

Day Eight

Mr Langton read out an email from Colin Little to Patrick Kinnersly stating that the reason why WCC had not gained access to Beggar's Knoll to assess the bat population was because they had never asked.

Paul Swift

Examination in Chief

Mr Swift was asked to read from para 1.2 to 1.4 of his full proof.

Mr Swift was asked to read from 2.1 to 2.7

Mr Swift was asked to read from 3.2 to 3.3

Mr Swift was asked to read from 6.1 to 6.11

Mr Swift was asked to read s7.7

Mr Swift was asked to read s2.1 of his response proof.

Mr Swift acknowledged that any compensatory flood storage should be done on a level by level basis as a condition of planning permission

Cross Examination

Annex D, PPS25. Sequential test. Referred to in s3 of proof. D1. Scheme falls within scope of annex?

-Agreed

Planners should only consider sites in zone 3 if no reasonably available sites in zones 1 and 2. In terms of sequential tests, county's case that there are no reasonably available sites in zones 1 and 2.

-Highly likely that this kind of development would need to cross zone 3.

What consideration has been given to a route that would avoid zone 3.

-Alternative routes have been explored

-Highly likely that alternative routes would also have crossed zone 3

Is this a matter of fact?

-FW route will pose a greater flood risk than scheme

Non-road build option would not involve encroachment on zone 3?

-Agreed

-Current A350 probably does cross zone 3 locations

Table D2. Case that scheme regarded as essential transport infrastructure?

-Agreed

Essential to what?

-Essential in terms of traffic and congestion

As part of sequential test, decision makers must be satisfied that development essential?

-Agreed

Matter for Sec of State, not County to decide whether essential?

-Agreed

Annex D, pg27. Exception test. Development must provide sustainability benefits that outweigh flood risks.

-Agreed

Development should be on previously developed land. Is scheme on previously developed land?

-No

If not on previously developed land, there must be no reasonably alternative sites. Alternative sites?

-Only familiar with proposed route and the FW route to a lesser degree.

Compensatory storage. Required by Environment Agency?

-General requirement and standard practice.

Accept that compensatory flood storage required?

-Agreed

Level-for-level compensation required?

-Agreed

Has compensation land been identified?

-Identified on a plan incorporated into flood assessment report.

Is this at level-for-level?

-Minimal excavation required

Is land available?

-Currently grazing land, currently floods.

-Will continue to flood once a century. Flood risk may increase slightly.

Is land currently owned by council?

- Not aware
- Not aware of whether part of CPO
- Agreement may be needed with local landowner

Is it usual that land remains under control of landowner?

-Affirmative

Level-by-level storage a planning condition. Circular 11.95. Para 3. Conditions should only be imposed if precise and relevant. Unclear in whose ownership the land would remain.

-In normal circumstances, landowner would retain land.

Inspector's Questions

FP3. 3. Should say 1%, not 0.01%, probability.

Mr Swift said that the FW route would specifically increase the flood risk for the trading estate. Compensation would not be fully effective in removing increased flood risk. Additional compensation might be necessary.