

MINUTES OF EVIDENCE

taken before

4

The Joint Committee on the Rookery South (Resource Recovery Facility) Order 2011

on the

ROOKERY SOUTH (RESOURCE RECOVERY
FACILITY) ORDER 2011

Wednesday 7 November 2012

in Committee Room 2

Present:

Mr Brian Binley MP (Chair)
Lord Dear
Lord Faulkner of Worcester
Lord Geddes
Paul Uppal MP

Ms Saira Kabir Sheikh appeared as Counsel on behalf of Central Bedfordshire Council and Bedford Borough Council (petitions 36-39)

Mr Alastair Lewis (of Sharpe Pritchard) appeared as agent for Central Bedfordshire Council and Bedford Borough Council (petitions 36-39)

Ms Alison Ogley (of Walker Morris Solicitors) appeared as agent for Waste Recycling Group Limited, WRG Waste Services Limited and Anti-Waste Limited (petition 35)

Mr Tim Mould QC appeared as Counsel on behalf of Covanta Rookery South Ltd (applicant)

Ordered at 9.30 am: That the Parties be called in.

1940. **CHAIR (MR BRIAN BINLEY MP):** I remind people to turn off their telephones, which is particularly important. Secondly, we do have fire alarms but not bells in this place. If you hear a bell, it is likely either to denote the opening of the session of the day or indeed the end of prayers, something of that kind, but there might also be a bell denoting a division, in which case I will suspend the meeting until the division has been completed. Mr Mould, I think you were cross examining Mr Romans, and I assume you would like to continue that process.

1941. **MR MOULD QC:** If I may, yes. I just have a few questions about the petition for amendment. Mr Romans, good morning. Two points I think under the petition for amendment relate to your evidence. One relates to a proposal that there should be a limit placed on the waste catchment area for the proposed scheme.

1942. **MR ROMANS:** That is correct, yes.

1943. **MR MOULD QC:** The second relates to a definition that you seek in relation to residual waste.

1944. **MR ROMANS:** Yes.

1945. **MR MOULD QC:** Let us deal briefly, if we may, with each of those in turn. In your petition for amendment in paragraph 17, you say that you seek certainty in respect of the catchment area on the basis that, without that certainty—that waste would come only from within the catchment area that the Committee is aware of—there would be a risk of compromising the integrity of the facility as a sustainable enterprise. It is sustainability that is your concern, I think, in this respect.

1946. **MR ROMANS:** That is right; it is that aspect, but also the aspect that, with respect to the assessment process in terms of whether or not the application is actually sustainable,

the catchment area proposed or suggested by Covanta was used. If indeed the facility would take material from outside of that catchment, then that has not been looked at in terms of the assessment process.

1947. **MR MOULD QC:** It has been looked at, as we saw last week, under the delightfully named WRATE assessment—you remember that acronym—which established, and you do not challenge this, that the performance of a facility of the scale that we propose is actually significantly better in environmental terms than a series of dispersed smaller facilities around the catchment area and beyond. That is right, is it not? You do not challenge that, do you?

1948. **MR ROMANS:** That is looked at in the assessment from quite a narrow point of view, with respect to that particular issue. Even that particular assessment did not consider waste coming in; it did not define another catchment area, for want of a better phrase.

1949. **MR MOULD QC:** What it did establish, and we were at pains to explain this in answer to questions from the Committee, was that each load of waste would have to travel an additional 169 kilometres to that which is currently anticipated to get down to the level, if you will, in sustainability terms, of a series of dispersed local facilities. We agreed that, did we not?

1950. **MR ROMANS:** We did, but I am not sure that Covanta has ever suggested that the catchment area should be up to 165 kilometres from the site.

1951. **MR MOULD QC:** Yes, but what that means is that if Covanta, in the simple operation of the market, had a customer who was somewhat beyond the catchment area—so for example a customer in Peterborough—who wished to take advantage of Covanta's facility, the Committee can have the confidence to know that, given that Peterborough is well within that 169-kilometre zone, that would not give rise to any difficulties insofar as sustainability is concerned.

1952. **MR ROMANS:** With respect to that particular issue, similarly, Covanta could have a customer in Scotland. In terms of the VRATE assessment, it would obviously be more than 165 kilometres, yet there is no restriction on Covanta taking waste from that far afield.

1953. **MR MOULD QC:** We have to be realistic about where the market is likely to be. I suspect that there will be facilities in Scotland that, in almost more cases, are likely to be more convenient to a waste producer in that part of the country than a facility in mid-Bedfordshire. Is that fair?

1954. **MR ROMANS:** Not necessarily. I go back to the point that was made earlier: there are exports from this country going to the Netherlands, where there is an over-capacity of supply. In that particular instance, the much lower gate rates being offered enable waste to travel, from an economic point of view, much farther.

1955. **MR MOULD QC:** Before I move on to residual waste, let me just raise one other matter on this issue with you. One of the advantages of a nationally significant project of this kind is that it is able to offer capacity to a wider area than simply Bedfordshire, for example, in order to provide security of treatment. That is right, is it not? If another facility, for example in Peterborough, happens to be down for repairs or whatever it may be, so that customers who regularly go to Peterborough need somewhere else to take a load of waste for a month or something like that, Covanta, because of the size and scale that it offers, is able to provide an alternative place of recovery, is it not?

1956. **MR ROMANS:** That is correct if there is no restriction, but the authorities have suggested that the catchment is not just restricted to their areas but the wider area proposed by Covanta for the second process.

1957. **MR MOULD QC:** Just to give you an example of that based on the evidence you gave last week, at paragraph 1548 of day 3, you told us that the Calvert facility in Buckinghamshire—as it happens it is within the catchment area, but it serves for my

purposes now—was more certain to come forward, because it had planning permission and there was a contract between the operator, FCC, and the local authorities for municipal solid waste.

1958. **MR ROMANS:** That is correct.

1959. **MR MOULD QC:** Our understanding in fact is that the planning permission that has been granted is now subject to a judicial challenge. Are you aware of that?

1960. **MR ROMANS:** No, I was not, no.

1961. **MR MOULD QC:** There is a judicial review, apparently, which has just been begun, amongst other things alleging that there has been a failure in that case to consider the ecological impacts of the proposed facility at Calvert, which may indeed raise questions of European law. Are you aware of that?

1962. **MR ROMANS:** No, I was not.

1963. **MR MOULD QC:** We also understand that, although matters are well advanced with regard to the contract in that case, the contract has not actually been signed off. Are you aware of that?

1964. **MR ROMANS:** No, I was aware that there was a gentleman's agreement, but there was not a final contract, no.

1965. **MR MOULD QC:** That is an example; there will no doubt be others farther afield. Covanta provides a different sort of certainty to the certainty that you seek: certainty of capacity to deal with wastes that are anticipated to go somewhere else but, for whatever reason, have to find an alternative destination. That is fair, is it not?

1966. **MR ROMANS:** That is an argument you could apply to any additional site, though.

1967. **MR MOULD QC:** Thank you very much. One of the advantages of a nationally significant project is it is able to provide the economies of scale that we discussed last week in that sort of supply as well, is it not?

1968. **MR ROMANS:** That is right.

1969. **MR MOULD QC:** Right, we will leave the Committee to judge the need for further regulation.

1970. **LORD GEDDES:** Can I ask an extremely quick one? Do I understand from what you have said, Mr Mould, that the proposed facility could take ad hoc loads? If somebody suddenly said, "Where am I going to dump this load?" could they ring up Covanta and say, "Can I bring it to you?"

1971. **MR MOULD QC:** In principle, yes. We expect that we will receive the majority of our feed stock via waste collection authorities and waste collection companies but, in principle, if a particular waste generator needs a place to dispose of waste through recovery, we would be able to accept it, yes.

1972. **LORD FAULKNER:** Could I ask a supplementary to that question? You are now saying that a proportion of the waste that will come to this site will come from outside the immediate locality.

1973. **MR MOULD QC:** I am saying there is no reason in principle why it should not, and we question the need to regulate it so that it may not.

1974. **LORD FAULKNER:** What proportion do you envisage would come?

1975. **MR MOULD QC:** We have no proportion in mind because we expect that the majority of the waste that we receive will come from within the catchment area. We have explained that to you, I hope in sufficient detail last week, by pointing out the degree of demand that exists within the catchment area for a facility of the size that we put forward.

1976. **LORD FAULKNER:** That is disputed by Mr Romans.

1977. **MR MOULD QC:** That is a matter for your Committee to consider of course. I should just clarify that any consignment of waste is of course subject to regulation under the aegis of the relevant regulation authorities. It requires a waste consignment note and, in that

way, concerns for example about what it might contain are subject to control through the existing regulatory processes.

1978. Mr Romans, can we turn to the question of residual waste? In your petition, at paragraph 11.a, the definition that you seek to be included within the development consent order is that the waste streams that are received by the facility, in the event that it is permitted to be constructed and operate, should have been subject to “all reasonably practicable efforts to extract recyclable material prior to incineration or co-incineration”. That is the nub of it, is it not?

1979. **MR ROMANS:** Yes.

1980. **MR MOULD QC:** Do you and your colleagues have available COV5, please? Turn to page 10, if you would. I want to just make sure that, through you, the Committee understands the regulatory controls that are already in place under the terms of the order that has come before the Committee. We have these set out on page 10. They principally consist of requirement 41 attached to the development consent order and the agreed residual waste acceptance scheme. Just to run through it very briefly, the requirement states that incineration of waste in work number 1—that is the energy-for-waste plant itself, is it not—“must not take place except in accordance with the residual waste acceptance scheme, dated 8 July 2011”. That is a scheme that has been agreed between Covanta and your councils, has it not?

1981. **MR ROMANS:** Yes, that is a scheme that was agreed, although obviously we would have preferred the definition for residual waste to be included.

1982. **MR MOULD QC:** Yes, but the reason I emphasise it is agreed is that it is a contract; you, as the contracting councils, are able to enforce compliance with it.

1983. **MR ROMANS:** Yes, that is correct. It was argued through the IPC process that it would have been far better to have included the definition as sought by the councils.

1984. **MR MOULD QC:** I understand that is your case, but we are just exploring what is already in place, as it were, for the Committee's benefit. Just to summarise paragraphs 2 to 4 of requirement 41, they provide for the agreed residual waste acceptance scheme to be subject to review, but the nub of it is this: any such review is subject to approval by your council.

1985. **MR ROMANS:** Yes.

1986. **MR MOULD QC:** Thank you. Turning to the scheme itself, paragraph 1 is the agreed position: "No waste shall be accepted at the energy-from-waste facility unless it is subject to a written contract which contains terms to ensure that the waste to be delivered is residual. That is waste that has been comprehensively recycled or composted, as far as is practicable." Now, Mr Romans, that is a contractually binding requirement the purpose of which is to secure the very regulation that you asked the Committee to impose, in terms of the definition of waste, is it not? I emphasise the words "recycled or composted, as far as is practicable". Those are actually the words that you asked the Committee to impose as part of your petition for amendment, are they not?

1987. **MR ROMANS:** The amendment does include those words as well, but obviously the amendment does go further than that and adds an additional sentence on the end to define also what would be considered as residual waste and what would not be considered as residual waste.

1988. **MR MOULD QC:** Wastes that have been comprehensively recycled or composted as far as is practicable are, ex hypothesi, wastes that do not include unsorted waste or source-segregated recyclable waste.

(9.45 am)

1989. **MR ROMANS:** If Covanta considers the definition to be comprehensive and enforceable to ensure that recycled waste that should be dealt with further up the hierarchy

is not actually dealt with in an incineration context, then what is the objection to the additional definition that the council seeks? I find that difficult to understand.

1990. **MR MOULD QC:** The objection is that it is not generally considered sensible to duplicate regulatory controls simply to repeat that which is already the subject of regulation that, in this case, binds Covanta.

1991. **MR ROMANS:** The councils consider that the definition adds clarity to the definition of what residual waste is, and that is why they are seeking the amendment. In my experience as an enforcing authority, with respect to the planning conditions, clarity helps everybody.

1992. **MR MOULD QC:** I have just two other small points. First of all, if you look at the following paragraphs of the agreed scheme, paragraphs 2 and following, we see firstly in paragraph 2 that the contracts that are the subject matter of paragraph 1 are “to require arrangements to have been made ... to ensure that prior to delivery of the waste comprehensive recycling or composting would have been undertaken, as far as practicable”. It turns from the definition to the practical achievement of it, does it not? That is a matter that is subject to agreement with you.

1993. **MR ROMANS:** Yes, it is.

1994. **MR MOULD QC:** If you look farther down, there is a monitoring and an evidence production requirement, is there not? We are required to monitor and we are required to produce evidence to you that the scheme is working.

1995. **MR ROMANS:** We have no real issue with the majority of the scheme, as far as it goes, but the councils just feel that it needs to go a bit further, and that would add clarity.

1996. **MR MOULD QC:** Just to remind you finally of the reaction of the IPC to the position, they had said, had they not, that they thought there was a need for a scheme of this kind in order to meet the concerns that you had raised before them.

1997. **MR ROMANS:** Yes.

1998. **MR MOULD QC:** Then in paragraph 5.27, we having agreed to enter into this scheme with you, and they being aware of that, said this: “With the additional requirement in place”—that is to say the residual waste acceptance scheme—“the council would be in a position to ensure on an ongoing basis that only residual waste is accepted at the plant.” I suggest to you, in the light of what I have just put to you, that conclusion is inescapable.

1999. **MR ROMANS:** I do not disagree that is the opinion of the IPC commissioners, but it is not the view of the councils. Where authorities have, for instance, kerbside collection of waste, where householders separate their waste into different bags or different boxes, there is always a residual bag left. Now some householders will not separate their waste; you will not get full compliance with the scheme. There will always be recyclables in what is known as the black-bag element of that waste. This is the fundamental concern, and this is an issue that a number of authorities have had. The definition that the councils seek is that source-segregated recyclable waste is not counted as residual waste—that the black-bag waste that does contain recyclables will be subject to further treatment before the incineration process.

2000. **MR MOULD QC:** You are the municipal waste collection authority, Mr Romans. It lies in your power to improve the degree of sorting that goes on at the kerbside and so forth. Covanta must bow to you, insofar as that aspect of the process is concerned.

2001. **MR ROMANS:** I would agree with respect to waste arising from the two authorities but, as we have covered before, certainly Covanta is no longer in the running for the contract for Central Bedfordshire Council and therefore will not be involved. As you have just pointed out, in terms of the catchment area, we could be receiving waste from a variety of different authorities. What those authorities do is not within the control of the

local authorities involved in the petition, so we do not have any control over what authorities do in terms of their waste.

2002. **MR MOULD QC:** We will have to invite the Committee to form a view as to how responsible those authorities will be in the discharge of their statutory functions. I think I have asked you all the questions I want to ask you about. There is just one other point I should put to you. The waste regulations themselves require waste handlers as a matter of law to apply the waste hierarchy. That includes the greatest degree of recycling that is practicable. That is enforced by the Environment Agency, is it not?

2003. **MR ROMANS:** It is, but it is not as strong as the regulations coming in for Scotland, which I have referred to earlier.

2004. **MR MOULD QC:** Thank you very much, Mr Romans. I have one other matter, sir, to raise if I may, and it may be that I do so unnecessarily. You recall that there appeared to be a small measure of confusion over traffic numbers last week. I think the position was clarified, if I may say so, with respect, by my lord Lord Dear, who pointed out that the figure of 1,188 vehicles that was shown on Mrs Marsh's exhibit page 6 effectively was trips. In other words, 594 two-way movements equals 1,188 trips. I hope the Committee is clear on that. The Committee also understands, I think—Mr Romans, you will confirm this—that of course is the maximum throughput. Is that right?

2005. **MR ROMANS:** That is right, yes.

2006. **MR MOULD QC:** It is that which is reflected in the limit imposed by the requirement, 594 two-way movements.

2007. **MR ROMANS:** Correct, yes.

2008. **MR MOULD QC:** We know that the nominal throughput is for some 370-odd two-way movements, which would equate to about 750 trips, would it not?

2009. **MR ROMANS:** That is correct, yes.

2010. **MR MOULD QC:** Thank you very much indeed. Sir, thank you very much for your indulgence; those are all my questions.

2011. **CHAIR:** Thank you, Mr Mould. Would you like to continue, Ms Sheikh, with the presentation of your next witness, or do you have any further questions?

2012. **MS KABIR SHEIKH:** I do have a number of questions in re-examination, if I may.

2013. **CHAIR:** Then you continue.

2014. **MS KABIR SHEIKH:** Thank you. Good morning, Mr Romans. Mr Romans, I shall start, please, with the last few points put by Mr Mould. The first one I want to deal with, please, is in relation to the suggestion by Mr Mould to you that it would be more efficient environmentally to have this huge facility as opposed to smaller facilities. Do you remember the point that was being put, in that context?

2015. **MR ROMANS:** Yes.

2016. **MS KABIR SHEIKH:** He referred to the WRATE assessment. Two points on that, please. First of all, you said the WRATE assessment was “narrow”. Can you explain what you mean by that?

2017. **MR ROMANS:** My understanding is that the WRATE assessment looked at the technology that Covanta was proposing and was carried out on the basis of using that technology and sizing plants using that technology. It looks at the carbon impact of small and large facilities.

2018. **MS KABIR SHEIKH:** Thank you. In that context then, Mr Mould said that you would look at going 129 additional kilometres for facilities that were smaller.

2019. **MR ROMANS:** 165.

2020. **MS KABIR SHEIKH:** Sorry, 165. If you were to go beyond 165 kilometres to, for example, Scotland or before Scotland—you do not have to go up to Scotland to go

165 kilometres—has there been any assessment of the distances that HGVs would have to travel?

2021. **MR ROMANS:** Not that I am aware of.

2022. **MS KABIR SHEIKH:** If indeed the intention were only to travel 165 kilometres extra, is there any reason why Covanta should not agree to a catchment limiting it to that extent?

2023. **MR ROMANS:** No.

2024. **MS KABIR SHEIKH:** This is on HGVs still, I am afraid. I know Mr Mould has given an explanation, but I do need to pick up the point. Could you take up, please, COV5? If you could, turn into the exhibit that deals with—forgive me, it is not COV5; it is COV6. It is the one that was put in at the last hearing. You need to go to page 9. You will also need, I am afraid, sir, the Order, which is the first core document. It is requirement 35. Sorry; it is requirement 38 and that is on page 31 of the Order. That should say “vehicle movements”. Do you have that?

2025. **MR ROMANS:** Yes, I do.

2026. **MS KABIR SHEIKH:** I would also like, please, to have handed round an extract from Covanta’s environmental statement, which I am just passing around. It is in the core documents but, just for ease, I have copied the table, so you do not have to pick up the whole document. It is coming round now. This is Covanta’s own environmental assessment. Just looking at the table, it is table 7.18 and the relevant row is 2: Green Lane, west of the site access. Mr Romans, have you got all of that—the three documents?

2027. **MR ROMANS:** Yes, I have.

2028. **MS KABIR SHEIKH:** Just looking then at the vehicle movements, at requirement 38, it says, “The total number of heavy goods vehicles importing or exporting waste, incinerator bottom ash aggregate or flue gas treatment residues to and from the authorised

development must not exceed 594 movements per day.” Then it says what the records have to show, and that is the number of vehicles entering and leaving, and the time and date of vehicles entering and leaving. Do you see that?

2029. **MR ROMANS:** Yes, I do.

2030. **MS KABIR SHEIKH:** There was a question, I think suggested by Mr Mould to you, that in fact the correct position is as shown on page 9 of COV6. If you have that open, it is the bar chart. What he was suggesting to the Committee at the time, although I think he has tried to clarify it now, is that the blue section there of 594 was actually the two-way movements.

2031. **MR ROMANS:** I think what he has clarified is it is the number of HGVs that would use the site, which would result in two trips.

2032. **MS KABIR SHEIKH:** You can see that is in fact correct when you look at the ES of Covanta and you look at table 7.18 and you look at the HGV figure for Green Lane west, which is 118. Do you see that?

2033. **MR ROMANS:** Yes, I do.

2034. **MS KABIR SHEIKH:** You see the title at the top says “Predicted impact two-way”—

2035. **MR ROMANS:** It is 1,188.

2036. **MS KABIR SHEIKH:** 1,188 is exactly double 594, so it must be that the correct figure is 1,188. Thank you. This goes to the Chairman’s point about being disturbed watching the Ryder Cup—how many trips back and forth. Thank you. Can I, Mr Romans, now deal with your exhibits, please, and some of the points of clarification arising from Mr Mould’s questions to you? We are going to need your Exhibit 15.

(10 am)

2037. **LORD FAULKNER:** What does it say on the front?

2038. **MS KABIR SHEIKH:** On the front it says “Need for the facility”. It is this A3 sheet.
2039. **LORD GEDDES:** Does it have a P number?
2040. **MS KABIR SHEIKH:** It does not.
2041. **CHAIR:** It is pre-P number.
2042. **MS KABIR SHEIKH:** It is pre-P, I am afraid. This is the document with the supply and demand tables in it. Mr Romans, it is page 15.
2043. **MR ROMANS:** Sorry, Exhibit 15 or page 15?
2044. **MS KABIR SHEIKH:** Page 15, Exhibit 14. The point is this: you explained to the Committee about the available capacity and the waste arisings. Do you recall?
2045. **MR ROMANS:** Yes.
2046. **MS KABIR SHEIKH:** The pink and the brown is the waste arisings and, on the right-hand-side column, you have the capacity. You have the supply, as was put by Lord Geddes, and the demand on the other side. Sorry; you have the demand on the pink and brown, and the supply on the right-hand side.
2047. **MR ROMANS:** That is correct.
2048. **MS KABIR SHEIKH:** What you had explained was that, on the right-hand side, when you talk about the supply, when you look at the green and the bluey-type band, and you compare that with the demand, it is about equal.
2049. **MR ROMANS:** For local waste arisings, yes.
2050. **MS KABIR SHEIKH:** If you turn over to Exhibit 15, you have the same scenario when you look at “permitted” and “to be constructed” against “operating”, so those two together, and “under construction”. Again, you have a similar situation; demand and supply are about equal.
2051. **MR ROMANS:** That is correct, yes.

2052. **MS KABIR SHEIKH:** What Mr Mould posited to the Committee was that actually you should be ignoring everything that is permitted. Do you remember that line of questioning?

2053. **MR ROMANS:** Yes.

2054. **MS KABIR SHEIKH:** You should ignore the orange because, reading back through the transcript, he said that it presented an opportunity to keep on permitting facilities so that you could be sure that there would eventually be sufficient supply. That was the sort of question that was being put to you. I just want to ask you this and to just test with you how rational, in land-use planning terms, it is to adopt that sort of approach. What is being suggested, for example, is you might in a period of 12 months have five applications for a Covanta-sized facility. You might permit one in February and then you have another one that you need to consider in March, another one in April, another one in May and another one in December. Every time you consider one, Mr Mould's approach is that you ignore the fact that you might have permitted one in February. When you come along to March, you ignore the fact you have permitted one in February and you have to then go along and permit the one in March, because you might need it. The same thing would happen along the whole year, so you might end up with five Covanta-sized facilities that have been permitted.

2055. **MR ROMANS:** Yes, which is very different from other areas of planning, in terms of housing planning or the other area that I am heavily involved with, in terms of minerals. If you have a permitted housing stock, if there is a need for that housing stock, it is based on the number of permissions, not on the number of houses built.

2056. **MS KABIR SHEIKH:** No, and we will come to that in a moment. Talking about this in rational land-use terms, is this an approach that you consider is what is expected or intended by the need to meet energy requirements?

2057. **MR ROMANS:** It is certainly very different from other areas of industry or anything else that is dealt with at the moment.

2058. **MS KABIR SHEIKH:** Mr Mould suggested this is the Government's view: in terms of the Secretary of State, are you aware recently of a decision that was refused in Bedford? Twinwoods, I think it is called. Are you familiar with that?

2059. **MR ROMANS:** Yes. It was an application that was dealt with within my team.

2060. **MS KABIR SHEIKH:** The Secretary of State refused planning permission for Twinwoods. The reason related to the fact that Covanta was on stream at the time.

2061. **MR ROMANS:** The reason was that Covanta had effectively got a permission. Although it was accepted that it was to go through a special parliamentary process, it was likely to be delivered and, therefore, was taken into account as a reason for not identifying and not permitting the waste-to-energy gasification plant at Twinwoods.

2062. **MS KABIR SHEIKH:** In that context then, was the Secretary of State having regard to other permissions or was he only looking at facilities that have been built and operating?

2063. **MR ROMANS:** He is having regard to other permissions that are not up and running, yes.

2064. **MR MOULD QC:** I wonder, sir, given that has arisen for the first time in re-examination, if it would be helpful for the Committee to have a copy of that document, because I do not think it is before the Committee at the moment.

2065. **MS KABIR SHEIKH:** I do not particularly want to burden you. It should not be controversial, but I can provide it.

2066. **CHAIR:** Mr Mould, we understanding your point. I think we are in comfortable order.

2067. **MS KABIR SHEIKH:** Thank you. All it is intended for is to understand the point. It is not controversial. It is a matter of fact that decision letter is there. I really do not want to burden the Committee with loads and loads of paperwork.

2068. **CHAIR:** We have quite a lot actually.

2069. **MS KABIR SHEIKH:** Yes. Unless Mr Mould is going to challenge that point, I do not really intend to put it forward. The next point I want to deal with is just again to look at the rationality of Mr Mould's suggestions to the Committee dealing with, for example, housing. There is always a housing need; that is not going to be controversial.

2070. **MR ROMANS:** There is a housing need, yes.

2071. **MS KABIR SHEIKH:** That is also urgent in terms of imperatives. In terms of planning for housing, if you look at the Government's approach, the best place to go is the National Planning Policy Statement. Again, rather than go into the core documents, I have got a little extract, which I hope will be helpful. This is the Government's latest position on all policy actually, so we will just look at how need is dealt with in the context of housing.

2072. **CHAIR:** My understanding is we have a position every six months.

2073. **MS KABIR SHEIKH:** It is the latest one, sir. I have the front sheet on it. You need to turn in to the page there: "Delivering a wide choice of high-quality homes". Now there is a requirement, Mr Romans, to have a five-year housing supply.

2074. **MR ROMANS:** That is correct, yes.

2075. **MS KABIR SHEIKH:** That is quite helpful, because we have the supply and demand point again. There is a requirement to have a five-year housing supply. In that context, what the Government says is that local planning authorities need to maintain that five-year housing supply. Sir, it is paragraph 47, the second bullet. Effectively, to boost significantly the supply of housing, local planning authorities should, and it is the second bullet, "identify

and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing and an additional buffer."

2076. **MR MOULD QC:** Would you read out the definition of deliverable?

2077. **MS KABIR SHEIKH:** I am coming to that. Do not worry; I am coming to that. That is precisely where I want to go.

2078. **CHAIR:** Mr Mould, I do not think this is the place to have agreements between counsels. You will have your chance on another occasion.

2079. **MS KABIR SHEIKH:** Thank you, sir. I will go back to the first bullet: "Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%." Do you see that?

2080. **MR ROMANS:** Yes, I do.

2081. **MS KABIR SHEIKH:** In terms of deliverable, which is the supply point, that is where the Government wants comfort that houses are going to come forward, right?

2082. **MR ROMANS:** Yes.

2083. **MS KABIR SHEIKH:** That is the point that Mr Mould is keen on: you must make sure that there is going to be this continual supply of facilities. Let us just see what the Government says about housing, which is very comparable. If you look at footnote 11, please, there is a definition of what is deliverable. It talks about what is deliverable and it says, "Sites should be available now, offer a suitable location for development now, be achievable with a realistic prospect." Look down, please, to the third line; it starts "sites with". Do you see that?

2084. **MR ROMANS:** Yes, I do.

2085. **MS KABIR SHEIKH:** "Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be

implemented within five years. For example, they will not be viable, no longer a demand for the type of units or sites have long-term phasing plans.” Do you see that?

2086. **MR ROMANS:** Yes, I do.

2087. **MS KABIR SHEIKH:** In the context of deliverability, does this Government consider that sites with permission should be part of the supply or not?

2088. **MR ROMANS:** Yes, certainly in housing and, as I said before, certainly in the other field that I specialise in, minerals planning, sites with planning permission and permitted reserves are also taken into account with respect to maintaining a land bank of mineral supply.

2089. **MS KABIR SHEIKH:** Just then to tie up the point, please, the Peterborough site was mentioned last time. Do you remember?

2090. **MR ROMANS:** Yes, I do.

2091. **MS KABIR SHEIKH:** In that context, does that site have permission?

2092. **MR ROMANS:** Yes, it does.

2093. **MS KABIR SHEIKH:** Has the time for implementation expired yet?

2094. **MR ROMANS:** No, it has not.

2095. **MS KABIR SHEIKH:** Thank you. Mr Romans, in that context then, looking at the two exhibits that you have done, 15 and 14, are you satisfied that the supply and demand are equal and that these are appropriate graphs for the Committee to have regard to when considering the need for a scheme of the scale of Covanta's?

2096. **MR ROMANS:** What the councils are saying is that the capacity that we have identified, which is not all operating, should be taken into account in terms of an assessment of the capacity that is meeting, will meet or potentially will be able to meet some of the demand that we have identified. It should not be ignored and you should not just look at the green area, in terms of what is operating.

2097. **MS KABIR SHEIKH:** Thank you. That is very helpful. I need to move on to another topic, and this relates to the local plan. You might recall again a point that was being put by Mr Mould. It was the suggestion that a hapless developer will come along from overseas, see your policies and think that he can build a facility, Covanta-sized, on the site, because he will look at the local plan and he will think that. Are you saying that is not the case? Do you remember that sort of point being put to you?

2098. **MR ROMANS:** With respect to the sites that have been identified, yes.

2099. **MS KABIR SHEIKH:** We need to look at the policies, please, so unfortunately we are going to have to go into tab 22 of the key documents.

2100. **CHAIR:** I will try to contain my enthusiasm.

2101. **MS KABIR SHEIKH:** You might be able to just follow through without actually looking. We may be able to go through relatively quickly.

2102. **LORD GEDDES:** To what number are you leading us?

2103. **MS KABIR SHEIKH:** My lord, it is tab 22. It is the emerging Minerals and Waste Core Strategy Plan. Now, Mr Romans, have you got that?

2104. **MR ROMANS:** Yes, I have.

2105. **MS KABIR SHEIKH:** I do not know if the Committee has got that, but I will go through the points anyway. What was particularly the issue was waste core policy WCP2, which is where you have the four sites listed, Elstow North, land at former Brogborough Landfill, Rookery Pit South and land at Thorn Turn. You have got those four and then you have the two for land filling. Remember Mr Mould was saying, “Oh, somebody will come along,” and “Is this the state of the planning system? They will look at this and yet you are going to tell them, ‘Sorry, you cannot do it.’” I just want to ask you this: when Covanta came along to the United Kingdom, did they engage experienced planning consultants?

2106. **MR ROMANS:** Yes, I believe they did.

2107. **MS KABIR SHEIKH:** They still have them, I think.

2108. **MR ROMANS:** Yes.

2109. **MS KABIR SHEIKH:** They are here.

2110. **MR ROMANS:** Yes.

(10.15 am)

2111. **MS KABIR SHEIKH:** If any other overseas developer wants to come here, we can assume they will do the same and they will pick up, on the advice of their consultant, your core strategy, which will hopefully be adopted by that time, your Minerals and Waste Core Strategy. When they go to the core strategy, the first thing they will do is they will open it up and they will look at WCPI, will they not?

2112. **MR ROMANS:** Yes.

2113. **MS KABIR SHEIKH:** They will know that you have to look at policies as a whole; you just do not pick one out of all of them.

2114. **MR ROMANS:** It is certainly something that is a continual issue when we deal with developers. They will obviously alight on a policy that supports their particular case.

2115. **MS KABIR SHEIKH:** How does our planning system work in this country? What a question.

2116. **CHAIR:** With great difficulty.

2117. **MS KABIR SHEIKH:** You might say. What is the mantra about the development plan?

2118. **MR ROMANS:** That you should take account of all the policies in the development plan.

2119. **MS KABIR SHEIKH:** However it works, that is the statutory position: that you have to determine the application in accordance with the development plan, unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act 2004 was

still there last time I checked. On that basis then, you have eminent planning consultants picking up MM6, and it is waste core policy WCP1. What is the first thing they will discover when they look at that in terms of scale?

2120. **MR ROMANS:** That in terms of scale, apart from pre-treated residual waste from London, we are looking to provide sufficient capacity for the recovery of waste from the plan area.

2121. **MS KABIR SHEIKH:** From the plan area; that is the first thing they will find out. Then they will look at WCP2 and they will see that possibly their site is in the list of sites that have been identified for waste recovery uses. Does that policy say that any particular technology must be used or is it clear that any technology may be used?

2122. **MR ROMANS:** No, it is not technology-specific.

2123. **MS KABIR SHEIKH:** If we look at WCP3, what will they find from there?

2124. **MR ROMANS:** It makes it clear that all applications will have to have regard to all of the policies, both in this plan and with respect to the saved general and environmental policies. This plan on its own does not contain all the relevant policies for waste. That is the purpose of the policy.

2125. **MS KABIR SHEIKH:** Thank you. If you look at what it says, it says in there that “these applications will be determined with regard to the waste core policies in this DPD which are appropriate to the application, strategic sites identified in this DPD and then the saved general and environmental policies in Bedfordshire and Luton’s mineral waste local plan, or such other policies that may replace them”. In the explanatory text, we see at 4.9 or so, “WPAs”—waste planning authorities—“will consider the details of the application against the general and environmental policies which were saved by direction of the Secretary of State.” We need to look at WCP4 as well: “New or extended waste management facilities will be designed with due regard to their scale, setting, surrounded

landscape. Innovative designs for waste management facilities that use colours will be encouraged. Pre-application,” and so forth, “will be encouraged.” Bearing all that in mind, is there some presumption then, when somebody finds their site to be identified, that planning permission will be automatic? Is it the case that a properly advised planning consultant would be confused in any way?

2126. **MR ROMANS:** They should not be. Even sites that are identified in forward plans, be they waste sites or housing sites, when they come forward still need to pass all the tests of all the policies, and could still be refused at that stage.

2127. **MS KABIR SHEIKH:** Thank you. That is all there was on that. There is only one other thing, sir. I have not had a chance to look at the rail feasibility and rail documents that have been put in, and of course I have not spoken to Mr Romans because he has been in purdah over this week, as he has been under cross-examination. You very kindly agreed last week that I may call him back on that once I have had a chance to discuss matters with him. I do not propose to do anything about it at the moment.

2128. **CHAIR:** I understand your situation.

2129. **MS KABIR SHEIKH:** I just have a couple of questions on the document that I think I can put to Mr Romans without having discussed anything with him, and I will do that. Mr Romans, a document was put in by Covanta; I think it was COV8, but I will just double check.

2130. **LORD GEDDES:** If it is the railway, it is COV7.

2131. **MS KABIR SHEIKH:** Forgive me; it is 7. That is the one. Apologies, my lord; I am just trying to find my own version, which is marked up, but I will have to manage. Now, in terms of COV7, that was put forward to show that delivery by rail is something that could be considered in the future. It is a door-is-open type point. Do you recall that?

2132. **MR ROMANS:** Yes, I do.

2133. **MS KABIR SHEIKH:** Good. Just on that point, looking at the study, if you go into the document and you look at what it says at I.11, which is page 3, it says, “In general, rail haulage for waste makes commercial and environmental sense when underpinned by long MSW contracts with guaranteed high volumes which require haulage over long distances.” Now MSW is the municipal waste.

2134. **MR ROMANS:** I would presume it to be municipal solid waste, yes.

2135. **MS KABIR SHEIKH:** Now from what we know of Covanta’s situation, and they never have confirmed whether or not they are in the running for the Northamptonshire contracts even—they had the chance—what is their position in terms of long-term MSW contracts?

2136. **MR ROMANS:** As far as I am aware, they have a small MSW contract with Windsor and Maidenhead for just over 30,000 tonnes a year.

2137. **MS KABIR SHEIKH:** If that is a criterion for them, looking at rail, what are the prospects of their never using rail, at least in the next 15 to 20 years?

2138. **MR ROMANS:** I do not necessarily disagree with what they are saying in terms of the need for a long-term contract to justify the expenditure but, on the face of it, they have not got those contracts at the moment.

2139. **MS KABIR SHEIKH:** What are the prospects, if that is their criterion?

2140. **MR ROMANS:** Certainly in terms of the investigation that we have carried out within the catchment area, those areas are going to other companies and, therefore, will not be available. Unless they were to be successful with any MSW contracts outside of the catchment area, then that it is highly unlikely.

2141. **MS KABIR SHEIKH:** I.14 makes the same point.

2142. **MR ROMANS:** Yes.

2143. **MS KABIR SHEIKH:** Thank you, Mr Romans.

2144. **LORD FAULKNER:** May I ask a question?

2145. **CHAIR:** Before you do, and of course you may, Lord Faulkner, this is new information and I think it is fair to simply offer Mr Mould the opportunity to examine this particular issue, very briefly if you would, but I will allow Lord Faulkner's question first.

2146. **LORD FAULKNER:** It is a question to Mr Romans, please. Obviously this document was not available when you were drawing up your petition. Had it been available, would you have included in your petition a requirement that long-distance waste would have to come by rail and not by road?

2147. **MR ROMANS:** I think the difficulty is that the proposal does not include any proposals for delivery by rail. My understanding is that the development consent order cannot be amended to that degree. That would be a reason why we probably would not have included it. We have accepted that the site is to be determined on the basis that it will not be supplied by rail. While Covanta may well make every effort to try to do that in the future, that is not the position at the moment.

2148. **LORD FAULKNER:** Even though it is alongside an existing railway line and only two miles from another rail-served waste transfer point, Stewartby.

2149. **MR ROMANS:** It would be better to supply waste that has been brought in over long distances by rail. The councils fully support that, but our understanding is that it is not possible to amend the development consent order to that degree.

2150. **CHAIR:** Mr Mould, do you have any further questions on the new matter?

2151. **MR MOULD QC:** Yes. As I understand it, Mr Romans, the points that you made about paragraph 1.11 in the document, and your acknowledgement that, in the absence of a long-term MSW contract, rail-based delivery of waste was really just not a viable proposition, persuaded your council that to oppose the scheme on the basis that it should

have a rail-based delivery, as opposed to road-based delivery, aspect incorporated into it is simply to demand that which is just unrealistic in all the circumstances.

2152. **MR ROMANS:** We have asked for a catchment area restriction on the basis waste would be delivered by road. All of the arguments we have just discussed in terms of how far you need to go by road to make it unsustainable would obviously change if there was delivery by rail. I accept at the moment it appears to be unrealistic to expect that to happen.

2153. **MR MOULD QC:** Exactly. You have said very clearly, if I may say so, both before the IPC and I think you have also indicated to this Committee, that you regard it as necessary and helpful that the development consent order should include, as part of its range of requirements—in this case under the planning obligations—a commitment periodically to review the case for rail-based delivery, should circumstances change.

2154. **MR ROMANS:** Yes.

2155. **MR MOULD QC:** That is your position, is it?

2156. **MR ROMANS:** Yes.

2157. **MR MOULD QC:** Thank you very much indeed.

2158. **CHAIR:** Mr Romans, before we say thank you very much for your evidence, can I ask whether, in your view, the main concern that a rail resource cannot be provided is about affordability—about the level of capital investment needed?

2159. **MR ROMANS:** My understanding is that is the case, but that has to be set against the fact that there is no certainty for any contract. The difficulty for Covanta is making that investment and justification for that investment with no certainty that they could actually get any contracts in by rail anyway.

2160. **CHAIR:** It is about a commercial judgment.

2161. **MR ROMANS:** Yes.

2162. **CHAIR:** Thank you for that. Thank you very much, Mr Romans. You have had quite a grilling and I thought you stood up to it very well indeed. We are grateful. Would you like to call your next witness, Ms Sheikh?

(10.30 am)

2163. **MS KABIR SHEIKH:** I am grateful. Sir, I am just having some exhibits handed around, but I can confirm that Mrs Kirkham has been sworn in properly. In the meanwhile, I will ask her just to introduce herself.

2164. **CHAIR:** For the record and for our benefit, could Mrs Kirkham give her full name and job title to us?

2165. **MRS KIRKHAM:** My name is Bettina Margaret Kirkham. I am the director of Kirkham Landscape Planning Ltd, which is a practice that has been running for 10 years, specialising in landscape and visual impact assessment.

2166. **MS KABIR SHEIKH:** I am grateful. I think the exhibits are on their way around; they may have reached you already. Mrs Kirkham, your evidence is going to deal with the landscape and visual impact, not the design. The design evidence will be given by Mr Stubbs, so yours is landscape and visual impact, and you are also dealing with the heritage impact of this proposal. We have already seen that such impacts are pertinent to the acceptability of the scheme in the local plan context, so we are going to now look at what the councils' objections are in that context.

2167. You have produced your exhibits and I would be grateful, Mrs Kirkham, if you could first turn to Exhibit 1, where you have produced an exhibit of the proposal itself, the facility. You point out at the beginning it is uncontroversial; it covers 14 hectares, which is about 15% of the site; it is 10 metres below the adjacent ground level; it is close to the Marston Vale Country Park, separated by the railway line, the pit side and a narrow belt of proposed planting. The rest of the site will be retained as flat quarry floor, with steep sides

to be restored to grassland, with some planting around the lip of the pit, and a lake. What are the comments that you want to make first, please, on the Exhibit itself?

2168. **MRS KIRKHAM:** The point of the Exhibit is to explain to you, in assessing the landscape and visual impact, you have to understand the characteristics of the development and the location. That is your starting point. If we are looking at what is there at the moment, which is what counsel has explained, the development I have described in headlines to remind ourselves of the scale of the development. Under the development, I have picked out the main features of the height of the buildings, which is 43 metres high, the height of the stack, which is 104 metres high, going up to 136 metres AOD.

2169. **LORD GEDDES:** Sorry, what is AOD?

2170. **MRS KIRKHAM:** Above ordnance datum.

2171. **MS KABIR SHEIKH:** So above ground level.

2172. **MRS KIRKHAM:** It is above sea level.

2173. **MS KABIR SHEIKH:** Sea level, sorry.

2174. **CHAIR:** Can we be absolutely clear what it is, in terms of your answer? Will you repeat what you actually think it to be?

2175. **MRS KIRKHAM:** What I know it to be: AOD refers to above ordnance datum, which means above sea level.

2176. **LORD FAULKNER:** The bottom of the stack is how far above sea level? How much do we take off?

2177. **MRS KIRKHAM:** The bottom of the stack is at about 31 AOD. Add 104 to it and that gives you the top of the stack.

2178. **LORD FAULKNER:** That is fine, thank you.

2179. **MRS KIRKHAM:** I will say I refer to these AODs quite a lot, because it is not just the height of the thing; it is height relative to the surroundings that is key to this.

2180. **MS KABIR SHEIKH:** Thank you. Mrs Kirkham, just before you carry on, I also ought to ask you to confirm your experience in this area, so that the Committee has an idea. You have said that you have been specialising in landscape and visual impact assessment through Kirkham Landscape Planning for about 10 years but, before that, for about 15 years, can you tell us what you were doing at ERM and what ERM is?

2181. **MRS KIRKHAM:** Yes. My previous employment was with ERM. They are a multi-disciplinary practice and we had a landscape section in Oxford, which I ran. That company specialises in a very wide range of work. It includes waste but, at the time, we were dealing with very large projects such as Dibden Bay and the inquiry there, and landscape character assessment. If I might say, before that, I worked for Babbie Group, which is now Jacobs, and we dealt again with an awful lot of waste and minerals applications on behalf of Berkshire County Council, and I have continued to look at waste and minerals applications and large infrastructure projects ever since that time.

2182. **MS KABIR SHEIKH:** Thank you, Mrs Kirkham. I should also add for the Committee's benefit that you have, in total then, over 25 years' experience in undertaking landscape and visual assessments. You have worked within both the public and private sectors, and given evidence at public inquiries and local plan inquiries. You have undertaken these assessments for major waste and energy, and you can add to your repertoire that you have looked at an energy-from-waste scheme at Newbury in west Berkshire, a large biofuel plant in—I am going to get this wrong—Coed Bach.

2183. **MRS KIRKHAM:** Coed Bach.

2184. **MS KABIR SHEIKH:** Coed Bach in Carmarthenshire.

2185. **MRS KIRKHAM:** I learned a bit of Welsh.

2186. **MS KABIR SHEIKH:** I apologise for getting that wrong. You also looked at wind farm turbines in Bedfordshire and west Berkshire. You have already mentioned Dibden Bay,

but you have also dealt with large-scale warehousing by ProLogis and a major opencast mine extension in Wales.

2187. **MRS KIRKHAM:** That is correct, yes.

2188. **MS KABIR SHEIKH:** Thank you. It was just to give the Committee the background to your evidence today and the experience that you bring. Thank you. Do you want to carry on?

2189. **MRS KIRKHAM:** Looking again at the development, we are concerned also about the plume, which advertises the development. At times, you will only see the plume. If you know the plume is there, you will know what is underneath it, because you will have seen it at some point. There is a plume above that. Together these elements, which are the very large buildings, this very tall stack and the plume, create a particularly large building mass. There is nothing comparable in the Vale.

2190. To draw attention to the last section of this page, this exhibit, when you are doing a landscape visual assessment, you have to look at the comparative elements in the landscape. The nearest prominent building nearby is the Hanson office block, which is just to the west of Stewartby, and it is on the southern edge of the former brickworks. That building is 13 metres high. That is all. It goes up to 15. That building is very prominent in the landscape; you can see it from the surrounding landscape. You have the buildings of the former brickworks, which are even lower. You hardly ever see them. You are hardly aware of the actual kilns and the remaining buildings. You are only aware of the chimneys. The dominant built form in the area, you will see from the photographs and if you do go out, are two-storey houses and occasional small commercial developments. The exception to that is the development close to Bedford itself, where there are some very large hangar-type buildings at Marsh Leys. Those are quite prominent, but they are on the edge of Bedford, which is a major town. The Vale itself is an area of small housing and commercial sites.

2191. Worth noticing particularly is the lip of the pit. The lip is the top of the pit. We know we have a pit that is between 10 and 20 metres deep. The lip is the top of it. That is at 51 metres AOD, going back to this AOD. That is 23 metres lower than the top of the facility itself, not the chimney. That lip is clearly visible in views, particularly long-distance views. Another large building in the area is Ampthill Park House, which is considerably smaller; it is a nice stately home. That also is very visible in the landscape, and that one sits at 81 metres AOD. It is a landmark.

2192. **MS KABIR SHEIKH:** Mrs Kirkham, we could just turn very quickly to Exhibit 13, which I think shows Ampthill Park House, just so that the Committee can look at the house you are referring to.

2193. **MRS KIRKHAM:** It is the house in the bottom-right-hand picture. That photograph was taken about two or three months ago from the public footpath, which is at the bottom of that slope. That is Ampthill Park House. It has another wing on its right-hand side, which is obscured by that tree. You can see it is a substantial building, but it has nothing on the scale of the proposed facility.

2194. **MS KABIR SHEIKH:** Do carry on, please.

2195. **MRS KIRKHAM:** The other thing to remind ourselves of is that the stack itself is considerably higher than the local landform. The local landform is the Greensand Ridge, which wraps around the Vale, which is at 125 metres AOD. The Cranfield Ridge, which is to the west of the site, is at 110 AOD. The other thing to remind ourselves of course is that the chimney is considerably greater in mass and scale than the Stewartby chimneys. These are between 56 and 70 metres high, as opposed to 104 in the case of Covanta's chimney. They are also much more slender. I hope you can hear me. Thank you.

2196. **PAUL UPPAL:** Chair, can I just clarify? The Stewartby chimneys: did you say 50 to 70 metres?

2197. **MRS KIRKHAM:** Yes, the highest is 70 and the smallest is 50.

2198. **LORD DEAR:** Is that AOD, because it does not say so?

2199. **MRS KIRKHAM:** No, if it does not say “AOD” it is not AOD; it is actual height. I do appreciate it is slightly confusing, but the actual height of the Stewartby chimneys is from 50 metres to 70, compared with 104 metres.

2200. **LORD DEAR:** What is the actual height of the stack, because you are showing 136 metres AOD? In point of fact, that is somewhere around 100, is it not?

2201. **MRS KIRKHAM:** The actual height of the stack is 104.5. That is the comparison.

2202. **CHAIR:** For the record, could I point out that the document says they vary between 56 and 70 metres, just to be absolutely correct?

2203. **MRS KIRKHAM:** Sorry; what I have written is correct.

2204. **CHAIR:** Thank you very much.

2205. **MRS KIRKHAM:** That covers everything on—

2206. **MS KABIR SHEIKH:** On Exhibit 1, thank you. On Exhibit 2, I think you want to just explain the proposals and what you have assessed in that context.

(10.45 am)

2207. **MRS KIRKHAM:** This is really an aide memoire for the rest of my exhibits. Exhibits 2 and 3 are the master-plan proposals for the facility. I have submitted them particularly because they show the landscape scheme. If we start with the first one on Exhibit 2, you can see the main Covanta building. These exhibits come from the environmental statement and the design and access statement, so they are not ours; we have copied them from there. You can see that the main facility, which includes that orangey-browny bit, is hard up against the railway line. On the other side of the railway line is the beginning of the Country Park. There is a hedgerow belt; that dark-green line is a hedgerow to be planted as part of the scheme, if it were to go ahead. The rest of the planting to the east of the scheme is either

to be delivered as part of the agreed restoration scheme for the pit or as part of Covanta's proposals. The dark-green elements are Covanta's proposals, in addition to what will be delivered as part of the restoration scheme, which is the pale green. The white areas are areas where there are no proposals at all.

2208. **MS KABIR SHEIKH:** Just to be clear, regardless of Covanta's scheme, you are saying that there will be restoration in any event, because of the restoration scheme associated with the pit?

2209. **MRS KIRKHAM:** Yes. The restoration scheme, which is approved and agreed, which is quite separate from Covanta, is to restore the bottom of the pit, which is now very wet, to low-level agriculture, and then to add additional planting to the slopes, which will be stabilised but not dramatically changed. You can see these pale-green patches; they are tree planting. There is a lake in the restoration scheme. Yes, if they did not arrive and nobody wanted to develop this site for anything else, there is a scheme that would bring this back to agriculture and woodland.

2210. **MS KABIR SHEIKH:** Thank you. Is there anything else you want to say about Exhibit 2 or shall we move to 3?

2211. **MRS KIRKHAM:** Not at this stage.

2212. **MS KABIR SHEIKH:** Let us go to 3 then.

2213. **MRS KIRKHAM:** 3 is a blow-up of the main facility and its landscape setting. I do not think it is worth particularly dwelling on. You have had a look at this already. The only comment I would make, and I do explore this in a bit more detail later, is that you will see that the landscaping has been designed to reflect the shape of the development. This has been quite deliberately done, as stated in the environmental statement and the design and access statement. It is straight lines of planting, enveloping the development with two

straight lines of planting through the section of it. That is the core planting around the development itself. I do not think, at this stage, I will go any further than that.

2214. **MS KABIR SHEIKH:** That is helpful. In Exhibit 4, you have, as an aide memoire, I think for the Committee as well, just set out the key elements of the councils' petition. That is set out on the left-hand side, with the landscape and visual effect, and effectively the fact that the facility would be highly intrusive visually. The Committee can run their eyes down that for themselves: "overbearing visual effect on the local landscape"; "impacting on ... users of the ... Country Park ... local footpath network"; and "attract industrial activity resulting in the re-industrialisation of the area in which it is located". "Insufficient consideration," we say, "has been given to the extent and appropriateness of mitigation." You also talk about the impact of the proposal on the historic environment, in particular the setting, character and local heritage sites "including South Pilling Farm, Ampthill Park House," which I think is Grade I listed, "Houghton House, Katherine's Cross ... Ampthill Park ... and [the] Conservation Areas ... from the Greensand Ridge."

2215. On the other side, you have the key elements of the IPC Panel's reasons. I think you simply want to draw the Committee's attention here to the fact that even the IPC did find that the scheme would not blend well into the landscape. It is going to be essentially an industrial plant. It is the fourth bullet point: "Its presence would be overwhelming." You have this bit here: "There is no doubt in our minds that its presence would be seen by many local residents as a 'step backwards' towards re-industrialisation of the Vale, in conflict with those policies aimed at restoring and 'greening' the area following the closure of the brickworks and the subsequent landfilling of the former clay pits. This consideration weighs heavily against the proposal." Even the IPC had made those findings. The "step backwards" point goes to Mrs Marsh's evidence, I think. What do you want to say, then, about English Heritage?

2216. **MRS KIRKHAM:** I have quoted from their decision there because they came to the conclusion there is no substantive harm to the setting of the heritage assets.

2217. **MS KABIR SHEIKH:** What did English Heritage say?

2218. **MRS KIRKHAM:** English Heritage said there was substantial harm. In their evidence to the IPC, they made it quite clear they objected to this development on the grounds of the impact on the setting of the heritage. The main problem was that the Panel was not given the evidence as to what mattered about these settings—why the visual setting mattered.

2219. **MS KABIR SHEIKH:** I think that is what you are going to do next, so shall we move to Exhibit 5? You are going to explain now the importance. Go ahead.

2220. **MRS KIRKHAM:** I thought it would be helpful just to summarise my case in this particular. Before I come to the photographs, which are illustrative of some of our key points, there are four main points that I want to put to you. The quality and the importance of the post-industrial rural landscape of Marston Vale must be conserved and allowed to continue to be enhanced. It is terribly important to understand how much is being done in this regard. This will be explored later.

2221. The second one is to see that there is a very high level of landscape and visual impact, which will erode a very wide area, affecting an extensive rural community. This is a very highly populated area, and not only an extensive rural community but also a major recreational resource. The third main point is the damage to the visual setting of this significant historic asset of national importance, which will be substantial and irreparable. Lastly, the damage to the appreciation and the enjoyment of the many recreational facilities by the local community and visitors is substantial. The photographs are there just to take you into this landscape from key viewpoints. These are several key viewpoints; these are just very selective. They just give you a feel for the landscape we have there. They are

2222. **MS KABIR SHEIKH:** The Committee can see the captions for themselves, as you speak. There are the explanations 1, 2, 3 and 4. You have the lake there; you have Ampthill Park. There is the view from Roxhill Manor Farm and then you have the view from Cranfield Ridge towards the site.

2223. **MRS KIRKHAM:** The only thing I would say is that all these views are taken from places that are readily accessible to the public, where there are promoted routes or popular routes. We are not talking about obscure footpaths and the like.

2224. **MS KABIR SHEIKH:** That is helpful, thank you. Exhibit 6 is an example of the proposals. You can see the proposed Rookery facility in the middle there. Where is this taken from, first of all?

2225. **MRS KIRKHAM:** This photograph was taken from Ampthill Park. Ampthill Park is partly on a ridge and has these very beautiful views across the Vale. The exact point I have taken this from has been identified as the Grand View, by a study that I will explore in more detail later. This is a prime viewpoint for the general public at the moment, but also was designed to be a prime viewpoint. This is one of our photo montages. You can see Ampthill Park House, that large house in the middle-ground, which we saw earlier. You can see in the far distance Cranfield Ridge. In the middle distance, just to the right and left of the facility, you can see the pit. That pale grey is from the pit lip down these slopes. Of course, you can quite clearly see the RRF in the middle there.

2226. **MS KABIR SHEIKH:** Over the page then.

2227. **LORD GEDDES:** Just before we leave, Chairman, can I put a question? Firstly, it looks to me as if Exhibit 6 is a blow-up of your photograph 3 on page 5. Is that correct?

2228. **MRS KIRKHAM:** It is not a blow-up.

2229. **LORD GEDDES:** Well, it is an enlargement.

2230. **MRS KIRKHAM:** Actually, it is the other way round. What you are seeing in Exhibit 6, as near as we possibly can do, is how you would see it if you were standing at that point. The other one is a reduction.

2231. **LORD GEDDES:** Let me rephrase the question: it is the same view.

2232. **MRS KIRKHAM:** It is the same view, yes.

2233. **LORD GEDDES:** Would it be possible, because I have found Exhibit 6 is extremely helpful with this photo montage, to do the same on your photographs 1, 2 and 4?

2234. **MRS KIRKHAM:** I have several more to come.

2235. **LORD GEDDES:** Do they have the proposed facility imposed on them?

2236. **MRS KIRKHAM:** Not for 1. We do have one for 2 and we do have one for 4.

2237. **MS KABIR SHEIKH:** We can look at that now.

2238. **CHAIR:** Would you help me just a little, Mrs Kirkham? Cardington is nearby, but does not impact upon the views that we are talking about in any sense at all. Is that correct?

2239. **MRS KIRKHAM:** That is correct, yes.

2240. **CHAIR:** Thank you.

2241. **MS KABIR SHEIKH:** Mrs Kirkham, could we just turn to the two views of viewpoint 2 and viewpoint 4, which Lord Geddes is referring to?

2242. **MRS KIRKHAM:** Can we go to 4 first, because it is the one that comes first?

2243. **MS KABIR SHEIKH:** Yes; which page is that?

2244. **MRS KIRKHAM:** Pages 53 and 54.

2245. **MS KABIR SHEIKH:** That is Exhibit 49, is it?

2246. **MRS KIRKHAM:** 49 and 50, yes. That is right. That is exactly the same view. The view from 2 is on pages 57 and 58.

2247. **MS KABIR SHEIKH:** When you say 57 and 58, the right-hand side, Exhibit 54, is the current view without the facility. Exhibit 53 is with the facility.

2248. **MRS KIRKHAM:** Yes; that is correct. That particular viewpoint is from the John Bunyan Trail just east of Cranfield. The previous one you can see is obviously from the lake, but it is also from the Marston Vale Timberland Trail, which is just to the north side of the lake.

2249. **MS KABIR SHEIKH:** My lord, I hope that is helpful at this point. We can go back to Exhibit 7 then, page 7. Here you have set out national policy. What you say is that this proposed facility conflicts with national policy. Do you want to just make the salient points for the Committee?

2250. **MRS KIRKHAM:** Yes. It is particularly important, when making a decision on a planning application or, in this case, an infrastructure project, to balance between the impacts, whether they be landscape, heritage or others, and the needs. EN-I makes it quite clear that the visual appearance of the building and the visual impact are material considerations. It is terribly important to apply good design, but not just good design on its own merits; it has to be sensitive to place, so the two go hand in hand. It is not just about the design of the building. When we come to EN-I's guidance on heritage, it is even more substantive. There is very strong guidance on the care that must be taken in avoiding harm to the heritage assets. For example, there should be a presumption in favour of conservation of designated heritage assets. Those that we will be talking about are all at a national level. Once lost, heritage assets cannot be replaced, and that includes their setting, not just the actual asset itself. The significance of that asset can be harmed through an alteration of the heritage, but also by development within its setting. All these are particular material matters that need to be taken to the balance.

(I I am)

2251. The loss of any designated asset, which includes always setting, should require clear and convincing justification. “When considering applications for development affecting the setting of a designated ... asset, the IPC should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset.” That is a key point in my evidence. Also, “The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.”

2252. It also goes on to look at landscape impact. “The aim should be to minimise harm to the landscape, providing reasonable mitigation.” Outside national designated lands, there are local landscapes—I would argue the Marston Vale Forest is one—“that may be highly valued locally and protected by local designation”. “Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention.” Obviously it is recognised that “the scale of such projects mean that they may be visible [for] many miles.”

2253. The NPPF, which I will touch on, has to be considered in conjunction with EN-I where there are material considerations that the NPPF covers. I think the fact that the IPC refers to the heritage impacts and the landscape and visual impacts shows that these are material matters. Therefore, the NPPF also comes to play. Therefore, I remind us all that sustainable development is not just about sustainable economic development; it is also about the environment. That part equally weighs with social and economic requirements for sustainable development.

2254. There is also a thread going through all of the NPPF of two things: one, the importance of protecting and enhancing landscape character; and secondly, the importance of good quality design that is appropriate for the place where the building is going to be located. Finally, I just draw attention to the local plan policies, which are in accordance with

NPPF and EN-1. I do not intend to dwell on those, but they have their own policies that support the same approach.

2255. **MS KABIR SHEIKH:** Thank you. You just make the point that the facility would be contrary to the local plan as well.

2256. **MRS KIRKHAM:** Yes.

2257. **MS KABIR SHEIKH:** Can we move to Exhibit 8? Are you happy to do that?

2258. **MRS KIRKHAM:** Yes, I am, thank you.

2259. **MS KABIR SHEIKH:** In Exhibit 8 and some of the following exhibits, what is it that you want to draw to the Committee's attention?

2260. **MRS KIRKHAM:** The importance of these exhibits, from 8 to 17, is just to set the context of how the landscape character of the Vale has materially changed and the importance of that. Exhibit 8 just gives us a bit of historic context. On the left-hand side, you can see that, up until the very early part of the 20th century, it was a rural landscape. The change started at the post-war period. You started to get a lot of extraction sites. You can see that on the right-hand side there. So the Vale started to be dug out.

2261. As we can see in Exhibit 9, at a particular point in time—we are talking about late 20th century—it reached its peak and the whole of the Vale was materially affected by extraction. These extraction sites were then used for landfill sites. If you picture it in your mind, the landscape at that time was the brickworks working, the villages you can see for yourselves, and all in between were these very large extraction and infill sites. The remainder of the landscape remained agricultural. Could I move on?

2262. **MS KABIR SHEIKH:** Yes, please.

2263. **MRS KIRKHAM:** Exhibit 10 is really to bring us up to date. It shows those areas that are already under built form, of some form or another. It shows those areas that are proposed for expansion, which you have probably seen before. It also shows the Covanta

site. I have also included the country parks, which are at Marston Vale; next to Marston Moretaine; the Ampthill Great Park down at Ampthill; the Nirah site, which is intended to be used as a leisure, tourism and research facility; and, up in the north, there is a proposal for a country park as part of the west site up there or it may be a park and ride. This is to give you an idea of how this landscape has already changed materially back to a rural agricultural landscape, notwithstanding that obviously there are considerable proposals for expansion. This is an area of growth in a rural landscape. Those are the objectives behind that. That is really to bring you up to date with that.

2264. Exhibit 11 is just some illustrations of the Vale taken from different points around the Vale. I do not know if I need to say much; again, the captions more or less tell you. Really the purpose of these photographs is just to get a feel for the Vale. In the bottom one, number 3, you can see the Stewartby chimneys. The bottom one on the right is a view from the Marston Millennium Country Park, which we will be exploring further later as well.

2265. **MS KABIR SHEIKH:** Thank you. We can move to Exhibit 12.

2266. **MRS KIRKHAM:** Thank you. Apart from the general geography of land-use characteristics of the Vale, it is also the location of a number of important national heritage assets. The plan shows for you the site and the centres you can see again. The green area there down at Ampthill Park is the area of the designated registered park and garden. That is a Grade II registered park and garden by English Heritage. South of that is Ampthill Conservation Area. To the north of the site, you can see Stewartby Conservation Area and, to the east of Ampthill Park, there is Houghton House, which is a Grade I listed building and a scheduled ancient monument. They are the main facilities that were considered by English Heritage to be affected by this development and the main facilities that I have concentrated on my evidence. There is also Millbrook Conservation Area, the red hatched area just to the left of where it says "Ampthill Park". The other assets, right on the southern edge of

2267. **MS KABIR SHEIKH:** Are we moving to Exhibit 13?

2268. **MRS KIRKHAM:** Yes.

2269. **MS KABIR SHEIKH:** Exhibit 13 is views of important national heritage assets.

2270. **MRS KIRKHAM:** To start with 1, it is of course the Grade II listed Stewartby brickwork chimneys. These have now become an iconic landmark in the Vale. That photograph is typical as you cannot see the lower buildings. It is just the chimneys that become prominent in the landscape. To the right of that is Grade I listed Houghton House, which is a ruin, which was deliberately ruined for aesthetic effect. Down at the bottom left is the same view of Ampthill Park before the development. As we saw before, there is a picture of Ampthill Park House itself, on the right-hand side. These are probably the most important assets that are most directly affected by the facility.

2271. **MS KABIR SHEIKH:** In case it helps the Committee, can you explain the relative difference between Grade I, II* and II?

2272. **MRS KIRKHAM:** Yes. Grade I is the highest level of listing.

2273. **MS KABIR SHEIKH:** What percentage, for example, of heritage assets in this country are—?

2274. **MRS KIRKHAM:** I am afraid I do not know. Sorry; I cannot help you with that. Grade II* is the next level down, and Grade I and Grade II* are considered the most important assets in the country. Grade II are listed, so they are on the national level but one step down, if you like, from Grade II* and Grade I. Beyond that, you get into local listings. Some authorities have them; some do not. Conservation areas are not graded in this way; it is only listed buildings and historic parks and gardens. In addition to that, we have scheduled ancient monuments, of which Houghton House is one. There is also Ampthill Castle, which

I do not have a picture of here, which is within the Park and that is a scheduled ancient monument. They have the highest level of protection under national planning law and heritage regulations.

2275. **MS KABIR SHEIKH:** Thank you. Exhibit I4 then is the extensive opportunities for leisure and recreation.

2276. **MRS KIRKHAM:** Mrs Marsh has already touched on some of this evidence, but I particularly want to come back to it, because of the importance of understanding the emerging landscape character. No one is contesting the fact it was a very damaged landscape at one time, with the brickworks, the clay pits and the landfill sites. We are a long way down the road of restoring that but, in the future, it will go even further. The Forest of Marston Vale has been in existence, I think, about 10 or 15 years. Someone will correct me on that, I am sure. They have already implemented quite a lot of forestry planting as part of that project. In addition to that, there are several initiatives that are already in existence. There is Ampthill Great Park and the country park at Marston Vale, both of which are extremely popular. There is the Nirah project.

2277. There are extensive promoted footpaths. I referred you earlier to the John Bunyan Trail, which runs along the Cranfield Ridge and then swings right the way round to Ampthill itself. That is one circle route, and it goes back into Bedford. Then you have the Marston Vale Timberland Trail, which is a promoted route. They are the two main ones and then there are some other ones within the area. There is a smaller one called the Marston Thrift Trail and there is the Greensand Ridge Walk, all of which are heavily promoted in the area. Houghton House is open to the public and promoted by English Heritage, so people can go and visit that, and there is a national cycle route that runs through the area as well. You have a landscape that is being heavily promoted for recreation and leisure facilities at the moment. Some of these are illustrated in Exhibit I5.

2278. The Marston Vale Millennium Country Park Centre is incredibly popular. Every time I have been there, there have been several people there. That was a particularly good day, obviously; everybody was out in the sunshine. It is very popular with locals, but also people from some distance. I met someone who had come all the way from Luton to do bird watching—that gentleman in the bottom right-hand photograph there. In the area also the Stewartby sailing and boating lake is extremely popular, and they have several events up on there. What is missing, because we could not find a good quality photograph for you, is the popular use of Ampthill Park, which, in the same way as this country park, is actually extremely popular. They have several events up there with different groups. This is just to give you a flavour of the kinds of opportunities there are here for recreation.

2279. **MS KABIR SHEIKH:** Thank you, Mrs Kirkham. Now you have Exhibit I6. This sets out what you have entitled “A green vision for the Vale”. You look at that against existing and planned policy proposals. Again, could you draw out the salient points for the Committee, please?

(11.15 am)

2280. **MRS KIRKHAM:** Yes. This draws through to the proposals for the area. Also, I wanted to draw your attention to the fact that, although this is identified as a growth area, within that context all these initiatives—the Forest of Marston Vale, the green infrastructure initiatives and, in particular also, the Marston Vale Waterway—are looking to achieve a very high level of landscape restoration in the area. The Forest of Marston Vale offers, in their words, “unprecedented opportunities for the positive transformation of the industrially scarred landscape of Marston Vale”. They are hoping to achieve 30% tree cover by 2031. “The real story is about ... green transformation.” It is “designed to achieve regeneration” and to provide a green setting for the growth of the Vale. This is growth in terms of housing and economic growth.

2281. I shall turn down to the bottom one, the green infrastructure, which is mapped on here. You can see within here there are various links, which are the cross-hatch bits. These are the more site-specific ones. The orange cross-hatch is initiatives. You can see the water corridor coming through there, but also you can see that whole swathe of pale green, which is the Luton and Bedfordshire Strategic Green Infrastructure corridor, where they are looking for opportunities to raise and enhance the landscape. There is no doubt about it; it has been damaged in the past. This details all the main objectives of these three initiatives. Under “green infrastructure”, it is “a strategically planned and managed network of accessible green space and access routes, landscape, biodiversity and heritage, which will meet the needs of existing and new communities in [Bedford]. The green infrastructure network will be protected, conserved, enhanced and widely known and valued. It will be of high quality and an example of best practice and innovation. The long-term maintenance of the network and its constituent elements [must] be resourced sustainably. The network must be multi-functional,” by which it means it must cover landscape, ecological, recreational and health benefits, “and meet a wide range of social, environmental and economic needs.”

2282. I want to draw attention here to the fact that the intentions of the borough, for this area, are to really raise the quality of the landscape. It has started to produce substantially, but this on top of that. They really want to improve matters, within the context of the promoted and planned growth of this vale.

2283. **MS KABIR SHEIKH:** Thank you. Exhibit 17 is the landscape character assessment guidance for the Vale.

2284. **MRS KIRKHAM:** I have included this, because you will remember earlier that importance was attached in national policy to using landscape character assessments, where they exist, to guide whether development is acceptable or not. I have not included in here all the levels of guidance. There is national guidance. In this case, we have got district-level

guidance, and it is the district-level guidance I have sort of edited down for your benefit, because actually these are very long documents. What is particularly important is that all of them recognise the fact that this study was carried out in 2007 and, at that time, the Vale was still fairly damaged. You can see, even if you go out today, there has been a material change since 2007. What is important is what that guidance is looking for. The landscape character assessment, having assessed what is there now, is how they want the Vale to look in 10 or 15 or 20 years' time. It is those parts that I have extracted out for you.

2285. I do not know whether anybody has been through a landscape character assessment, but it is typical to designate an area that has common characteristics. The blue area is the Vale, which is all the flat ground below the ridges. The ridges are picked up in the green, to the bottom, which is the Greensand Ridge, and the yellow, which is the Cranfield Ridge on the other side. Those areas have got numbers. The first of these paragraphs refers to the Vale, which is LCA 5D. They set out strategies and guidelines for that landscape and where they want to go for the future. If I can read from that, the strategy is “to continue to enhance/renew the landscape of the Marston Clay Vale. In addition, the history of mineral extraction provides opportunities to create new landscape character, as is evident from the large-scale restoration. The Forest of Marston Vale Forest Plan should be referred to as the endorsed strategy”—to which I referred earlier—“for environmentally led regeneration of the area.”

2286. Underneath that, you get the more particular guidelines. They recommend: “Conserving the open character of the Vale and important views from” the Greensand and Cranfield Ridges, which I referred to before, to conserve “the unique historic character of Stewartby and its chimney stacks as landmark features; avoiding the creation of bunding to conceal development; ensuring that any development improves the harsh interface between the built form and open countryside through planting and new hedgerow planting”.

2287. If we go up to the ridge to the south, the Greensand Ridge, that too has strategy and guidelines. “The overall strategy is to conserve and enhance the landscape. Conservation should focus on sensitive features, such as the parkland,” which for our purposes is Ampthill Park, “and the skyline.” The skyline from up here is Cranfield Ridge on the other side. You are looking across the Vale to the skyline beyond, which is Cranfield Ridge. To get to Cranfield Ridge itself, again their guidelines reflect the same thing. Cranfield Ridge is up here, and the guidelines recommend “conserving the largely rural character of this area” and “considering the effects of large-scale vertical elements”, which are the views from that area here, “on skylines”, which is this skyline here, “and key views”.

2288. **MS KABIR SHEIKH:** Now we can go to Exhibit 18, which is the visual impact. These are the extensive views created by the local topography. Could you explain this exhibit, please?

2289. **MRS KIRKHAM:** This is really just to help. The plan on the left-hand side is taken from the design and access statement.

2290. **MS KABIR SHEIKH:** That is a Covanta document.

2291. **MRS KIRKHAM:** Yes, that is a Covanta document. We copied it over, because it illustrates very nicely the horseshoe effect of the Greensand and the Cranfield Ridges, which I was talking to you about just earlier. We have plotted the site in the centre. You can see it sits centrally in the middle there. We have then chosen two views, one on each of the ridgelines, to illustrate to you the type of view that you will get at the moment. View A is taken from the Cranfield Ridge. This is a footpath that wanders along the ridgeline from Cranfield, across to Wootton, and looks over the Vale. If you look at the photograph of view A, you can see the ridgeline of the Greensand Ridge in the far distance. You can see the wooded vale. You can see there is a farm there; that is just a farm.

2292. The one at the bottom to the right is the reverse view. They are looking at each other. The bottom one is the reverse view from the footpath at How End, which you can see there as view B, looking back to Cranfield Ridge. Again, you can see Cranfield Ridge in the far distance. You can see the wooded middle ground, and you can see the fields in the foreground. Really this drawing is to illustrate to you the importance of the relationship between these open views from the ridgelines and the open aspect of the Vale. You can see straight across it, from ridgeline to ridgeline, and anything in the Vale is very prominent.

2293. **MS KABIR SHEIKH:** If we turn over to Exhibit 19, that is where you start dealing with the visual impact of the Rookery proposal. You need to explain Exhibit 19 first, and then we can move on to the typical views of the proposals.

2294. **MRS KIRKHAM:** Thank you. Exhibit 19 is what is known as a zone of theoretical visibility. This is a computer-generated model of the areas that are likely to be able to see the facility. It is specific to the Covanta facility. You model in the Covanta facility and, using computer terrain modelling, you can pick up those areas that will have a view of the facility. This particular—excuse me abbreviating—ZTV takes into account the screening benefits of houses and woodland blocks. If you imagine a bare-earth ZTV, it would assume that there was nothing on the landscape at all, only the RRF in the middle, but obviously things block your view, so we have factored in the main ones. It is just not possible, especially at that scale, to factor in every hedgerow and tree belt, so you have to take that into account. The ZTV goes out to six kilometres.

2295. You will see then we have these four zones, which represent the zones with the greatest impact. Zone 1 is where you can see the most of the facility, going down the colours to orange. Orange is the lesser one, but they are all showing the greatest impact. In order to illustrate that to you, sirs, we thought the easiest thing would be to show an example of viewpoints, with the photomontages in, taken from each one of those zones.

Those are identified on Exhibit 19. You can see the zone I view is right down in the middle on the 1-kilometre radius, which is the first of these views, which is taken from the back of that Country Park Forest Centre, which we saw earlier with all those people.

2296. **CHAIR:** May I help you, Mrs Kirkham? I do not think it is necessary to go through each of the photographs. I think we do understand the meaning of the plan. It would be helpful if we could simply move on a little.

2297. **MRS KIRKHAM:** I am very pleased to do that, thank you.

2298. **MS KABIR SHEIKH:** Thank you, Mrs Kirkham. We have got the four ZTV zones. We can move to Exhibit 21.

2299. **MRS KIRKHAM:** At earlier stages of doing this, I went out and visited the whole area, using the ZTV as a guide, and these viewpoints represent a range of visual locations in the landscape from where you will be able to see the facility. You will see that they are graded as viewpoints from heritage assets, those that are heritage and residential, those that are leisure and heritage—for example Houghton House—and those that are residential on their own. Of that number there, which is about 35, I think, though they are not all numbered, we have selected 10 to illustrate as photomontages to help you. Quite clearly, you can see this pattern of views up on the higher ground, on the middle ground and also just near to the facility.

2300. **MS KABIR SHEIKH:** The visual impact you have in Exhibit 22 is the ineffectiveness of brown roof and green wall. What is that?

2301. **MRS KIRKHAM:** This rather moves on. Sorry; I am just finding the right place. I do apologise. This really moves on a topic here.

(11.30 am)

2302. **MS KABIR SHEIKH:** Sorry; is there anything else you want to say about Exhibit 21 before we move on?

2303. **MRS KIRKHAM:** No, I do not think so.

2304. **MS KABIR SHEIKH:** Are you happy to move to Exhibit 22?

2305. **MRS KIRKHAM:** Yes, I am.

2306. **MS KABIR SHEIKH:** The next series shows various elevations. Could you take the Committee through what it is you want to demonstrate through these elevations and the model?

2307. **MRS KIRKHAM:** You recall that, at the beginning, we were looking at the various landscape measures to mitigate this development. The next two exhibits are really to explore how effective what they are promoting is going to be in mitigating the impact. I have only looked at the landscape ones; my colleague will be looking at the buildings one. The first one, if I could draw your attention to it, is the brown roof, which is marked on these drawings. In the blow-up there, you can see the brown roof on top of those two large platforms. What is interesting, though, is we could not find any view where you would be able to see those brown roofs. Although they may have some ecological benefit, there is actually no landscape-mitigation benefit at all in visual terms, because you cannot see them. They are often behind a small parapet, but you just do not look down on them, and you have to look down on them to be able to see them. This is despite the fact that we have viewpoints that are quite elevated above this facility. Although this would be a nice thing to have, it does not actually do anything to help mitigate the visual impact of this development.

2308. **LORD FAULKNER:** Can I just be clear about one thing? Is Mrs Kirkham saying that the fact it is brown makes it less acceptable, or simply that the building itself is so large that you are bound to see it, whatever colour it is?

2309. **MRS KIRKHAM:** Could I step back a bit from that? The objective was to have a vegetative roof, so it would not look as stark as a roof covered in some material, hard material, so it is a combination of the colour and the texture that is supposed to mitigate it,

but you have to be able to see it in order to get some benefit from it, from a visual point of view.

2310. **LORD FAULKNER:** If you cannot see it, how is it intruding?

2311. **MRS KIRKHAM:** It is not a matter of intrusion. No, it is not intruding in itself.

2312. **MS KABIR SHEIKH:** My lord, maybe I can help. One of the mitigating factors put forward by Covanta is that it has a brown roof and that it is going to have this vegetation that is going to be very helpful in that respect. All that Mrs Kirkham is doing is pointing out that however good that roof is, it is irrelevant.

2313. **LORD FAULKNER:** It will not make any difference.

2314. **LORD GEDDES:** It is a waste of time.

2315. **MS KABIR SHEIKH:** It will not make any difference. You cannot see it, exactly. That is her point.

2316. **MR MOULD QC:** Can I just add one point, because it is simply a point of fact? We do not put this roof forward as a factor that has any mitigating quality whatsoever insofar as landscape and visual impact is concerned.

2317. **CHAIR:** Thank you for that clarification, Mr Mould.

2318. **MS KABIR SHEIKH:** Thank you, sir. Do you want to carry on, Mrs Kirkham? I am not going to ask you where your understanding derives from. You have made your point and I think we can just move on. Do you stand by what you said?

2319. **MRS KIRKHAM:** Yes, I do, yes.

2320. **MS KABIR SHEIKH:** Carry on then, please.

2321. **MRS KIRKHAM:** Then we get to the green wall that is proposed. Now we were slightly misled, I think.

2322. **MS KABIR SHEIKH:** Just before you start, is the green wall something else that has been put forward as mitigation?

2323. **MRS KIRKHAM:** As I understand it, yes, particularly for views from Marston Vale Country Park. They say that the green wall will soften the appearance of the building in views from the Country Park. If you look at these photographs and the illustrations, you will see that the green wall, which is climbers up the side of the wall, is contained within an edge and it is a rigid edge. We are not talking about a situation where you might plant up a garden wall with planting and then you cannot see that fence or garden wall anymore. In this situation, you will always see a square large building, within which there is a panel of planting. That is how it will read. It will not soften the building. It is just a panel of planting in this very hard building. That is shown quite clearly in the photomontage, which is a copy from Covanta's own environmental statement.

2324. **MS KABIR SHEIKH:** Is that number 3?

2325. **MRS KIRKHAM:** That is number 2.

2326. **MS KABIR SHEIKH:** Sorry, number 2. So that makes your point.

2327. **MRS KIRKHAM:** Yes. You can see on the illustrations where this green wall is going to go on the ends of this building.

2328. **MS KABIR SHEIKH:** To the extent that it has been part of Covanta's case that they are mitigating, you make the point that the brown roof and the green wall do not achieve that.

2329. **MRS KIRKHAM:** That is correct.

2330. **MS KABIR SHEIKH:** Thank you. Can we move to Exhibit 23?

2331. **MRS KIRKHAM:** 23 and 24 are there to remind us, and in fact I think Covanta has made this quite clear in their own evidence in the environmental statement and design access statement, that it is extremely difficult to screen anything of this magnitude. It is very difficult to do, except for specific viewpoints. The landscaping is designed just to screen the lower parts of this development. I thought it would be helpful to illustrate in here what this

planting will look like when it goes in, and what it will look like after 10 years. You can see in each one of these sections there is the main building and, next to it, some trees. The little trees are how they will be when they first go in; the dotted line is how they will grow, with a fair wind, in 10 years' time. You can see the scale of that is very, very small in relation to this development. If you go back to the exhibits where I showed the planting as proposed, you can see that the areas of planting are really relatively small and narrow, with some exceptions. There is a small area of planting on section 1 on the left-hand side of the building. You can see, even with a bund, the planting is considerably lower than the building. On the right-hand side, there is a small area of forestry planting up on the top there. That is exceptional; the rest of the planting is in the pit itself. That is the only planting outside of the pit. The others are to illustrate the relative difference in scale between the proposed and the existing planting, for that matter, shown in section 3, and the development itself.

2332. **MS KABIR SHEIKH:** Thank you. Do you want to go back to Exhibit 2 at all for the landscaping or are you happy that you have made your point?

2333. **CHAIR:** Would you allow Mr Uppal to pose a question?

2334. **MS KABIR SHEIKH:** Of course.

2335. **PAUL UPPAL:** I may take you back to Exhibit 2. Forgive me for this. Sorry to return to this issue, but was the original idea that the trees, the planting and the bund would actually make more of an aesthetically visually appealing level covering that bottom wall and the green wall would then sit above that? Was that the idea or am I reading too much into this?

2336. **MRS KIRKHAM:** I do not know about aesthetically pleasing, but I think the main purpose was to screen it from the Country Park or to soften it, in the case of the green wall.

2337. **CHAIR:** Do continue. Can I draw your attention, however, Ms Sheikh, to the time? You may want to think about how you fit your remaining questions in.

2338. **MS KABIR SHEIKH:** I am grateful, sir. I think we will probably conclude with going back to Exhibit 2, if you think that is useful, just to deal with this point. Should we have a hand in Exhibits 23 and 24 as well?

2339. **MRS KIRKHAM:** Yes, I think that would be useful.

2340. **MS KABIR SHEIKH:** Could we have a hand in both, so we can look at Exhibit 2 against 23 and 24?

2341. **MRS KIRKHAM:** If we start with section 1 on 23, and then go to Exhibit 2, that is taken in a sort of long section through the site. The bund that you can see is the bund at the eastern end of the development. Sorry; I am wrong about that, my apologies. I am getting ahead of myself there. It is taken the other way through; it is taken in a northeast-southwest direction. You can see the development at the beginning, the bund just south of that building and, if you continue the section line, it comes up to the planting, which you can see right at the bottom, which is up on a higher level above the lip of the pit. You can see the scale of the planting there.

2342. The second section is taken in an east-westerly direction. You can see again the bunding just along the eastern edge of the development there. It does not take you in any further. Section 3 is a section going in the other direction from the facility towards the Country Park. You can see the line of trees referred to. You can see the little bobbly line just to the west of the development. That is that line of trees we have shown there; they are new specimen trees at 6 metres, and indicated at 9 after 10 years. You can see the railway line and beyond that the proposed and existing planting. What is useful to see also, as an aide memoire, are the two little people to show you the scale of a person in comparison with all this.

2343. **MS KABIR SHEIKH:** That is on Exhibit 24, is it?

2344. **MRS KIRKHAM:** Yes, that is on Exhibit 24.

2345. **MS KABIR SHEIKH:** Is there anything else you want to say on this, because it might be a convenient place to stop?

2346. **MRS KIRKHAM:** The only thing I would like to say, as we are talking about the scale of the planting, is that the planting on the bottom south edge is the only planting that is at the higher level. The rest of it is going into the pit itself. You can imagine it has got steep slopes with planting down the slope, rather than up at the top, so obviously there is a more limited benefit in screening terms. There is a hedgerow proposed along the eastern boundary there against the railway line, and there is a hedgerow proposed along the western boundary.

2347. **MS KABIR SHEIKH:** Thank you. Sir, this would be a good moment to stop.

2348. **CHAIR:** I am very grateful, Ms Sheikh.

Public session adjourned at 11.45 am

Ordered at 2.06 pm: That the Parties be called in.

2349. **CHAIR (MR BRIAN BINLEY MP):** I will just remind any newcomers that telephones should be switched off, and secondly point out that if you hear a bell, it will not be a fire alarm; we have announcements to deal with that. However, if you do hear a bell and it is for a division, we will suspend the meeting for the time the division takes to complete. Ms Sheikh, I think you were in the process of cross-examining your witness, Mrs Kirkham, and I think, if I remember rightly, you were on Exhibit 23.

2350. **MS KABIR SHEIKH:** Indeed, Sir.

2351. **CHAIR:** Thank you.

2352. **MS KABIR SHEIKH:** Thank you, and in fact Exhibits 23 and 24 you had, I think, concluded on.

2353. **MRS KIRKHAM:** That is correct, yes.

2354. **MS KABIR SHEIKH:** So we can move straight to Exhibit 25.

2355. **CHAIR:** I am grateful.

2356. **MS KABIR SHEIKH:** Exhibit 25 is really a chart, Mrs Kirkham. What you do here is to set out the various heritage assets on the left-hand side. You then set out what their grade is; the Committee can see that as I speak. Then you summarise the impact on the visual setting and the views from each of these heritage assets, and the impacts. I think you assess all of these as being most greatly affected by the facility.

2357. **MRS KIRKHAM:** That is correct, yes.

2358. **MS KABIR SHEIKH:** If we move down, “Minor Heritage Assets”, again you list the four heritage assets on the left. You describe what their grade is or where they are. One is Grade I, the others are in the conservation area, and then the impacts on the visual setting, again, you can see what they are, summarised in the last column on the right.

2359. **MRS KIRKHAM:** That is correct, yes, thank you.

2360. **MS KABIR SHEIKH:** Good. Unless you have anything else to say on that, I will move on.

2361. **MRS KIRKHAM:** No, that is fine. Thank you.

2362. **MS KABIR SHEIKH:** In Exhibit 26, you introduce Capability Brown. Unless the Committee, or you, say that they want me to speak a lot about Capability Brown, I will assume that everybody is very familiar.

2363. **CHAIR:** We are very happy. Most of us have gardens designed by him.

2364. **MS KABIR SHEIKH:** I am sure. I expected no less.

2365. **MR MOULD QC:** Ms Sheikh has two.

2366. **MS KABIR SHEIKH:** Capability Brown's importance is appreciated by the Committee, and we can see that you have put various examples of his work. You then introduce at Exhibit 27 Capability Brown's designed features for Ampthill Park, and you set them out in this exhibit. I think it would probably be helpful if you ran through these relatively quickly, because the Committee have the photographs in front of them.

2367. **MRS KIRKHAM:** Quickly going back to Exhibit 26, just to notice that Capability Brown was employed to do a lot of work here, and he was paid £2,396 at the time.

2368. **CHAIR:** Mrs Kirkham, Capability Brown was employed to do a lot of work all over the country, so I think we are well aware of his import.

2369. **MRS KIRKHAM:** Yes, yes.

2370. **CHAIR:** So if you would proceed, I would be grateful.

2371. **MRS KIRKHAM:** Thank you very much. Thank you. Exhibit 27: this is to illustrate how much of the Capability Brown planting still exists, and also the elements that he designed into his design for the park. So for example, Katherine's Cross and terrace is the site of the former Ampthill Castle and Katherine's Cross, and the Tudor terrace that still survives from the Tudor house that used to sit at this position, which replaced the castle once upon a time. You can see the lake, which is in the bottom photograph, which was redesigned and taken into Capability Brown's design. You can see the west approach, which is the old carriage approach if you are coming from the west. It was designed so that there was an element of surprise as you came to the house. You can see Park Farm, which pre-existed but was incorporated into the design, and also you can see the various tree clumps, which were designed by Capability Brown to design and frame the views, if you are

2372. **MS KABIR SHEIKH:** Shall we move over to Exhibit 28?

2373. **MRS KIRKHAM:** Exhibit 28: this work is based on a study done by Debois, which post-dates the evidence given by English Heritage to the IPC. It is much more detailed, understanding the importance of Capability Brown's design. These four viewpoints were deliberately designed by Capability Brown over the Vale. They include the view from the front of Ampthill House. Ampthill House had been slightly amended to allow views over the Vale. The design had been changed by the architect and by Capability Brown to frame views over to the west. You can see those two red lines show the cone of view, which is the view between those clumps of trees, and you can see the red Covanta building sitting within that cone of view. The second view is from 2, which was named the "Grand View". This was in earlier photographs we looked at, with the view of the house in the middle ground, and over the Vale in the background. That was designed from up on the terrace, deliberately framed by the trees, to allow a view of the Vale, and again you can see with the green lines, Covanta is in the middle. View 3 is from Katherine Cross, also Ampthill Castle site, also the Tudor terrace, which is also a very prominent viewpoint. That again has the same principle, designed over the Vale, with the Covanta in the middle. Last but not least is view 4, which is from the western approach down the carriageway with a view towards the house, which also extended over Park Farm and across the Vale, and you can see from the yellow lines the building is in the middle of that cone of view. Right. I think that is all I have to say for that.

2374. **MS KABIR SHEIKH:** Thank you, that is very helpful. Effectively, what you would want the Committee to draw out of this is that in all the views you have shown, they can also see the Covanta building.

2375. **MRS KIRKHAM:** Yes, it is placed centrally.

2376. **MS KABIR SHEIKH:** Within those views?

2377. **MRS KIRKHAM:** Within those views.

2378. **MS KABIR SHEIKH:** I am grateful. You can see that in the red markings.

2379. **LORD GEDDES:** Mrs Kirkham, I wonder if you would be kind enough, on Exhibit 27, to indicate where Ampthill House is? I cannot actually see it on that map.

2380. **MRS KIRKHAM:** Yes. If you look in the larger part of the Park, where you see Park Farm—

2381. **LORD GEDDES:** Yes.

2382. **MRS KIRKHAM:** —if you go to the right of that, you can see where it says “Tree clumps survive”—

2383. **LORD GEDDES:** Yes.

2384. **MRS KIRKHAM:** —the house is just there.

2385. **LORD GEDDES:** Oh, it is in the middle of the tree clumps.

2386. **MRS KIRKHAM:** Yes.

2387. **LORD GEDDES:** Got you. Yes, I can now see. Thank you very much.

2388. **MS KABIR SHEIKH:** Thank you. 28 we have looked at; it shows effectively the facility within those views that you have numbered 1-4. Exhibit 29 shows views designed by Capability Brown for Ampthill Park, and these are recorded in paintings.

2389. **MRS KIRKHAM:** That is correct.

2390. **MS KABIR SHEIKH:** And these are the four examples. Is there anything in particular you want to draw out of these paintings?

2391. **MRS KIRKHAM:** Only to say these are 19th century paintings. Interestingly, these four pictures illustrate those four viewpoints very nicely. They are the only ones we had access to; there may have been others. It just shows the importance of these views at that time. It is interesting particularly—

(2.15 pm)

2392. **LORD FAULKNER:** Could I just ask one question? Number 1, the 19th-century painting close to view 1 is presumably before the arrival of the brickyards?

2393. **MRS KIRKHAM:** Yes. That is correct.

2394. **LORD FAULKNER:** So if you did this painting some years later you would have a huge scar in the foreground, showing clay being extracted to make bricks.

2395. **MRS KIRKHAM:** I do not know if you would in the foreground. You would not in the foreground. In the far middle, you would find—

2396. **LORD FAULKNER:** Presumably where the facility is intended to be.

2397. **MRS KIRKHAM:** Yes, that is right. Where the pit is, which I would say is just below the ridge line at that position. It is sort of far middle ground.

2398. **LORD FAULKNER:** So it would not be fair to say that this painting resembles anything that has been seen in that area for 100 years?

2399. **MRS KIRKHAM:** It was probably about 75.

2400. **LORD FAULKNER:** Yes, okay.

2401. **MRS KIRKHAM:** Of course, Rookery Pit itself, is a more recent extraction, so it was not extracted 75 years ago. It was extracted much more recently.

2402. **LORD FAULKNER:** Yes. I do not want to decry the point you are making, but it is not to preserve that landscape shown in picture 1, in Exhibit 29, that the debate is about today, is it?

2403. **MRS KIRKHAM:** We are not trying to preserve it because it has changed.

2404. **LORD FAULKNER:** It has changed.

2405. **MRS KIRKHAM:** That is without doubt. But of course we are trying to restore it back to something more like that, yes. What is also interesting is that picture 2, if you go

back to my picture of the house, is almost identical. Even despite the 150 years, that is almost identical.

2406. **MS KABIR SHEIKH:** Mrs Kirkham, if we move to Exhibit 30, I think this is where you have produced a number of photomontages.

2407. **MRS KIRKHAM:** Yes.

2408. **MS KABIR SHEIKH:** I think some you have produced, and some you have taken from Covanta's ES.

2409. **MRS KIRKHAM:** That is correct, yes.

2410. **MS KABIR SHEIKH:** Now the first question I want to put to you is this: insofar as you or your firm has produced these montages, you have done so using computer aided design, or CAD technology.

2411. **MRS KIRKHAM:** That is correct.

2412. **MS KABIR SHEIKH:** I think you have used Covanta's computer aided design.

2413. **MRS KIRKHAM:** That is correct, yes.

2414. **MS KABIR SHEIKH:** I want to just clarify this with you: in terms of the methodology you have used, have you shared that with Covanta?

2415. **MRS KIRKHAM:** Yes, we passed over about 10 days ago the methodology we had used to produce these photomontages.

2416. **MS KABIR SHEIKH:** That deals with a number of things: height of the camera, eastings, northings, photographs and so on. In all of these 10 days since you shared that technical information, have you had any criticism or comments back from Covanta?

2417. **MRS KIRKHAM:** No comments and no criticisms.

2418. **MS KABIR SHEIKH:** Good. In terms of the methodology you have used in producing these montages, can you confirm or not whether you followed best practice?

2419. **MRS KIRKHAM:** Yes, we followed best practice. The people who have produced this are experienced in photomontage production.

2420. **MS KABIR SHEIKH:** Hopefully that will save some time. The next question I want to ask you relates to, in general, the scope of these montages. They are not panoramas, or panoramic.

2421. **MRS KIRKHAM:** No.

2422. **MS KABIR SHEIKH:** Could you explain to the Committee, please, how they are to look at these, and what they are meant to represent, before we get into the detail of them?

2423. **MRS KIRKHAM:** Yes. These photographs are one single shot, the equivalent of a normal camera, in the old days, with a 50 mm lens. That is the equivalent of one of those, and what the human eye can see standing and looking out from these positions. As you turn your head you will see a series, and you can stitch them together to make a panorama. What these represent is what you as an individual, standing in that position, would actually be able to see, at the correct scale, as near as possible.

2424. **MS KABIR SHEIKH:** Thank you. So this is not a photograph or a montage that involves a view that would turn your head?

2425. **MRS KIRKHAM:** No.

2426. **MS KABIR SHEIKH:** This is literally just standing and looking?

2427. **MRS KIRKHAM:** That is correct, yes.

2428. **MS KABIR SHEIKH:** That being so, are you happy to start going through these montages for the Committee? Sir, can I ask that when you look at these, if it is possible, you open up the two pages together, so that you can see them side by side? One is the montage with the proposals, and the other is the current view. I think it is probably better to see them together. Do you agree with that, Mrs Kirkham?

2429. **MRS KIRKHAM:** Yes, I think that is essential.

2430. **MS KABIR SHEIKH:** Shall we start, then, with Exhibits 30 and 31?

2431. **MRS KIRKHAM:** Yes. Thank you very much. This photomontage is one of Covanta's in actual fact, because we double-checked all their photomontages. We were comfortable they were accurate, so we have reused them in these cases. This is taken from viewpoint I, from the outside of the house. It is not a public viewpoint; there is one just below, which is from the public footpath, but this represents the view from a heritage asset, which is the house in this case, and from the way it was designed, to orient itself in this direction. You can see on your right-hand side what it looks like at the moment. You can see a pale strip in the middle, which is part of the pit, and then you can see vegetation along the railway line and in the centre. Obviously on your left-hand side is the photomontage of the facility. What you can see is that with any landscape it only affects the bottom of that building. The building obviously is much, much larger than anything else in that landscape. The chimney obviously breaches the skyline. Almost half of the chimney breaches the skyline, and you will also notice that when you see the building against the pale, washed-out horizon, it stands out more greatly and is quite clear. There is a clear demarcation of that building. You cannot do it on a photograph; a photograph does not allow you, but when you are out in the field your eye provides scale in that direction—much better than this photograph, I am afraid—and you will be aware of the fact that the skyline is in the far distance and this building is in your middle view. If you do decide to go on your site visit, this is a wonderful *aide memoire* in the field for you to imagine what the thing might look like if it were to be built. I do not know that there is a lot more I can say about that.

2432. **MS KABIR SHEIKH:** The Committee have it, and if they go and see the site they can hold it up and have a look.

2433. **MRS KIRKHAM:** Could I just briefly explain the little cartoons at the bottom, to try to give you a sense of scale? The little tree, the little pylon and the Stewartby chimneys are

2434. **CHAIR:** It might be helpful to both Counsels to know that the Committee has decided to visit the site on the 28th, which will mean that we will not be sitting in Committee in this place, but you might want to be present or have people present with us on that visit. That might also help you, Mrs Kirkham, to know that we will take your book with us. We will be able to see the points you make.

2435. **MRS KIRKHAM:** And I will be able to point those out to you at the time.

2436. **CHAIR:** I think that might set your mind at rest a little.

2437. **MRS KIRKHAM:** Thank you very much.

2438. **MS KABIR SHEIKH:** Thank you, Sir. That will mean also, I think, that we can take this relatively more quickly, I think.

2439. **MRS KIRKHAM:** I think so.

2440. **MS KABIR SHEIKH:** That is helpful. Can I ask you one thing, though? You made the point that this is not a public viewpoint. In terms of impact on the heritage asset, does that matter in the context of harm?

2441. **MRS KIRKHAM:** No. Not at all, no.

2442. **CHAIR:** Lord Geddes would like to pose a question.

2443. **LORD GEDDES:** I just wanted to ask, and I may be doing Mr Mould's job for him, but at the end of the session two weeks ago, we were given a free-standing montage, remarkably similar to the ones we have here, and it looks to me as if the brick chimneys are cunningly disguised behind a griffin statue. Would that be right?

2444. **MS KABIR SHEIKH:** I do not have that one right in front of me. Can you answer that, Mrs Kirkham?

2445. **MRS KIRKHAM:** The brick chimneys are actually behind the tree.

2446. **LORD GEDDES:** They are behind the tree? All right. The tree or the griffin; I am not fussed. The dog, is it?

2447. **MRS KIRKHAM:** I do not think it was done deliberately.

2448. **LORD GEDDES:** It is quite indicative.

2449. **MS KABIR SHEIKH:** And of course, My Lord, this is Covanta's own photograph, or photomontage, so we have not made this.

2450. **LORD GEDDES:** I realise that. It was just the absence of the brick chimneys that I found indicative.

2451. **MRS KIRKHAM:** If you go up you will be able to see that when you are out there, by moving around.

2452. **MS KABIR SHEIKH:** Shall we move on from this?

2453. **MRS KIRKHAM:** Yes, thank you.

2454. **MS KABIR SHEIKH:** All right. Exhibit 32 and 33, then. Again, this is the view from the park to the house. Is this a public view?

2455. **MRS KIRKHAM:** This is a public view, a very well used view.

2456. **MS KABIR SHEIKH:** A well-used view.

2457. **MRS KIRKHAM:** But it is also a deliberately designed heritage view by Capability Brown. It is what was called the "Grand View". We have briefly looked at this before.

2458. **MS KABIR SHEIKH:** Yes, we did. What I do want to do, however, is ask you this. There is, of course, a permission close to the Covanta facility for a single wind turbine. Could you comment, please, on what you say the effect or relevance of that is in the context of assessing the harm?

2459. **MRS KIRKHAM:** The wind turbine was approved, as far as I understand it, on the casting vote of the Planning Chairman, despite the fact that there were objections to the visual impact of the turbine. However, it is there now. It is being constructed. They have put in the pad and so on. It sets the context, so we actually have something that is tall but very slender, and is on its own. It is also, however, completely different from this facility. The turbine will be there and this facility will jar. They are almost next door to each other within that view; they are very, very close to each other. You will have something moving, a wind turbine, next to this very large facility, which is completely contrasting with the wind turbine itself. Also, of course, the fact that the turbine is there does not mean it is a good reason to have another much, much larger facility right next door.

2460. **CHAIR:** Might I question you on the turbine? Normally onshore turbines are about 147 metres high, are they not? Is it that sort of turbine?

2461. **MRS KIRKHAM:** It is 120 metres high to the top of the revolving blades, and 85 metres to the hub. It is probably not of the largest sort that you are thinking of.

2462. **CHAIR:** That helps me.

2463. **MRS KIRKHAM:** It is probably the next level down. It is obviously still quite a large structure, but of course as you know it is a slender thing.

2464. **LORD DEAR:** Can I pursue the issue of the turbine? I suspect Mr Mould will probably want to talk to you as well about that. As I understand it from evidence given, I think, on the first day, the height of the extremity of the blade is higher than the stack that is proposed.

2465. **MRS KIRKHAM:** That is correct, yes.

2466. **LORD DEAR:** Therefore the span of the perimeter of the blades will be fairly large.

2467. **MRS KIRKHAM:** It will be, yes.

2468. **LORD DEAR:** And they will move, by definition; they are wind turbines. We have also heard evidence today about the plume, which is a moving entity: sometimes according to climatic conditions the plume would be visible, and at other times it would not. Turbine blades, however, when moving—and they nearly always do move—would be visible no matter what the climatic conditions.

2469. **MRS KIRKHAM:** That is correct, yes.

2470. **LORD DEAR:** It is perhaps an unfair question, and you must tell me if you think it is and you cannot answer it, but have you any idea why permission was given for the turbine and denied here? Or are you saying that the Council themselves resisted the construction of the turbine?

2471. **MRS KIRKHAM:** In landscape visual terms, yes, they did.

2472. **LORD DEAR:** They resisted?

(2.30 pm)

2473. **MRS KIRKHAM:** There was an objection on landscape and visual grounds.

2474. **LORD DEAR:** Did the Council resist?

2475. **MRS KIRKHAM:** As a whole? As a body, obviously they decided to approve it.

2476. **LORD DEAR:** I am sorry.

2477. **MRS KIRKHAM:** It is a balance, as I said. There was a casting vote by the Chairman. I cannot help you with all the details behind it, but I do know that.

2478. **LORD FAULKNER:** But it was approved by the Council?

2479. **MS KABIR SHEIKH:** Yes, it was.

2480. **MRS KIRKHAM:** Yes, it was.

2481. **LORD DEAR:** You are saying permission was given? It was approved by the Council?

2482. **MRS KIRKHAM:** That is correct, yes.

2483. **CHAIR:** May I just ask a little further? Planning Officers are required to give advice to Planning Committees. It might be helpful if we understood what that advice was.

2484. **MS KABIR SHEIKH:** Yes. Sir, I will make sure we have that. What I can tell you for the moment is that it was approved by the Council on the casting vote of the Chairman, so it was an on-balance decision, but I will get the Committee report, or the Officer's report.

2485. **CHAIR:** The advice from the Planning Officer to the Council would bring some clarity to the matter.

2486. **MS KABIR SHEIKH:** That is right. That is in that document.

2487. **LORD DEAR:** For the avoidance of doubt, is there any reason why that turbine has not been shown in any of the montages you are entering as evidence today? That permission has been given. You have already said it is being constructed, so that is a "done deal" as they say in some quarters. Surely that should have been shown in the montages as well.

2488. **MRS KIRKHAM:** Yes, you are probably right. We did not have the CAD model for that, and we would have put ourselves open to criticism if we best guessed what it would look like.

2489. **LORD DEAR:** With the greatest respect, however, you are best guessing here, are you not?

2490. **MRS KIRKHAM:** No, bear with me. There is a difference, because we have taken the computer aided design model, which is produced by Covanta, by their architects, and is in electronic form. We have used that to create the photomontages. The design is then placed in exactly the right position in the landscape, and rendered, which means coloured up, in accordance with the materials and the colours they have chosen to use. Some of these photographs, as we said, are Covanta's own, and some of them are ours. We have

double-checked ours and also double-checked that we were comfortable that theirs were accurate, if that helps.

2491. **LORD DEAR:** I will not pursue the point. I suspect that Mr Mould will want to take the issue up in cross-examination.

2492. **MRS KIRKHAM:** Okay.

2493. **CHAIR:** I would like to pursue one aspect of the point. If you have seen one wind turbine, you have pretty much seen them all, quite frankly. They do not come in fashionable colours or in different shapes, although they do of course come in different sizes. Even though it might be an estimation of the siting, you have pretty accurate figures about where it will go. You would have had to have those figures for the Planning Committee. I would like to see a montage showing that. I think it is rather important.

2494. **MRS KIRKHAM:** There was one tabled earlier for Mrs Marsh, but I cannot remember which.

2495. **MS KABIR SHEIKH:** Yes, it was.

2496. **MR MOULD QC:** If I can help, it is in the large pack, COV4. It is at page 5, and it is the middle photograph. What it does not do, Sir, which I think you may have had in mind, is to show both the wind turbine and the proposed facility together.

2497. **CHAIR:** I think that is what we would particularly like to see.

2498. **MRS KIRKHAM:** I think that within Covanta's material they did earlier for the IPC, there is an example.

2499. **MR MOULD QC:** Or the Committee. If we can help on that, we will do so.

2500. **CHAIR:** Hopefully you can have that for our next sitting.

2501. **MRS KIRKHAM:** Absolutely.

2502. **CHAIR:** We would be grateful. Thank you very much.

2503. **MS KABIR SHEIKH:** We will do. We will have that, and the Officer's advice.

2504. **CHAIR:** Thank you very much. Do continue.
2505. **LORD GEDDES:** Would Mr Mould be kind enough to tell us which page it is on in COV4?
2506. **MR MOULD QC:** Yes, it is on page 5. It is the middle; there are three frames.
2507. **LORD GEDDES:** Oh yes, I have got it.
2508. **MR MOULD QC:** We did look at it briefly with Mrs Marsh.
2509. **LORD GEDDES:** Yes, we did. I knew I had seen it somewhere.
2510. **MR MOULD QC:** It is what is known in the trade as a “wire frame” I think.
2511. **CHAIR:** Can I be absolutely clear about what we want to see? We want to see the wind turbine in relation to the site and the building itself, on the sorts of size of pictures that you have here.
2512. **MS KABIR SHEIKH:** Sir, completely understood. You want to see them together.
2513. **CHAIR:** That would be most helpful, thank you.
2514. **MRS KIRKHAM:** And at this size.
2515. **MS KABIR SHEIKH:** We will do that.
2516. **LORD GEDDES:** And, please, the existing brick chimneys.
2517. **MS KABIR SHEIKH:** And the existing brick chimneys.
2518. **LORD GEDDES:** Can we have all three features in the same montage?
2519. **MS KABIR SHEIKH:** Assuming there is a viewpoint where they can all be seen.
2520. **MRS KIRKHAM:** Can I check on that?
2521. **LORD GEDDES:** Maybe you cannot get it.
2522. **MRS KIRKHAM:** It may well be possible. I just need to remind myself. However, we will also blow them up so you will get a series at that size. To get the chimneys in you might need something that long, but obviously we can do that for you.
2523. **CHAIR:** Thank you very much.

2524. **MRS KIRKHAM:** Yes, because you are one, two, three shots over.

2525. **LORD FAULKNER:** We are quite happy for the garden statuary to be removed, if that helps.

2526. **MS KABIR SHEIKH:** We will produce something.

2527. **LORD FAULKNER:** The griffin.

2528. **MS KABIR SHEIKH:** I got the point.

2529. **MR MOULD QC:** I think the statue may be a listed structure.

2530. **MS KABIR SHEIKH:** Or an ancient monument, maybe. I take the point fully, and we will produce this. Thank you. Now, Mrs Kirkham, that will be produced, and the Committee will form their view. They will look at these together. Can I ask you this, however: if your view is that the turbine is a detractor, is that, in your opinion, basis or justification for a further significant detractor, such as the facility?

2531. **MRS KIRKHAM:** No, it is not. In fact it is an argument for not increasing the harm.

2532. **MS KABIR SHEIKH:** Exhibits 32 and 33 then. I wanted to bring in the turbine; we have dealt with that. We will provide the exhibits.

2533. **MRS KIRKHAM:** Could I just make one small point? This is one of ours, and the rendering, the colour of the building, looks a bit darker than the previous one. We believe the reason for that is they were not shown darkly enough in Covanta's photomontages. When the building is in shadow, as in this case, because of the materials and the colour they have chosen, will come up that dark. You can see that this increases the contrast between the soft colours of the landscape, greens and pale browns and things, and the building itself. I just wanted to draw attention to that.

2534. **MS KABIR SHEIKH:** Thank you for drawing attention to that. Can we go to 34 and 35? This is a view from Katherine's Cross, and from the terrace. Again, this is now a view that the Committee will be able to go and see for themselves.

2535. **MRS KIRKHAM:** Yes, yes.

2536. **MS KABIR SHEIKH:** So other than taking this along with them and seeing what they see now, is there anything else you want to say?

2537. **MRS KIRKHAM:** Now that we have this in front of us, I would like to suggest that this would make a very good one to put the turbine onto, because you can see the chimneys quite clearly in this one. Obviously everybody has picked them up.

2538. **CHAIR:** I think you might have just covered this point, and I did not quite grab it as I ought to. If you look at Exhibit 36 and Exhibit 34, the difference in terms of toning is quite marked. Is that the point you were making previously?

2539. **MRS KIRKHAM:** It is to do with shadow. We believe the colours were not correctly represented, so it is darker.

2540. **CHAIR:** I understand, thank you very much. I did miss it, and I should not have done, but I am most grateful for that clarification.

2541. **MS KABIR SHEIKH:** Sir, when you look between the ones that Covanta produced and we produced, you see the slight difference in toning.

2542. **MR MOULD QC:** And the time of day.

2543. **MS KABIR SHEIKH:** And the time of day, that is right.

2544. **PAUL UPPAL:** It depends on the time of year as well.

2545. **MS KABIR SHEIKH:** Yes, time of year and time of day, whether the sun is there or not. All of these points.

2546. **CHAIR:** I think the photographs make the point.

2547. **MS KABIR SHEIKH:** Thank you. I was going to go to 36. There is nothing else to say about 34 other than we will put the wind turbine on that.

2548. **MRS KIRKHAM:** Yes, yes.

2549. **MS KABIR SHEIKH:** Thank you. 36 and 37.

2550. **MRS KIRKHAM:** 36 and 37 are the last of the suite of four from Ampthill Park. This is from the western approach, which is now a well-used footpath. You are lower down here, so the building is taller, and we are closer to the building here. You can see that quite clearly in there. It is a good example of the vale with the chimneys. In fact, it also might be worth looking at; it is another one that could be used with the turbine in it because it was shown here. Otherwise, I think it is more or less telling you the same story.

2551. **MS KABIR SHEIKH:** Is this designed view a Capability Brown designed view?

2552. **MRS KIRKHAM:** Yes, it is another Capability Brown designed view, exactly.

2553. **CHAIR:** He would not have included the wind turbine.

2554. **LORD GEDDES:** Or indeed the railway.

2555. **CHAIR:** Do continue.

2556. **MS KABIR SHEIKH:** Thank you. I was going to move to 38 and 39. This is Houghton House, which is Grade I listed. Salient points please, from this.

2557. **MRS KIRKHAM:** As we looked at Ampthill Park, it demonstrated that actually these are very sensitive viewpoints. Ampthill Park and Houghton House are definitely important. There are quotations here from English Heritage as to the value of Houghton House. There is a nice picture of it there. We have done the same exercise with 39, and looked at the key viewpoints. What has happened is woodland has grown up between Ampthill Park and Houghton House. Originally they would have been indivisible; you could see one from the other. In that respect it has changed, but the house was designed with its gardens and its landscape, which is largely lost, to look over the vale in the same way with the same cones of view. Those cones of view can still be enjoyed when you visit the house, so they are illustrated as before in Exhibit 39.

2558. **MS KABIR SHEIKH:** Thank you. And we can see the facility outlined in red. Anything else on this? Shall we move to the views? So 40 and 41.

2559. **MRS KIRKHAM:** Right, 40 and 41. This is one of Covanta's taken from the approach. This is the red viewpoint on the previous page. To your right, and you will see when you go out there, is Houghton House sitting on a promontory, and the view is out to the left here. We can see Cranfield Ridge in the distance. Again you can see how—

2560. **CHAIR:** Sorry, Mrs Kirkham, can I be absolutely clear? There is a very prominent chimney stack here. That it not the chimney stack that we were talking about previously; that is another one, is it?

2561. **MRS KIRKHAM:** Which one, sorry?

2562. **CHAIR:** On 40/41. Have I jumped in front of you?

2563. **MS KABIR SHEIKH:** No, we are on 40/41.

2564. **CHAIR:** That is what I thought. Do you see that chimney stack?

2565. **MRS KIRKHAM:** Right on the right-hand edge? That is the same one.

2566. **LORD GEDDES:** The centre left.

2567. **CHAIR:** No, just to the left on the montage. Just to the left and slightly forward.

2568. **MRS KIRKHAM:** Oh, yes. Sorry, no, we did not see that before, no.

2569. **LORD GEDDES:** What does that come from? That is not Stewartby.

2570. **MRS KIRKHAM:** No, it is not Stewartby. I do know what that chimney is for, sorry. We can find out.

2571. **CHAIR:** Okay, thank you.

(2.45 pm)

2572. **MS KABIR SHEIKH:** Thank you. Mrs Kirkham, this is a view from the approach to Houghton House.

2573. **MRS KIRKHAM:** Yes, that is right.

2574. **MS KABIR SHEIKH:** Again you can see the facility. We will find out what this yellowish looking chimney is.

2575. **MRS KIRKHAM:** Yes.

2576. **MS KABIR SHEIKH:** And again there is the comparison with the current view. Just to be clear as well, would the NIRAH building be visible in any of these viewpoints you have produced and shown?

2577. **MRS KIRKHAM:** Not in these views, no.

2578. **MS KABIR SHEIKH:** Sir, you will remember the NIRAH building is the aquatic research centre.

2579. **CHAIR:** Thank you.

2580. **MS KABIR SHEIKH:** Can we move to Exhibit 42, Mrs Kirkham? Here, I think you are just making the point about the view towards the listed Stewartby chimneys. It is really just English Heritage's appreciation of them.

2581. **MRS KIRKHAM:** That is right, and it is a good illustration of this idea that they are now a landmark feature, which is illustrated quite well in that view, taken from just north of the chimneys. It is right next door to a landfill site, which you can see is nicely greening over.

2582. **CHAIR:** Are they Grade 2 listed?

2583. **MRS KIRKHAM:** Yes.

2584. **MS KABIR SHEIKH:** They are, yes.

2585. **MRS KIRKHAM:** Together with the kilns, but you cannot see the kilns.

2586. **LORD GEDDES:** Before we go on, can we go back to what looks to me rather a reddish than yellow chimney in 40? Could we be told whether that is Grade 2 listed as well, whatever it may be?

2587. **MRS KIRKHAM:** It is not, no. It is not listed at all. Whatever it is, it has not been picked up for its listing.

2588. **MS KABIR SHEIKH:** 43 and 44.

2589. **MRS KIRKHAM:** One of the things that came out of the IPC's decision is they did not feel there was evidence given to them about how this landscape was being enjoyed and appreciated. This is a really key point as the population increases and the facilities are improving. These two pages are photographs. At the top you have the country park and how is it laid out, information for visitors. There are photographs of the visitor centre, the back of the visitor centre, and the last one, view 4, is on the approach to the visitor centre, so you get a feel for what the country park looks like now. Exhibit 44 is just to bring to your attention how popular and diverse the use of the country park is. Even in its present position, and it has not been running that long, it has just under half a million visitors per year. 150 to 175 of them go to the visitor centre. It is a very popular venue, it has a café, you can get married there, have conferences there, and so on and so forth. The park is very permeable, so people can come into it from the surrounding landscape. There is a cycleway, a horse trail and several footpaths that go through it. There is nature conservation, themed events, obviously woodland, and it has got the national Green Flag Award, which you are probably familiar with. The little bit at the bottom is about how the forest at Marston Vale is doing. The idea is to get 20 to 30% increase in woodland in the forest of Marston Vale. From inception, they started with a 3% and they are now up to 9% that has been achieved over the last few years. They now have a target of reaching 16,000 hectares. This planting is either on landfill sites, private land, on the back of planning permissions like the housing, and through community projects. They are the main sources of the tree planting initiatives. That is just a bit of background.

2590. **MS KABIR SHEIKH:** Thank you. Over the page we see the impact of the facility on the Millennium Country Park visitor centre. Again, the Committee will be able to stand in the visitor centre and see this view, but if you just want to briefly say how this impacts on the country park.

2591. **MRS KIRKHAM:** Just to reinforce the sensitivity of this view, this is a very popular sitting place. As you can see, there is this lake in this front and there is a lovely open view. If you look at the right-hand version, across this landscape you can actually see the Greensand Ridge above the tree line. It is certainly attractive. All the roves in the visitor centre are orientated to this view. It was designed to enjoy the view. When you look at Exhibit 45 on the left you can see the building there. This is one of Covanta's drawings. You can see the scale of it. It is quite out of scale with anything else there, and totally dominating the view from the back of the visitor centre, which is something that the IPC totally recognised and were really unhappy about. If you look carefully you can make out in here the green walls that we were discussing earlier. You can see though that they might look like a green finish, but they do not hide or soften the building. The amount of advantage that might do in landscape or visual terms is minimal, but you can see it there quite clearly. Is there anything else to say on that?

2592. **MS KABIR SHEIKH:** No, thank you, because again, the Committee can take this photograph and stand in the visitor centre and look out. Moving on then, 47 is the impact on the wider local footpath network. The plan is there for the Committee to see. Are there any particular points you want to draw out from the footpath network and the impact on the appreciation and enjoyment of that network?

2593. **MRS KIRKHAM:** Obviously you can tell from this plan, and we have got the promoted routes that we showed you much earlier. There is also a very dense network of footpaths, a lot of which are affected by views of the facility—not all of them obviously, but several of them are. The point is a large number of people are coming out here to walk these paths, to link from one promoted route to another, to go from the country park, walk across the landscape and go up to the Ampthill Great Park and into their villages. It just shows the density of footpaths and the number of villages and facilities that they serve.

2594. **MS KABIR SHEIKH:** Thank you. Now on the right-hand side you have John Bunyan. We will not spend time explaining anything about him other than we note he is from Bedfordshire, and there is a John Bunyan Trail. Can you point that out in this?

2595. **MRS KIRKHAM:** The John Bunyan trail is on the drawing next to it. It is the red dotted line. You can see it up at Cranfield, and it wanders across to Lidlington, comes across to Ampthill Park, and then the rest of it unfortunately goes on off, the plan back, to Bedford. He spent a lot of his time as a preacher wandering these hills, so it is not just for the fun of it. Although probably not exact, it represents his travels round the area. Interestingly, if I could draw attention to the last bullet on 48, there is evidence that two settings from the *Pilgrim's Progress*, the Hill of Difficulty and the Slough of Despond, were located on the Greensand Ridge and modelled on them. It is just a nice little thing.

2596. **CHAIR:** You worked in marketing before, did you?

2597. **MRS KIRKHAM:** Perhaps I am marketing it. It is rather sweet. It means that this landscape was actually part of his consciousness.

2598. **MS KABIR SHEIKH:** We have got the impact on the Stewartby Lake and Marston Vale Timberland Trails. We have two viewpoints here: with the facility and without. I think it is mainly the stack.

2599. **MRS KIRKHAM:** Well, no, you can see the top of the building behind.

2600. **MS KABIR SHEIKH:** Oh sorry, of course you can, yes.

2601. **MRS KIRKHAM:** These photomontages were done in the middle of summer; at least, the photographs were taken in the middle of summer. This is all deciduous cover, so this building will be slightly more visible in winter. It is worth remembering that whenever there is any screen planting, whether it is young or mature, because this is a landscape of deciduous trees it is much more permeable, and I think you will be able to appreciate that

2602. You can see Greensand Ridge on the far right above the trees. Those trees there are roughly where the turbine is going in, which is quite useful on that view. That is more-or-less the position of the turbine. I think that illustrates the point that this is really quite a sensitive viewpoint. People are going there to enjoy themselves on the sailing lake, but they are also coming through here walking. As they walk past this they see it, then they will see it again when they go around the corner, and again when they go up onto the ridge as part of the circular walk.

2603. **MS KABIR SHEIKH:** 50 and 51: this is the Marston Water and Vale Timberland Trail, so the same trail but different position. Will the Committee be able to see this?

2604. **MRS KIRKHAM:** They will, yes. This was also chosen because it is just beside the church at Marston Moretaine, which is a Grade I listed building. The church is behind you, so this is the landscape setting to the church—fields and trees and stuff. You can see on the right-hand side, obviously there are pylons there, but bar that it is actually a fairly rural landscape now, which it was not in the past. You can see the contrast of the facility on the left-hand side.

2605. **MS KABIR SHEIKH:** Then 53 and 54: again the Committee, depending how enthusiastic they are on the day, can walk all these trails and ways. The Cranfield and the John Bunyan ways are different, but your point is the harmful impact of the facility on that walk.

2606. **MRS KIRKHAM:** What is interesting about this particular one is that you are six kilometres away from the building. One's instinct is that you are too far away. This is not the only view like this; it is actually just down from the one that Covanta chose. But you can see the building is quite prominent, and the chimney is clipping and breaking the skyline. So

even at that distance you will be able to see this building. If you look at that view, you can see there is nothing of that scale at all. The chimneys are off—in fact you can actually see the chimneys on the far left of that picture, pale things just to the left of that elder bush. But it is useful to show you the contrast between the two from that viewpoint.

2607. **MS KABIR SHEIKH:** Is this actually from the trail?

2608. **MRS KIRKHAM:** It is from the trail itself.

2609. **MS KABIR SHEIKH:** So the Committee can actually go on the trail and see that.

2610. **MRS KIRKHAM:** Yes, and it is not too far from Cranfield to walk to.

2611. **MS KABIR SHEIKH:** So it is quite accessible?

2612. **MRS KIRKHAM:** Yes.

2613. **MS KABIR SHEIKH:** And then Houghton Park Farm, is that from a trail or is that a public footpath?

2614. **MRS KIRKHAM:** It is a public footpath. It is of particular interest because it leads to Houghton House from How End. It is not actually a promoted trail, but it is particularly attractive. You can see up to the house, and it is particularly undisturbed landscape, as you can see from the right-hand side. That is the current view of fields, the tree line and the Cranfield Ridge in the distance. You can see the building quite clearly on the left-hand side above the tree line in the middle distance, and then the chimney obviously breaking the skyline. More than half of it is actually sticking up above the skyline there.

2615. **CHAIR:** Might I ask why the stack is really in quite a bright colour? Is there any reason for that?

2616. **MRS KIRKHAM:** As far as I understand, it was chosen to have a sort of brick-type colour.

2617. **CHAIR:** Is that it?

2618. **MRS KIRKHAM:** We were looking at this terribly carefully, because obviously it is important to get this right, so that the colouring was right. It will appear duller and brighter depending on the sunlight on it, but we used the colour palette that Covanta kindly provided us with to generate that image.

2619. **CHAIR:** Is it just my personal taste, or does it accentuate the thing slightly more than it might need to?

2620. **MRS KIRKHAM:** I think the intention was to emulate the Stewartby chimneys. Any choice of colour is a problem. If it is very dark it will show up on the sky more; if it is very pale the sun will pick it up.

2621. **CHAIR:** Okay, thank you.

2622. **MS KABIR SHEIKH:** We have the colour palette here if anyone wants to look at it.

2623. **CHAIR:** I am sure that Mr Mould would have objected if you had painted it a garishly different colour to the one that was designed.

2624. **MS KABIR SHEIKH:** Yes, well we have had no such comments back.

2625. **CHAIR:** Do continue.

2626. **MS KABIR SHEIKH:** Thank you Sir. Is there anything else you want to say on View 10, Houghton Park Farm?

2627. **MRS KIRKHAM:** No, I do not think so.

2628. **MS KABIR SHEIKH:** Exhibit 57, then. I think this is just Ampthill Park facts and figures. Do you want to say anything in particular?

2629. **MRS KIRKHAM:** Well, we know that Ampthill Park has high heritage value, but is actually an extremely well-used park in its own right, so there are a few facts and figures around the type of activities that go on up there. Their promoted tale actually follows the Capability Brown interest. You have little notes about what is at view 3 and view 6 and so

on. They get about a quarter of a million visitors a year there. It is incredibly successful, and Ampthill Town Council are really promoting this as a venue for the locality. May I go on to 58?

(3.00 pm)

2630. **MS KABIR SHEIKH:** Yes, of course.

2631. **MRS KIRKHAM:** It is reflected in their bid for Heritage Lottery Funding, which is at the first stage. They have discussed this with English Heritage. I have no intention of reading the vision, but the vision sets out what they are trying to achieve through funding if they should get it. It is this mix of providing a high quality venue and enhancing the park's landscape, and also restoring Capability Brown's design.

2632. **LORD FAULKNER:** This is very interesting, Mrs Kirkham, but are you actually suggesting that the park will lose visitors as a result of the construction of the facility?

2633. **MRS KIRKHAM:** I think it will devalue the experience of going to the park. You go up onto the terrace, which you will see for yourselves, and instead of having this view over a landscape they are restoring, you will have a view with the facility plonked right in the middle of it. It is a very industrial building. So the ugly view of the old chimneys and factories has gone, and now we are replacing it with something that will be harking back to the industrial, but on a much larger scale than the Stewartby brickworks ever were. So it is actually going to depreciate the enjoyment.

2634. **LORD FAULKNER:** Is there any evidence that visitor numbers would be affected?

2635. **MRS KIRKHAM:** Only empirical in the sense of talking to people who have said, "Well I really like coming up here, and I just do not want to see this." I cannot give you facts and figures.

2636. **LORD FAULKNER:** Forgive me for saying so, but it does sound awfully like hearsay rather than evidence.

2637. **MRS KIRKHAM:** I have to admit it; I have no hard evidence to give you.

2638. **MS KABIR SHEIKH:** Thank you. Is there anything else you want to say about 58?

2639. **MRS KIRKHAM:** No, except to draw your attention to the timetable, which coincides with the celebration of Capability Brown's tercentenary in 2016, so they are aiming to coincide it. I have to admit, obviously this is at stage one. It does not mean they will get the funding, but it does demonstrate what Ampthill Town Council are trying to achieve for the park.

2640. **MS KABIR SHEIKH:** Thank you. In terms of the point put by Lord Faulkner, you do not have empirical or actual evidence of visitor numbers and so forth going down. But in terms of the vision, do you see the vision on Exhibit 58, and do you see the second and first bullet point and the aims: to restore and enhance the Park's landscape, historic and natural heritage features and to enhance the visitor experience? What was your opinion on the impact of the facility on those two aims?

2641. **MRS KIRKHAM:** It runs counter to them.

2642. **MS KABIR SHEIKH:** Thank you. Can you turn over to Exhibit 59, please?

2643. **MRS KIRKHAM:** This is just to remind you that we have looked at it as an impact on setting. This is a view from a very popular part of the park, so it is a reminder.

2644. **MS KABIR SHEIKH:** Thank you. Now, Mrs Kirkham, the next few exhibits are conclusions, which I am not going to ask you to comment on, because in a sense your evidence has freshened the Committee's minds. I do not think they need you to go over those exhibits, unless anyone asks it?

2645. **CHAIR:** I am very happy with that.

2646. **MS KABIR SHEIKH:** Thank you. Is there anything now that you want to say that you feel has not been covered, or are you happy?

2647. **MRS KIRKHAM:** I am happy, thank you.

2648. **MS KABIR SHEIKH:** Thank you. Can you please wait there?

2649. **CHAIR:** Thank you. Mr Mould, would you like to cross-examine.

2650. **MR MOULD QC:** Thank you very much. Good afternoon to you.

2651. **MRS KIRKHAM:** Good afternoon.

2652. **MR MOULD QC:** Sir, before we start, the documents that I shall be referring to in addition to those that Mrs Kirkham has referred to are COV4, which is the large pack of photo materials, and I shall also dip relatively parsimoniously, I hope, into the file of key documents that we have been looking at. So if those are to hand that will be sufficient for my purposes. Do you have those?

2653. **MRS KIRKHAM:** I have COV4 and COVI0.

2654. **MR MOULD QC:** Yes, thank you. You do not need COVI0. Can I ask you, please, first of all to turn to page 4, Exhibit 4, of your own bundle of exhibits?

2655. **CHAIR:** Are we talking about COV4.

2656. **MR MOULD QC:** No, this is Mrs Kirkham's exhibits. This is page 4 of Mrs Kirkham's exhibits, where you have set out some quotes from the report of the Infrastructure Planning Commission. That is right, is it not?

2657. **MRS KIRKHAM:** Yes.

2658. **MR MOULD QC:** As I understand it, you see your role, no doubt on the basis of the instructions you have received, to confine your evidence to the landscape and visual impact of the proposed development and its impact on the historic environment.

2659. **MRS KIRKHAM:** Yes.

2660. **MR MOULD QC:** You have not gone on to say anything one way or the other about whether there might be countervailing benefits to be derived from the development, for example, in terms of its contribution towards the nation's energy needs. You have not gone into that.

2661. **MRS KIRKHAM:** No.

2662. **MR MOULD QC:** No. But I think you would accept from me, would you not, that if we turn to the fourth bullet down on the right-hand column on page 4, you have a passage which is from paragraph 6.25 of the IPC report, which begins, “We conclude”, and it is a conclusion as to the landscape and visual impact of the proposal. That is right, is it not?

2663. **MRS KIRKHAM:** Yes.

2664. **MR MOULD QC:** I am sure you will readily accept from me that in the very next paragraph the IPC set out the countervailing benefits, and they said, “Alongside this we note the Government’s strong support for energy generating plants, including those fuelled by waste. The needs for such plants is taken to be ‘urgent’ and in our opinion the benefits of meeting this need outweigh the adverse impacts of the development in visual terms, and all other matters considered by us during the course of the examination.” You would accept, I take it, that the Committee will wish to have regard to that paragraph as well as the paragraph that you have drawn to their attention?

2665. **MRS KIRKHAM:** Yes, that was the IPC’s conclusion.

2666. **MR MOULD QC:** Yes, thank you. Now, staying with the IPC report, which you find a helpful source of context, and we to a degree do too, at paragraph 5.45 we find this.

2667. **MRS KIRKHAM:** Sorry, where am I?

2668. **MR MOULD QC:** Do you have a copy of the IPC report. It is a short passage; I can read it out to the Committee. Page 28.

2669. **MRS KIRKHAM:** If you do not mind while I find it.

2670. **MR MOULD QC:** Of course not. I do not necessarily think you need this; I think I can just read out the relevant page.

2671. **MRS KIRKHAM:** Right, I have got it, yes.

2672. **MR MOULD QC:** Page 28, if you want to look at it, paragraph 5.45, the IPC recorded this: “Statements of common ground were agreed between the applicant and the councils” whom you now represent. Then it is: “Both councils agree that the planning policy for the area and resulting development will result in significant change in the landscape of the Marston Vale over time.” So that is a matter of agreement between ourselves and the councils.

2673. **MRS KIRKHAM:** Yes, the nature of that change is what we are in a disagreement about, I think.

2674. **MR MOULD QC:** What I would like to do, if I may, is just draw your attention briefly to two particular developments that have planning permission, and are therefore expected to form part of that significant change in the landscape of the Marston Vale over the years to come. The first of those is the NIRAH Scheme. That was permitted in 2009, was it not?

2675. **MRS KIRKHAM:** Yes.

2676. **MR MOULD QC:** And as the full name implies—National Institute for Research into Aquatic Habitats—it is a scheme which will produce a development of national significance, is it not?

2677. **MRS KIRKHAM:** I would not like to say.

2678. **MR MOULD QC:** Well I think the secret is in the name, is it not? “National Centre”, yes. So it is some sort of precedent at least for nationally significant development being located within this part of the country.

2679. **MRS KIRKHAM:** I think that is a bit of a leap of faith. The fact it is a national thing does not mean that—you cannot equate the two just simply like that.

2680. **MR MOULD QC:** We have figures for the main building area of that scheme; we compute them to be 52,000 square metres as against the main element of the Rookery

South Scheme, which is Works I, which is 19,000 square metres. So in terms of the overall scale of the main building areas in both, the NIRAH centre is significantly larger than the proposed Rookery South energy from waste plant.

2681. **MRS KIRKHAM:** I cannot answer that, I am afraid. I do not know the comparative footprints.

2682. **MR MOULD QC:** All right, well if you want to check the figures by all means do.

2683. **MRS KIRKHAM:** Yes, thank you.

2684. **MR MOULD QC:** In terms of height, the NIRAH building at its highest I understand to be some 56 metres above ground level—not above sea level, but above ground level. Is that your understanding of the position?

2685. **MRS KIRKHAM:** Yes, but the ground level of course is in a pit in the same way as the RRF.

2686. **MR MOULD QC:** Can we turn to the COV4 bundle, please? If you could turn to page 15 of that document, you will see a photomontage, a view from Houghton House. We stopped there briefly during the course of your evidence. If you are looking westwards over the vale, in this photomontage we can see that to the left-hand side of the view we see the proposed Covanta facility, and to the right we see the NIRAH facility, do we not?

2687. **MRS KIRKHAM:** That is correct, yes.

2688. **MR MOULD QC:** I suggest to you that in terms of overall scale, there is little to choose between the appearance of those two developments in the landscape. Would you accept that?

2689. **MRS KIRKHAM:** They are two different types of development.

2690. **MR MOULD QC:** So be it.

2691. **MRS KIRKHAM:** The highest point, as you point to, is the top of the peak of one of the domes. Of course it descends immediately back down well below, so the point you

referred to is the top of the highest of those domes, and I think it is on the drawing above.
It shows that, does it not?

2692. **MR MOULD QC:** Have you finished?

2693. **MRS KIRKHAM:** At that angle we are seeing NIRAH at its longest, at its worst case probably. I am not entirely sure whether this shows it set down into the pit or not.

2694. **MR MOULD QC:** I believe it to be accurate; if you want to check that, by all means do. But you say that this shows NIRAH at its worst case, do you?

2695. **MRS KIRKHAM:** No, all I am saying is you can see most of the length of it in this particular one.

2696. **MR MOULD QC:** Yes. Well, rather unlike the view from Houghton House, one of the heritage assets you are concerned about, to our facility, which is seen, if I can use a crude term, end on, is it not? So you see it in its narrowest elevation rather than its widest.

2697. **MRS KIRKHAM:** You are looking at two different types of development.

2698. **MR MOULD QC:** So be it.

2699. **MRS KIRKHAM:** You have to take that into account. The NIRAH is not seen as a large industrial building. The Council saw this as an exciting opportunity for a leisure-type facility, similar to what they have down at St Austell. They thought it was an exciting design; it is below the skyline there.

2700. **MR MOULD QC:** Some might see our proposal as an exciting opportunity to provide security of supply of energy for the country's needs. Would you accept that?

2701. **MRS KIRKHAM:** They might, I cannot comment on that. But I would say that the local residents do not see this as an attractive building. They are quite keen on NIRAH but not on your own building.

2702. **MR MOULD QC:** Lord Faulkner has asked you about that, yes. If we look just to the right of NIRAH, we see what is obviously a long, low, substantial building just below the horizon, do we not?

2703. **MRS KIRKHAM:** Yes, we do.

2704. **MR MOULD QC:** Those are the warehouses you mentioned, which have been built in recent years just south of Bedford, are they not?

2705. **MRS KIRKHAM:** That is correct, yes.

2706. **MR MOULD QC:** Yes. So that is another clear industrial scale feature in the view, is it not?

2707. **MRS KIRKHAM:** Yes, but those buildings are up by Bedford town, and we all know that Bedford is there. We are concerned with looking at how we can enhance, conserve and improve the vale landscape, which particularly Covanta's development sits in. NIRAH has some better relationship with Bedford in that view. The RRF is sitting alone in this rural landscape as you move to the left.

2708. **MR MOULD QC:** Just to anticipate some further visual information that the Committee will receive, we can for present purposes well imagine the wind turbine sitting behind the proposed Covanta facility, can we not?

2709. **MRS KIRKHAM:** Yes, I think it is just to the right of it.

2710. **MR MOULD QC:** Yes, breaking the skyline.

2711. **MRS KIRKHAM:** It does, we have established that, yes.

2712. **MR MOULD QC:** Thank you. So NIRAH was of course granted planning permission, I think, by the Bedfordshire County Council, was it not?

2713. **MRS KIRKHAM:** I understand that, yes.

2714. **MR MOULD QC:** Yes, thank you very much. Can we turn please to one or two points on the wind turbine? I do not want to take too much time on this because the

Committee has this very well in mind. For the location, COV4, page 1, just to remind ourselves of that, we can see just to the north-west of the proposed Rookery South site the Marston Mill wind turbine, just between the forest centre and the—

2715. **MRS KIRKHAM:** Yes.

(3.15 pm)

2716. **MR MOULD QC:** Thank you. I hope to assist with the question raised by Lord Dear. Can we just open the file please, and find tab 17? For those of you who are working to page numbers it is page 641. You gave us a little insight, helpfully, into the debate that took place within the planning committee of the relevant Council, but we can see that below the actual description of the permitted scheme there is a section on the planning permission entitled “Reasons for granting”, can we not? Do you have that?

2717. **MRS KIRKHAM:** Yes, I do have that.

2718. **MR MOULD QC:** I will just read out the first four lines. “The proposal for the installation of a turbine would not impact detrimentally upon the surrounding landscape, character, cultural heritage, archaeology or local ecology, hydrology or geology, or upon the residential amenity of nearby residential properties.” Those are the reasons of the council in deciding to grant planning permission for the turbine, are they not?

2719. **MRS KIRKHAM:** They are, but you have to put that into the context I have mentioned before, that the landscape architect said there was a landscape and visual impact from the turbine. English Heritage, which is in the same tab, objected to the turbine. So it is not a simple bald statement from the council. They came to the conclusion on balance, but in fact there were concerns about the turbine.

2720. **MR MOULD QC:** So be it; virtually every decision of this kind is a conclusion on balance. But the way in which they express their conclusions on balance are set out in that passage that I have just read out.

2721. **MRS KIRKHAM:** It is a brief summary of the final position, yes.

2722. **MR MOULD QC:** Thank you. A question was raised a minute ago by the Chairman about the colour.

2723. **CHAIR:** Mr Mould, I have a question first. In my experience, the building of wind turbines is so financially attractive that once you get one, rather like London buses, they accumulate quite quickly. Do we have any information with regard to the fact that other permissions might be sought at this moment for wind turbines in the vale?

2724. **MRS KIRKHAM:** I understand that there are some approaches being made about possible ones. Yes, you are quite right. Obviously we do not know which way things will go with wind turbines. One is at a very early stage and needs an environmental impact assessment; the other, I believe, is also at a very early stage as well with no decision on it. Each one will have to be considered on its own merits.

2725. **CHAIR:** Of course.

2726. **LORD GEDDES:** I just wanted to balance the argument slightly from Mr Mould. If one looks at the English Heritage “East of England Region” letter of 9 November, which is page 655 to 656 of the same tab, it does rather put the opposite side of the argument.

2727. **MR MOULD QC:** Yes, and it is the role of English Heritage to give advice to planning decision makers, in this the council whom you represent, and that advice is taken into account and weighed in the balance you mentioned a minute ago, is it not? Would you accept that?

2728. **MRS KIRKHAM:** I accept that.

2729. **MR MOULD QC:** Thank you.

2730. **MRS KIRKHAM:** But I would also like to add that of course when this was considered by English Heritage, the study that had been done by Debois on all the details of the important views was not available.

2731. **MR MOULD QC:** I see.

2732. **MRS KIRKHAM:** If you go back to their citation—it was obviously an original EH citation which they would depend on—they were not aware of the significance of the survival of those views and the survival of the landscape features. We are in a different position today because we have that evidence from Debois.

2733. **MR MOULD QC:** This is evidence that is based on some studies which speculate on what Capability Brown might or might not have had in mind when he was carrying out the design of the grounds for Ampthill Park House in the mid-18th century. Is that right?

2734. **MRS KIRKHAM:** No, they are not. They are documented.

2735. **MR MOULD QC:** Documented?

2736. **MRS KIRKHAM:** Very fully documented.

2737. **MR MOULD QC:** I have not seen any contemporary documentation that shows what Capability Brown had in mind.

2738. **MRS KIRKHAM:** I can provide you with that, if you wish. It is about that thick, if everybody wants it. The first written report is that density, because there is a full detailed study, followed by a series of plans and copies of historical evidence going right back to the early 18th century.

2739. **CHAIR:** If I may say, I think, Mr Mould, we are willing to accept that Capability Brown would have done some thinking about the projects that he planned, but we cannot call him as a witness so I think we need to move on.

2740. **MR MOULD QC:** I have no doubt he thought very carefully indeed about all of them. It must have occupied most of his waking and sleeping. What I think we can agree on is this, although it is slightly out of kilter: there is no suggestion that either the site of the proposed resource recovery facility or the site of the proposed wind turbine lay within the

grounds that were the subject of Capability Brown's work in the mid-18th century in this area, did they?

2741. **MRS KIRKHAM:** No, but we all know that one of Capability Brown's trademark features was designing views, and in this case views over the vale where the facility will go.

2742. **MR MOULD QC:** Just before we leave English Heritage, you have touched on English Heritage's views in relation to the historic environment generally. Your council and English Heritage are, as we know, different organisations, are they not?

2743. **MRS KIRKHAM:** Yes.

2744. **MR MOULD QC:** And you are representing here the councils, are you not?

2745. **MRS KIRKHAM:** I am representing them today, yes.

2746. **MR MOULD QC:** Yes; you are not representing English Heritage.

2747. **MRS KIRKHAM:** No.

2748. **MR MOULD QC:** No. Thank you very much. Now, I will just touch on the stack colour, if I may, because I think the Chairman raised that point. The stack colour, I think you will know from your researches, and you hinted at this, has been produced in the way that it has with a view to trying to complement the surviving chimneys from the former brickworks. That is right, is it not?

2749. **MRS KIRKHAM:** That is what I understand, yes.

2750. **MR MOULD QC:** There is a rationale to that, is there not? You might not agree with it.

2751. **MRS KIRKHAM:** Yes, I cannot argue with that. Obviously somebody thought it was a sensible thing to do.

2752. **MR MOULD QC:** Quite, okay. One of the requirements which is imposed upon the development consent order, requirement 5, reserves details of external appearance of the proposed development to be approved by the councils at a later stage, does it not?

2753. **MRS KIRKHAM:** That is correct, yes.

2754. **MR MOULD QC:** So if there is a view that the colour needs review, then there is an opportunity for that to be reconsidered at a later stage.

2755. **MRS KIRKHAM:** Yes. I would add though, I mentioned before the difficulty finding a colour for the stack that will actually work and reduce its impact. At the time Covanta thought this was the best solution, but it does not work. So it is going to be difficult to find a solution that does work.

2756. **MR MOULD QC:** Can we just turn to your bundle, Exhibit 40, page 43, please? The chimney in the foreground, which was remarked upon, I am told is the chimney of the factory of Lockheed Martin, the international aviation design and production company. Did you know that?

2757. **MRS KIRKHAM:** You have told me now.

2758. **MR MOULD QC:** You are happy with that.

2759. **MS KABIR SHEIKH:** We can confirm it is Lockheed manufacturers. We do not know whether the chimney in that area is used for manufacturing or offices. We are going to find out.

2760. **MR MOULD QC:** And we can see, can we not, clearly visible within the tree cover appear to be built forms, no doubt associated with that commercial facility, is that right?

2761. **MRS KIRKHAM:** I presume so, yes.

2762. **MR MOULD QC:** Yes. Which rather makes the point, does it not, I think My Lord, Lord Faulkner was making, that it would be wrong to exclude from your mind the way in which the vale and its appearance and landscape has changed through development over the centuries in order to meet the changing needs of society, in this case commercial development. That would be wrong, would it not?

2763. **MRS KIRKHAM:** Yes. I do not know if that chimney is obsolete now, of course. I have no idea about its future.

2764. **MR MOULD QC:** And we have just examined briefly two aspects of the future changes that the councils themselves have been prepared to contemplate and to permit, that is to say NIRA and the wind turbine.

2765. **MRS KIRKHAM:** Yes, we have.

2766. **MR MOULD QC:** Let me turn then to another point of agreement recorded by the IPC. It is at page 30, paragraph 5.55: "At the open floor hearing held in July 2011 the council's representative confirmed that there is not an issue in principle in relation to a waste management facility at Rookery South Pit. Rather, the main overriding issue is its size." That is a reflection, is it not, of the fact that the Committee is now very well aware of, that this site has been identified by the councils themselves as a suitable location for strategic, or to put it more neutrally, significant waste management and waste recovery development over the course of the following 20 years. We are aware of that, are we not?

2767. **MRS KIRKHAM:** It is a strategic site. Yes, I am aware of that.

2768. **MR MOULD QC:** Including a range of schemes that may come forward for waste recovery and/or land filling, as you are aware of.

2769. **MRS KIRKHAM:** Yes, it is a range of facilities.

2770. **MR MOULD QC:** That important point of context is not something that you seem to have taken into account in presenting your evidence to the Committee, is it?

2771. **MRS KIRKHAM:** Yes, we know that something will happen in Rookery South. That is not at issue. The point is that this proposal is unsuitable. It is too large and too industrial. If alternative proposals come through the local plan process, each one of those will be assessed on its own merits and tested for its landscape and visual impacts. So yes, I am not denying the fact that something will be happening in there, but knowing the

sensitivity of the landscape and the heritage, there will significant restraints that can be exercised through the local planning process on any alternative.

2772. **MR MOULD QC:** So the short point is that it remains the council's position that the main overriding issue is indeed size; is that right?

2773. **MRS KIRKHAM:** Size and industrial appearance, as you know. But the key thing is it is too large; it is very large in scale.

2774. **MR MOULD QC:** Can I leave industrial appearance to next week or the week after, because I know there is a design witness coming, and I shall deal with that with him?

2775. **MRS KIRKHAM:** Okay, fine.

2776. **MR MOULD QC:** Yes, thank you, because you do not deal with that.

2777. **CHAIR:** Yes, Mr Uppal.

2778. **PAUL UPPAL:** It is perhaps in guidance for the Committee in this in general; a theme has developed in terms of yes, there is seen to be an acceptance that there should be development, but it is the scale, the aesthetic appeal and all this. At some point will we have some guidance, either from witnesses, in terms of the actual number of job opportunities we are looking at with this development here or with a smaller scale development? Will there at some point be some analysis of that presented to the Committee?

2779. **MR MOULD QC:** We can certainly deal with that, yes.

2780. **PAUL UPPAL:** I just think it would be useful. Our remit is very wide on this, but I think it is a fairly central point for us we ought to be discussing at some point.

2781. **MR MOULD QC:** We will bank that one, if we may. Another point I would like to raise, which I hope will be of some assistance to the Committee, as we are on this point, is just to move on. The IPC then said, "Because there is no issue about the principle of the waste management facility and the overriding issue is size" the IPC went on to say straightaway, "The relationship between the throughput of waste and the size of the plant is

therefore worth exploring.” Do you see that? And they referred to a document, which examined that. It was called the Engineering Design Statement. I wonder if we might just look briefly at a table in that document, please. You will find it in the file. The table I want you to look at is at page 342 in tab 8.

(3.30 pm)

2782. **MR MOULD QC:** What this table shows us, amongst other things, is the actual height of a number of existing energy for waste plants up and down the country. It is helpful because it gives their actual heights and it also gives their actual throughputs; do you see? So first of all let us orientate ourselves by reference to Rookery. That is about five up from the bottom of the table: “Rookery, total capacity 585,000 tonnes”; streams there; actual height as proposed, as we know, is 43 metres. Do you see that?

2783. **MRS KIRKHAM:** Yes.

2784. **MR MOULD QC:** Let us just identify two or three others that are at the sort of level, just above it, that we were told by Mr Romans would represent the sort of county-scale facility that would be needed. First of all, Coventry and Solihull have 250,000 tonnes per annum capacity. That is about four or five down from the top.

2785. **MRS KIRKHAM:** Yes, I have found that, yes.

2786. **MR MOULD QC:** Three streams. Height, 35 metres. Do you see that?

2787. **MRS KIRKHAM:** Yes.

2788. **MR MOULD QC:** Cleveland, a bit further down has 250,000 tonnes; two streams; height, 42 metres.

2789. **MRS KIRKHAM:** Yes.

2790. **MR MOULD QC:** Sheffield, one from the bottom, has 220,000 tonnes; one stream; 49 metres. And just look at the top, one of the smaller ones, Isle of Man, has 65,000 TPA capacity; height 35 metres.

2791. Bearing in mind that the Rookery site is going to be sitting 10 metres down from the surrounding ground level, because it will be sitting in a pit, so its actual height above ground level is 33 metres, each one of those facilities in existence, operating, which are at the sort of level or below that Mr Romans told us was the sort of facility that might be needed here, is higher than the Rookery South scheme, is it not?

2792. **MRS KIRKHAM:** I think we would take issue with the fact that although it is in a pit, it is still 43 metres above ground level. Many of the views are elevated views. You cannot see the ground but you can see all of the building, so you can see 43 metres of it. So I think it is a bit disingenuous to say it is in a hole and you cannot see 10 metres of it, because that is not the case. These others are quite clearly of comparable height. Some of them are lower, but I have seen many other examples where they are considerably smaller. And they are not only smaller in height, but they are much smaller in footprint, and are still producing that kind of level. This is not my evidence; this is something obviously Mr Stubbs will be dealing with, but we have shared it and I am quite confident that it is possible to even put an EFW in that position that would be considerably smaller than this selection you have got on that table.

2793. **LORD GEDDES:** I would just like to ask Mr Mould, do you happen to know how old those plants are that you instance? When were they built? Because technology moves on at an incredible rate.

2794. **MR MOULD QC:** I cannot tell you that, but we can find that out for you. But what I can say is this, the technology might move on at an incredible rate; whether that is true or not I do not know, but I do know that the key driver in terms of the height of a facility like this is the boiler. What is a relative constant is that the boiler, whether it be a one, two or three stream facility, requires a certain minimum height.

2795. **LORD DEAR:** Mr Chairman, I am confused. We have a plant being built in a hole in the ground which lowers the height of the stack surely. So the stack height is 43, but it is in a hole in the ground, which will reduce it, surely?

2796. **MRS KIRKHAM:** It is because I am dealing with perception of what you are looking at. So although it is in the ground, we are still seeing its full height. Because the pit is so big, there is an open space in front of it, so although it is in a hole, it is not hiding the bottom 10 metres any more. It is when you looking at it from the west side, but not when you are looking at it from the east side.

2797. **LORD DEAR:** I see the point you are making.

2798. **MR MOULD QC:** Thank you. We can put that away, and can I ask you please to turn your attention now to COV4, and to find page 30. The question was raised earlier about the relationship in height between the existing chimneys and the stack on the proposed facility. Page 30 provides the information in a convenient form, does it not?

2799. **MRS KIRKHAM:** Yes.

2800. **MR MOULD QC:** Yes? And we can see that, again, allowing for the fact that the stack we propose will sit within a pit, in terms of height, the comparison is with some 94 metres for the stack above ground level, and in relation to the Stewartby chimneys, we have seen between, I think I am right in saying, 56 and 70 metres in height.

2801. **MRS KIRKHAM:** I would agree with you, because the tops would be relatively as you have shown.

2802. **MR MOULD QC:** Yes.

2803. **MRS KIRKHAM:** Yes, exactly. So if you look at that, you can look at the whole of the chimney, and you can appreciate it is a lot bigger than the Stewartby ones. But the actual top level will be as of you have illustrated, yes.

2804. **MR MOULD QC:** And the wind turbine will be, I think, off the top of the page, will it not?

2805. **MRS KIRKHAM:** We could work that out. It would be about up here, yes.

2806. **MR MOULD QC:** Yes, thank you.

2807. **LORD FAULKNER:** If these chimneys are listed monuments, do we take it from that that they have no purpose other than to be decorative?

2808. **MR MOULD QC:** I had better leave that for the witness.

2809. **MRS KIRKHAM:** I do not think they are in use any more, but someone else from the council will be able to confirm that.

2810. **MS KABIR SHEIKH:** They are just decorative now.

2811. **MR MOULD QC:** They remind us of an earlier stage in the industrial life of Marston Vale.

2812. **LORD FAULKNER:** About as old as Capability Brown.

2813. **CHAIR:** Can we have one person speaking at once, please? Mr Mould?

2814. **MR MOULD QC:** Sorry, I very naughtily offered an observation. I should give way to the witness.

2815. **MRS KIRKHAM:** I just wanted to say that the rest of the chimneys were pulled down, and they nearly pulled these four down. Then they decided that they were too important, given the importance of the brickworks.

2816. **MR MOULD QC:** Forgive me, I want to move quite quickly. If we turn to another point of agreement recorded by the IPC, you will find that at page 32, at paragraph 5.66. This is in the context of heritage assets, something on which we have heard much from you this afternoon.

2817. **LORD GEDDES:** Which document?

2818. **MR MOULD QC:** The IPC reasons, My Lord, of which I am reading out bite-sized chunks, if I may. 5.66: “Statements of common ground were agreed between the applicant and English Heritage, and the applicant and the councils. In the statements of common ground the councils agreed with the applicant that impacts on heritage assets would not be significant, except in the case of Ampthill Park House, where the impact would be of minor significance.” That was the agreed position before the IPC in relation to those whom you represent. I appreciate it is not the agreed position with English Heritage, but you are representing the councils, and that is the context in which you give your evidence to this Committee, is it not?

2819. **MRS KIRKHAM:** No, it is not, because although it is the starting point of my evidence, the point is there is more evidence now of the importance of the setting of Ampthill Park and Ampthill Park House, which was not available to the officers at the time.

2820. **MR MOULD QC:** Is this back to the Capability Brown view?

2821. **MRS KIRKHAM:** Exactly. It is all about the significance. In order to appreciate the importance of the impact you had to understand what the significance of those views are, which was something that was done by Debois, and we have put into evidence. So this was a starting point, and they actually said it was not substantial. And I think the statement of common ground says that there was agreement that the impact was not substantial in terms of PPS5 at the time. English Heritage did not agree with that at all.

2822. **MR MOULD QC:** No, I have just acknowledged that.

2823. **MRS KIRKHAM:** Yes. But I think the point is that they did not have the evidence in front of them to be able to make a full judgment.

2824. **MR MOULD QC:** I see, all right. Well, that is the way you put it. 5.73, over the page—just to confirm a couple of points that were left a bit hanging this morning. The

likelihood of future development in the vale, we know about. “The absence of formal landscape policy protection to this area,” that is a point of fact, is it not?

2825. **MRS KIRKHAM:** I think they are referring to there being no AONB, or National Park.

2826. **MR MOULD QC:** No, there is no formal landscape policy protection applicable to the Marston Vale, is there, at any level of planning policy?

2827. **MRS KIRKHAM:** There is the general protection from NPPF. There is the protection from the policies in the core strategy, and of course there are the Marston Vale objectives, which several bodies, I believe including the Government, have signed up into.

2828. **MR MOULD QC:** From your experience as a planner and as a landscape artist, you know very well what I am referring to here. There are many local plans up and down the country that identify areas as being areas of special landscape quality, things like that. I believe, if I right in saying so, that this Council identifies the Greensand Ridge as being such an area.

2829. **MRS KIRKHAM:** It used to.

2830. **MR MOULD QC:** But the Marston Vale is not identified under any such policy, is it, Mrs Kirkham?

2831. **MRS KIRKHAM:** No, because things have moved on now, and it is protected through a policy of landscape character assessment. The policy is applied more subtly. This is an area that is changing, is it not? It would have been ridiculous to give landscape policy protection to something that only a few years ago was in the most terrible condition. If you started from now, things may be different, but Governments do not encourage local landscape policy protection at a level below AONBs. So you rely on character assessments and other aspects, and this is where we are now. The fact that there is no policy protection does not mean there is no need to be concerned about protecting this area

2832. **MR MOULD QC:** Mrs Kirkham, I simply asked you whether there was such a policy. I think the answer is no.

2833. **MRS KIRKHAM:** Yes, but I am explaining the context of that.

2834. **MR MOULD QC:** Right. Can I just turn to your exhibits? Exhibit 29, which is on page 32, is that photograph we looked at a few moments ago when you were giving your evidence-in-chief. I think we can agree that this is a photograph of a scene of pastoral bliss, before the onset of the industrial revolution, can we not?

2835. **MRS KIRKHAM:** I think it probably is, yes. Or if there is anything it is very minor in scale.

2836. **MR MOULD QC:** I did wonder whether what appears to be a plume of smoke in the far distance breaking the horizon was the first of the locomotives running on the newly constructed Midland Railway, or whether it was perhaps some antediluvian energy for waste plant that had been forgotten in the history.

2837. **MRS KIRKHAM:** Or somebody's bonfire.

2838. **MR MOULD QC:** But in any event, we will pass over that. Since that painting was painted we have had the railways, have we not, passing through this area?

2839. **MRS KIRKHAM:** Yes; it is possible of course they may have been there at the time. I am afraid I would like to have dated them but I was not able to.

2840. **MR MOULD QC:** No, but anyway the railways came. Those of us who have had the pleasure of reading George Eliot's great novel of English provincial life in the early Victorian years will recall that the coming of the railways was a source of considerable controversy at the time for its impact on the landscape.

2841. **MRS KIRKHAM:** Yes, I take your point on that, yes.

2842. **MR MOULD QC:** Then we had the brick making and the brick sheds, which came later, I think, towards the end of the 19th century, yes? And there were literally scores of stacks in this area at that time, were there not?

2843. **MRS KIRKHAM:** Yes, but not in that view, of course.

2844. **MR MOULD QC:** No. And the settlement of Stewartby owes its very existence to the existence of brick making in this area, does it not?

2845. **MRS KIRKHAM:** That is correct, yes.

2846. **MR MOULD QC:** Built with the very fine bricks that were created out of the brick clay—the model village. Marston Moretaine grew from a very small hamlet to a relatively sizeable community as a result of the work that was to be had in the brick making industry. That is right, is it not

2847. **MRS KIRKHAM:** Yes, that is right.

2848. **MR MOULD QC:** Coming into this century, as we have seen in some of the photographs, we have the electricity pylons that are rolled out across the landscape in the 1920s and early 1930s to bring the benefits of electricity to the population.

2849. **MRS KIRKHAM:** Yes.

2850. **MR MOULD QC:** That was a source of considerable controversy at the time too, was it not, for its impact on the landscape?

2851. **MRS KIRKHAM:** Yes, I expect so.

2852. **MR MOULD QC:** Before we move to the post-war period, let us turn away from one form of infrastructure to another. Just to the north of the Marston Vale that we have been looking at there are two very large, and some would say rather fine, aircraft hangars at Cardington that used to house the airships in their short-lived time as the chosen form of air travel. That is right, is it not?

2853. **MRS KIRKHAM:** Yes.

2854. **MR MOULD QC:** They are large scale buildings, yes?

2855. **MRS KIRKHAM:** I believe they are fairly large. I do not know how they compare with RAF.

2856. **MR MOULD QC:** You do not know.

2857. **MRS KIRKHAM:** No, I do not know how they compare in size.

2858. **MR MOULD QC:** Oh, I see. In the post-war period the M1 motorway was constructed to the west of Marston Vale, was it not, to provide easy access in a motorcar for members of the population who want to go and see their grandmothers and that kind of thing. Then we had the dualling of the A421 passing in the vicinity of the site, yes? We had the warehouses at Bedford more recently, and we know that further development is planned in terms of NIRA and the wind turbine and increases in housing and this kind of thing. The reason I have taken you through this little potted history by reference to that photograph is it shows firstly that this is a landscape that is dynamic, and over the years has been able to accommodate the changing needs and requirements of society, both locally and nationally. Would you accept that?

2859. **MRS KIRKHAM:** I think you made the point earlier that there were a lot of objections to the pylons; there were no doubt objections when the road was built. They are built, and they are intrusive. But if you take that same view, which is actually my view from view 1, it has recovered enormously well. You can see the railway line, but you can see virtually nothing else in that view in the way of the developments. You certainly cannot see the M1, the A421, the brick works, Bedford or those big buildings up there. You cannot see Cardington. What you can see is a very attractive rural landscape that has recovered from extraction and landfill.

(3.45 pm)

2860. **MR MOULD QC:** But you will see the wind turbine. You will see NIRAH. In both cases the view is taken that on balance the landscape can bear it. That is right, is it not?

2861. **MRS KIRKHAM:** All you will see in that view is the turbine. NIRAH is not in that view. That is a design view reflecting Capability Brown's grand view; you will not see NIRAH in that view.

2862. **MR MOULD QC:** Just to close off the point, as we remind ourselves yet again, the council sees the landscape as being able to bear at least a certain level of waste recovery and land filling activity within the very site that we are concerned with.

2863. **MRS KIRKHAM:** They do, but something much smaller.

2864. **MR MOULD QC:** Right, well, I have put some figures.

2865. **LORD FAULKNER:** In Mr Mould's fascinating odyssey through industrial history, he could perhaps have added that a new development will happen by 2016, which is the electrification of the Marston railway, which will carry overhead wires through the middle of its landscape as well. Is that right?

2866. **MRS KIRKHAM:** If it is electrified it will, but of course I think they are usually about eight metres above the railway line, if I am right. And they are quite thin, so although it will be there it is nothing of the scale of the facility.

2867. **LORD FAULKNER:** No, but it is part of the process of the changing of a landscape.

2868. **MRS KIRKHAM:** Yes, there are obviously going to be subtle changes, but it is the degree of impact that we are concerned about here, I think. The degree of impact from the electrification, for example, where it is low and it will be seen against the tree cover at that level, will be quite different to the impact of the facility due to its size and design.

2869. **MR MOULD QC:** At the risk of causing a sense of tedium, returning to the question of what you say is Capability Brown's grand view, many of the features that I have

identified in my little, as kindly put, odyssey through the history of the vale, are features that to a greater or lesser extent will either be visible or will be perceptible by the viewer standing and enjoying the grand view that you show on Exhibit 32. That is right, is it not?

2870. **MRS KIRKHAM:** Can we go to that?

2871. **MR MOULD QC:** Yes, of course. You might think 33 is a better place to look, because it is before the wind turbine and our building are in place.

2872. **MRS KIRKHAM:** Yes.

2873. **MR MOULD QC:** That is right though, is it not, as a matter of generality?

2874. **MRS KIRKHAM:** No, not all of it. You can see the railway line. In fact, going back to my point, you can see it in the middle distance.

2875. **MR MOULD QC:** Electricity pylons?

2876. **MRS KIRKHAM:** Yes, the pylons are intrusive, there is no doubt. If you compare the size of the pylons that are in the vale with the facility in our little cartoon, there is a huge difference; there is an enormous difference with the effect of the pylons. The fact that you have got pylons in here, they are there already, is no argument for making things worse.

2877. **MR MOULD QC:** To use a technical term, which is familiar to you, I think, and certainly it is one that I have used over the years in this business, one of the things that one looks at in deciding whether something that is undeniably going to be a relatively prominent feature in the landscape is something that is acceptable because the landscape is able to bear it is whether the landscape has a capacity for change. That is right, is it not?

2878. **MRS KIRKHAM:** In general, yes.

2879. **MR MOULD QC:** This is a landscape that indisputably over the decades has shown that it has a capacity for change. That is right, is it not?

2880. **MRS KIRKHAM:** But it has changed for the worse over a long period of time, but since the beginning of this century there is a huge sea change back to restoring this landscape, supported by policy and initiatives, and the RFF would counter that completely.

2881. **MR MOULD QC:** I have two more pages, and I want to try to get them finished. Let us just turn, please, to COV4, and to page 21, if you would. We have here a view that you attach great significance to, which is the view from the Marston Vale Forest Centre looking eastwards towards the facility. That is right, is it not?

2882. **MRS KIRKHAM:** Yes.

2883. **MR MOULD QC:** I draw your attention to this page because I hope, without having to read it all out, this provides a neat summary of the thinking behind the landscape planting and design elements, which, taken together, we have sought to deploy in order to mitigate the appearance of the proposed facility in this view. Do you see that?

2884. **MRS KIRKHAM:** Yes, I do see that.

2885. **MR MOULD QC:** And you would take it from me, would you not, that whether you agree that they have been successful or not, and I think you have made your views clear on that, we have sought to deploy elements of design to take advantage of existing planting, to deploy new planting and so forth, which taken together are designed to soften and to mitigate the appearance of the development. That is right, is it not?

2886. **MRS KIRKHAM:** In that particular one view there is some benefit from a little lozenge of planting on the hill that you can see just beyond the lake. That is offsite planting, which has to be organised with Marston Vale, right?

2887. **MR MOULD QC:** Yes.

2888. **MRS KIRKHAM:** As part of that package, as I understand it, they are proposing planting all round this lake, the result of which would completely obscure all views. You may think that is a good thing—you may partially hide the building—but also you lose all views of

the lake, the park and the Greensand Ridge in the distance. So what planting is proposed in this picture, most of it is offsite in the woods, with the country park itself, yes? Whereas if you move to the left or the right, or if you go to somewhere else where it is open in the country park, you will not get that benefit and you will still see the facility.

2889. **MR MOULD QC:** Offsite planting is under the aegis of the Marston Vale Trust, is that right?

2890. **MRS KIRKHAM:** Yes.

2891. **MR MOULD QC:** Which is the body responsible for the custodianship of what is known as a forest, yes?

2892. **MRS KIRKHAM:** And a country park.

2893. **MR MOULD QC:** Yes, well it is hardly unacceptable in principle that a forest and a country park should have trees planted in it, is it?

2894. **MRS KIRKHAM:** No, but this is the site of the visitor centre.

2895. **MR MOULD QC:** Yes. Marston Vale Trust have been collaborating with us closely, have they not, throughout this process with a view to ensuring that we do the best we can to accommodate their needs, and in particular the needs of those who visit their visitor centre. Would you accept that from me?

2896. **MRS KIRKHAM:** I believe you have been in discussion with them. Whether it has been achieved is not my department.

2897. **MR MOULD QC:** And they do not oppose this development, do they?

2898. **MRS KIRKHAM:** That is not true. They are neutral. That is completely different to saying, "I do not oppose something." They are completely neutral on it.

2899. **MR MOULD QC:** I will leave the Committee to judge whether there is a difference between those two expressions of that point. I am happy with "They are neutral". And if they are neutral, is there any reason why your council should be anything other than also

neutral insofar as the impact of the scheme on the visitor centre and the Marston Vale is concerned?

2900. **MRS KIRKHAM:** The reason that the Forest of Marston Vale are neutral is they take a common approach of taking neutrality with all development. I have spent some time talking to them about this. They do not make judgments on the merits of the development, and this is whether it is Covanta or any other. What they do look for is a contribution to the forest.

2901. **MR MOULD QC:** Which we have given.

2902. **MRS KIRKHAM:** Yes, I understand that. What is misleading in this drawing, this picture, is it only shows part of the effect of the proposed offsite planting. Now whether they would have been happy with the full effect I cannot say.

2903. **MR MOULD QC:** I am told you are wrong about this notion that we are going to be filling up the whole of the foreground here with trees. I am told that is not what we proposed.

2904. But in any event, as you say, this is planting which falls within their demesne, and if they are unhappy about some aspect of that planting then they will no doubt tell us, and we will have to reach an agreement with them in relation to that, because it is ultimately their say so, is it not?

2905. **MRS KIRKHAM:** Yes, but obviously if this gets permission there is no room for manoeuvre; they have to find some way of obscuring it. Obviously you can see it does not obscure it.

2906. **MR MOULD QC:** And as regards landscaping that is within the control of Covanta on the site, there is a requirement, requirement 8, attached to the development consent order, which leaves ultimate approval of the landscaping scheme to the council, is there not?

2907. **MRS KIRKHAM:** There is, but there is a limited amount that can be done about screening such a large building. I do not know how; you would have to do a very detailed study in order to block views of this in every part of the park.

2908. **MR MOULD QC:** What I am really interested in is this, and I hope we can deal with this very quickly indeed. You would not quarrel with the proposition, would you, that whether you agree with the results or not, Covanta have taken considerable care, time and effort to try to devise planting, landscaping and other mitigation works in the design generally to minimise the impact of this development visually in its surroundings. You would not quarrel with that as Covanta's ambition, would you?

2909. **MRS KIRKHAM:** I would quarrel that it may be their ambition but they have not achieved it.

2910. **MR MOULD QC:** That is why I distinguished whether you think they have succeeded. You do not doubt that they have sought to achieve it.

2911. **MRS KIRKHAM:** Well, they say they have sought to, but they also agreed that the planting is there to screen the low elements. There is nowhere in their documentation to suggest that they think that, apart from some partial screening from the Marston Vale Country Park, there is any way of integrating this development effectively because of the limitations through size and the viewpoints that we have shown.

2912. **MR MOULD QC:** I do not think anybody will argue with you that because of the size of this building it cannot be entirely screened. That is not a matter which we need debate between us. Can I just turn to my final point, Sir, if I can over the two minutes that remain? You expressed some concerns about views from footpaths. If you turn to COV4, page 45 to 47, we have produced some cross-sections, the lines of which are shown on page 44, with a view to showing the degree to which, with the combination of existing and proposed planting, people using surrounding footpaths will have views of the site either

deflected or screened once the planting has achieved a certain level of growth. You have seen those images, have you not?

2913. **MRS KIRKHAM:** Yes.

2914. **MR MOULD QC:** And would you accept that Covanta have again paid considerable attention, with a view to achieving screening and deflection of views from surrounding paths through the deployment of planting onside and through taking advantage of existing planting offsite?

2915. **MRS KIRKHAM:** In these three sections, yes, I agree with you. But of course they are only three viewpoints. Two of them are from Marston Vale, which we know has quite heavy planting along that edge. If you go right up to the edge of the railway line where there is a footpath, at the moment you can see straight into the pit. There is a hedgerow to be planted there, but it will be a deciduous one, and you will see through it. So it all depends on which position you are standing in. I agree, in those locations there is the benefit of planting, but at other locations it is not the case.

2916. **MR MOULD QC:** If we turn back to page 42 and 43, we see some of the existing screening along some of those nearby footpaths that were the principal source of concern to the infrastructure planning permission that will help us to build upon existing screening with the further work that we seek to achieve. Would you accept that?

2917. **MRS KIRKHAM:** In certain locations, but if you go to page 41 there are two examples where the RRF will be clearly visible. In the top one, 4, which is not illustrated in the section—the section is from nearby—you can see there is a footpath and there is a tree just to the left of the footpath. The facility goes in just to the left of that, and we are very close to it. That is a mature tree. So that is one view.

2918. **MR MOULD QC:** It is not all or nothing, Mrs Kirkham. There will be views. It will not be an invisible facility. That was not what I put to you. I put to you that we have sought

2919. **MRS KIRKHAM:** In some locations.

2920. **MR MOULD QC:** Yes. One final point in the 10 seconds I hope that I have left. You referred the Committee to a Heritage Lottery Fund application for improvements to Ampthill Park. The Heritage Lottery Fund have recently refused the council's application for such a contribution, have they not?

2921. **THE CHAIR:** Can I point out there is a division in the House, so I would like a very quick answer.

2922. **MRS KIRKHAM:** I do not know the answer to that.

2923. **CHAIR:** And "do not know" will do us as a very quick answer.

2924. **MRS KIRKHAM:** We will find out for you.

2925. **MR MOULD QC:** Thank you very much indeed.

2926. **CHAIR:** Thank you. Can I now say the hearings have come to an end for today, so I will adjourn the Committee? The House of Commons is in recess next Wednesday, so we will not be meeting. We will be meeting however on 21 November at 9.30 in this room. Can I remind counsel and council officials here that the parties may have representatives to accompany us on our visit when the Committee comes to the area? I conclude by saying order, order, the meeting is now adjourned.

Public session adjourned at 4.00 pm