

Evidence in chief and Cross-examination of Mr Philip Ward on Heritage Matters

Neil Cameron QC	APP121 - deals with parking in the city centre - a question that was raised in X-Ex. Has been provided to Mr Jones. Should also have 1-22. You'll recall that the Leeds Transport Forum raised a number of Qs - answered at 1-03. They then raised further Qs and these were answered in this document. Raised Qs over modal shift. The promoters took the view that it was more helpful to show the effect in Leeds.
Martin Whitehead (Insp- MW)	Objector 1727 has submitted something else. Not to do with what we're doing now - Dept for Transport on reduced clutter. An e-mail on design statements.
Woman for LTF.	
Neil Cameron QC	Concern if docs are produced after our witnesses have given evidence - unable to comment on them. May disadvantage us.
MW	I want to emphasise the point - submit docs asap and before the witness gives evidence. If there's nothing else, I'll hand over to Katie Peerless (our heritage expert)('KP') who will take over and Mr Walton will take over.
KP (10:09a.m.)	A lot will overlap with the townscape and planning issues. I don't want to stray into the planning matters- I'm here for a limited time- please focus your Qs and evidence on heritage. A week now and a week in July. I'll produce a part of the report that MW will incorporate. I won't make the final decision or recommendation to the SoS.
Robert Walton (junior counsel for applicants)	Mr [Leads on qualifications]
Philip Ward (PW)	Born in SW Yorks. Have lived in Leeds most of my adult life, mostly in NW Leeds. Am v familiar with the route. Have some corrections to make.
MW	Can we have an errata sheet please?
	CC3 and CC5 in UDP, which have been carried forward into Core Strategy are relevant.
RW	What do they deal with?
PW	Conservation and design in the city centre.
RW	End of section 3.
PW	I worked closely with Mr Ray.
	51 Listed Buildings. That's 2.2% of the LBs in Leeds. 2,340 in total. Someone asked if 51 was a lot. Of the totality of LBs in Leeds, a small percentage I'm sure you'll agree. 8 Cons Areas directly affected and Riverside Cons Area is close to the line of the proposal.
RW	Para 5.5.
PW	The listed walls will be resited.
	608 para 2-25. Takes point of widening on south rather than north side of Headingley Lane. What's your response.
PW	A question of quality. The Headingley Design Guide is helpful. On N side all but 1 of orig villas survive. On S side, less than half survive. Fewer listed buildings on the south side. Other difference is, north side the buildings front onto Headingley Lane to take advantage of views into Aire Valley and the sun. The south side is the rear and there's been a lot of later development that's been harmful. So it's my case that it is better to widen on the south side as less impact on heritage assets. Agreed by Insp in Supertram inq. Quite blasé actually. Didn't think there would be any harm to streetscape.
RW	Morley Trust 1608. Para 2-25. Got that document. Back page of the rebuttal. A learner driver coming towards you?
PW	Yes it is. We can see on North side, walls are made of squared stone. Can also see depth of trees on North side. Whereas on south side, walls are mixture of brick and stone. Many walls have been rendered because the fabric has perished. Stretches on south side are leaning and the stretch near the Headingley Business Park looks like it's collapsed. May be manifestation of poor structural integrity of the south side.
	53 LBs will be affected by fixings. But got to be real about the quality of these buildings. Are rather plain Yorkshire buildings. Not paintings. Project from masonry by 60 or 100mm. And are reversible. I went to Edinburgh last week. Strategy there has been to fix the buildings. If you go there, it's evident how versatile these fixings could be. I could count 5 Grade A listed buildings. In some cases, difficult to see where the lines attached to the buildings. Fine, like telegraph cables or window cleaning cables. There are poles along the central reservation but improved the townscaping- gives a regular march and order to the street. There are exceptions - Princes Street to Haymarket Station - on a crescent, I think it's been very harmful. Where wires seen against sky at St George Square, can see humpback of wires against the sky. In Leeds, there'll be less where the wires are seen against buildings. - Crossing between Cookridge St and Park Row - will be visible along the head(hedge?) row.
RW	Para 5-10. Offline route in Headingley. A rebuttal to Headingley Castle 0461. Point you pick up t 2-30 - has the impact on Headingley Castle been properly assessed. You view on impact of NGT as it goes through the setting of Headingley Castle?
PW	I know Headingley Castle well. A private property but been many times. Was there when Mr Barraclough's view of Castle in original setting (parkland setting) was discovered. It's evident that HC sits in a parkland setting, similar to the original parkland setting. Evident it will be harmful, with the line and the traffic into a secluded space. I certainly assessed it in my proof and it's assessed in the ES hist envt chapter. I certainly acknowledge it will be harmful. Have walked the line with English Heritage. They've identified several areas of sensitivity along

	the line. But their overall assessment (I quote from letter 10th April 2014), 3rd para - Letter to Rebecca Owen- back of ref 1719 Hardy rebuttal Appdx A) "confirmed that...all required archaeological investigations could be carried out after determination" and consider physical impacts to archaeological remains will be minimal because route will be along the highways with the exception of one area where they propose a standard archaeological condition.
RW	Appdx 0923 - Rebuttal to Ms Lightbody, Appdx 1.
PW	Ms Lightbody's criticism is that there aren't enough mitigation measures. I'd be the first to admit that the area of mitigation is complex. The approach taken is summed up at para 2-22 of the ES chapter. All mitigation measures have been built into the design management processes and controls. If we take design, 3 areas where taken into acct. Doc A/0/8K supporting doc and also Volume 2 of it which contains landscape drawings. This sets down general design principles for urban design, bus shelters, rebuilding of walls in historic areas, felling of trees. Also set down in words in Section 4 of ES hist envt chapter. Those mitign measures are brought through into heritage statement for LBC applications which talk about rebuilding of walls and fixing of OLE attachments. There are 2 conditions that are suggested as part of Planning Direction I'd like to mention. Conditn 22 - "no phase of the authorised trolley vehicle system shall be commenced until mitign...submitted to and approved by LPA....shall be implemented in accordance with the approved scheme". And Conditions 4 and 5. Conditn 4: Prior to commencement, a design statement shall be submitted to and approved by LPA. Conditn 5: approval for all reserved matters shall be in accordance with the approved design statement unless otherwise agreed by the LPA. Another control measure is the code of construction practice. This forms part of the ES and is therefore subject to Condition 22. The code of practice covers trees and also archaeology - says in advance, shall submit an archaeological statement for approval. I would refer you to the appendix as it is a complex area.
RW	No further Qs.
GJ QC	Mr Ward, your Proof, Ms Lightbody's PoE, The 2 rebuttals, the LBC applicns - A/09a. An ES, Volume 2 - A/08c.
	You set out your role - head of conservation team. Here to support the making of the order?
PW	I'm giving evidence.
GJ	Your evidence doesn't support the scheme?
PW	It's a matter of interpretation.
GJ	You say public interest outweighs harm.
PW	I don't think so. Not a matter for me to do the balancing exercise.
GJ	Not an author of ES?
PW	No. I was consulted.
GJ	You didn't draft the LBC statements?
PW	No. I provided a template.
GJ	Can you help us with why the authors of those docs have not been called to give evidence?
PW	No. Don't know.
GJ	If we go to para 2.4 of your evidence. Says you consider the impact in Section 5. Borrow the methodology of ES hist envt chapter. You've not yourself carried out a historic nvt assessment - just reviewed the work carried out?
PW	Yes.
GJ	If we look at the heritage chapter of the ES. Just so you can help me. Marked MottMacDonald. I'll just take one application - A/09a.
PW	[10:49] I'm going to be building up my muscles.
GJ	Let's go to one- Rose Court and the piers. Originator HNoakes. J Williams, J Smith is the highways consultant?
PW	I think a fair assumption.
GJ	He's not a heritage expert?
PW	No.
GJ	ER...
KP	Sorry, where are we? [GJ explains] I've got it, thanks.
GJ	Noakes. Checker- Mr Wyeth and Mr Williams. Then Mr Smith- we know about him- he's a highways consultant we've heard from before. Go to FWY-122 we've just handed in. We see the author Helen Noakes. And Paul Wyeth who's a principal landscape architect.
PW	Yes. Insofar as the author and indeed the checkers are concerned, we've got no-one who specialises in LBs and Conservation Areas.
PW	I agree that. But archaeology isn't only about lumps and bumps underground but archaeologists are also trained in architecture. Not a foreign land.
GJ	There's a big difference between an archaeologist and someone assessing C19th conservation areas?
PW	People come to our world from a variety of backgrounds. People appraising Cas are town planners, surveyors and also archaeologists. I don't think their world is very different to mine.
GJ	Same Mott Macdonald team?
PW	Yes.
GJ	The only assessment of impact n LBs and Cas is the one we see set out in heritage chapter of ES?
PW	And also the heritage statements in the LBC applications. I think they should be read as a suite of documents.
GJ	The authorship is the same?
PW	Yes.

GJ	You say if I were to call a C19th specialist you would be happy assessing palaeohistorY?
PW	No not normally.
GJ	What evidence do we have of their expertise?
PW	They're not here. I know the individuals and their competence extends across a wide field.
GJ	Funny they don't mention it in their profiles isn't it?
PW	Give me some time to read it. Before you rush me into an answer.
GJ	I'm not rushing you into any answer.
PW	If you take Helen Noakes' experience at MottMacdonald. We see wide experience- DBAs, WSIs and production of heritage chapters, consultation, production of heritage statements. Does show previous form.
GJ	You know how teams work. I quite accept Ms Noakes would be quite appropriate as part of a team on the archaeology. But you wouldn't expect her to be the lead expert on C19th buildings?
PW	The buildings on the route probably span 1000 years and we won't have experts on all these periods will we?
GJ	Does it not strike you as odd, Mr Ward that where you have main impacts on listed buildings you have 2 archaeologists and a landscape architect?
PW	I'm sure they are competent to assess the historic environment. They've carried out an assessment that I agree with. It is possible for professions to agree.
GJ	Who is the LPA who'll be deciding whether to approve the mitigation?
PW	Leeds City Council. But LBs conditions will involve input from EH.
GJ	Very often will be officer delegated?
PW	We're not quite sure.
GJ	Madam, we will be saying it's inappropriate to have approvals to the council that's been promoting the scheme and in particular to the officer who has been giving evidence in support of the scheme.
GJ	A/08c ES Vol2 technical appendices. Tab 7. para 2.26, page 18: "no detailed archaeological or building field surveys"- external surveys of LBs only?
PW	That's the assumption yes. But from my experience I know a lot of buildings from the inside.
GJ	We don't find evidence about the inside in your evidence?
PW	That's because the impact is mainly, not wholly, external.
GJ	Important concession- not wholly external. Now, no detail on Edinburgh in your written evidence?
PW	No.
GJ	Do we find set out in your evidence anywhere the route and design details of supertram and a comparison with them?
PW	No. I'm concerned with this scheme, principally, not the historic evidence.
GJ	Do you mention Supertram in your evidence?
PW	Yes para 4.7- "following the alignment of the previous".
GJ	Doesn't take us anywhere meaningful?
PW	No it doesn't.
GJ	I suspect your view of Inspector being "slightly blasé", might find Ms Lightbody agreeing with you. You'll agree that we have to look at the experience and policies since 1986?
PW	Yes.
GJ	You say you borrow the assessment methodology of ES? Does that mean you use it?
PW	I understand it and think it can be applied to this scheme. I agree, an odd word.
GJ	Let's look at the assessments- both LBC applications and also the ES. ES vol2 technical appendices. Page 16- assessment criteria 2.17, up to page 18. Is that the criteria you're referring to that you've borrowed?
PW	Yes.
GJ	Significance, magnitude, mitigation, residual effects.?
PW	Yes.
GJ	If we look for example at the heritage statements A/09. Tab 8, piers at Rose Court, as an example.
PW	8/09a?
GJ	Yes, piers not curtilage. Set out differently here. Section 2 significance, then policy, then mitigation and conclusions. Now, the heritage statements should follow the same methodology in the technical appendices of ES you say you've borrowed?
PW	Yes
GJ	We find something different?
PW	What are we looking for? What do you say is different?
GJ	Well does it follow the criteria?
PW	Can you explain why?
GJ	This does not follow and apply the criteria in the technical note?
PW	You're asking me to agree whether there is a difference without saying what the difference is?
GJ	Straightforward question. You are supposed to be giving evidence as an independent expert though your answers may be calling that into doubt. Not a game. Can we agree that it does not accord with the assessment criteria.

PW	No can't agree it doesn't accord.
GJ	So your evidence is that it does accord.
PW	Yes.
GJ	Let's have a look.
PW	Section 2 significance. I know one of the criticisms of the ES is that we don't have an assessment of the significance, but we have that here.
GJ	Where do we find an assessment of the magnitude of the impact?
PW	5.2.
GJ	How is that assessing the magnitude? It's a description of what is proposed.
PW	If we go to 1.1.
GJ	We can agree 5.2 does not assess the magnitude of the impacts. I'll let you go to 1.1. But can we remind ourselves at page 16 of what they purported to do - need to assess the consequences of the change. They don't do that, only a description of what the change is?
PW	Yes.
GJ	Now table 1.1. A summary - says it's "evaluated below". What is it summarising?
PW	Yes. It's summary of the impacts on the structure and the significance of the effect.
GJ	Let's look at this, of this is what you are relying on. That's different to the assessment criteria set out at pp16-18?
PW	Yes it is different.
GJ	Not carried out in accordance with the criteria in the technical note?
PW	It's different.
GJ	Do you say it's different but it is in accordance with the technical note?
PW	Yes.
GJ	Yes it's not in accordance with the methodology. But it is possible for the heritage statement to understand the impact on the gate criteria.
	You can now agree it doesn't accord?
PW	It does not adopt the same methodology. What I can't agree with is that the heritage statement is unsound.
GJ	That's a whole new story. Which we'll come on to.
PW	Yes.
GJ	Do we find anywhere a justification for the methodology of the heritage statement? [11:25]
PW	No we haven't. But sets out what the purpose is. It says has been prepared to provide supplementary information. This is a tried and tested formula for a heritage statement.
GJ	Can you take me to a methodology how to set out a heritage statement?
PW	I don't think there is guidance on heritage statements. But this is the standard approach for Leeds. This is what I tell people to apply.
GJ	So the ES methodology is not the one you say is standard one for Leeds? Where do we find any document that sets out the methodology. Any doc you want to point Insp to?
PW	No. It's the approach we rely on in Leeds.
GJ	You didn't say the ES approach was different to the approach you apply in Leeds?
PW	That is the approach we apply in Leeds. Isn't a difference. So why would I point that out?
GJ	[Accuses Mr Ward of being deliberately obstructive. Rebuke by Insp - KP].
KP	[11:30] Let's break and come back at twenty-to.
GJ	Table 1.1, page 4, heading 'location'. It's a description of what's proposed?
PW	
GJ	Exact location to be confirmed. So at the mo, we don't know where it will go.
PW	Yes and that's the case for others.
	That's the approach for other tram and trolleybus schemes.
GJ	You don't in your evidence refer to other schemes?
PW	No
GJ	We agree that it's a similar approach in other applications that are before the inspector?
PW	Yes we can agree on that.
GJ	We are told, the "application" - presumably the subject-matter, the piers, lie 11m from the LB. It's the <i>approximate</i> location?
PW	Yep.
GJ	We're looking at a relatively small area. 11m away, moving approximately 5m in a south-easterly direction.
PW	Yes
GJ	Need to be relatively precise because a small area of curtilage?
PW	[Nods.]
GJ	We're looking at losing about half the area in front of the house?
PW	I don't know about that. I've not got a scale rule. Doesn't look like half of the curtilage.
GJ	I agree. It doesn't look like 5m on the plan. If we look at the description, "exact location will be subject of discussion with officers". We're in the dark?
PW	Don't know for certain. Not unusual for these sorts of applications, I'm told.

GJ	For a listed building it's quite important isn't it?
PW	It is.
GJ	If we look at the indicative plan. As matters stand, if consent is granted, it's a matter for you and your officers where the pillars will be set back?
PW	And EH.
GJ	Consultation with them but our decision?
PW	A decision for the LPA.
GJ	When we look at the indicative plan, it doesn't look 5m back but depends on the scale.
PW	I said, I'm not sure about that.
GJ	If we look at the text on 2.1 Appdx C. Description says aprox 11m to the north of the LB. Can you indicate on the plan where the building is.
PW	There's a portico and then a facade further back.
GJ	It's 11 from Rose Court itself?
PW	I don't know whether it's from the facade or the portico?
GJ	If we look at the plan, appears to be less than 5m back,
RW	The plan for the following application shows Rose Court.
MW	We don't know if the measurement is from the portico.
GJ	We know, if consent is granted it could be <i>beyond</i> 5 m?
PW	It could be.
GJ	From wherever it's measured...the distance is highly relevant to assessing extent of impact on significance?
PW	Yes.
	The applicn is to set back the piers by 5m.
GJ	No it's not. The description of the works does not.
PW	Well but the heritage statement does. My understanding is that it's for setting back by 5m.
GJ	If your understanding were wrong and it were not 5m - and "for discussion" suggests not...
PW	Well I understand that 5m is the limit of deviation.
GJ	You say it was your understanding that it was limited to 5m. Let's say you are wrong. Does that affect your view whether the insp should grant LBC?
PW	It's a matter of fat and degree. If it were within say 1m of the LB then I would e very concerned yes.
GJ	Where do we find any assessment of the impacts on views from Rose Court, any particular distance?
PW	None.
GJ	Where do we find an assessment of the setting of the listed building?
PW	I don't think there is one.
GJ	Now, if we look at 2.3, which is where you directed us for an assessment of magnitude of impact. Last sentence: "loss of the gate piers..serve to detract from the overall listing of the listed building". Where do we find where it is that we find what is the harm. Is it the demolition or their relocation?
PW	I think a mixture of both.
GJ	What does "impact on listed status" mean? Does it call it into question.
PW	I think it means effect on significance. The gate piers will be rebuilt and won't look different aesthetically but will be in a different position.
GJ	Says will seek "relocation...wherever practicable". So we don't know how much will be lost.
PW	I think the point is whether the significance is in the bricks and mortar or something else like aesthetic value.
GJ	Good point, where do we find that.
PW	I think it's hinted at that the aesthetic value trumps the bricks and mortar.
GJ	This is the first time you've suggested the aesthetc value trumps the historic and evidential value.
PW	That's my assessment.
GJ	You said earlier that you hadn't carried out a heritage assessment.
PW	I've done my own assessment. It's in my evidence.
GJ	Is it your evidence now that your Section 5 is a proper freestanding historical assessment?
PW	No it does not.
GJ	And the first time you suggest the aesthetic value trumps other factors is today?
PW	Yes.
GJ	No relative assessment here of relative importance of historic and other factors?
PW	No it doesn't. Only the more modern ones do. Only hints.
GJ	Authors did not seek to rank those particular values?
PW	No.
GJ	It's not just the piers that are to be demolished and then relocation of whatever's salvaged. It's also the wall. Paragraph 5.26 of your Proof, page 23. Set-back of 5-10m from the original location.
PW	Yes.

GJ	Back in the heritage statement. We see "mitigation", but that's not mitigation, it's what the application is? We agree the second sentence isn't?
PW	That's right.
GJ	So left with planning conditions. Approx 5m to SW, Is assessed as moderate adverse. But then suggested it goes down to 'slight adverse' by doing exactly the same thing.
PW	That's the mitigation.
GJ	If it ere diferent gate piers it wouldn't be a 'relocation' but newgate piers.
PW	It would be relocation but might not match the salvage material, might not be lime and mortar. I spend a lot of time on site and that's where the added value in my job is, checking things are done properly.
GJ	We've got to look at the description - says "relocation", not demolition and rebuilding. Will be near-as-dammit.
PW	You're being more optimistic than me. A lot can happen in relocation. Builders can make a real dog's dinner of things.
GJ	That's why we need a detailed mitigation package now. Because we don't know where the walls will go.
PW	No, we know limits of deviation.
GJ	TWA Order?
PW	Sorry I'm confusing different terms.
GJ	Don't know where it's going?
PW	Not unique to this scheme.
GJ	You've not given other examples. But no details about mitigation.
PW	Well, we have the design statement. Until we take it down we can't know how much can be salvaged.
GJ	That's my point, Mr Ward. It is possible to make some assessment and some judgment about how likely it would be that it would be salvaged.
PW	I don't know how likely it is that 100% is salvageable.
GJ	I'm looking for some assessment whether 0% or 100%.
PW	There isn't one. But it wouldn't be worth much. I've been surprised both in a positive and a negative way in the past.
GJ	How have you gone from moderate to slight adverse without having any idea how much of the materials will be salvaged? How do you do that?
PW	Depends. If we think the significance is in the aesthetics then we might say that the significance would be preserved.
GJ	Let's just test a little further. [12:28]. Heritage statement at 2.3. Where do we find an assessment of the proposed works' impact on the Conservation Area?
PW	We don't. But the question is the impact on the listed building.
GJ	Don't you also need to assess the impact on the CA?
PW	Only if there is a planning application.
GJ	It refers to positive impact on conservation area.
PW	I think the significance is only where it applies to a listed building.
GJ	You say it's not relevant for the purpose of this inquiry?
PW	Not primarily.
PW	No I don't think it is, not in a LBC application.
GJ	All the assessment of impacts on Conservation Area is all irrelevant according to you?
PW	Yes.
GJ	And the "overall benefit to the Conservation Area". If you're right - irrelevant to the LB and its setting.
PW	Yes.
GJ	And we see mitigation summary, effect, "slight adverse" - set out in section 5.4. So it looks like...
PW	It's irrelevant for a LBC.
GJ	If it were taken into account under 5.4 as part of the mitigation that would have been wrong?
PW	If that were the case. But not the case - reference throughout to impact on LB.
GJ	And balancing not a matter for you?
PW	No, not the public benefit.
GJ	You agree a balance between public benefit and heritage impacts?
PW	Y
GJ	If the public benefits were less, that may have an impact on whether to grant LBC?
PW	Yes, para 134 of NPPF.
GJ	Now, tab no.9, curtilage of Rose Cottage. Description of the works - different because a mention of "approx 5m".
PW	Yes
GJ	We note don't we, draft conditions. Decision is with LPA?
PW	Yes.
GJ	And at this stage, no written scheme?
PW	No, don't have a design.

GJ	Report on structural condition of the building. Could be done for the wall?
PW	It is yes.
GJ	Something that LPA could have insisted on for this application?
PW	Yes.
GJ	Method statement for the works. That's something again, you suggest it be included as a reserved matter. Could have been produced now?
PW	It could.
GJ	Can we go to section 1 - introduction - of same tab. We're told the wall is "approx 10 to NW". We don't need to repeat the Qs - same answers on relevance of Conservation Area?
PW	Yes.
GJ	A characteristic that's identified is existence of other vilas and gardens, can we agree the setting of the LB is a relevant consideration?
PW	It is.
GJ	And the large garden is relevant to this building?
PW	Yes.
GJ	Important to know by how many metres the garden will be reduced?
PW	Yes.
GJ	No discussion of the reduction of garden size and impact on the setting of the LB.
PW	No.
GJ	I'd suggest that is a significant omission.
PW	Depends on the extent the garden contributes to the setting of the LBC. We have to make an assessment of the extent the setting contributes to the special interest of the LB. It's in EH guidance.
GJ	Where do we find an assessment of whether a significant or not significant feature?
PW	It isn't set out.
GJ	Can I suggest that unless you go through the stages and ID the setting and what it contributes you cannot identify the impact on the LB.
PW	We're assessing the impact on the curtilage wall.
GJ	Is Rose Ct not listed?
PW	It's a question which is the dog and the tail. I think the walls are part of the curtilage of the listed piers but not of the house.
MW	Not the house?
GJ	It is described as curtilage walls. Are you saying they're not part of the curtilage of the house? Can a pier have a curtilage?
PW	Yes I think so. No, the piers not the house. It's a matter for the courts.
GJ	The authors of <i>this</i> document believed that the walls were the curtilage of Rose Court. You disagree.
PW	It may be that they are within 2 curtilages.
KP	It's an attached structure so it's part of the Pier. No other purpose or use for the walls, so are they not part of the listed building b/c they are attached?
PW	Yes.
GJ	If that's right, if they are part of a principal listed building, the proposal is complete demolition. Isn't that inevitably going to be substantial harm?
PW	No. 2 different applications.
GJ	You're suggesting that if you have 2 applications, 1 for demolition of the front and one for demolition of the back, that wouldn't be substantial harm.
PW	Depends - need to consider the NPPF.
GJ	Can you take out the NPPF? Para 132.
	Conservation means keeping it intact?
PW	Yes.
GJ	"irreplaceable". We can agree that?
PW	Yes.
GJ	"Substantial harm to, or loss" should be exceptional. So if this is demolition, this is loss.
PW	No. Here it's being reinstated to its original appearance. Principal value is aesthetic. No loss to aesthetic value. So not demolition.
GJ	I'll suggest demolition is, where building once stood, no longer stands.
PW	I'm suggesting that it's being reinstated.
GJ	Can I suggest demolition is removal and whether you seek to rebuild nearby to replicate the asset is a different thing. Or say be/c you seek to build another wall with some salvage that's not demolition.
PW	No.
	It's a building operation. If the contractor takes it away in a skip, that's demolition.
GJ	If you couldn't salvage anything, would you still say the building hadn't been demolished.
PW	I would, yes.
GJ	That's a Johnny-come-lately point.
PW	I often find in inquiries that's where we get to the heart of things.

	Can I go to my evidence at 3.14. "An important consideration in deciding whether works to a listed building constitute substantial harm is whether the adverse impact seriously affects a key element of its special architectural or historic interest". A qualitative not a quantitative judgment.
GJ	Where in that proof do you go on to say the trump card is not historic or evidential but aesthetic.
PW	They also contribute but the key contribution is aesthetic. It doesn't.
GJ	No 'clear and convincing justification'?
PW	That's a question of public benefit.
GJ	It refers to "exceptional" and "wholly exceptional". The Insp has heard that your opinion is that he aesthetic interest trumps other matters. You're not suggesting it overrules other values?
PW	No, those are other considerations. The primary one.
GJ	The historic and evidential value would be totally lost if demolished.
PW	The evidential value, but not the historic value - relationship to the family.
GJ	There's a relationship between the LB and the pier.
PW	Yes, part of its setting. But we're not dealing with an application to alter the house.
GJ	Your evidence is that the impact on the setting of the house is irrelevant?
PW	It is relevant to the inquiry, but not to this application.
GJ	In what sense?
PW	This application is for alteration of the listed piers and walls. The house is part of the setting.
GJ	It is important
KP	It's ten past one. Can we break?
KP	Adjourn till ten past 2.
KP	It's the afternoon session and the Inq is now resumed [2:09pm].
GJ	The inspector helpfully said and you accepted, the walls are attached to the listed Piers, correct?
PW	Correct.
GJ	The description of application is on a different basis. At paragraph 5.6 of your PoE where you deal with LBs please. You say, "the walls will be demolished..." You accept the use of demolished is an accurate description, there?
PW	Yes. But with the exception of Brames they will be rebuilt.
GJ	We don't know how much will be salvaged.
PW	We don't know whether 100% or nought per cent -somewhere between the two.
GJ	The heritage statement seems confused as to what the heritage asset is. Refers to "reinstatement" not demolition. Then table 1.1. "curtilage associated with listed building". That's presumably Rose Court they have in mind, given the description?
PW	May be. That's speculation.
GJ	We're in the position we can only speculate. Let's look at the conclusion at 5.5. First bullet point -"assets...historic and aesthetic structures..." We have to speculate as to what is meant by "assets" plural?
PW	I think it should be singular.
GJ	Why do you think in plural?
PW	Don't know.
GJ	What's the "heritage asset" in the next line? What listed building?
PW	Rose Court.
GJ	Could you help me please with the plans. Appendix B site location plan. "key - affected structure". We see Rose Ct shaded and also the wall. Can we agree that Rose Ct and the garden falls part of the listed pier wall?
PW	Well I think the piers and the wall are w/i the setting of Rose Ct.
GJ	That's helpful and was going to be my next question. But what about this?
PW	Yes we can.
GJ	And the wall would be regarded as listed as part of the curtilage of Rose Ct?
PW	Probably.
GJ	A decision was taken, nonetheless, to list the piers separately. As distinct from being simply curtilage for a LB?
PW	Correct.
GJ	That suggests the piers are likely to be of significance in themselves?
PW	Yes are a heritage asset in their own right.
GJ	You said the impact on the setting on Rose Ct was not relevant to this applicn but was relevant to TWA Order?
PW	Yes.
GJ	But we can agree that it <i>is</i> material as within the setting, for the LBC application?
PW	For the TWA.
GJ	We don;t find the setting of the pier-wall assessed do we?
PW	No.
GJ	And the impact on setting of Rose Ct being assessed?

PW	Can't recall it.
GJ	So far as the written documentation, can't find any evidence of that having been done?
PW	No.
GJ	Those things not having been done, one is not in a position, in a way that is transparent, to know how the assessment has been made, to know how there will be an impact?
PW	If the setting forms part of the special character, then I agree.
GJ	You are directed to give special regard to the desirability of preserving the setting. So you can't just ignore it and say you don't have to consider it.
PW	There have been cases...I don't think the setting contributes anything, or very little, to the special interest. So you don't need to.
GJ	[Reads s.66]. You have to address your mind. That's not here - we don't find that exercise do we?
PW	No we don't.
GJ	Left in a situation of speculation aren't we?
PW	Yes we are.
GJ	The next tab. "Affected structure" and "location of new structure". Why's there a big square [on the plan]?
PW	I believe that there had been a suggestion to alter ground levels and steps.
GJ	We can't tell whether there's steps, walls, anything.
PW	Yeah.
GJ	I'm going to leave this application. But can you agree that it would be irresponsible to grant LBC and planning permission b/c there simply isn't sufficient detail of assessment of the proposals and impacts/
PW	Like all things if you put things under a microscope you find defects.
GJ	Fact there's a 15 km scheme does not mean you look with any less rigour at LBC applicns?
PW	Agreed
GJ	If this was a single application you'd never grant permission based on this, would you?
PW	We've covered a lot of ground. Looked at the methodology and the detail Can't get more detail
GJ	You've agreed it's possible isn't it?
PW	Not reasonable
GJ	Why?
PW	You'd have to look at 14km. In the time we've got...With the controls we've got, I think we can safely approve it.
GJ	You said no change of approach and then say you will change the approach. The applicants have had 10 years.
PW	With the controls we've got, we can do it.
GJ	The control is that one of the promoters can approve further details later. What's the point of asking for LBC at all from the SoS? Inadequate.
PW	That's your view. The operations here with the walls are the same.
GJ	Quite different. It matters because the assessment of significance and so on differ. The design guide will be the same. You're saying, "don't worry about it - you can rely on us". At mo you can't tell us how much will be affected?
PW	No.
GJ	And
PW	No-one can tell how much of the buildings can be saved until we've demolished them. It's chicken and egg.
GJ	You'll have a structural survey so you'll have some idea.
PW	Not certain.
GJ	At the moment you have no idea.
PW	No we don't.
GJ	If we go to Tab 20 and Holy Trinity. We ere told that the applicn for LBC was going to be withdrawn. We've been monitoring the Council's website and it says it's "pending". Can you help?
PW	No. We've asked for it to be withdrawn but I don't know if it <i>has</i> been withdrawn.
GJ	My difficulty is, this is the only heritage witness. Holy Trinity is Grade I listed and I don't know if it's been withdrawn.
MW	I've a letter from the SoS saying 'thank you for withdrawing'.
GJ	I want to clarify whether they are pursuing it as a separate application before Leeds City Council and if not, who is the witness I'm going to ask. How would the cabling be dealt with?
PW	The alternative is to put up a pole.
GJ	Any evidence how many poles or where they'll be affixed?
PW	No. That's a matter for a condition.
GJ	We have no plans anywhere about poles at all?
PW	No, correct.
GJ	Insofar as Holy Trinity a Grade I building do we have no indication at all of how many poles>
PW	No.

GJ	It's in the top %age of assets. Since the applicn to affix cables has been withdrawn, we need to know what the evidence would be.
PW	That would be a reserved detail.
GJ	How is one to assess the impact on a Listed church? If the principle had already been accepted if the impact as such that it would make you go "my goodness", too late. No detail.
PW	Not unusual.
GJ	Is it what's been told to you by others- don't worry about it, always happens with trolleybuses.
PW	No.
GJ	No difference to any other T&W application?
PW	The difference is the sheer length.
GJ	Can you show me anything in LBCA Act or guidance or NPPF that where a scheme is a large scale, you take a different approach?
PW	No.
GJ	You wouldn't be saying that if it was a smaller development.
PW	Mm.
GJ	We've agreed the approach shouldn't be different because of the scale of the development?
PW	Yes.
GJ	In respect of Holy Trinity, they would have sufficient powers under TWAO to put up poles subject to reserved matters?
PW	Yes.
GJ	The SoS needs to be able to assess the impacts of the poles.
PW	Yes
GJ	There is no heritage evidence in respect of the poles?
PW	No.
GJ	And the promoters are still saying that if they had LBC consent they might still have poles?
PW	Yes.
GJ	No evidence of how many poles and where they would go?
PW	No.
GJ	Impossible to grant permission without knowing that.
PW	Inspector has to make a judgment. Depends on the impact. We know that we'll have fixings. One of the principles in the design statement is to have fixings in the city centre wherever possible.
GJ	That's not a commitment is it?
GJ	How many poles will there be even approximately, 100, 1000, 100000?
PW	Don't know.
GJ	How high are the poles?
PW	I think the best I can offer is paragraph 2-8-10 of the Urban Design and Access Statement. Second sentence. "general assumption...not less than 5.8m high". Minimum not a maximum.
GJ	Sets out principles and standards- not conditions.
PW	No but as I said, there is a condition requiring this statement to be prepared.
GJ	"the current assumptions" - Maybe you are not the person to ask but do we know those will remain current?
PW	Don't know.
GJ	Only a <i>general assumption</i> as to the height. May be higher or lower?
PW	Yes.
GJ	I must ask this. English Heritage had a number of concerns. Have you seen plans or designs of bus stops near Holy Trinity Church?
PW	No.
GJ	Are you aware that any are to be prepared to hand into the inquir later after you've given evidence?
PW	No.
GJ	So for completeness, poles, stops and shelters - no designs?
PW	No, no designs but do have general principles in Urban Design Statement.
GJ	Go to the museum. "fixings approx 6.8m or above" On completion, exposed eyelets visible. In terms of overhead wires, we need 2 sets? [2:52]
PW	Yes.
GJ	In terms of impact on assets, the wires cannot be seen to be positive?
PW	Neutral at best, slightly adverse at worst I'd say. Except in the city centre.
GJ	If you had a Taj Mahal surrounded by cables.
PW	You're not dealing with precincts of a cathedral. We're dealing with streets with existing infrastructure to which we are adding?
GJ	So you were talking about these streets?
PW	Well we need to say which streets. In general yes. Could be worse.
GJ	You say, slight adverse in this context. We can agree can't we that the fact the building may be damaged by other intrusions does not mean same special regard shouldn't be had?

PW	Absolutely
GJ	So wrong to say less harm because of existing signs etc.
PW	I think it is less harmful, yes. Signs, street lights, gantries, christmas decorations. It's context isn't it.
GJ	In terms of guidance, we'll see what NPPF says in a moment. But let's go to Vol 2 ES appendices and para 3.8.3 page 34: "Millennium Square Description". We looked earlier at the purported methodology at pp.16-18. Is to be applied in the ES to each heritage asset and then look at cumulative impact?
PW	Yes.
GJ	You don't look at a global lumping all together do you, all together? Individually and then cumulatively?
PW	Yes.
GJ	The ES doesn't apply the methodology?
PW	That's very general. I think you'll have to take me through in tiny steps.
GJ	Let's go through specific examples. If we look at the description, "impt and attractive public space" "sensitive" "public enjoyment of impt listed buildings" "Seen as Leeds' flagship public space"?
PW	Well, a bit hyperbolic.
GJ	First public square in 60 years, Was deliberately extended to include Cuckridge St?
PW	Yes it was the intention to use the museum as one side of the space. I'm not sure I find it successful. It's a street running through the square and it's ambiguous.
GJ	Do you say that in your written evidence?
PW	No.
GJ	College of Art - fits in well with surrounding buildings?
PW	Yes.
GJ	Staying in the ES. Page 57. Receptors are not physically next to each other?
PW	Not contiguous.
GJ	Just looking at the approach in the table - distinct receptors are bundled together. Different characteristics?
PW	Yep.
GJ	Effect is bundled together. And "more important on the townscape". That what?
PW	A strange sentence. It's not a sentence.
GJ	Planting and landscape design etc is unspecified.
PW	Yep
GJ	"not significant". Can I suggest to you that, dealing with north line construction phase just by way of example, that is not a satisfactory way to address the effects?
PW	This is a summary so should be set out in the text. Should not be read in isolation.
GJ	Let's go to the text. Leeds City Centre. Chapter 4? Where did you want to take us in the text?
PW	You want me to go to that?
GJ	I'm giving you the opportunity to clarify what you want to rely on to say, actually the ES is much better than that. If we look at 4.2.1, conservation area.
PW	We're only losing 1 tree in the city centre so not a lot of discussion.
GJ	What about the fixings. Where do we find an assessment of the buildings and settings and impacts. It says, considered in operation phase.
PW	Where do you want us to go now?
GJ	There's nothing you want to draw attention to on settings, magnitudes of impacts?
PW	No.
GJ	Operational phase starts at page 51.
PW	Yep yep. To give an example, 4.58 - "the detail.... will be addressing in landscaping... visual assessment". Given the existing clutter, impact considered to be low.
GJ	That's it, isn't it. General landscaping, not heritage.
PW	Just as the assistant inspector said her focus is on heritage. I want to focus on that.
PW	You'll have to help me with that... I've lost the sense of this.
GJ	Lost the sense of many things.
RW	[Objects-rude. KP agrees]
GJ	I put to you, hadn't assessed using the criteria? That's the sum total of the assessment of impacts in the City Centre?
PW	It'll take some time to look through from cover to cover.
GJ	It's something he should know. He purports to have read it and agreed with it. I am entitled to test.
MW	Have you [PW] read this document?
PW	Oh yes.
MW	Can you remember anything?
GJ	It's not unfair to ask.
	We've set out our case. We think the ES is flawed and doesn't use the criteria.
RW	Can't Mr Ward look at it overnight and say if he disagrees.

KP	Yes can Mr Ward do that. Mr Jones do you have an other questions?
GJ	Oh yes. Can we go to the heritage statement for the application for the museum. Chapter 1 intro. Chapter 2 location. Chapter 3 significance. 4 legislation and policy. 5 impact and access. 6 justification and mitigation. Are we to draw any significance to the different structure of this application?
PW	None.
GJ	Can you help with why this application was structured differently?
PW	No.
GJ	Under the heading "significance" we see some description. No internal survey carried out for purpose of these applications?
PW	Correct,
GJ	No structural survey carried out on fixings of brackets and bolts?
PW	No.
GJ	Look at 3.2. Moves on to contribution to character of Leeds Conservation Area of the Museum. Can you help me with when that was created?
PW	Yes. Millennium Square. About the turn of the century.
GJ	Bollards and things would need consent?
PW	No I don't think so. Certainly didn't require LBC and I don't think it was 'development'.
GJ	Not consulted?
PW	No.
GJ	Didn't object?
PW	No.
GJ	Were you happy with them?
PW	Yes.
GJ	Not something that detracts from the CA?
PW	No.
GJ	Do we see any montage to help us with impact of overhead cables that can help us with the impact on the square or museum?
PW	I don't know.
GJ	Can you add that to your overnight list to check? Do you agree that cables should not obscure "architecturally stunning backdrop". Do they detract from it?
PW	No.
GJ	In your written evidence do you provide examples of cables attached to Grade II listed buildings?
PW	I'm aware of some in Scotland. Not in my written evidence.
KP	It's half past 3 and we'll adjourn till quarter to 4.
KP	[15:46] The inquiry is now resumed.
GJ	Section 5 of Tab 20, same document, page 2. Second un-numbered paragraph. Text above the photo. "The application exists within an area which is a civic area of the city". What does that mean?
PW	The development plan divides the town into quarters. One is the "civic quarter" which contains a concentration of civic buildings like the town hall.
GJ	"fine grained visual breaks"
PW	My interpretation is, a bend on Cookridge street with a number of visual breaks.
GJ	Overlap with Cons Area and LBs?
PW	Yes
GJ	Milennium Square - special place where civic buildings and cathedral. Significantly adverse effect?
PW	I don;t think so no. Some adverse effect. The intention is, there will be no poles. My experience of Ediburgh was the wires affixed against buildings were visible, you notice them, but not as adverse as I thought it might be.
GJ	At night, are the cables to be lit up or reflecting?
PW	I think there was an intention to have louvres to emit light but that was done away with.
GJ	Just so I understand your evidence, is it your evidence that fixing to buildings is less harmful than poles?
PW	Generally yes.
GJ	I'm troubled why the decision was made to withdraw the applicn for Holy Trinity?
PW	EH's view was that this was a medieval street and wanted the infrastructure to stop at the medieval street to show the line of that street. A special circumstance.
GJ	No resolution?
PW	Well we've withdrawn the applicn.
GJ	You mean the promoters haven't- you were careful to distinguish yourself earlier?
PW	Yes I shouldn't have.
GJ	Section 5 of the heritage statement and then rebuttal of Ms Lightbody to your proof.
PW	[I can't put my fingers on it]. [MW- hands his copy].
GJ	Starting at chapter 10. Have you had the opp to read this rebutal?

PW	Yes I have.
GJ	Good. I think it's useful to have open section 2 of the rebuttal and section 5, tab 20, heritage statement of the Museum. Miss Lighbody made points in respect of Holy Trinity - figure 1, Grade II* Listed. Do we find any detailed plans showing even indicatively the places where cables are to be connected and how they would run along facade of the Museum?
PW	No we don't.
GJ	At 5.1, we're told "stud anchor in pre-drilled hole". And "may be need for spreader plate on inside of building.
PW	Probably not in that case. As I understand it, spreader plates are needed for steel framed or cavity buildings. This one is masonry.
GJ	Do we have any structural evidence?
PW	None.
GJ	It says, "more detailed survey would need to be carried out". What survey's been done?
PW	None. Well I'm sure the promoters have looked at the buildings and made a judgment of the suitability.
GJ	What evidence have you seen of that?
PW	I haven't.
GJ	As matters stand, no structural surveys to assess whether structurally fit to cope with loads associated with OLE?
PW	No.
GJ	No evidence that the inspector can assume that whatever is attached will not have any structural effect, is there?
PW	The inspector can look at the building and assess its structural
PW	This is a Victorian building made of huge blocks of granite. Can't get tougher than this.
GJ	If so, why is it necessary to have a full structural survey?
PW	In some cases it's necessary especially steel framed ones.
GJ	Why in respect of this building is the heritage statement saying you need a structural survey?
PW	You have to do due diligence.
GJ	Why?
PW	To see whether it can withstand the loads.
GJ	Because they don't know.
PW	No.
GJ	What is the load to weight ratio for a single...
PW	That's not a question for me.
GJ	Who is it for then?
PW	I'd have to think about it overnight?
GJ	Not something you've thought of before?
PW	What, which witness?
GJ	No the structural loads on the Museum.
PW	No.
GJ	It says, may need a spreader plate. You say, only steel frames and cavities. Not set out in the evidence is it?
PW	No.
GJ	If that's right, suggests the authors had no understanding what the building was made of?
PW	Don't know.
GJ	You're not a structural engineer?
PW	No
GJ	You can't give evidence whether it needs one are you?
PW	I can't.
GJ	Already agreed no details about interiors or detailing?
PW	Correct. And we don't have finishes. My understanding from other schemes is that they would be made good.
GJ	Do you have evidence of other schemes?
PW	No
GJ	No evidence whether details were provided in advance?
PW	No
GJ	You'd like to know the details of work for "making good" before you granted consent wouldn't you?
PW	No.
GJ	What advice have you received from qualified structural engineers as to the extent of
PW	Not written advice but I discussed it with structural engineer. Discussed it with a structural engineer working for the promoters. Can't recall his name. My understanding is that the making good will be limited to filling in the hole. That's been the advice I've been given.
GJ	No written memorandum?
PW	No. I can if you like have a look...

GJ	I'm not inviting further evidence. Have to cross-examine on the evidence you have given.
GJ	She's right it's not supported by internal inspection?
PW	Yes.
GJ	She says it may be necessary to install 2 fixings.
PW	Yes may be 1 may be 2. I think we're getting a bit hysterical. We're talking about a fixing that long (demonstrates 6 inches). From experience.
GJ	What experience
PW	I've seen pictures from all over the world- Sheffield, Edinburgh, other places. Tiny holes on a great big building.
GJ	If you look at the plan, Appdx C of the heritage statement. Has shaded in blue the LB for the attachment
PW	I'd say, 'duck-egg blue'.
GJ	The red highlighted statement shows the main facade.
PW	Yes.
GJ	So where D&A Statement says "less significant section" it is wrong?
PW	I think it means less significant part of the elevation. Not less significant elevation.
GJ	We agree it is a significant and prominent elevation?
PW	Agreed. It has banners attached to it, for the museum.
GJ	Do the cables relate to function of the Museum?
PW	No.
GJ	Is there a distinction to be drawn in terms of approach to whether they relate to the building?
PW	No. The building relates to the city. The LB needs to function as part of the city and should not be treated with kid gloves. The question is the impact on the significance of the building.
GJ	Isn't that a relevant consideration the use to which the fixing is put?
PW	No you cannot isolate those buildings from modernity.
GJ	I'll deal with that as a matter of law and policy submission but it's helpful to know your view.
PW	There is consideration of the network of cross-wires (section 5.2 impact). Says, slightly adverse in respect of conservation area, but not the setting.
GJ	This is a LBC application. A defect.
PW	I don't think the fixing has any impact on the setting, only on the fabric of the building.
GJ	Are the wires considered?
PW	No.
GJ	A defect?
PW	It should have been considered yes.
GJ	Miss Lightbody's rebuttal para 2.8- do you disagree with it?
PW	Yes. It was meant to be viewed from the square.
GJ	We said we'd come back to NPPF. In terms of deterioration by signs, advertisements that sort of thing. Should not affect the way you approach apply for listed building consent are they? Shouldn't say, already nasty things there should be less concerned?
PW	Yes, they are setting. You may wish for the setting to be better but that's the setting that exists.
GJ	Paragraph 130. You're happy with that?
PW	Yeah.
GJ	There's further EH guidance on the setting of heritage assets G/4/19. Page 8. "Where the significance...has been compromised...consideration...whether further detract from...the asset." Gives examples. Are you familiar with new EH Good Practice on decision-making?
PW	No.
GJ	Just to..."Where...compromised in the past...consideration still needs to be given". As before. So though the previous guidance was pre-NPPF and referred to PPS5, it substitutes NPPF and puts new heading "cumulative change". So we've got to exercise a real degree of caution in saying that there's clutter and not use it as a carte blanche.
PW	We don't want to set out to make the situation worse.
GJ	While we've got the NPPF to hand, please. Para 136. We can agree that?
PW	Yes.
GJ	In this case, if we go back to think about pillars and wall of Rose Ct. There is going to be the loss of the pillars and walls and the mitigation relied upon is rebuilding some metres away. Need to take all reasonable steps to ensure it goes ahead?
PW	Yes.
GJ	I hesitate to go back but if we go back to Tab 8, section 2 page 3. "detract from the overall listing of the property". "positive contribution to Cons Area". We need to be careful. You accused me of being over-optimistic. When I suggested you would have pretty much the entirety rebuilt 5m on. Can I explain the reasons I put it to you in that way. Description of proposed works- section 3 of the Application. Not for demolition, but "the set back". Can I suggest that, that being the description, the reader is entitled to assume you are moving the same building. Not building a new building that may look the same but not have the same materials.
PW	Some people may read it in that way, but it would be very unusual to relocate a building.
GJ	Table 1.1. Section 3, page 4 same document. Impact described as "relocation" of 2 gate pillars. And Tab 9. Description of proposed works. Again: "setting back", not described as demolition

	and rebuilding exercise. Then again, dealing as quickly as possible, we see 1.1 page 1 second para, "relocation". And impacts again, "relocation". Then page 6, policy P11. It says "taken down and relocated". Again, I suggest what's been described there is the London Bridge scenario, not what you understand it to be.
PW	Well it's clear it's to be "taken down". Don't think there's anything disingenuous about this.
GJ	NPPF para 141. Last sentence- ability to record such loss is not a factor that can affect the significance of the loss.
PW	No it isn't.
GJ	And wouldn't be able to form part of any mitigation strategy.
PW	Only where the asset is being destroyed completely such as archaeology,
GJ	Not mitigating the destruction, is it, doing the best we can.
PW	Yes.
GJ	Can we turn then to the Old Coach House. [Core Doc A/10/14.] Cons Area Consent. I just want to look at the approach here. I'm looking at "Design, Access and Heritage Statement" - for Conservation Area Consent not LB Consent. Wouldn't one apply the same to non-listed buildings? Same point that the fact you can record it doesn't go to its acceptability?
PW	No. [i.e. Assents].
GJ	Description of impact "loss of non-listed structure dating pre-1835", "significant adverse". Then mitigation, "partial demolition". But that is what is proposed. Recording is seen as mitigation and it goes down from significant to slight adverse. Not right is it to take it into account? May be a laudable thing to do but not right.
PW	I agree.
GJ	On promoter's own evidence, properly understood, it's significantly adverse. No mitigation.
PW	I think the mitigation would come from rebuilding the gable, which is not mentioned here. I can't fault your logic.
GJ	We don't have any assessment that says,...on the face of it one would expect the rebuilding would be part of the application but is it part of the application for conservation area consent? If we go to the "description of the proposal", it doesn't say so. Where is the rebuilding of the gable?
PW	Ah. Okay yes 2.3 of the heritage statement. Last sentence: "should be finalised using consolidation using traditional materials".
GJ	Says, "Could be mitigated". That's said to be the recording?
PW	I think the recording is a means to an end- sympathetic rebuilding of a gable end.
GJ	Where does it refer to a gable.
KP	Can I interject. We're talking a lot about application for partial demolition of building in conservation area- does it need consent after Shimitsu? I'd like you to look at all of them and both your views whether they do need consent at appeal. If they don't need consent we need to take no further action on it.
GJ	If that be right, there still is the issue in terms of the planning merits for the TWA Order. But I appreciate....
KP	At some point these applications need to be recommended for approval or refusal (or not)
GJ	One would hope the applicants are advised that they are necessary and are not wasting everyone's time.
RW	The witness has been on the stand for a long time.
GJ	It's very helpful- a good time to break.
RW	In terms of the programme later in the week, it'd be helpful to have an indication from others to see whether we'll run short.
MW	You're nearly finished Mr Jones?
GJ	Yes- one more site and something about the art college possibly.
MW	If others can give some idea that'll be helpful.
KP	[5:02] We'll adjourn till 10 o'clock tomorrow.