Planning Inspectorate
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Hearing Transcript

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Hearing:	Transcript of issue specific hearing 3 (ISH3) - part 4
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WED, Nov 121, 2026 9:30AM • 2:05:56

00:05
Okay, the time is 335, and this issue-specific hearing is resumed. I think we are now moving on to well, I don't think I know. We're now moving on to the item 3.4, which is waste. I'm going to hand over to to mr. Rigby to take us through this item.

00:19
Thank you, mr. Hunter. Under this item, I've got questions for Biffa, the host authorities, and the applicants. And the items we put in the agenda, just to break it down a bit, to give a bit of idea what we want to go with it: the effect of the proposed loss of Ardley IVC, the strategic need for IVC facilities, replacement capacity, odour management, planning consent, and the need for the acquisition and closure of the IBC. This subject again was also considered at issue, agenda item 3.5, and again we've considered all the post hearings and other submissions that have come in since. So my starting point today is the written representation from BIFA, which is Rep 1054, and also I want to consider further information we've received, particularly the applicant's responses, both to that written representation and to the local impact report. And again, I may also refer to the applicant's responses to our written questions and the host authorities' response to our written questions, particularly in relation to XQ one point 12.5 waste, which is, I think, requesting more detail about what's going on here. So have down to speak James Stuart Irvine, who I believe is online for Biffa. Yep. Yep. Thank you. And Sean Fleet for Charwell District Council. And George Gurney and Debbie Prince for Oxfordshire County Council. Yep. All good. Thank you. So, firstly, in respect of the loss of the RDIVC, the summary of BIFA's written rep opens by saying that the applicant has not demonstrated that suitable, operationally available, and geographically realistic replacement capacity exists for the specialist treatment currently provided as hardly, and that Biffa's principal concern remains that removal of the facility would result in the loss of strategically important organic waste treatment infrastructure, without evidence that the material currently treated can be accommodated sustainably elsewhere, sustainably elsewhere, and that consequently the loss of this capacity will leave a significant gap in organic waste management for the county. So I'll start the ball rolling with our question 1125, which we put to the applicant, Oxfordshire County Council, and the Environment Agency about the Ashgrove Farm in-vessel composting facility, EA responded helpfully by saying it's outside their remit, which is just something we wanted to establish. And I have the question here, but basically, what I want to know is it's it's all to do with with with policy W 11 removal of the Ashgrove farm investing in vessel composting facility currently operated by Biffa will create a potential conflict with the Oxfordshire Minerals and Waste Local Plan policy W 11 and that a full waste needs assessment needs to be prepared. There's a lack of clarity regarding the fate of the Biffa Green Power IBC facility, and basically we need we wanted an explanation of the assessment of future need in more detail, and how the approach would ensure that the shortfall created by removal of the facility would be made up. So, I would like the applicant, please, and Oxfordshire County Council To summarise the position on progress, if I can go to Oxfordshire County Council first, in particular, Oxfordshire County Council says in its response to our question that it will respond to the applicant's XQ1 response at deadline three, and I wondered if you could give us an indication now of what your response will be to our question one point 12.5, which covers the topics I've just rehearsed.

04:52

Thank you, George Ganyus, County Council. We haven't had engagement with the applicant on this issue since the submission of the. Local impact report, but obviously we are welcome. We would welcome further engagement. In terms of any planned response, we are still reviewing that, and we will submit it at deadline four.

05:11
Right, thank you.

05:11
Deadline three. Apologies.

05:13
Okay, thanks. But you're familiar with the question I'm talking about anyway. Thank you very much. In that case, could I ask the applicant to give its view on progress on this matter?

05:27
Thank you, sir. Alexander Booth, the applicant. I mean, this by this matter, I understand you to to mean to your summary of the position in terms of need and the extent to which effectively the loss of this facility would lead to any sort of deficiency in terms of capacity, and so on that point, then I think there are there are six short points I'd wish to make, and they are short. The overarching point is in terms of NETA, I do anticipate that what we will do, or what we will have to do, is to put in a written note. Because to the extent I throw numbers at you, or I'm pointing to my right, mr. Ben Withers of WSP, who's going to assist in relation to this topic, to the extent that he or I throw numbers at you, it's obviously less than ideal for those not to be set out in writing. So we will set it all out in writing. But so the petition is as follows: Firstly, the Biffa IVC facility will close in 2030 due to the expiry of its lease. The facility will have no right to exist thereafter. Its right-in property only exists up and until that point, and that is very significant in terms of context. That's point 1.2: when that facility closes in 2030, there will still be sufficient waste capacity within the waste plan area. Indeed, there will still be sufficient capacity, even if the further facility at Sutton Courtenay also closes in 2030, as it's due to do. We understand its planning permission essentially will expire at that same point. Pausing there, sir. Notwithstanding, there would still be sufficient capacity within the waste plan area. The question of whether or not permission to continue to operate at Sutton Courtenay might be granted, might be sought and granted, and that's ultimately potentially a matter within the gift of the Waste Planning Authority, Oxford County Council. So, just to say that their permission will expire in 2030 isn't, in and of itself, a bar to that facility having an extended life beyond that point. Point three. So, the high point of the County Council's case on this topic appears to be the position in 2040 because what is said is that two further facilities, the Hinton Composting site and the Shoal Composting Facility, are due to close in 2040. Now, again, sir, one has to approach those closures with both eyes open, because of course those facilities are due to close in 2040 because their planning permissions are due to expire in 2040. But of course, again, it's a matter potentially within the control of the county council insofar as extensions are sought to those permissions for extensions to be granted. What said then is that, well, in those circumstances where Sutton Courtenay has closed and not been extended, where Hinton has closed and the permission not extended and extended, and where Scholl has closed and the permission not been extended, what is said there is that in that scenario, where none of those three facilities has a continuing life beyond 2040, there will then be a deficiency in capacity in 2040. But so there is no waste plan which identifies the arisings within Oxfordshire and therefore the need within Oxfordshire in 2040, you're aware that the waste plan is due to expire in 2031. So, insofar as the the waste planning authority is saying to the examination there will be a shortfall in capacity, then I mean we have some degree of difficulty accepting that proposition because the relevant analysis hasn't been done. However, sir, and this is point four, even if there were to be a shortfall on the basis of those

notional closures in 2040, there is more than a decade between now and then for the waste planning authority. Oxford County Council to address the position and to plan for more capacity, and that brings me to my fifth point: that it's notable that, in terms of the Ardley IVC, the most recent waste data identifies that of the 32,000 plus tonnes per annum processed at the facility in 2025, less than a quarter, that is to say, less than 8,000 tonnes per annum, originated in Oxfordshire.

10:34
Waste is being drawn from other waste plan areas and is being processed at that facility, so it's not right to talk about this in terms of there's going to be a shortfall in capacity within Oxfordshire in circumstances where, notably, this facility is primarily serving the needs of other waste plan areas and other waste plan authorities. And so, in that context, it's right to say that if one is going to have regard to waste arisings in other waste planning authority areas, one has also to have regard to excess capacity in those areas. And as mr. Withers can explain, and as you may be aware already, there is significant surplus capacity. For example, in West Northamptonshire and in Buckinghamshire. So, looking at all of those matters in the round, we do say, sir, that there is simply no credible platform for either Biffa or the Waste Planning Authority to contend that the loss of this facility, and that is its loss due to the expiry of its lease. The loss of this facility will lead to a deficit, any sort of material deficit in capacity. So that that's my summary and overview. I'm going to turn to mr. Withers now to see if there's anything further he wishes to add at this point, given that he is the man that has the numbers at his fingertips. Albeit, I mean, to the extent we discuss numbers now, we are going to put them in writing, so you have effectively the sheet which sets everything out. mr. Withers,

12:11
Ben Withers, on behalf of the applicant, I think Ben Withers, on behalf of the applicant, I think Alex has done a very good summary of that, and I've nothing further to add at this stage.

12:29
Is there anything further you want to add at this point?

12:32
No, sir.

12:33
Thank you. Just a quick supplementary here. Paragraph 3.4 point two of your response to the LIR, I think this is a related matter. You state that the applicant acknowledges additional data submitted by Oxfordshire County Council and will review it and provide its response in due course. Now I may be winding the clock back a bit here, and you may well have dealt with all that, but if you could respond, I'd be grateful.

13:07
Ben Withers on behalf of the applicant, I believe we've we've addressed that, but essentially we're looking at the most recent data, both for Oxfordshire and for the surrounding counties.

13:20
Yeah, I think Steve Harvey, the applicant. So I think the point there is that the I think it's a local impact report. Forgive me, but I think it's a local impact report. Included some new information, new numbers, and encouraged us to look. I think at the data interrogator, which is a source of data for us and others that hadn't been previously referred to in representations from the council and hadn't formed part of our analysis either. Most of what you just heard verbally actually speaks to that new information. So we, the process of as referred to there in the LIR that you've just quoted, 3.4 point two is underway. You just

heard some of the outcome from that process, but the the written a written submission that does that will will come in subsequently at deadline three?

14:04
Thanks. So in in your post post hearing submissions, if you can make that clear, that that would help us that you swept that one up. Thank you. I'd like to invite Biffa to comment at this point, please.

14:19
Yep. Thank you, sir. James Stewart, Evan Biffer. I guess just to pick up on a couple of points, I won't deal with the kind of detailed capacity data from the council because the council can respond on that point. But to say that the facility will close in 2030 is not quite correct because it is dependent on a commercial negotiation with the landowner. Hypothetically, if this proposal wasn't going ahead. We would be entering into those discussions. So, you know, I think it has a permanent planning permission. It's been operational for a long time with very low effect. So, you know, I would foresee that actually those negotiations negotiations would be very positive. I definitely don't think we can prejudge that the site would close because of a failure in those negotiations. I mean, there's no planning reason other than the proposal that is being considered for the site to be closed. You make the point about capacity and surplus capacity and waste moving across borders, but all waste moves across borders. Waste doesn't know anything about borders. We are contractually obliged to take a certain proportion of Oxfordshire County Council's green waste, and whilst 8000 tonnes doesn't sound like a lot in terms of you know biodegradable organic waste, it's it's a relatively high amount by volume, and that needs to be considered because it's not just about the tonnages, and whether or not there is a capacity in place for the site itself or a target figure in a local plan, it shouldn't be a reason to consider that these wastes can be accommodated elsewhere. There's no proof that they can. We don't know what the permit situation is, or whether there's even a permission from any other operator who may have other contractual obligations. We know that it's in a sustainable location. It serves the area. It's in a good. It's in a good place for the agricultural product that that comes out of the other end, and it is in a good location to serve some other cross-border counties and waste planning authorities. So, we would always expect a degree of capacity to come from outside of a county. The design capacity is higher than potentially the contractual waste that we are getting, but that is the contractual waste that we're getting from the council, and it has a contribution, so it's still safeguarded. And all waste management should be safeguarded. And in fact, I think policy W11 doesn't refer specifically to removal as acceptable in the event that there is surplus waste capacity identified. So that's not part of the criterion in W11. I would just add, but every base facility is a strategic one, and you know our view is that they should be safeguarded.

16:51
Thank you. While you're on, we're moving on to the strategic need aspect, and as I understand it from your written representation, you provide specialist treatment for curbside collected biodegradable waste within a constrained regional or national treatment network, and you say that your principal concern remains that removal of the facility would result in the loss of strategically important organic waste treatment infrastructure without evidence that the material currently treated at Ardley can be accommodated sustainably elsewhere, and there's also a continuing requirement for IBC capacity, where authorities operate commingled food and garden waste collections under relevant transitional arrangements. The Ardley IVC is specifically identified as a safeguarded waste management site in Appendix Two of the Oxfordshire Minerals and Waste Local Bound Core Strategy. Would you like to enlarge on any of those points in respect of the point on the agenda about the strategic need?

18:01

I suppose it kind of was covered in my last point. I think primarily, you know, waste management capacity is important. It's difficult to get planning permission for. We all know that, but we also respond to legislative changes. I think the point I'm trying to make there is the simpler recycling legislation that has just come in and is mandatory for all waste planning authorities to collect food and garden waste separately. Now, I believe you know there are transitional arrangements in place with local authorities as they adapt to new legislation, which is all designed to increase recycling rates. Hence, why it's not a correct assumption to say that today's capacity is the final capacity. Future government policy is all about increasing recycling. You know we'll see it with the deposit return schemes that that will increase recycling, and it will be important to keep the capacity to respond to those changes, not only for Oxfordshire but also for other neighbouring counties where there will be transitional arrangements in place that may take a number of years. I think is kind of the point I was trying to get across with that in my written representation.

19:09
So basically, what we have we have the position where we are now. But what you're saying is you're trying to cater for various possible future scenarios in policy and what may or may not happen?

19:22
I think the entire industry does that. That's why we need, you know, to make sure that the facilities remain in place. I mean, yeah, there's also population growth to consider, population and economic growth. Even in this area, there's going to be more garden waste and food waste, you know, produced, which will need collecting and processing. Oxfordshire is quite a high development area. There's a there's a there's a there's a growing population, and not just here across the borders as well. And you know these facilities underpin the growth of those communities.

19:59
Thank you. Over to Oxfordshire, please. Would you like to comment?

20:08
Thank you. I don't think we have any comment on that matter. Sorry, I think any comments we do have might be picked up at a later agenda point, so we'll save it for then.

20:22
Thank you. So to the applicant, please, if you'd like to respond to those representations.

20:28
Thank you, sir. I'm going to turn to mr. Withers in a moment. I'm just going to make one brief point by way of response to what we've just heard, and certainly what I heard stated was a rejection of the relevance of the observation which I made previously, namely that of the 32,000 TPA that were processed in 2025 at this facility, less than 8,000 actually originated in Oxfordshire. And I think what the examination was told was that well, waste all waste crosses borders and has effectively no regard to waste planning areas, and it's certainly right, sir, that in circumstances where a waste facility is not the subject of a catchment condition, there is no rule in law which directs effectively that waste should only be accepted from within the relevant waste planning area. Those seeking to dispose of waste are free to take it wherever they wish to take it. But you will also be very familiar, I know, with the well-established principle in national waste policy, the proximity principle, which directs in terms that effectively decision making should have regard to the need and the objective that waste be processed as close as possible to where it originates, and in circumstances where it's being said on the one hand this facility is vital for Oxfordshire to process and deal with its waste of writings, and in the next breath, what we find is that actually that's not what this facility is doing. It's not serving the needs of

Oxfordshire. It's serving the needs of Milton Keynes and elsewhere. Then we do say that the proximity principle is a relevant consideration, but so I pause there. That's the single point I wanted to come back on. I'm going to turn now to mr. Withers.

22:28
Ben Withers, on behalf of the applicant, just to address the point around the strategic importance of it, we believe that this transition that James Stuart Irvin was referring to has already happened. So Oxfordshire collects separate food and garden, so the commingled nature is not needed within Oxfordshire. They could send it to any composting or AD facility. There is also the sort of wider picture of this throughout the country, in that commingled recycling, as as reference to simple recycling, there's only 16% of the UK authorities that collect commingled food and garden waste, and that's effectively the catchment for IVC. So it's a shrinking market, and that transition has largely happened, and it certainly happened in Oxfordshire.

23:28
Thank you. Just moving on to the next part of the agenda here, which is I've just tagged as replacement capacity. Getting on to policy W11, BIFA's representation says that policy W11 safeguards waste management sites, and the applicant has not, on the evidence available to BIFA, identified equivalent replacement capacity for the Ardley operation. All permitted waste management capacity should be safeguarded, whether in excess of forecasted capacity changes or not, for future legislative changes such as simpler recycling that seek to increase the amount of material that's treated, and just to state that the course strategy policy WN says proposals for development that would directly or indirectly prevent or prejudice the use of a site safeguarded for waste management will not be permitted unless the developments in accordance with a site allocation or equivalent waste management capacity can be provided elsewhere, or it can be demonstrated that the site is no longer required for waste management. So, I invite Biffa, please. To speak in support of its statement, particularly in relation to policy WLM,

25:09
I I don't think I've got more to add to my written representation on that point. I think it's all set out in the written representation.

25:24
Thank you very much. Could I go to Oxfordshire County Council for any comment on what I've just been speaking about?

25:35
Likewise, I don't think we've got anything more to say than what we said. Sorry, George Gurney, Oxfordshire County Council. I don't think we've got anything more to say than what we said in the local impact report on that matter.

25:45
Thank you. And to the applicant, please.

25:48
Thank you, sir. I think mr. Withers just asked me to provide a summary. I just battered that back at him and said, no, he should provide the summary.

25:56

Ben Withers for the applicant. Thank you. In, I think what we've heard from from both Biffa and Oxfordshire is that a lot of this has been covered in the previous two items on the agenda, and I would sort of agree with that. We've looked at the replacement capacity, we've looked at the capacity for the IVC sort of in detail, and where the waste is coming from and the spare capacity in in other boroughs, and I don't have anything further to add than that.

26:28
Thank you. The next topic of subtopic I've got here is about odour management, and Biffa's contention is that by housing a process in vessel, the technology reduces odour emissions and is in a highly sustainable location to reduce transport distances and associated emissions. Facility is operating in full accordance with an odour management plan approved under the details pursuant to Condition 12 of the Planning Permission, and is fully regulated by the Environment Agency, and that BIFA says that an odour report completed by BWB concluded that the facility would result in unacceptable odour effects on potential occupiers of the commercial units proposed, but the odour report itself demonstrates the very low level of instances of odour occurrences reported, and that these could not be directly attributed to the operation of the facility. And also to say that BIFRA relies upon the agent of change principle in the NPPF paragraph 200, which is that established businesses should not have unreasonable restrictions imposed upon them by subsequently introduced development, and that where necessary the applicant should provide suitable mitigation for its proposed development, rather than requiring the established facility to be removed. Accordingly, Biffa does not accept that the ODA evidence establishes that the existing IVC operation is unacceptable. So, to Biffa, do you have any observations to make on this subject in respect of the applicant's comments at point H of its response to your representation.

28:28
Yep, James Stuart Irvin Biffa. Sorry, I forgot to introduce myself just now. I suppose there's a few points. I think the the the the this issue around ODA when we were approached a few years ago, after the ADA report had been completed, it was the key driver for not replacing the IVC facility. Rather than we've got into a debate about capacity now, but that seemed to be the key driver, and we were quite kind of confused about that in some ways because we've hardly ever had ODA complaints at Ardley. I think mr. Booth mentioned that there's no environment agency regulation at the site, but there is under a standard rules permit. So there is an enforceable regulatory mechanism there, and obviously there's the planning permission, which also contains stipulations about odour management. Now, when the first site first became operational in 2009, there were some odour issues, but those were resolved through liaison with the local community and mitigation, and changes to the odour management plan that was secured in the planning consent, and it has operated very successfully since in odour management terms. And I think the conclusion about it would result in an unacceptable impact on future occupants. We were confused as to how they can come to that conclusion when there's no live planning application or a proposal to replace the site. We disagree that there is evidence of an odour impact at this site. I don't think there's any evidence that there's ever been an odour impact other than when the site was first commissioned in 2009. 10 and the the actual ODA report itself kind of shows that. So I think that was the original sort of dispute and the driver for not relocating the in vessel composting plant.

30:22
Thank you. On the question of ODA, can I ask for sure if they have any comments to make?

30:31

Thank you, George. Again, the Oxfordshire County Council. I don't think the county council has any comments on ODA, but I will turn this over to the district council as the environmental health falls where within the district, see if they have any commentary.

30:42
Thank you.

30:45
Thank you, John Fleet, Cherwell District Council. We believe that through the process, the nodals and problems of the site can be managed, but we'll work continually with the applicants on this matter. Thank you.

30:59
Thank you. And finally, to the applicants on this point, please.

31:04
Thank you, sir. Alexander Booth, for the applicant. I'm going to make some initial observations, and then I'm going to turn to my right. Beyond mr. Withers, to his right is mr. Ryan Bogues of Florham, who is the Ada Management Consultant for the applicant. So, just a couple of short points from me. Firstly, I don't think the applicant would dispute that an in-vessel operation reduces odour and odour risks as compared to an open facility. That's not in dispute. Nor is it in dispute that the facility is operating pursuant to an odour management plan, I mean, insofar as it was just said a moment ago that I suggested that the facility wasn't subject to regulation by the EEA, I don't, I don't believe I did say that, but I certainly didn't mean to say it. If it's been understood, my comments have been understood that way. So yes, invisible composting reduces odour as compared to open facilities, and yes, the plant operates pursuant to an odour management plan. But first of all, there have been complaints. All parties are aware that there have been odour complaints, albeit potentially fewer recently. And indeed, the applicant would have sympathy with BIFA because, with respect, there's a limit to what can be done in terms of odour management? What's important to bear in mind in this context is, of course, the fact that the complaints that have been generated by this facility were generated from residential properties that were not proximate to the facility. They were a considerable distance away, certainly far further away than would be the commercial accommodation, which is proposed as part of this development. So this development would necessarily entail far greater proximity as between development and employees, staff, and the facility, and it's in those circumstances where we say that there would be a risk that not a risk, there would be odour management issues, and that those aren't susceptible to mitigation, so as to render them acceptable. So that is our position, and I'm going to turn to mr. Bogues to see if he has anything further to add there.

33:26
Ryan Bokes for the applicants. I think Alexander Booth has summarised that pretty well with regards to the ODU complaints. There's been over 40 complaints attributed to the IBCF from the Environment Agency or Trailwell District Council, and they are from residential dwellings, primarily in Ardley and Fucot, two and a half to three and a half kilometres away from the facility. This proposed development will be locating sensitive land uses within just a few 100 metres of the facility. As it stands, the the current facility does appear to be causing an odour nuisance to the local area. The introduction of new receptors considerably closer is only going to exacerbate that issue. We have considered in odour report that was Appendix Four of the Planning Statement APP-165. We have considered in paragraphs 8.7 to 8.10 possible mitigation measures which could be attributed to either the development site itself or to the IBCF to mitigate the the odour risk, given the severe nature of of the odour risk as it currently

stands, there is not, in our opinion, a reasonable and appropriate mitigation that would suffice in minimising the risk, the future occupants of the proposed development.

35:00
Thank you, thank you, thanks, folks. So I'm just going to roll the next two bits together: the planning consent and the need for acquisition and closure. Because, as paragraph two of the summary of BIFA's written representation says, Experian BIFA's current lease in 2030 does not establish that the operational need for the facility will cease, or that it would necessarily close absence Ox SLRFI. The facility benefits from permanent planning permission. Expiry of the present lease does not establish either that the operational need for the facility disappears in 2030, or that the facility would necessarily cease operating in the absence of Oxfordshire Strategic Railway Interchange. I would put it just to Oxfordshire and to the applicants. I think we can say that that's we're agreed on that. It's common ground. It's just where we take it from there. Yeah, thank you. In which case, we move on to the last little part, where the BIFA representation says that the applicant's assessment is assumed that operation of the RDIBC would cease in 2030 because its lease expires, Bifra accepts that the current lease expires on that date. But this is a commercial property position, not a waste planning assessment, which infers that another operator may take over, and that Bifra also relies on the NPPF agent of change principle, under which mitigation should address effects on new developments, as we previously mentioned. So, what I want is for to hear from the parties on the need for acquisition and closure of the IBC. So, if I could start with Biffa, please.

37:05
So, the need for acquisition and closure if this if if this gains approval.

37:12
That's correct. That's correct. Yes, in this proposal.

37:15
I mean, I think the applicant has kind of given their reasons for the justification for the need in closure of the facility, I think you know, like I say in my earlier speeches, you know, it's not a given that the site would close in 2030. You know, absent of this this proposal coming forward, it would be a commercial negotiation with the landowner, which we've never had problems with before. So you know, on the basis that the consent runs with the land, you know, if we were able to agree an extension on the lease with the landowner, we'd be continuously operating the IVC. But it's not operable if the proposal is is granted permission. And this is why we were looking at the relocation. I think just can I make one one point on ODA, is that we were you know should there be a decision to retain the IVC, obviously you'd be willing to work with the applicant, you know, to proactively engage on ODA mitigation if there was a you know real cause for that. So you know we're an experienced operator and we can do that.

38:24
Thank you. Could I go to Oxfordshire and Charwell, if necessary, for response, please?

38:35
Debbie Prince, Oxfordshire County Council. The only thing that I can say is that you know? I concur with with with Biffa in that regardless of the expiration of the lease in 2030, the planning permission is a permanent permission and it runs with the land.

38:56
Thank you. Any comment from Charlotte? So to the applicant, please, just to wrap this one up.

39:05
So, I think I can come back on this relatively briefly. I mean, point one in response to the county council is right that the planning permission is a permanent permission and would continue to run with the land. There's no dispute about that. Second point is that the applicant accepts, must accept. It's not a given that in the absence of this scheme, this proposed development, that the facility would close in 2030. It is open to. It would have been open to the Tabifa to seek to agree a new lease to extend this lease with the landowner. They may or may not have been able to do that. The position is that in circumstances where we have an arrangement with the landowner and there there will be no entitlement to continue occupation. In those circumstances, because the interest in land is not there to support the facility. Third point is that, so far as need and need for the development is concerned, and so you've already heard from us on that, we say, albeit the facility is functioning and is catering to the need catering to waste arising, primarily those arising outside of Oxfordshire, whether it's Milton Keynes or elsewhere. In that regard, I mean it's it's Nuneaton, Warwick, Stratford, and Avon, Warwickshire, North Warwickshire, Milton Keynes. There is stock fuel stock, fuel stock. There is waste arising being brought to this facility, but Oxfordshire has sufficient capacity without it, and that is the position in relation to this local plan, this waste and minerals plan. And indeed, we say that can be the position for the future waste and minerals plan, as and when Oxfordshire promote and adopt one, so there isn't need for this facility in the sense that there would be inadequate capacity without it. And the fourth and final point we make in that context is, as has already been noted by mr. Withers, I mean Oxfordshire has moved beyond commingled waste already, so there is a separate waste in terms of garden waste and food waste. And in those circumstances, as he explained, it's not only Oxfordshire that's done this. The majority of authorities up and down the country operate on that basis. And in those circumstances, it's a reducing demand for facilities of this type. So, I don't think I can say anything further on that topic. I'm just going to look to mr. Withers to see if there's anything I need to add. No, thank you very much, sir.

41:55
Thank you very much. So that concludes this item. Thanks, everyone.

42:09
Yeah, mr. Nostrand, if you

42:10
yes. So I would like to make a comment about the presence of fixed plastic waste near the artly incineration site. I just wanted to confirm before I do that, that that would be covered within this agenda item, or whether it would fit better under some other item.

42:29
Not entirely sure what what the point is. You're you're asking.

42:33
So so the the the point that I would like to make is relates to the presence of plastic waste in the on the land near the Artley site, and the spread from the Artley waste, the historic Artley waste site within the irrigation area, and potential also from the Artley incinerator, and how that waste affects the the land that is the subject of this application.

43:04
So, is this to do with the the the land the former landfill area?

43:08
Yes, the landfill area. Yes.

43:14
Again, it's not something that that we've specifically put on the agenda for today. Okay. That said, as you know, I'm about to say, please do put it in writing, because then I think the applicant can then can then can then pick pick that up. Yeah, thank you.

43:36
Right, thanks everyone for your input today. As mr. Hunter said, there was the opportunity to make written representations at deadline three. And in terms of the participants today, I look forward to receiving your postering submissions at deadline three, 24 November 2026. So that concludes item 3.4 on the agenda, and I'll now hand back to mr. Hunter.

44:04
Thank you, mr. Rigby. I will take us to the next item on the agenda: ecology. Just in terms of this, and it probably refers to some of the comments I made earlier. Do you need to swap people round? Yeah, that's fine. A

44:16
more extensive changing of the guard required now. Thank you. Thank you, sir. Just to introduce members of the team, we have mr. Harley, the familiar face, and beyond him again, mr. Richard Robinson, and beyond him, mr. Kurt Goodman of FBCR, who is going to speak in relation to matters ecological? Thank you, sir.

46:07
Thank you very much. The opening point I just wanted to make was very much sort of similar to the lines I made earlier about the the change application, because I think this topic itself is probably particularly points one and three on the agenda. Probably are quite heavily influenced by the change application that's with us. So, in terms of answers to the questions, it would be helpful to sort of get perhaps sort of two aspects to it if that's worth it. In terms of what the what the the answer is to our question in terms of the application as it currently is, and then the application as it would be should the change application be accepted. And I think that would that would help us, and I suspect you were probably expecting that anyway, perhaps as well. So, in terms of the the sort of the first bullet point, and it does refer to to paragraph 5.1, sorry 5.61 of the NPSN, but just in the first instance, just putting that to to one side, can I can we ask the applicant to briefly explain what the effects of the proposed development would be upon the triple SI, what mitigation and/or compensation is proposed, and how this would be secured through the DCO process.

47:15
Alexander, be for the applicant, sir. In terms of the triple SI, it's important, I think, to stand back and recognise that in terms of the citation, there is a geological angle and an ecological angle. Looking first at the ecological angle, its priority habitats, the relevant priority habitats are lowland meadow and calcareous grassland, and what we say there is that, in fact, there will be an impact on the triple SI. But because a very small area of the triple SI's priority habitats are affected by the development, and just for your notes, sir, it's 0.49 hectares of calcareous grassland is lost. 0.06 hectares of lowland meadow are lost, and the remainder of the area that is affected directly by the development, 1.31 hectares. That is bramble scrub with no particular ecological value. So it's a very small area that is affected directly by the development. And what the scheme proposes is compensatory habitat, both in terms of lowland meadow and calcareous grassland, of 20.61 hectares. So that's 20.61 provision, as compared to point four nine and point 06 hectares lost. As I say, I think I have that correctly, but I know that mr. Goodman will put me right if I'm wrong. In those circumstances, well, it's on that basis that Natural England is

supportive of the position in terms of the ecology and the ecological impact on the triple SI. In substance, there will be betterment. We say, and we say that because the habitat that is lost is currently in poor condition, and it's in poor condition because it's not susceptible to any management. Whereas the 20.61 hectares that will replace it is going to be capable of management. We had a positive meeting with Natural England. I'm going to say yesterday, but I think it was yes, it was yesterday. I'm getting my days. It was only yesterday we had positive engagement with them on that, and what we're anticipating is a statement of common ground being concluded by deadline three in relation to ecological matters, which will effectively knock that nail on the head for the purposes of the examination. In terms of the geology, the position is slightly more complicated. There's going to be some length, some 380 metres, I think it is, of of chalk, not chalk, of rock face lost by reason of the development due to the works necessary in order to provide the rail access. However, at the same time, there is going to be a significant re-provision of some 575 metres of new rock face, resulting in a net increase in terms of geological exposure. Now we are currently in discussions with Natural England on that point. I mean, the fact that Natural England, I don't, I don't believe they're here. Certainly, we understand that they weren't intending to come in circumstances where they were they effectively signed off on the ecology, and they had no dramatic concerns as regards the geology. But we had a discussion with them only yesterday about this position, and they're seeking some further assurance in relation to the 575 metres of new rock face that will be created, that net increase of 185 metres, and just to ensure that it's essentially materially the same rock strata that are going to be reprovided. Now, we're going to satisfy them of that over the next weeks. It may not be in time for deadline three, but we're going to address that with them also. So, in circumstances where Natural England are entirely satisfied as regards ecology and will subsequently be satisfied in relation to geology, in both respects, we say there will not be adverse impact on the triple SI. Now I'm going to pause, having given that overview, and turn firstly to mr. Goodman, who can correct my many mistakes as regards ecology.

52:33
Thank you, Sir Kirk Goodman, for the applicant. mr. Booth got his summary pretty much nailed on the head there? So I'll run through some of the key points to that. But in in respect of the change application, and in respect of the effects to the triple SI mitigation strategy, the change application makes no substantive difference to what was originally submitted. The mitigation remains the same. The management remains the same. The major change on the change application is to the ES chapter, which removes the embedded mitigation and separates that out into losses and then gains and mitigation and residual effects, and to the HMMP, the Habitat Management and Monitoring Plan, whereby we provide a separate appendix in the main HMMP, which just solely deals with the 80-year management period for the proposed compensation and mitigation for the triple SI. So that there, in summary, are the main changes of the change application to the triple SI assessment and mitigation. In respect of Natural England, as mr. Booth highlights: We got no objection from Natural England, and we expect to reach a signed statement of common ground with Natural England by deadline three. In terms of ecological matters, in in respect of compliance and assessment. the effects of the development on the triple SI, there's a few stages which one I think needs to go through to explain these. So the first one of these is understanding. The existing baseline conditions. Natural England in 2012 did a condition assessment of the triple SI. That's the latest condition assessment and the most up-to-date condition assessment completed by Natural England, that condition assessment confirms that the triple SI is in unfavourable recovering condition. If you dig further into the detail of the condition assessment for certain units, the assessment goes further, and it's quite damning. It describes the cover of scrub weeds in bare ground as unacceptable. So that's Natural England's own view on the management of the triple SI. We, the applicant, have completed two detailed surveys of the triple SI. One in 2020, one in 2025. Both of these surveys demonstrate that the dense bramble scrub on the triple SI is restricting the priority habitats from developing. That's the lowland meadow and the calcareous grassland. So our assessments, that's the applicant's assessments would conclude and and support Natural England's view of 2012 that the triple SI is under managed and the lack of management is highlighted by Natural

England in DES Table 6.6, where they basically highlight that lack of access to the triple SI is an issue, and it's restricting the management. If we now turn to effects, the triple SI is 40.13 hectares in size. So the application is only affecting two localised areas of 2.93 hectares. the The actual effects to the priority habitats, as mr. Bees highlighted, is the loss of 0.49 hectares of calcareous grassland and 0.06 hectares of lowland meadow. The greatest effect is the loss of bramble scrub, which is 1.13 hectares. My view is, if one considers that the the current condition of the the triple SI, that's the dense bramble scrub, you could say that the significant effect of conservation value from an ecological perspective to the triple SI is lack of management, so that's a threat. That's an existing threat. So therefore, the loss of a small area to development threat from that is fairly limited. If we now turn to the overall mitigation compensation package, table 6.6 DES confirms Natural England's view of what they considered to be an adequate mitigation package, and that was a like-for-like replacement of priority habitats, and that focused on calcareous grassland. The scheme provides 20.61 hectares of compensatory grassland areas. That's a 51% increase in the overall size of the triple SI, because the triple SI is only well, it's 51% of the total triple SI area. So that's a massive increase in priority habitats. That's calcareous grassland and lowland meadow. The split of that is 15.44 hectares of calcareous grassland and 517 hectares of lowland meadow. A quantitative assessment using the calculation tool in the statutory metric confirms that's a 22.82 gain in priority habitat. In terms of the mitigation, all of the compensation provided for the for the lowland meadow and the calcareous grassland is managed for a period of 80 years. That's covered under the HMMP, and that HMMP has been found to be satisfactory by Natural England.

1:00:54
So the overall conclusion, my overall conclusion, and the applicant's overall conclusion is that the mitigation and compensation package, given the size of the overall package and the proximity to the triple SI, and the long-term active management which will be involved over that 80-year period, is adequate. To to assess the effects on the national network site, I think you need to take a balanced approach. That's a planning approach, and it and it takes a balanced approach of all the individual factors such as baseline conditions and loss. So if you look at from a national perspective and those priority habitats which are affected, from a national perspective, from a calcareous grassland, the JNCC consider that there's about 38,000 hectares of calcareous grassland and 7000 hectares of lowland meadow. These are approximate figures. There's no set figures, or there's no easy figures to get hold of of how to calculate the level of calcareous grassland or lowland meadow within designated sites, but one can assume, given the priority nature of those habitats, a large extent of the good quality calcareous grassland and lowland meadow will be covered within those within designated sites. So, if one puts into the if one puts into context the loss of naught point four nine hectares of calcareous grassland and naught point naught six hectares of lowland meadow, the actual effects without mitigation to the overall national sites network would be minimal. When one then thinks of the 20.61 hectares of mitigation and compensation which the applicant is providing and managing positively for a period of 80 years, it is my view and my conclusion, and the applicant's conclusion, that it won't have a significant effect on the overall network.

1:03:39
So, on that that basis, I was proposing then to ask mr. Robinson or mr. Harley together. I don't know to address the position re geology because we, unless, but perhaps you want to stay with ecology for now. I think, to be honest, I think we're fairly happy to stay with with ecology for now, and then through through the whole matter. To be honest, I think that's where we'd we'd like to sort of keep keep this focus. If that helps, no, that's fine. So we'll we'll we'll just stay with ecology then. Thank you. I think in terms of the the geology side of things, I think we feel that I think we've asked some questions, and we can probably pick those up through through that. So I think it's really for the ecology is all we want to to focus on for this aspect.

1:04:22
That that's helpful. Thank thank you for that. The next thing I was going to go on to was actually look at paragraph 5.61 of the NPS, which you've referred to already, and I think I know the answer, but I'm going to ask it anyway. Which is, of course, it talks about identifies where proposed development on land within or outside a triple side is like to have an adverse effect on a triple SI development concern should not normally be granted. Just to clarify your position on that paragraph, i.e., whether that is a paragraph that that's engaged or not, given what you'd said earlier, I think I can probably guess what you're going to say. But

1:04:58
so yes, it's not engaged. In those circumstances, and then just the final question on this. I suppose what I should say, sir, we say it's not engaged, but in the event the XA took a different view, the fallback position would be that five paragraph 5.61 expressly anticipates a scenario where there may be adverse effect, but an exception should nevertheless be made. And what said is that an exception should only be made where the benefits of the development proposed clearly outweigh both its likely impact on the features of the site and any broader impact on the national network of site, and we say, sir, the benefits of this development in terms of the compelling need that would be met, the support which this facility would deliver in terms of increasing the transport of freight by rail. That would be delivered in line with government targets and in line with the government's more overarching objectives in terms of sustainability and the relatively green nature of transporting freight by rail, as distinct from road, so we say so the benefits would outweigh any adverse effects that were found to exist, albeit we don't accept that there are any. I'm going to pass to mr. Harley on that one.

1:06:49
Thank you, sir. Just very briefly, if it helps, Section Six of the planning statement, sir. I should have the reference ready immediately, shouldn't I? I'll come back to you with the document reference number. The planning statement, section six. We've we've attempted in there, sir, to do a comprehensive job of of weighing of setting out clearly for you what we believe are the the harms that should be weighed against the benefits, and and you do see reference in there to to quite a comprehensive list, including with regards to the triple SI, and there are actually some references to para 561 in the planning statement as well. But but paragraphs 5.5, sorry 6.5 and 6.6 in particular, sir, which are quite bullet heavy, bullet point heavy, essentially operate as two lists, which I think hopefully give you a sense of how we we've assessed that balance.

1:07:41
That's great. Thank you. Thank you very much. And yes, that was going to be my my next question in terms if we or the Secretary of State took a different view. What what would be the position? So thank you. Just before I move off the sort of the idea of the questions around the triple side, is anybody have any comments that else that they wish to make on on this? Now, okay. I'm also conscious that the applicant piece disappearing to the gloom over there. We can see you, so you're okay. But I'm just really, you can actually see what you're referring to. So I don't know. There's any options to sort of turn lights on or bits and pieces like that, or whether we are working with with what we've got. But I'll leave that. And if you suddenly appear, but rest assured, we we can see you. I think you can probably see us, but we can certainly see you, mr. Lips. Did you have your hand up? You'll need, yeah. In in in terms of sort of opening it up for you, comment. You you you sort of comment whenever you feel if it's a matter that you wish to to comment on. Yes. Yeah. So that deals with the first bullet point under ecology in terms of the triple SI. What I then wanted to sort of then explore is the effects upon irreplaceable habitats, particular ancient woodland and veteran trees, and again looking at that sort of compliance with with the NPS in particular. Paragraph 5.63 identifies that the Secretary of State should not grant

development consent for any development that would result in a loss or deterioration of irreplaceable habitats, unless there are wholly exceptional reasons and a suitable compensation strategy exists. From what we can understand from the applicant's documents, the proposal would result in the loss of a veteran tree, which meets the NPSNN definition, along with I think it's another 27 other trees that qualify as irreplaceable habitats under the Biodiversity Gain Requirements 2024 regulations. So it would appear to us that the test, as in set out in 5.63, is engaged, but it'd be helpful to get the applicant's position on that, and if it is how you how you feel that your application has addressed that.

1:09:47
Thank you very much, Alexander Booth, for the applicant. The reason I'm jumping about is because it is so dark I cannot even see mr. Cole down at the far end of the table. That is mr. Ed Cole of FBCR. Who is the arboriculturalist advising the applicant, and so I'll turn to him in a moment if we need to. But in terms of the position, I mean, I was anticipating that mr. Cole might need to address you in terms of the various different definitions of veteran trees and the various different approaches. But you're clearly the XA is clearly across that point, which is extremely helpful for us. Yes, that's right. There is a single veteran tree, and that would be lost. That is to say, whether or not it quite meets the NPPF definition, it meets the NPS definition, and we're agreed with the county council, or rather the arboriculturist who has been assisting the councils, that that tree should be treated as a veteran, and we're further agreed that the replacement planting is appropriate, having regard to the loss of that tree. We've also provided, sought to provide a strategy in terms of the loss of the further additional 27 trees, and we don't understand the county council to dispute that that is an appropriate strategy. Certainly, we've heard nothing to that effect. The further point then is what paragraph 563 has to say in terms of the NNPS, and so you've just read that out. That is in stark terms because it states that development consent should not be granted. That would result in the loss or deterioration of the irreplaceable habitats, and including ancient and veteran trees. No ancient trees here, sir. It's just the single veteran that we're talking about, unless there are wholly exceptional reasons. And sir, and a suitable compensation strategy exists. Firstly, sir, we say that there is a suitable compensation strategy, and that's been agreed with the county councils, our horticulturalist, and also, sir, we say that here there are wholly exceptional reasons, and in that context, you will have noted that the terminology in paragraph 5.63, which speaks of wholly exceptional reasons, Is identical to the terminology that one finds in the NPPF, and the NPPF at paragraph footnote 62 deals with this Specific point, and it's the same test in the in the end PPF that of wholly exceptional reasons that one sees as being necessary to justify the loss of a veteran tree that's pursuant to policy n6. It's n6, paragraph two, and in footnote 62, sir, one sees the example given as to what will amount to wholly exceptional reasons. And sir, the example given it states, for example, infrastructure projects, including nationally significant infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of the relevant habitat. So that is us. We are such an NSIP. We are that infrastructure project, and this is a scenario where the public benefit would clearly outweigh the loss of the habitat, and in particular the loss of the tree, so we say, sir, that paragraph 5.63 is addressed in terms of the application. So that's the overview. I mean, if there's anything further you need in terms of detail, I have mr. Cole here straining at the leash, but given the time, I'm not going to invite a lecture unless one is required or asked for. I get inflections in other parts of my world. I don't know. I think we're quite happy with that, and I think that answers the question that we had. I was just going to turn to the councillors who had they had anything that they they wished to to respond to on that.

1:14:17
Thank you, George Gurney, Oxford County Council. Just a minor point of clarity: the borough cultural consultants are operating on behalf of Cherwell District Council, not Oxfordshire County Council. But I will now hand over to Cherwell District Council.

1:14:31
Thank you, Sean Fleet from Cherwell District Council. My colleague George Gurney has already answered the made the first point I was going to say. We've been advised by an external consultant on agricultural matters, and unfortunately, the main consultant who would advise and would have been here today is engaged in another project on the Isle of Wight. So, a colleague of his is online, but is less familiar with the project, so can't answer all the detailed questions. But from the advice note I got on Saturday about this, that there are still outstanding matters about the mitigation package. It's not a fully agreed process, but we are mindful that as the project has evolved, the applicants have undertaken increased amounts of work and, as acknowledged by themselves earlier, identified a further veteran tree that was picked up. We do continue to sort of pursue that mitigation strategy, and we feel at the moment there is a slight imbalance that is preventing us moving to a position to saying that yes, this is all agreed. We still have that sort of question mark over it. As a point of detail, I know we be responding in full to the sort of questions that were asked by the XA for deadline three. One of the questions I note in there did ask about a buffering area around the trees, and 50 metres was put forward. In our local impact report, we were seeking a 30 metre buffer zone, which we appreciate is greater than the 15 metres that Natural England have been seeking. But again, this is a point of detail that our arboriculturists will sort of expand on in the Q in the deadline three response. But as I say, at the moment though, we still feel that yes, progress is being made, but we're not quite there on understanding the full impacts to all the ancient and veteran trees.

1:16:26
Thank you very much. That that's helpful. Is there anything the applicant wish to to come back on on?

1:16:30
No, sir. Safe to say. I mean, and I'm sure it's just a slip of the tongue. I think it's agreed and understood that there are no ancient trees at issue. It is simply that veteran, and we're encouraged by what the council has to say. And of course, we will continue to engage with them. My understanding is, and mr. Cole will correct me if I'm wrong, and Miss Cole may even have the reference. But I do believe that, so far as the veterinary is concerned, there is there is agreement. I had understood that there was agreement as regards the mitigation strategy, but in any event, we want to reach comprehensive common ground with the district council, and our our borough culturalist advisor will continue to engage, and we see no reason why that won't ultimately be reached. So, unless there's anything further, I don't propose that we get into any any detail.

1:17:25
No, there there is nothing further on on that particular point, and that's helpful. There was just one question that I just had, just to help me understand, in terms of the the conclusions in the environmental statements, in particular, around the issue of veteran trees, and it was. was really just a sort of expense. I think it's identified, and this probably refers to both the original ES document APP 174, but also probably more pertinent to CR 106 six, which is the change request and the one that's been subsequently updated. And I just wanted to understand the conclusions that that ES comes to, particularly around veteran trees, because what it seems to suggest is that there's the overall conclusion is that there's not a significant adverse effect, which is based on the table that you use to sort of classify your significance effects. I think the question we had is that given there was a permanent loss, why is it not not significant? Why is it not significant effect? And why is it not a significant adverse effect, given the definition of that is likely to result in significant negative effect, including loss or damage to the structure? So we just couldn't quite understand why it was given the lower definition rather than the what we consider to be the the higher definition. If that rumbling in question makes sense,

1:18:43
so it just about does. I think it it may be that I need we need to come back to you in writing on that. But I'm just going to turn to mr. Harley to see if there's anything that he would want to say. No, no, no. I think we'll come back to you in writing on that point if that's okay. Yeah, that that that would be helpful. Yeah, just check. I'm just going to turn to my right just to check that there was a suitable note given because in terms of

1:19:09
I can explain that bit better now if that if that would help. So basically, what just to make

1:19:13
sure so that we give you what you're wanting a

1:19:15
justification for the conclusion that you've come to in terms of the ES and why you've said what you've said, and the reference is Table 6.3 gives the classification of significance of effects. The first one there talks about significant adverse effect, talks about loss, which is what we seem to have here. Not significant adverse effects doesn't talk about loss; it talks about a limited duration or minor extent of influence. So we're just trying to understand how you've come to the conclusion that you have done. Basically, I'm grateful. So we'll come back and write. Okay, that's that's good. I then wanted to move on to delivery of sort of ecological mitigation and and biodiversity net gain issues, and I think a good starting point here would be. And I appreciate this. There's probably a lot that we could go through, but very briefly, sort of what the ecological mitigation is proposed, identification, perhaps of the associated benefits with that, and if you could also sort of identify the approach to to biodiversity net gain as well, please.

1:20:17
Thank you, Sir Alexander, for the applicant. I'm going to turn to mr. Goodman again, but I'm going to indicate that this needs to be brief and at a high level. Essentially, thank you,

1:20:27
Sir Kurt Goodman for for the applicant. I will keep this brief in terms of the just briefly in terms of the change application. Again, there's been no substantive changes to the overall mitigation package. There was a slight change to the off-site bird mitigation area within within the change application, but the the overall package within the site has not changed in terms of mitigation for habitats. The scheme provides a 60% green infrastructure package, which is a substantial green infrastructure package, in my view. The key elements of the mitigation package are woodland planting, including priority woodland planting. You've got 66 hectares of woodland planting, and then you've got a further 6.6 hectares of priority woodland planting, and that's lowland mixed deciduous woodland. You've got 126 hectares of other natural grassland. That is a huge amount of grassland to be providing on what is an arable on what is an arable baseline site. You got 7.85 hectares of new wetland creation, 9.23 hectares of scrub, and 13.9 kilometres of new hedgerow. That's quite a lot of planting. All of the habitats are proposed to be managed under a habitat management and monitoring programme that will last for 30 years in terms of biodiversity net gain, and with the change application, and these are the only figures I've got to hand. So these are the ones I'll give the XA. From a habitat perspective, you get a 13.74% net gain in habitat units, hedgerow units it's 13.77%, and in terms of water courses that is 10.98%, and just going back to habitats that's 13.74%, not units. So that's the gains that you'll get in the various habitat types, irreplaceable habitats. That's the veteran trees which are lost. That is dealt with in its own separate bespoke mitigation package, which we are currently under discussion with the councils. Species mitigation in terms of protected species, bats, badgers, and great crested nymphs all require

licences. Natural England have agreed the lonnies there. I can provide the XA with further details of the mitigation package, but it's all in the detail. If you wish me to, I can give you an outline. And for farmland birds, that mitigation is being provided both within the site, that is areas which are restored. The the triple S I mitigation area will also provide a valuable resource to the local farm bird farm bird populations, and then the general green infrastructure and the habitats provided within the green infrastructure will provide for those species, in addition to those provisions, there is the off-site bird mitigation area, which is provided for those, which is part of the change application. In summary, it is my view that the scheme wholly and fully mitigates the effects for both species and habitats, and there is going to be a net gain to biodiversity, as demonstrated using the statutory metrics calculation tool. Hopefully that's quick enough.

1:25:02
So, if I may just add to that, Laura Beth Hudson for the applicant, just to clarify, when mr. Goodman is referring to the off-site farmland bird mitigation, that is all within the order limits, both pre-change and post-change. The off-site element being simply not connected to the main site, as defined in a number of documents, including the DCO, just to clarify that that is all within the order limits and secured by the DCO.

1:25:29
Thank you for that clarification. That answer that that's that's helpful to to understand that. mr. Lipson, I suspect you may want to make some comments. So perhaps this is a time, and we can, even though it is quite dark and long we can see you.

1:25:44
Right, thank you. Yes, I'd like to speak for two or three minutes, if I may. And I'm going back to the SSSI point that we started with. The we've had a bit of email correspondence with the applicants on this question, and they kindly excuse my voice. They kindly responded to us saying that the updated ES chapter sets out that the order limits overlap with 23% of the SSSI, and the predicted loss will be limited to 7.2% of the SSSI. That's a figure that we haven't heard today. Incidentally, it's interesting that you heard a lot of figures about hectares, but nothing on the percentage of the the whole SSSI. So 7.2% is to be lost. They then go on to say, please also note that 45% of the SSSI area lost is non-priority, low-value habitats, and encroaching scrub. We would comment on that point that SSSI's are not classified as priority or non-priority; they are defined as special across their entire area. So we don't accept that one part of an SSSI is any less valuable than any other part. We also noted that the applicants referred earlier to Natural England being supportive, but if you have a look at Natural England's most recent response, I think to the updated ES chapter, they have asked for an alternative sites assessment to demonstrate that SSSI impact could be avoided by locating the project elsewhere. The applicants have responded to that by pointing to their alternative sites assessment document, and I've no doubt that they've tried to persuade Natural England that that is the answer to their question. But we have argued in our written representation that this alternative sites assessment is seriously flawed by the omission of the preferred site from the analysis. The XA will be familiar with the process of option appraisal, which is commonly undertaken in preparation of business cases. The applicants, however, chose to use a completely non-standard approach to assessment of options, in which only the rejected options were considered. No proper comparison between all the possible sites therefore exists. It's clear that the alternative sites assessment does not fulfil Natural England's expectations or ours. To illustrate this point clearly, paragraph 658 of the applicant's revised section six of the ES includes the statement from the resulting short list of four potentially feasible sites identified for detailed consideration. The proposed OXS RFI site was identified as the preferred option. This statement is completely misleading, because the preferred option was not even on the short list of four. The whole process of comparison of sites carried out by the applicants was done without actually comparing the chosen site with the

alternatives. The result is that the significant loss of SSSI land was not one of the criteria considered by the applicants when they were weighing up the options. It is now presented simply as an unavoidable consequence of the choice that they had already made. As. As a result, we ask the XA to agree that the project does not comply with the requirement of paragraph 561 of the national policy statement, which, of course, states that in this situation, development consent should not normally be granted. Thank you.

1:30:25
Thank you very much. Thank you. Was there anything the applicant wished to to respond on that before I just see if anybody else has any further final comments?

1:30:35
No, I don't believe we do. We've covered alternatives in some detail previously, and I'm not proposing that we get into the detail of that now.

1:30:45
Thank you. Just before I finish up on ecology, then was there anything else from any other parties?

1:30:51
Sean Fleet, Cherwell District Council. Just to say that the information has come through as the application has evolved, and we've recently received the the mitigation. the biodiversity net gain calculator. We will go through those figures, and we will respond accordingly at deadline three. Thank you.

1:31:13
Thank you. That that will be helpful. Yes, I think that brings an end to the questions on ecology. We've just had a very brief sort of chat about palaeontology. Be the next one. I think we thought about having to written questions, but actually, I think we feel we can probably deal with it really quickly. So I'm going to pass over to mr. Rigby to to sort of deal with just the questions that we had on on that one.

1:31:36
Thank you, mr. Hunter. The item I had on palaeontology doesn't go into the detail of the issues so much as seek an update on the degree of agreement in respect of requirement 14 and the archaeological mitigation strategy. That is to say, the agreement of the applicants, Natural England, who are not present, the Charwell District Council Archaeological Adviser, who is not present. So I'm proposing to go to written questions on that. If do I need to rehearse the written questions? I think, in view of the time and the lighting level and the degree of people present. I'll go to written questions on that, but it's essentially just to establish the degree of agreement that there is in respect of the archaeological mitigation strategy. Oxfordshire County Council.

1:32:37
Thank you. The Oxford County Council, who runs the archaeological service, understands palaeontology and archaeology to be two very separate disciplines, and therefore mitigation relating to palaeontology wouldn't be covered under the archaeological mitigation strategy. The county council's concerns to date around the mitigation for palaeontology would be linked to requirement 13, not requirement 14.

1:33:01
Just to confirm, that's certainly how we see matters, also, sir. So it's requirement 13 three is the relevant one for palaeontology, and it's there, sir, that we impose the requirement in relation to certain of the earthworks in particular zones, which are specified in the requirement as being subject to a

watching brief by a palaeontologist, in accordance with principles in the Ardleeds Trackways technical note. So, so we would support the approach of OCC insofar as we sever out palaeontology. Not a not a common appearance in a DTO examination, but we sever out palaeontology from archaeology, and we deal with that not at requirement 14, but requirement 13 three.

1:33:51
Thanks for that. That's that's everything for that item. We'll we'll put it in written questions to the parties. Thank you,

1:34:01
mr. Lipson, you did mention you to mention to speak on this matter. Yes,

1:34:05
thank you. May I just quickly point out to you that, as an appendix to Oxfordshire County Council's most recent submission, there is a paper from the Natural History Museum of Oxford on palaeontology and on the dinosaur footprints, and if you have not noticed that, it is of very significant importance, and we propose to refer to it in our next deadline submission. Thank you.

1:34:36
Thank you for that. Okay, so I think that's everything on something shrinking. Sorry, I think that's everything on on those matters. Anyway, I think that probably takes us on to. Matters on the draft development consent order. Given the time, I think what we'll probably do is try and sort of move through this as quickly as we can. There may be some elements that we can pose as written questions, but the first aspect that I think we thought is that we're aware that there's quite a bit of discussion going on between the parties, which is which is helpful to us in terms of the discussion between the applicant, the council, national highways, and I'm not sure whether we have the Environment Agency still online or not, and Natural England as well. But we thought it might be useful to sort of get an update from from those parties, not of sort of a general sort of where we are in discussions, but perhaps sort of a run through of perhaps those areas where there may be potential sticking points, rather than just sort of well, that's like we'll agree that we're more interested in areas where actually we think there might be some particular issues that we need to be more focused on, and I hope that that makes sense on sort of that that item than I think we thought. So perhaps if I can start, we I'll just work my way down the table if that's okay with with the councils.

1:35:57
Thank you. Yes, the councils have mr. Amir Thomas online to talk to this issue.

1:36:06
Thank you very much. Good afternoon, everyone. So, I think, sir, in terms of those sticking issues, just to give you a cameo of those, you probably would need to look at Schedule Two, Part two, paragraph three of the order, namely the fees provision. The council's position here is very straightforward. The council doesn't want the work that is demanded of it by the order to cost the council money. Obviously, they they don't want to make money. They can't make money from the discharge of requirements and other consents. They simply want the exercise to be cost neutral. And if you look at the LIR, that's Rep One Dash 029, on page 235 onwards, you'll see the six points of detail that the council has in respect of fees, I don't propose to go into any of those points in detail, sir, unless you would find that helpful. Now,

1:37:12

no, that's fine. I think it's just so that we can get an idea of the sort of the key matters that we need to be we need to be focused on. Yeah.

1:37:19
Thank you, sir. Well, next then the interrelation the interrelation. between Part Three streets and the Local Highway Authority protective provisions, and in respect of the protective provisions, the outstanding points here are mainly the acceptability of the form of security to be provided. The council is very keen for a bond to be the the appropriate means of security, and you'll note from again from the the joint LIR Rep One Dash 029 that every DCO that's included local highway authority protective provisions, which define form of security have defined that as a bond, save for one instance where a cash deposit was provided. Other concerns under that heading include the applicant's proposal for deemed consent for highway works in certain circumstances, and the applicant's departure from the council's tried and tested method in terms of how its costs would be paid for doing work under this regime. The third point, sir, would be the the duration of the deeming provision, which is set out in certain articles. So, if we look, for instance, let's say Article 10, where the council has 42 days to either grant or refuse an application under that provision, and if no reply is given, then consent is deemed to be granted. I think it's fair to say that we can't envisage a situation where we wouldn't reply, and therefore we think it's unlikely that the that consent would be deemed. However, the concern here is that 42 days just isn't long enough. If you look at the early DCOs, then you then based on the model provisions which have since been repealed, 28 days was often included. But the the drafting of DCOs has caught up with practice, and if you look at the more recently made DCOs, then a greater period is ordinarily provided. The council previously sought consistency with another order in its area, namely the Botley West DCO, but as I'm sure everyone in the room will appreciate, consent for that order was refused yesterday. And so, while the council considers it would be appropriate to have consistency for all orders, we. In its area, it no longer seeks the same amount of time as would have been sought had Botley been consented, and considers that 56 days would be an appropriate time limit. And on that point, sir, bearing in mind that Botley might not necessarily have gone away if we read what the applicant said in the newspapers this morning, and bearing in mind that the council has at least two further DCO applications in the pipeline, I would like to draw your attention, please, to the the C Link DCO, which was consented on Friday, and that's going to be developed in East Anglia, and East Anglia, like Oxfordshire, is an area which is subject to several DCO applications at the same time. In that order, the applicant proposed 35 days determining determination period under the articles, and the local authorities sought 56 days on the basis that there were so many DCU applications within their area, the XA agreed with the authorities, recommended 56 days, and the order now provides 56 days. And a fifth point, then, sir, and these are the big ticket items. There are several other items as well, but we won't necessarily need to detain you with those. Is the ability to attach conditions to all consents under Part Three of the order, so the the applicant distinguishes between operational or temporary measures, and it's possible for conditions to be attached to those. But it's not possible for conditions to be attached to to permanent measures under Part Three. Obviously, the council's responsibility for managing streets does not stop when works are permanent, and it considers that it would be reasonable for it to be to to attach conditions to those consents as well. And further detail for that is set out on page two and eight of the LIR.

1:42:16
That's Rep One Dash 029, and this position is not unusual in DCOs, as precedented, for instance, in the Thames Highway Tunnel Order of 2014, in the more recently made Fenwick Order of 2025, and in the forthcoming Twin Bridge DCO, whose examination finished a couple of weeks ago. So those are the five big ticket items, sir. And as I said, there are several others. We can go through those if that would be helpful. But for the sticky ones, I think, unless mr. Gurney or mr. Fleet have anything other to add, those the the big ticket items, notwithstanding the next item on your agenda.

1:43:00
Thank you. I just have one more point to add, which is that we do have a substantial engagement session planned with the applicant on the 26th of November to discuss some of these outstanding issues.

1:43:12
Okay, thank you. That that's helpful. If there's nothing else from from the councils, I'll I'll perhaps move on to national highways. If you've got anything,

1:43:22
thank you, sir. mrs. Vicky Fowler, on behalf of National Highways, so we we did set out in our written representation Rep One Dash 0122 at paragraphs 3.5 a list of the concerns that remained in relation to the draft DCO and sorry the protected provisions within the draft ECO. In terms of the order of of concern, I think and likelihood of trying to resolve them. Obviously, discussions do continue. I think the the most significant sticking point is the form of security. So, like the current council and the request for a bond. So, National Highway standard position is it does require an on-demand bond or cash deposit of 200% of the cost of the works, and that's to ensure it does have on-demand funds available. Not only should it need to step in and complete the works, but obviously if there are any claims, or it incurs expenses, and National Highways doesn't have a budget to cover those costs, so what it's effectively seeking is an on-demand bond. The applicant's proposal to that is a parent company guarantee, noting the strength of the parent company in the funding statement, obviously the ultimate parent company being a US-based firm, which obviously is not acceptable in terms of funds being available on demand, and so we have made reference in that the Gatwick Airport Northern. Runway Project DCO, which was made last autumn, obviously Gatwick Airport are also of high financial standing. But it's you know the idea of uncapped indemnity alongside the provision of a bond was supported by both the EXA and the Secretary of State, and the required bond was included in Gatwick to avoid serious detriment to the carrying on of national highways under Section 127 of the Planning Act 2008. And it was agreed by the XA and the Secretary of State that it's not appropriate for a public sector agency to potentially fund a private sector burden, and the same should be true of this project, and the protective provisions should be updated accordingly. So, as I say, discussions continue. The second point I think, which is what I alluded to yesterday, so within national highways template protective provisions, and this is item A in paragraph 3.5 of the written rare, we do normally have a provision that restricts certain articles being exercised without National Highways consent, and those would include the compulsory acquisition powers and also the various powers on on street works, and there is a discussion between us and the applicant on the basis that a number of those articles do, in fact, make reference to consent of the street authority. But our concern is that when you look at those articles, some make reference to consent being granted, subject to subject to conditions, and that wording is is is not in all in all of those. And of course, the sort of conditions that national highways might want to impose is things like traffic management or road space bookings, obviously, if they are if they are works on on the highway, and then I think otherwise on the on the on the indemnity again. I think it's just making sure that national highways are are completely held harmless, so effectively any any costs are fully indemnified. I think there's discussions around timescales for national highways issuing certificates, etc., in lieu of drafting of as soon as reasonably possible. And again, those discussions will continue. But I think national highways would be concerned with particular timescales, so the county council have made reference to deemed consent. National Highways' position on that is that they are prepared to accept the 42 days. I mean, obviously, if a longer period is is applied for the for the county, then it then it would it would read across. But what we do ask is that after a period of 28 days, there is a further notification, so that so that it it definitely isn't lost in the ether, and and you know there's there's that reminder that if you if you don't come back on this, then ultimately there will be deemed consent. So that's so that's the position

on the on the protective provisions or the main the main points in the protective provisions, and we will continue negotiations with the applicant.

1:48:31
Thank you. That's that's helpful. I think we may still have the Environment Agency online, but I'm not sure. Yeah, mr. Hayes, is there anything you wanted to add?

1:48:44
I just wanted to go through, as you mentioned, the the sticking points that that we have at the moment. So I'll just quickly run through those. So EA relevant representation issue EA o1. So that's about DCO requirement 10 for the construction environmental management plan. So our current position is that we maintain that we request to be a named consultee on discharge of requirement 10. This was mentioned earlier by our water quality specialist. So in terms of that, we would clarify to the applicant that that's in relation to our statutory duties, so not in relation to the the whole of the the camp. So we'll just add that. Moving on to EA 03, which is about requirement 22 to do with the floodplain compensation DCO requirement. The applicant mentioned in their responses to other parties' comments on the DDCO, so that's REP two dash 023, that they've included us as a named consultee in that requirement. But from the draft DCOs that we've seen, we. We can't see that, but we can see that the lead local flood authority is being included. So perhaps there's just an error with the commentary on that one. Moving on to EA relevant representation EA 02. So that's about the the phraseology substantially in accordance with, for the requirement 10 to do with the camp. So our position is that we propose that the substantially in accordance with should be defined and therefore should the following should be included, which is substantially in accordance with means that the plan or detail to be submitted should be the main accord with the outline document, and where it varies from the outline document, that should not give rise to any new or any materially new or materially different environmental effects in comparison with those reported in the environmental statement. So we maintain that comment that we presented in our deadline one response, which is REP 1020, and finally EA 06, which is about discharge of requirements procedure. So we maintain our position that the discharge of requirements procedure should include a minimum consultation period for named consultees for adequate technical review, and maintains its position that 15 working days is proposed. So that's it for those sticking points. So.

1:51:45
Thank you. That's that's helpful from everybody. Thank you very much. That's useful just to to get a picture on that. Before I sort of perhaps move on, was there anything the applicant wanted to to come back on any of those? Or I suspect they're not new to you. Was there anything you wanted to update or provide further information on.

1:52:02
Thank you, Sir Laura Bethelton, for the applicant. As you imagine, and not least because I'm struggling to see in the light, I will just deal briefly with a couple of matters if I can, on the basis that I, our position is we say quite comprehensively set out to all of those detail points in our deadline to applicants' responses to other parties' comments on the DCO document 11.4 rep two zero 23, and I think the XA can can appreciate we will continue to liaise with all parties. And as mr. Gurney has said, we do have a legal meeting with the councils on the 26th of November, which is unfortunately after deadline three, but will enable us, I think, to have a lot more time between that and deadline four to be hopefully in a position of narrowing narrowing matters that aren't agreed. And at that meeting, propose that we we will also deal with a comment that is is being made by the EA and other parties, specifically in requirement in relation to requirement 10, which is the CEMP. A number of bodies want to be referred as a named consultee in that requirement. Our position is that we don't think that's necessary. It's not conventional

DCO drafting or appropriate, we say for a statutory instrument to start listing specific bodies that should be consulted. That's a matter for the the discharging authority, but it is also, of course, something that we can discuss with Chairwoman Oxford Chair at that meeting, and we will do so. I think that's all. That's all I really have to say. Other than a very positive update. Hopefully, I know you wanted to focus on on matters of disagreement, but just to mention that the applicant has been able to agree the Environment Agency's requested amendments to Article 52, which means we think that now is which is now agreed, and on the basis that it wasn't just mentioned by mr. Hazel, I hope that that is also accepted by the Environment Agency. I don't think I have anything else to add.

1:54:13
That's fine, thank you. I think that's that that's helpful for us just to sort of understand what sort of the key issues are and where things are, given where where we are in the examination, again, I'm sort of conscious both of the time and the dwindling light, which I never thought I'd ever say inside. To be honest, but I think it might be worth just we have a couple of sort of minor questions on on requirement five, just to help us understand it. There may be some matters that we sort of leave to written questions and whatever, but if we can sort of perhaps pose our questions and then see where see where we get to, if if that's okay. What I would say is that we've seen everything that you've submitted in response to our written questions, which is really helpful. So we're not. I'm certainly not intending on going through any anything that you've already submitted. It's really just to sort of help us and understand sort of some of the the wording and how that's going to work. So. I think the first sort of question is: it refers to the wording refers to not including mezzanine floor space, and it's really just sort of understand how that worked in terms of the overall figure that's in there. Is that including mezzanine, not including? We couldn't quite understand how that how that would work.

1:55:24
Laura Bethelson for the applicants. The intention is that the 232,258 square metres of warehousing could also have appropriate mezzanine. No, it's the opposite way round. It doesn't mean that diffusion, yes, and it might be that we can come up with some some better drafting to to clarify that. I appreciate the concern.

1:55:56
Yeah, it was whether that then meant that sort of mezzanine could just, and there was no control of the amount of mezzanine that could come. We assumed that the we'll just call it the figure for now was the mat was a maximum and wouldn't be exceeded. But we thought, as it was written, there was potential for it to be exceeded.

1:56:13
Thank you, Sir Laura Person, for the applicant. I think on the basis that I I myself was confused initially by the reading on, and I had to remind myself. I completely accept the point, and we can revisit the drafting.

1:56:27
Then, just another sort of question around that number, and appreciate we've had a response, which is helpful. Was or has there been any sort of sensitivity done around that figure? Because we understand the reason for it and why you suggested that figure, but the question is: Were lower figures looked at? Were high figures, you know, in terms of sort of justifying that that number?

1:56:58
Laura Bethelton for the applicant. I think, as as is probably alluded to in the response to the question, no detailed analysis of that precise figure has been undertaken. It was a combination of all of the

factors listed in in our response to the question, and a matter of commercial judgement when considering all those all of those factors combined.

1:57:21
Thank you. Okay, and then my final sort of questions on this was really just to understand how this figure in requirement five works with the figure that's given in requirement eight, and how they work together. The different figures, presumably, there's a reason for them being different figures, and what the implications are would be if they were the same, for example, or is there a specific reason why they have to be different? And I think you've answered my final point in terms of mezzanines, but I'll check my maths while you're talking and see whether I can that makes sense.

1:57:57
Thank you, Sarah Laura Benham, for the applicant. As you have noted, the the triggers within requirement eight, which are for the delivery of of highway works, are deliberately lower than the rail the rail trigger. And as alluded to in in response to the question, which is XQ one point 5.9, I believe. Yes. What that means is that all of the highway mitigation is in and completed in advance of the the rail terminal being operational. The rail terminal, of course, being also a traffic generator. So those those figures within requirement eight are within the transport assessment, including the mezzanine figure. So they, I hope that answers the question, sir.

1:58:58
Yeah, I think it does. It's helping to clarify in terms of of requirement eight, and I've understood my scribbled maths now. What we've got is in requirement eight, it talks about figure of 185,860 square metres of warehousing. Then it says, and if such warehousing includes mezzanine floor space no more than 61 967, does that mean that for the trigger point, that figure is both of those added potentially added together. Because if that's the case, then that number is more than the number in requirement five.

1:59:34
Laura Bethelton for the applicant. Yes, sir. That that is the case. That it's it's 185806 plus the mezzanine, and that again has been assessed in the transport assessment, which is the reason for the phasing, the the two phases.

1:59:56
Sir, perhaps Stuart Duncan Hill for the applicant. Just to come in on that point, so the as part of the the assessment of the the highway phasing, we've looked at at what point we need to deliver, in particular, the the Middlespresoni relief road, and and the work that we did around that suggested that the the 2 million square foot, which is the convert that to a square metres, is the 185,000 figure. Was the point where we felt comfortable that impacts in Middleton Stoney would remain at an acceptable level. So that's the threshold at which point we deem that we need to ensure that the the highway mitigation, the phase two highway mitigation, is delivered. Inherent within the the way the transport assessment has dealt with mezzanine space, is the assumption that a third of the warehousing space could be given over to mezzanine space. So whenever we've looked at a ground, you know a conventional floor space area, we have added in an equivalent 1/3 mezzanine into the into the assessment work. So that's where you get the I forget the figure. That's where the 61,000 697 comes from being 1/3 of the space.

2:01:30
Thank you. Yeah, that that that hopefully explains it. Yes. Okay. Terms of my questions on on the number. That's that's all I have. But I was going to see whether anybody else, particularly with the council, had anything they wanted to say.

2:01:49
Thank you, Sean Fleet from Cherwell District Council. Let's move into a separate issue on the section 106, if I can. Yeah. Sorry.

2:02:00
Sorry, George, going to Oxford County Council. I was just going to come back in on that point first. We are looking to respond to the applicant's answer to the questions that you pose to them, so we'll be coming back on that point on deadline three.

2:02:20
I think the rest of my questions are actually questions that I suspect would fall under the same category, which is to do with the mechanism for how that would work and enforcement, and the points that you've raised, which the applicant has provided a response to. So I don't think there's any point in rehearsing any of those questions, given you're going to come back to us on that. So I think that that's fine. I think that's probably all the questions that I have. Then on on requirement five, was there something the council wished to just clarify in terms of section 106?

2:02:54
Thank you, sir. Sean Fleet, Chairwoman District Council. I think it's Paul Moore falls under any other business, possibly. If you okay, I'm picking ahead.

2:03:03
We'll pick that up under any other business because unprotected provisions. Again, I wasn't presuming to go through. We dealt with that, and we've had an update. The only thing I just wanted to do is a bit of procedural points, which I suspect you probably picked up anyway. But under deadline five in the timetable, what we've asked for is an update from the applicant and statutory undertakers on the agreement of protected provisions, just to sort of help us understand well in advance of the close of the examination where things are coming to a head and getting agreed. So it was just really sort of a reminder that I meant to say that yesterday, but I couldn't find the right reference in the timetable at the appropriate point. So I thought I'd just say that now. Well, I think that that's everything then on that matter, and I think that probably then does bring us on to any other business.

2:03:53
Thanks, sir. Third time lucky. Yeah, Sean Fleet, Cherwell District Council. It's just to highlight on the section 106. There's the section on the noise mitigation package. It's a piece of work that we're still working with on the applicants. It's not resolved at the moment, but we have suggestions for the parties. They've come back, but it is still a live matter. We just wanted to highlight that this is a piece of work that is outstanding from the local authorities' perspective. Thank you, sir.

2:04:24
Thank you. Appreciate the the update. Was there any other business from the applicants? No, sir. Thank you very much. Okay. Thank you. In terms of the next item, sort of review of actions, I've got a list of details that I've I've captured as we've been discussing, most of which I think are probably responses that we'd expect in response to sort of post hearing submissions. But just looking through, and given there's very few people in the room to which some of these might apply, I think the main one that the applicant has dealt with in terms of. The further testing, but you gave us an update on that, which which was helpful. And then I think there's various actions for the the Environment Agency to sort of come back on on some of the comments from the change application and reviewing those. But I think that's just part of the the standard process. So in terms of that, I think that's probably enough on

on actions. It probably moves me to to close the meeting. So again, thanks for your contributions today. As I've mentioned, there'll be recording we put on the live stream. Just remind everybody that the accompanied site inspection will take place tomorrow, and I think the meeting point will be somewhere in the car park at 9o'clock tomorrow, as far as I understand. And if you could make sure all actions and post-hearing submissions are submitted in writing my deadline three, which is Tuesday the 24th of November, so the time is now 540, and this issue specific three for the Oxford Strategic Rail Freight Interchange is now closed. Thank you very much.