So we are accepting an unknown in my view.

02:31

Mr. Lyness? I think that's a very valid question. It's the reason why I'm confused is that if you set out these design principles, who's holding you to account in terms of what the final design outcome is, and whether that does in fact meet these design principles?

02:47

Scott Lyness for the applicant? Well, if it appears as a requirement under the DCU, then we would be bind by that requirement. And if there were any departures from the principles, we would have to justify them in accordance with the requirements. Otherwise, frankly, there'd be a breach of the requirements. If we're suggesting that under requirement 12. We would have to accord with the preliminary scheme design drawings shown on the work plans, the general arrangement plans engineering section drawings, the principles set out in the environmental master plan and then a clause is added to bring in the Design Principles Document then we will have to adhere to those requirements, unless there'd been agreements in writing by the Secretary of State following consultation with the relevant local authorities. So there is actually quite a strong requirements that covers the way in which we would be required to apply this document.

03:57

be judging yourself, Mr. Mr. Lyness, you'll be judging whether you're meeting that requirement yourself.

04:04

In many ways, mumsy, Scott Lyness, for the for the applicant, there would still be if anyone had any concerns about the manner in which that had been done. It would be a question of enforcement of the requirements. So it's not simply a case of us building what we want, if anyone thought that whatever had been put up, had departed significantly from the principles in that design documents without any matter being agreed by the Secretary of State, and obviously around the force and position on the requirements. But

04:35

then wouldn't it wouldn't it be sensible to just build that in and say, you know, there is a process in place for people to, for parties to, to test or to Well, as I use before to hold you to account in terms of whether the design outcome, the final detail design does in fact, meet those principles. If you're saying that there is that opportunity anyway, then couldn't do We just build that in

05:01

the Scott Lyness for the applicants. No, there isn't that opportunity the same way as you're suggesting, ma'am, the opportunity for the stakeholders is the best is influenced the documents so that they can be satisfied at any concerns they have, are expressed in the in the principles. The second point is we must remember this is a this is a DCU, where it's anticipated, there's inevitably going to be detailed design that takes place following concern, which isn't necessarily going to be controlled by the DCU process. And already what's being followed in this case, by reference to the design principles, it goes further than one might expect as far as detailed design and other DC uses is concerned, certainly in highways schemes, one wouldn't have previously anticipated any requirement for detailed design to go beyond what has already been suggested in the draft in a draft DCO. So we don't see we don't see there's a strong case that the third point that we say, ma'am, is that always bear in mind, as we mentioned earlier, in relation to East West Rail, there is detailed design work that's already taking place for this scheme. That's why we're raising concerns about East West Rail, I'm given their stage of development trying to potentially alter work, it's already already in hand, we have a process to follow so that we can

get essentially speared in the ground efficiently. And it's relevant to bear in mind that if there's a further consultation process built in, it's going to interrupt potentially programming towards getting implementation on the ground, which is why you load any influence from stakeholders into this part of the process.

06:55

Understood, but you said that this is going further than any other detail anyway, in terms of what is embedded into a draft DCO. But in terms of the process, could you just draw a parallel if other road schemes, for instance, have no engagement whatsoever, a detailed design stage with parties on how detailed designers is progressing? And what outcomes are, you know, are, how the outcomes are emerging?

07:25

Scott Lyness for the applicant, I think we need to provide further information on the comparison between what's being done here with other schemes as far as engagement is concerned. But my understanding is that, as far as national highways is concerned, it's not a general proposition that you have formal consultation processes built in to the detailed design of a of a scheme, partly for the reasons that I've given that it's very important for the delivery of the scheme that following consent, detailed design proceeds as quickly as possible in accordance with the DCO. So that one can implement as quickly as as possible. So f1 is going to introduce an engagement process, it's more important that it's done at this stage as part of the examination instead of as part of a process following consent.

08:23

Okay, okay, fine. That's helpful. I just, Mr. Wren, I see you have your hand up, but I do want to invite other parties as well, if they have comments.

08:33

Thank you. It's very quick point. And Mr. Lyness has said that if there's a significant variation of details, then the principles can be enforced. Obviously, there'll be an argument over what significant means and how that will be measured. And just a question over who and how would that be enforced? Who would be the enforcing authority? Under what mechanisms? And who would agree what the resolution that's acceptable would be on that point? Thank you,

09:04

and how how would somebody be able to identify that there is a significant at what stage would somebody identify that there's a significant variance from the design principles? So who will enforce it? What how will you address it? And and how will you even identify that there has been a significant deviation from the principles? Yes. Thank you. Thank you, Mr.

09:36

Scott Lyness for the applicant. Scott Lyness for the applicant, ma'am. I mean, it would be enforceable as a as a criminal sanction the same way as any breach of requirement on a on a DCO. And we don't see anything particularly distinctive about that. It would be identified, presumably by any logo. thority

expressed concern over the way that any design was, was coming forward. But in any event, ma'am, thing is not the important point is really whether the engagement that can be secured effectively as part of this stage of the process is going to be adequate. And we said, well, because any influence that local authorities want to have over the design can be fed into can be fed into this document. That's the important point.

10:29

Just one point on that, Mr. Lyness, but you didn't answer one question, which is how does somebody identify that there has been a significant deviation from the principles

10:43

Scott Lyness for the for the applicant? I think, inevitably, there will be discussions that take place. In any event following any consensus granted between national highways and local authorities, opodo plans are progressing on informally. After that, to the extent that any construction works start on there is a concern expressed by local authorities and that would be a means by which they identify any issue. But again, that we're dealing with circumstances that we say here are not going to arise given past experience and the prospects that are put in place by the design document.

11:30

Okay. Mr. Tyrrell? Thank you, Francis Tyrrell on behalf of the game. Sure, authorities. First of all, I just like to double check or clarify certain point in terms of what the applicant is now said in the scheme design that approach and Design Principles Document, section 1.2. It explains that this would be secured as part of the first iteration EMP and would be dealt with under requirement three accordingly. We, the authorities made the point that was perhaps not satisfactory needed to be secured as part of requirement 12 as well, from what I understand now, from what Mr. Lyons has said, I've seen 1.2 of the Design Principles Document need to be rewritten and it is no longer intended that the document will be incorporated into the first iteration EMP. It will exist in its own right instead and be secured by requirement 12. I think I seem to like this is nodding so

12:28

Scott Lyness Sorry to interrupt. Tutorial, Scott Lyness for the argument that that's correct. That had been the original thinking. But notwithstanding what I mentioned Mr. Scriven, before about avoiding a proliferation of documents, we thought that this one actually did merit an exception to that, given the way it has been raised the examination plus, as I said before, we consider that this would be the document that would be secured through the examination process, whereas f1 and Fattah enter the first iteration emp, because of the way that document was due to progress and different drafts become more detailed, there would have been a slight mismatch between how this document was being treated within the first iteration, the MP and how the first iteration the MP was otherwise going to progress. So we thought for that reason would be neater, frankly, to bring the site as a separate document, and put it specifically into regulation 12, rather than deal with it through the first iteration, EMP and another requirements.

13:26

So it's not going to sit within the EMP, it's going to sit outside, will it be a separate? Will it be a separate, certified document, then?

13:35

Yes, Scott Lyness itself conducts the intention, man. Okay,

13:38

and then secured through requirement 12, that's helpful. That is a departure from what you previously said in the document. So if it is going to be a standalone document, then it kind of goes back to something that I was going to put in written questions, but I may as well ask it now, then it really does need to, should have the ability to be a standalone document. So you know, for instance, you've got a paragraph 3.3 point five. And it kind of makes reference to other aspects of the EMP. And when I looked at this document, I looked at that paragraph and those principles didn't immediately jump out at me as principles. And then of course, you look at the appendix on landscape design and the EMP and then it starts to make sense to you. So I'm just highlighting that you you might want this document to genuinely be a standalone document. And I know that so much of detail. And there are certain, you know, more fundamental points that we are discussing here. But, but I think that's generally an improvement in terms of what I was going to ask about process. But yeah, so that's that's helpful. Mr. Scrivener, I was going to close this discussion down. Mr. Tyrrell has another question. I'll take that.

14:56

Sorry. I'm just falling off my clarification. Obviously, we would welcome obviously an express requirement to deal with auto bring this document in, I think, and we were happy with what's been said in terms of being a certified document. The obviously it makes them ever more important that this should be comprehensive and thoroughly engaged upon if that's the right wording sorry, maybe bad English needs to be thoroughly engaged upon now, to get it correct. That said, I think Mr. Lyon has said that it would be quite unusual for there to be an involvement in the design going forward. I in that regard, I do just note, for example, the a 14 development consent order, which made provision in its requirements for reference to be made in terms of design to the Design Council. And also for the local authorities. And others, in fact, quite a few gang of people to be involved in consultation in relation to the finalisation of that design. Now, that's all set out at paragraph three of shedule. Two to that a 14 order. I that is available, but I can put that in if that would be useful. Now, I do appreciate that. I'm not aware of the A 14 How to Design Principles Document such as this. But I suppose the question is, there's two options, isn't there one where you can have a design, which isn't set out in terms of principles where the parties are engaged, or you can have a design, which is fully set out beforehand, and then the parties aren't engaged? The question mark will be, can we, by the end of examination, have sufficient a document that recaptures design principles sufficiently well, that we can afford then not to engage? But in parties, particularly the local authorities?

16:49

Thank you for that reference. But there is a third option is and that is where you have both where you have a sufficiently robust design principles document, but you also have a process post consent where there is engagement with parties. And and I think it's just worth bringing this up, is that your, you know, the road to good design, for instance, which has been referenced pretty heavily throughout this

document does talk about the national highways on strategic design panel? So isn't there value for instance, in having that independent advice, and indeed, advice from local authorities built into the process so that when you get to detail design stage, then the you know, the I don't want to say the word alignment, but but maybe alignment with the design principles, is something that can be tested, robustly tested?

17:48

Well, I certainly wouldn't disagree with having both

17:53

Scott Lyness for the applicant. Now, I think you have our our position on this thing. As far as your suggestion for extra elements to the process, I think we could go back to what I said before, which is that once we had any order in place, and bearing in mind, the progress has been made already towards detailed design, it is important that progress can be made quickly towards implementing any ad CO and the more one builds into a process, first of all, the review process plus consultation with local authorities, that does introduce a concern for the applicant and that in that respect.

18:32

Mr. Lyness, I think it's best we move on. But needless to say, I'll have more questions on this. But just to confirm that in terms of actions, I think the actions are more for local authorities and other parties who've engaged in the process so far, is to if this document is going to be the last moment of engagement, this this examination is going to be the last moment of engagement on design, then, how would they ensure that the design principles set out in the document and indeed the design principles set out against the structures and Appendix C are relevant to the local area and embedded in the local area? On that

19:17

Scott Lyness if the applicant sorry, ma'am, that's, that's understood. We'd be very grateful if those comments come in by deadline six, ma'am, obviously, because we are going to respond from the time to help you we will need to say to set out as fully as possible. And secondly, you need to bear in mind that this is a design principles document with detailed design to to follow not just needs to be borne in mind in the comments that are made.

19:41

Yes, that's definitely something to be borne in mind. But I would also ask parties, including applicant to bear in mind that at the moment, we are looking at the applicants position which states that this is the last opportunity to engage on design principles as well. So both those points I just want to say one thing that there has been referenced made both by yourself Mr. Lyness and Mr. Christou about this document dealing with aesthetics. And I think we as a panel, kind of, we're not convinced that that is what we have suggested through this examination. I'm not going to go over this point. But I will just ask you, I'll draw your attention to both design related questions in both written questions, one and written questions to and indeed relate design related matters raised at both the hearings, where indeed, the reference we've made always is to the paragraphs in the NPS, nn nn, which talks about design very much on, you know, in terms of the appearance, but indeed, in terms of functionality, sustainability, and

all of those principles. So there's never been a suggestion by the examining authority to suggest that this is about visual appearance and visual appearance alone,

21:00

Scott Lyness for the applicant, certainly that was understood. On my part, my little guy suggested it was going to be visual alone, I think what I said was, we thought to start with our concerns being expressed about the structures as the main elements of the environment.

21:14

Yes, it's just worth noting that, again, while good design as a process is talked about under good design, in npsm. And the design outcomes are talked about in different sections under biodiversity under noise under landscape. And, and I think a couple of other areas. So So you know, the good, there is an expectation for good design to be a consideration as set out under that particular section in the NPS, to be a consideration when considering outcomes in under all of these sections. So So, so I think in that respect, I completely take your point that we don't want to proliferate this document for it to become another EMP for sure. But equally, it is about making sure that those design principles as set out in this document are applicable not just to structures, but any other design outcomes that might be relevant through the scheme.

22:10

That's understood. I see. Mr. Christou as a hand up I know, you don't want to prolong this agenda, man, but I just want to draw that to your attention.

22:19

Okay, yeah. So um, yeah, just Christos, Christou at the applicant just to clarify the position, which is reference regards to how we deal with the various issues. So there's technical standards that you have to comply with as well. And then on top of that is the other the other elements so it's about where those sit. And this docking was meant to deal with the other aspects are not covered by those technical aspects.

22:37

I understand. Thank you for that clarification. Yes, that's helpful. That's really helpful. I'm ready to move on Mr. Scriven. We do have another hand up I believe so can we move on to Agenda Item eight. I wonder if he might be having some technical difficulties. So Mr. Scriven, I'm ready to move on to Agenda Item eight.

23:16

Okay. Yeah, I am as well. Okay.

23:20

Mr. Wren, you've made an appearance is that for Agenda Item eight or seven? Okay. thing to do in the interest of time is to cover a and b, which is related to borrow pits and maybe put construction compounds to written questions. And so progress and pending issues relating to borrow pits? I think my question first is to Bedford Borough Council, I'm going to make this really specific to the points that I



need clarification on. So you've said that so my question to you is, can you provide specific details regarding the noise, dust and air quality effects on neighbouring properties that you feel have not been covered elsewhere in the ies?

24:09

Yes, at this stage, it's the properties of north of Barbets 14. We to update you, we held a meeting with the applicants on Monday have set out our concerns. They're working on that information, and we're expecting further documents to be submitted shortly, which I assume will go into the examination.

24:30

Okay, Mr. Lyness, is it likely that this could represent any effects that have not been considered in the EAS and requiring further mitigation for instance,

24:44

Scott last for the applicant, Mr. Doherty is able to address that matter.

24:50

Good afternoon, Madam Ted Doherty representing the applicant. Yeah, just to confirm that we did have a meeting with Mr. Benn and his colleagues earlier this week. I'm not aware that any of the matters that were raised would lead to any substantial change if any, to the the assessment has been carried out. Today, I just just want to note that we have taken an action and there are a number of points that we are providing we've agreed to provide further detail on and also I can confirm that we have agreed that we are going to prepare a bola pits management plan and the intention is that that will be appended to the first situation EMP. Okay. And the intention is that we will get a draft version of that bar pit management plan submitted a deadline six quick, I will just confirm that with my colleague, Mr. Gleave. Just

25:51

Thanks, Jamie Gleave The applicant? Yes, what Mr. Doherty said mom is correct. We're actively working on developing the Borah, pet management plan. Okay, it will form a new annex to the many and varied plans that are already in the existing GMP. And we are currently looking. And this probably touches on some of vitamin B. B, we're looking at what the content is of the excavation and restoration document report that was that was put in, we're looking at all the measures in that we're going to be transposing anything that's worded differently or inferred something slightly differently into the updated EMP. And we're also doing a review, in parallel of previous examination submissions. And through a review of any meeting minutes that we've had outside of the examination to identify any further points that have been suggested or recommendations for measures, etc. And we will take a view on those one when we compile that document.

26:59

Okay, that's so that's really helpful. If that's coming to Deadline six, then we'll have comments from other parties by deadlines seven on this particular documents, as said, so that be I think that that should that will help. I think just I suppose there's a question to Mr. Wren. But perhaps to other parties who have raised concerns with borrow pits generally. Do you feel that this is the right approach? Does



that? Do you expect it to generally cover especially Mr. Wren, given you've had such a recent meeting? Do you think that that will generally cover the concerns you've raised so far?

27:42

We're hopeful Yes, our environmental health officers available as well. Hopefully, it's really to do with the noise limits and worst case scenario that could happen on these sites. So we're hopeful that the information coming in may deal with that.

27:56

Okay. Okay. I see Mr. Hudson has his hand up.

28:05

Good afternoon, ma'am. I'm Bryn Hudson from Bama to help deaf a Borough Council. Just to reiterate the comments to Mr. Wren. As set stated, also looking at part B of Agenda Item eight information in the board pits, excavation and restoration report. stuff has not been included in the first iteration. Now, in that report, there wasn't the information that wasn't included in the first iteration. It was all drawn out of the first iteration emp, which is what's causing such such problems. We haven't had new information. So I'm very hopeful for methodologies, comments, and for Mr. Graves comments that the information that is going to be supplied will not be rehashed information from the first iteration. And that this time, we're going to get further information from them, which will hopefully cover the issues that we raised, we have raised them all with themselves. They've taken them down. And I have got hope that the information that is gonna be forthcoming will work to resolve those issues, and we can move beyond this.

28:58

Okay, that's really helpful to know. And that kind of cut touches on agenda item B, but I will come to that in a second. too. Don't Don't go anywhere. But I did have a couple more questions. And I do want to bring in a few more IPs. Do we have anyone from church ministers of England? At the hearing? Apologies, I can't see in the attendance list.

29:29

No, I believe we don't. So, so. Well, I'll just ask the question on their behalf then, in terms of the topsoil being returned to the same agricultural land classification as it was prior to the work being undertaken. The applicant has clearly said in response to that, and indeed it's consistent with what's said in the annex III soil handling and management plan that this while you We'll endeavour to return topsoil spreads stripped during construction to as close to its source of origin, you don't think it'd be possible to restore the site to the same agricultural land classification? I'm just looking for, for confirmation and whether this, you know, you can provide any justification for that position.

30:24

Scotland for the applicant, I don't know if Mr. Doherty is in a position to do that, or Mr. Gleave don't think we have a soil specialist with us today. Ma'am. I can ask either of them if they're in a position to comment.

30:40

Ted Doherty representing the applicant, it is a bit beyond by expertise, madam. But I do understand that principally, once you remove topsoil stockpile, it is virtually impossible without you know, significant treatment post replacement that you're able to get it back up to the similar quality. I think it may be this may be a matter that we can raise it tomorrow see a hearing I would in that I would this this possibly would be dealt with through compensation. Because it is it's virtually impossible to to restore it to the condition that it was originally.

31:23

Okay. And and I think okay, so then what if we can raise it at the CEA hearing? Or alternatively, just deal with it through written questions. The second, I can move on to eight be now, which is the borrow pits excavation and restoration report. And Mr. Gleave, you've, you've already said that there'll be aspects of this report, which will be included in the bar pit management plan. So that's reassuring to hear. And I it's reassuring to know that barefoot Borough Council are happy with that approach. What aspects were you seeking to bring across?

32:05

Jamie Gleave, the applicant? Ma'am, we're looking at essentially where we have presented the mitigation measures. So within the borrower pit reports, we've got subsections for each site, where we detail more specific measures, what we're looking to do is bring those across into this new borrower pits management plan. And also, we'll be looking at the information we've put in regarding restoration as well. So if you recall from that document, we have a series of sort of subsections within it, which cover effects etc, what we'll do is take across the measures that will be put forward as part of the MPU them.

32:48

So one of the things that I did notice in the in the report, which was not the case in the EMP, the report actually was quite site specific. It was it went into each site for the borrow pit, and set out methodology measures, restoration, etc. But what the EMP had done was was a more generalised approach. And so is that the approach you're likely to take in the borrow pit management report?

33:14

Jamie Gleave for the applicant, it's it's likely Mom, we're currently looking as because we've made this decision very recently to to draft this, this new annex to the first iteration MP, but it's very likely that we'll look at this on a site by site basis and transpose whatever relevant measures from that borrow pit excavation and restoration plan. And as I mentioned anything else that has previously been suggested to the applicant by interested parties in the local authorities, but it's very likely I would imagine that it will be structured on a on a site by site basis.

33:47

Okay. And so what happens to the to annex 11 soil handling and management plan,

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but generally, if the applicant that will still apply, because that is a scheme wide plan, or a pit Plan Management Plan will be site specific for the borrower pits, but again, any relevant measures, be they noise, quality, etc, will be covered when their site specific, real sorry, when they relate to site specific measures within the the Mubarak PMP.

34:16

Okay. And in that respect, do you think that the findings of the trial pits or indeed a summary of it can be included in this plan? Because, you know, that's quite specific information. And if for instance, you're saying that there'll be greater or you're saying that there will be the you know, the restoration is a site specific restoration is going to have a place in the Bora pit management plan then you know, maybe reference to what the findings of the trial pits could be relevant information to have in it.

34:48

Jimmy Gleave the applicant, Mom, we can certainly look at that. Obviously we're looking at getting for deadlines, six the agricultural soil survey information. So okay, that's currently being prepared. we need to just look at the two documents side by side and look at the most efficient way of of considering that. Okay.

35:09

Yeah. Are there any other comments from any other parties on this? I don't I don't see Miss staples, this in this call from National Farmers Union. So and I am tempted not to go into this tomorrow at the compulsory acquisition hearing so, so obviously there will be some questions relating to this that'll probably have to go into written questions to get wider comments, but But yeah, if you can see the document deadline six, I think we'll be fine. timewise in terms of the examination Mr. Scriven, I think I'm still content to put see down for written questions, especially given that and if you're not available on the call, and a lot of the questions raised were by them, although Cambridgeshire Council also had a concern, but yeah, I put that all into written question. So I think I'm happy to close agenda to meet.

36:12

Okay, thank you, Mrs Sahai. So we will move on to what's on the agenda as effectively session four. And souls will just turn to noise. And so central Bedfordshire council at procedural procedural deadline DEA requested this matter be included in the agenda. What do you wish to add in relation to that already submitted regarding the need for mitigation measures at rectory farm? Our just want to make that clear. It's what in addition to has already been covered?

36:47

Yeah, sure. Thank you, sir. Robert Bruce for central Bedfordshire Council. Essentially, it said that impacts here or minimal or insignificant, actually, that's not borne out by the environmental statement, our reference paragraph 11.9 point 58, which says there'll be significant adverse operation affair. At this property, day and night, essentially the results, as you'd probably be aware, it's east of the blackcap junction. I believe it's actsoft Axia stuff, a little baffled road. And I believe this is new information, or we've only been recently submitted if submitted, but the council requested further data from national highways. And that now indicates, at this residence, there'll be 9.3 to 10.7 DB, increase in nighttime noise and 10.8 to 14.5 DB during the daytime, to put that in context to six dB increase on total

represent a doubling noise. So far in excess of doubling, it's pretty it's about more than 1.5 times, you obviously be aware of what the end, NPS is on that that's I won't go into that. That's paragraph 5.1 195 or and go into that. But it's put forward simply that it's it's simply not credible. And the EIA and MPs policy, and the IES does identify a significant effect. I know latest submissions by national highway say it's not a litigant. But that's just contradictory to their own. Yes. It does identify us. And if in fact, it's not credible to propose no mitigation against a significant effect identified in the EAS. We do understand that on cost benefit now. discounted or excluded, mitigating its source. However, there's no assessment of mitigation at the receptor site. So that that that is where the, you know, it's not you can mitigate noise at source in between the two pieces of you know, the source and the receptor or at the receptor. So that the the obvious thing here is to mitigate it the safe to counterfeited source. That's our power basic points.

39:23

Okay. Yeah. Thank you. There's a little bit of what we understood, understood what you're what you're saying. I'm going to go to the applicant. Is there any proposals to change? Change that intended at this point in time,

39:36

Scott Lyness for the applicant, in short, no. With respect to Mr. Bruce, don't think he's giving evidence as a noise expert on this. And I would ask Pam Lowery for the applicant. He is to explain the applicants position place, particularly by reference to the approach they think is really at the core of the difference between the parties, which is when one's looking at significant effects and noise terms whether one looks purely at the increase from the existing baseline or whether one looks at standards that would apply them absolute level, perhaps Ms Lowery could comment on that.

40:13

And indeed the sensitivity level of that receptor. Yes.

40:16

Thank you, sir. Cos Ms Lowery did pick up those points, please.

40:20

Certainly. Thank you. Thank you, Mr. Pam Lowry, for for the applicant. I noted what Mr. Mr. Bruce has said. And I think there's two issues that are being referred to her in a slightly different one being significant EIA effect, which we do report in the environmental statement, and Warren, which relates to significant policy effect in relation to noise where this property doesn't experience a significant effect in relation to noise policy. But I will go into I'll go into those. As I as I, as I go through. I would like to say that yes, we do acknowledge that the rectory farm does experience a significant effect in EIA terms, because of the the major increase in road noise that we've predicted at that property as a result of proposed scheme. And the reason for that, it's because we've introduced a new source of noise close to the property where it was in a rural setting before that's introduced a new road road noise source which is in addition to these existing environment, you mentioned about the information which we have provided to Mr. Quint on predicting noise levels at at that those properties. And I don't doubt those changes that you refer to when they do a chord with the information that we've provided. But just to put

those into some sort of context, even the predicted noise levels for day and night with this big scheme. So this is road traffic noise levels are at or around the lowest observed adverse effect level are 55 for the day time, and then also 40 during the night and they're defined in national highways noise and vibration assessment method, la 111. And just to sit reiterate what laws are and they are levels above which adverse impacts on health and quality of life from road traffic occur, and national policy statement, national networks require them to be mitigated or reduced to a minimum in the context of sustainable development. And that's, I think, is this pertinent, pertinent point. So just to put the image about putting the this change into context into this, particularly into this property, Now, I mentioned that there's a new introduced new road noise source and there is a noise source road noise source there already in relation to little Barford Road, which lies about 700 metres West rest of the property. But we did go to an SEC monitoring there during the Monitoring Survey in 2017. It's during that survey that we did identify a number of other noise sources and that contributed to the noise environment at rectory farm. So that included rail noise from East Coast, mainline agriculture, agricultural sources from the farm and also the overhead power lines. And the noise levels we actually measured from those sources combined with with little Barford Road, were in the region of 49 to 52 decibels. And when we calculated the road traffic noise element, as part of our part of our validation of our noise model, we found that the road traffic noise contribution from little Barford road was around 45 and a half decibel showing that there were more dominant noise sources in the in the area. So, that was to put the context of the of the location into into account. So what that actually shows in relation to the impact of that increase of the increase in noise at the property and and as you mentioned as increases of up to 14 DB in road traffic noise. Those monitoring results that we had showed that in terms of the overall increase that that will be at the property in terms of overall overall noise levels, when the scheme is in operation will be rather less than that predicted 14 dB increase due to those other noise sources in the area. So 14 dB increase in traffic noise does not mean there's going to be a 14 dB increase in the overall traffic noise experienced at that that property. So just wanted to put that into into the, the, the point as well. One we did meet with Mr. Quint on the 24th of November following the procedural deadline day.

45:20

submission to request this this hearing and also to discuss the matters prior to the hearing. And what we did. We talked Mr. Quint through the mitigation measures we've embedded into the scheme, which includes loans and loan servicing, along gates length and that that's that's embedded in we we, we identify that with with Mr. Quint as well as the barrier option which we have considered along the along the westbound carriageway to reduce that major increase, because as required by the IAEA regulations where we have a significant effect, we are required to either try and identify measures to mitigate that, that increase and avoid that significant effect. And that is what we've tried to do. So we took Mr. Quint through why that a three metre bit high barrier along that section, which extended about 1.1 kilometre between the buffered rope bridge and the East Coast Main Line. And that the reason why we had to consider such a substantial length was due to the distance between the property and the scheme. So you need the property has a wide angle of view of the road and therefore to block the noise from the road would need a long barrier to try and reduce the noise from the from the road. And what we confirmed to Mr. Quint in that meeting that that substantial exit barriers not been taken forward into the design of a sustainable noise mitigation measure, because there's the limited reduction, noise reduction it will provide at the property we we identified a maximum of about one and a half decibels would be

that would be the effect of the the barrier. So you will still have a major increase in noise at the at the property the cost of a one kilometre noise barrier compared to the benefit that that would provide the low traffic noise levels at the property with the with the scheme in in place. And as I mentioned before the presence of various other existing noise sources. That meant that would mean that they would be likely to result in predicted noise increases from the scheme not being fully perceived, as I discussed a few moments ago it was

47:43

what was the outcome of that meeting then, as you're concerned.

47:49

We have we totally took him through a number of other because he did offer some other suggestions which we discussed in terms of in terms of noise banding and also noise insulation to the property. And we we we took Mr. Quint through those and we and we gave our view of why we've not considered those to be sustainable noise mitigation measures. We were due to have another meeting with Mr. Quint to discuss the noise installation point in particular. But unfortunately, that didn't happen yesterday due to due to circumstances and we're still quite willing to to have that that meeting. But in our view, just to close to close this point and say following the discussions that we did have with Mr. Quinn on the 24th. We believe that we have actually complied with the noise policy statement for national networks because of the significant effects on health and quality of life are avoided as the traffic noise levels we predicted are considerably below the soul level which is actually 68 decibels which aligns with the noise insulation regulations. And the other adverse effects on health and quality of life are mitigated and minimised through the use of low noise surfacing and predicted traffic noise levels with the scheme are are low on the worst affected facades and the additional noise mitigation measures cannot be justified.

49:18

Okay, thank you. I think so. At this point in time, obviously, these are discussions that we haven't okay, we've gotten we've had an update here from the applicant, but it would be useful for us as the examining authority to to understand better an agreed position with central Bedfordshire Council on the discussions that have taken place to feed that in because at the moment that isn't that isn't before us. And also an update if any of these discussions happen obviously prior to Deadline six with Mr. Quints. Then if we can be updated on that too. As to whether or not anything else is agreed.

49:58

Scotland for the applicants I'm sorry, I'm sure we can by deadline six, I'm assuming records nature discussions that have taken place because there's Laurie summarised them out reading, we can confirm that and read them for him. And nothing further does take place. We can we can put that into the same document, sir.

50:17

Yeah, it's a bit and it's ideally I'd rather I'd like to see that as being a joint effectively a joint position from Central Bedfordshire council as well. And as to whether or not they agree with that,

50:28

yes, Scott Lyness for the applicant, we can certainly try and agree with the council the the factual description of what took place as far as we can, I suspect we're not going to reach agreement on the substantive issue, but at least you'll have agreement as to the discussions that are taking place as a matter of fact, hopefully,

50:43

but there is talk of potentially other measures that could be taken forward at this property in terms of noise insulation.

50:51

Well, no, I think what Scott Lyness The other thing, what Ms Lowery was saying was that that was a matter that was discussed, but it was explained as to why noise insulation wasn't a feasible option, large, large as I understand it, because the noise levels that we're going to be experienced, weren't especially high level to engage the requirements for noise insulation to be provided.

51:15

Okay, thank you. Thank you for that. Mr. Bruce.

51:20

Yes, sir. Thank you. I think that part that last comment partly addresses the question I was gonna ask, which is, why why not? That we've heard that, but but we just simply point out those significant environmental effect under the IAEA, which is not unmitigated, which is unmitigated, and that's what you have to take into account. And the reason is because that they are saying it's not they're not legally required to do it under another regime in which we say, that's not a good explanation, but we will we will happy to do the factual node. Thank you. Thank you. Okay.

51:59

Is there anything further to add on this particular matter at this point?

52:04

Scott Lyness the applicant unless Ms Lowery has anything to add? No, sir. Okay.

52:11

No, I have nothing further to add at this time. Okay. I understand the positions of both both both positions on this. So thank you. So just in terms of noise monitoring applicant, can you briefly explain the intended approach you will take to the monitoring of noise during construction and operational phases? If interventions are required? Well, this follow the same approach of monitor and manage that we've discussed earlier in the agenda. How's the detail of roles and responsibility in any subsequent intervention secured

52:46

Scott Lyness for the applicant, particular customers Ms Lowery to contribute to this otherwise Mr. Mr. See. Ms Lowery have it available



53:05

Pamela Lowery r the applicant, if for the first point with regards to construction noise, if I can refer to to Mr. See to cover this particular point and I will cover the operational monitoring.

53:18

Okay. Julian See on behalf of the applicant, Annex B of the first iteration of the Environmental Management Plan sets out the outline details of how noise monitoring we manage during the construction phase. And this will be developed to include more detail in the second iteration of the Environmental Management Plan, which will be drafted in consultation with the local authorities. It will include details of how noise monitoring will be undertaken during the construction including the equipment to be used and and the locations. Baseline readings will initially be taken at each of the locations before construction activities commence. And the location and duration of the monitoring will be designed to record the noise from construction activities experienced by representative sample of the of the local population. The monitoring locations may move during the course of the works to reflect the changes in the construction activities. So that's to set out there how has to be undertaken? Yes.

54:31

next iteration of the EMP. Yeah, yeah. Okay.

54:36

So that will be in the second iteration of the EMP with regard to any interventions where an an issue is identified through the monitoring or reported by another route. We would engage with the with the with whoever was reported it or affected parties through through our stakeholder team and provide feedback on an update On on how the issues issues to be managed and resolved, we will also sort of maintain regular communication with the relevant local authorities to provide updates on these items. The types of actions that may be taken to resolve any issues would be to review the construction method and see if an alternative could be used, it may be possible to move an item of plant for example, review the plant and equipment that's being used, and see if an alternative method or interpretive type may resolve the issue. Consider if it's possible to deploy some local mitigation measures or limit the times when a particular activities takes place. And obviously, where remedial actions are made, try to ensure that similar issues don't don't occur in the future. They're not repeated.

55:57

Thank you. Ms Lowery. In terms of the operational stages.

56:03

Yes. So yes, with regards to operational cooperation, or noise, and we've we've covered this in a number of submissions, rep 3008, and ref 4036. And in those just like to reiterate that we don't propose to undertake noise monitoring surveys, once the Ponzi scheme is opening, because we don't believe it provides a reliable gauge of what the actual magnitude of the impacts that we've identified in the environmental statement or the or the adverse noise impacts are greater or less than those what we've predicted. Now, I'm not going to I'll, based on the the points raised at the beginning of the hearing, I'm not going to go into into those exact details here. I'll leave those to be read again. But I would just like to reiterate that this proposal is in line with national highways noise and vibration assessment

methodology, contained in dmr, document la 111, which reiterates that particular point and the reason why that monitoring doesn't, that doesn't take place. But one thing I would like to confirm side note that there has been some issues raised in submissions about short term monitoring in relation to noise mitigation measures, once the scheme is open, there are other controls that will be employed, which will ensure that the required noise performance of the measures and in this area, particularly referred to to low noise surfacing, because we're not proposing any noise barriers along the length of the scheme. There are controls to make sure that the performance we've assumed in our assessment is bent, met once they want to surfacing is installed. So if I can refer you to commitments in the schedule of mitigation, particularly EMV and V two, and also the mitigation measures in chapter 11, noise and vibration, where we refer to a three and a half decibel reduction we've assumed for for low noise surfacing. And I understand and I'll refer to Mr. Landis to correct me if I'm incorrect on this, but that is secured through re commentating of the DCO, which refers to noise mitigation measures and reflect reference to those contained in chapter 11.

58:44

And that's secure. That's that's in perpetuity. So in fin future, there is a major maintenance scheme that is done on the new road, that it will be low noise surfacing that will be going back.

59:02

I will have to take take that folks, I'm not clear that the DC requirement does extend that that far, and whether it'll be in relation to whatever the maintenance regime is in place at the time by national highways. But if I can take that that's a way to, to respond to separately,

59:23

Scott Lyness, as for the concert, perhaps this is a DC drafting point. But that's right, the regulation IT team requirement 18. Sorry, it is with noise mitigation. And at the moment, it requires that it's provided in accordance with approved details and was retained thereafter. So as long as the scheme has an existence that mitigation measures we need to be there.

59:45

Okay, thank you. Thank you. i There will be there'll be further written questions on some of this, which I'll invite obviously local authorities to, to respond to is there anything pressing at this point from any of the local authorities Mr. Tyrrell I see your hands up.

1:00:04

So thank you for answering on behalf kamshet authorities I have available Mr. Morley, who's the Environmental Health Officer for for Huntington District Council who's leading on this point before the authorities, we have a concern in relation to the position on operational monitoring. I have asked Mr. Ali to explain what that goal the current position is, effectively, it's a flat refusal, I think, from what we heard from the applicant to engage in on the operational monitoring. And from what we've heard, I think, and also from what's the documentation that's on the basis that the proposed mitigation measures, including servicing will be put in place. And once that's done, we assume it will do its job. That doesn't really give any certainty in relation to whether or not that has done its job. I can ask Mr. Morley to give an update briefly. That'd be useful. But also the second point I was just going to raise was we know under

requirement 18, that the written details of the proposed noise mitigation has to be submitted to secular state with consult consultation from the planning authority. I was curious, it's just a question of the applicant. Obviously, as part of that, it's very likely the relevant planning authority will say that no operational noise mitigation is necessary. So then that will put the Secretary State in a difficult position of having to come to a decision on the proposed noise mitigation with two contrasting situations with no real assistance from this examination so far as to whether or not which is the right position.

1:01:31

So your operational noise monitoring? Yes, that's correct. Yeah.

1:01:37

Would you like to hear from Mr. Morley as to where we are?

1:01:40

So welcome to Yes.

1:01:45

My point is quite simple already wanted a spot monitoring to confirm the modelling. And it may be a week's worth of monitoring. No, it is tricky because the modelling is an average for the whole year. But we'll spotlight check, I think it gives a good idea. Yeah, it's in the right ballpark,

1:02:13

we'd be happy. Okay, thank you. Alright. Did the Applicant want to respond on that?

1:02:21

Scott Lyness for the applicant, I think was Ms Lowery is trying to avoid getting into the explanation as to why Okay, Marlene, but obviously, she's prepared to explain that given the given the points Maria's perhaps she should do that briefly, sir, for you.

1:02:35

If we can do it briefly then then. Okay. And it does seem sensible to to monitor well, to effectively check wherever we're not what you've modelled materialises as you would write for other effects. Yes. Question.

1:02:57

Right. No, no problem. No problem at all, Pamela Lowery for that for the applicant. So if I if I can just yet reiterate the reasons why we don't feel monitoring is appropriate. As Mr. Morley's are quite rightly just pointed out that noise levels vary on a day to day basis. And they vary due to varying levels of traffic and weather, weather conditions. And the predictions in the ESD are based on annual annual average conditions. So it's not possible to replicate these conditions through short term monitoring. And to try and get an indication of the change which is presented in the in the ies, you would need to have quite a lot of monitoring undertaken before started construction works and hence before law cause monitoring before the scheme was started, and then also afterwards, as well. The other thing is as well, the the the assessment only predicts traffic noise levels. And as I mentioned in my in my previous point,

there are other noise sources in the areas anyway. So you would also need the you won't get an exact match, particularly in some areas, because you have other noise sources influencing the traffic noise levels you would measure and therefore you would not be able to get a match between what you've predicted and what is in what is in the assessment.

1:04:41

Okay, thank you. As I say Ms Lowery and the applicant as a whole. I think there will be further and two sorry to local authorities. There'll be some further questions on this matter. Coming at the next round of written questions. Thank you So we will now move on to the issue of air quality in Sandy. So again, central Bedfordshire Council procedure deadline, de you requested that the match of air quality and standard be included in the agenda. What do you wish to add in relation to that already submitted and written submissions? And all submissions are open floor hearing one and issue specific hearing to?

1:05:22

Yes, saying thank you. So again, I'll be relatively brief. That there's seven properties north of cardistry in Sandy, that that light that lies close to the A one. And as far as sorry, yeah, that was gonna say that also the other. The other factor to bear in mind here is we understand as far as we can see, it's not confirmed in documentation, as far as we can see that the air quality is based on the setien model. And perhaps national highways can confirm that in a moment. But assuming that's the case, the vison model predicts in this area higher levels of traffic along the a one adjacent to Carter street. So we would say that that suggests that the results will act to the likely be worse if national highways are right about the business model, as we heard earlier on. So I think that's another area where there's significant variances in the model. And the uncertainties in the models suggest leaning towards mitigation, rather than not, as you know, Sandy's an Air Quality Management Area. So any increase in nitrogen dioxide levels without adequate mitigation, we say is contrary to the MPs policy. I mean, there's serious one has to look at there's serious health issues at stake. This is not just about more cars on the road. I don't want to be too dramatic about it. But but but you may be aware of a nine year old our do Keesee Deborah, who lived near the south circular in Lewisham, it was reported in the BBC. It was April 20 or 21st of April 2021, where a coroner coroner's inquest concluded found that air pollution made a material contribution to a death. So it's a very sad event. But so it but in any event, the seven households here that's not small, it's not smoke in the context of serious health health issues. So yep, see? So we say that specific medic medication is required here.

1:07:41

Okay. And for me, the the new point that I understand is being raised really here is in terms of whether the applicants position with regard how how their current approach tallies with paragraph 5.11 of the national networks and PS, particularly regarding where changes to exceedances of the limit values occur. And so if we could hear from the applicant on that, that would be helpful.

1:08:10

Scott Lyness, as for the applicant, perhaps could ask Elisha Coutts to deal with this, please.

1:08:18

Hello, Elisha Coutts on behalf of the applicant? Yes. So the NNPS refers to taking account of the deterioration in our quality above the limit values. There, what that's going to be out there is, is predicted change above the limit value. And as set out in guidance and demo below 105 and explained in our assessment, the predicted change these properties is less than 1% of the objective value, it's an imperceptible change. That is a change so small, it can't be measured, and therefore it's not considered to be a worsening inequality. So therefore, we believe we meet the requirements of that test

1:09:12

okay, I understand your position. And previously I believe central Bedfordshire Council and the applicant have have had discussions

1:09:33

on your screen Yeah, I got last Applicant I'm afraid I'm hearing frozen on our screen. I don't know same case for everyone. I'm assuming that is it is

1:09:43

and so I think he's having it difficulties. What I'm going to do is, uh, Jen briefly while we figure out what to do about this, and we might have to adopt what you've done Mr. Linus and have misters revenues, my laptop. Just bear with us for one moment.

1:10:03

Come on he Mr. Lyness, can you hear me? Can you see us a check?

1:10:12

Scott Lyness the applicant? Sir, I can and I'm saying hello thing about the name on your screen

1:10:16

I know. Okay, thank you. So I'm in the same boat as you. So just to just to just back where we were we were before. There was as I understood it, there were ongoing discussions between Bedford not sorry central Bedfordshire Council and the applicant on this particular matter. And we've previously heard from Central Bedfordshire Council in terms of the need for they're considered need for mitigation, but the lack of invert advancement of what specific mitigation measures might actually look like has there been any progress made on that?

1:10:51

Scott Lyness for the applicant, canasta Elisha Coutts to update you as necessary on that place?

1:10:58

In terms of having an additional meet further meetings to talk about that in more detail, we have reached out to suggest a meeting but have not unfortunately, unfortunately, not yet been able to align diaries and get everybody in a meeting, typically,

1:11:16

so Mr. Bruce, turning to you, can this be can this be arranged? I know the that the Air Quality Management, the air quality action plan has been referred to before. But when we've talked about this, the officers have said it's not it's not their role to come up with mitigation measures, it's to identify problems, which isn't that helpful to us as the examining authority, it would be very useful if the if the applicant and and yourselves could could have this meeting that was requested previously to talk through this just to see if there is anything that could be agreed.

1:11:53

Yeah, absolutely. So always open to continuing discussion. But but but but in the event that that doesn't achieve a result. And if it's, and I think we've already had the indication, they perceive it as in perceptible, so they don't have to do about it. We say any increase that exceeds, you know, that makes the exceedances worse, because an Air Quality Management area requires mitigation. And perhaps they can also confirm, is it the set and model under which their air quality assessments been carried out? Because there's a model and predicts increased traffic or higher levels of traffic in this area? And they've said that's the more accurate one earlier on in the hearing.

1:12:37

Elisha Coutts on behalf of the applicant, yes, it's the Saturn model, that is the validated traffic model for the purposes of environmental assessment.

1:12:45

So we so we have to take from that that the position is likely to be worse if there's more traffic there.

1:12:55

Thank you. applicant, do you wish to respond on that?

1:13:02

Scott Lyness for the applicant? Unless Miss Coutts has anything to add? Perhaps that's something we just need to check.

1:13:09

I'm afraid I don't.

1:13:11

Obviously, Mr. Ghosh explained position on topic modelling earlier, but pilot probably need to check the position as far as air quality modelling is concerned.

1:13:20

Okay. Thank you. It's it's a it's, I think it's a useful point to raise Mr. Bruce thank you. Okay, so at this stage, I propose we adjourn the hearing for a few minutes, probably five minutes, I think we'll put should suffice. So the examining authority can review the emergent actions and any procedural decisions. The time now is 545. So can we resume again at exactly 550 And only matters left on any matters left on the agenda items 11, in closing of the hearing will then follow. If you decide to leave the meeting. Can you rejoin using the same link provided in your invitation email, and if you're watching by

the live stream, then please refresh your browser at that time, okay. So we'll make that 551 Actually, because it's now 546. All right. Thank you. Cheers.