

4th June 2014

01 June 2014

22:17

Continuation of Mr Ward's Cross-examination

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| [10:02] KP | Over to you Mr Jones |
| GJ | I was taking as an example, Millennium Square yesterday. I wanted to give you an opp to refer to anything else in ES in relation to that particular question. |
| PW | I've been through the ES and there were 5 references to the City Centre conservation area. |
| GJ | If you can take us to those additional references. |
| PW | The first is para 4-21. "the only predicted construction effects....are those associated with the installation of wall-mounted fixings". |
| GJ | Not additional to what we looked at yesterday. |
| PW | Next one is 4-42: South line impacts in the construction phase. |
| GJ | What do you understand "at this stage" to mean? |
| PW | Talks about the effects of constructing the route? |
| GJ | Do you think it means "this stage of the thinking" or "this phase of the construction process" |
| PW | "this stage of the route". I can understand why that might be ambiguous. |
| GJ | If we go to table 4.4 of the statement n heritage. Page 59. Curiously the summary seems to have more than the text. This is south line construction phase, "Leeds city centre conservation area and listed buildings. Effects said to be... |
| PW | That's "operational phase". In the construction phase it's not mentioned as there are no impacts. |
| GJ | You're content with that? |
| PW | Yes. |
| GJ | So no impact at all on city centre conservation area and listed buildings? |
| PW | This is the south part, the south line. |
| PW | Next reference is operational phase of north and south lines at 4.63-4.64. Talks about improvement of the public realm and introduction of traffic into Millennium Sqaure. |
| GJ | Emphasising the physical linkage of Museum and square and one aspect is what effect the cables will have on that physical unity. |
| PW | Yes. |
| GJ | Will ask you some more questions about that. It acknowledges there will be a partial "divorce". That's not the "kit" is it? |
| PW | It's he traffic |
| GJ | Why does it say effects reduce over time? |
| PW | That's from the planting of trees, which will grow and mature. The landscaping is part of the conservation area and listed building. |
| GJ | But there at 4.64. It's said the introduction of traffic will partially divorce the Museum. No consideration of kit. |
| PW | One hand gives and the other takes away. We're improving the setting. |
| GJ | There's nothing said here about improving the setting. The tree thats been lost has nothing to do with creating visual linkage has it? "This impact", that is the divorcing. "The significance of the effects of this impact" - the divorcing- is said to be considered moderate adverse at year one but reducng to year 15. I dont see how it can reduce by year 15. |
| PW | My understanding is it's talking about Cookridge Street. I assume it refers to pedestrianisation of Cookridge Street. |

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| GJ | I don't want to be unduly unfair and critical of you in my closing submissions, Mr Ward. It's quite clear isn't it that 4.63 and 4.64 is talking about creating a visual link between the museum and Millennium Square. [Goes through all the text again]. I do not understand how the impact of that partial divorcing can reduce over 15 years? |
| PW | It's all about how far the setting extends. |
| GJ | Are the trolleybuses reducing in number? |
| PW | No. |
| GJ | It's very clear why you are wrong. Whatever tree planting you do won't plainly overcome the separation will it? |
| PW | No. |
| GJ | The impact is the partial divorcing. |
| PW | Yes an adverse impact |
| GJ | That's the only impact discussed there. |
| PW | No. |
| PW | What's my understanding is there will be an improvement to the setting. |
| GJ | Not clear at 4.62 what it means by "the heritage asset of medium value" -can't be a Grade II* museum? |
| PW | No we would call that a high value asset. |
| GJ | So it isn't clear. We don't know what the heritage asset is that they are talking about? |
| PW | No. |
| GJ | [reads 4.62- wooded rural character of the conservation area]. Can I suggest what's gone wrong here is, they have lumped together the impact on the conservation area with the impact on the setting of the Listed Building, and mixed up the assessment of the conservation area and the setting of the Listed Building. |
| PW | Well you have to admit there is an overlap between the setting of the LB and the conservation area. I agree we shouldn't lump apples and pears. |
| GJ | They've erroneously lumped in the question of the planting with a separate impact which is the divorcing from Millennium Square. It's a fundamental flaw. |
| PW | It could be. |
| GJ | You know it is, come on. |
| PW | I will maintain that the planting of Cookridge Street will improve the setting of the museum. |
| GJ | We can agree this, the replanting of trees has nothing to do with overcoming that harm of divorcing? |
| PW | Yes. |
| GJ | The authors then go on to say , nothing to reduce the harm of separation by year 15? |
| PW | Not the separation, no. |
| GJ | They are wrong that this will reduce. |
| PW | No. But I'm troubled by the adjacency. |
| GJ | What I think they've done - I suggest to you -which is a flaw- is because they haven't separated things as they should have done, is applied a mitigation of 1 effect to another effect. That's wrong isn't it? |
| PW | Yes it is. |
| GJ | Obviously everyone will make their own judgments as to whether moderate adverse or more adverse. But the inspectors need to have the assistance of enough information that's clear for them to understand. |
| PW | Yes. |
| GJ | There's been a number of aspects where we've had to speculate or it's unclear and we've agreed it's flawed? |

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| PW | Yes. |
| GJ | These are valuable assets - Grade I, Grade II* and Grade 2. |
| PW | Mm. |
| GJ | And the decision-makers cannot make a decision on insufficient information and where it is flawed |
| PW | It's not here. I don't think the material is significantly flawed. It's roust enough. |
| GJ | Is it something you can understand why another expert would think it was fundamentally flawed? Or significantly flawed. To get an idea about the level of disagreement. |
| PW | Not fundamentally flawed, I don't think anyone would say that. I think it would be quite extreme. |
| GJ | Final reference? |
| PW | 4.85 which discusses the mitigation on construction effects. |
| GJ | Heading "Effects of tree loss and conservation areas". Do we have an assessment of the value of the heritage assets? We have something at 4.29 on conservation areas. And 4.37 'city centre'. |
| PW | I've just noticed another paragraph 4.37. |
| GJ | Yes I'm taking you to it, to see whether the criteria have been followed. Where do we find an assessment in heritage terms of trees and woodland. |
| PW | The contribution of trees to conservation areas. We've not one that. |
| GJ | What you have to do, is. You look at the value of the heritage asset. You suggested you look at heritage, aesthetic, evidentiary and want to know what is valuable about it. Where do we find in the assessment the assessment of the contribution of trees? |
| PW | We don't. |
| GJ | The purpose of my X-Ex is to demonstrate by examples that though |
| PW | It doesn't But it's informed by the conservation area appraisals which do and define what the important features area. |
| GJ | Not all the conservation areas have appraisals? |
| PW | No, and the city centre doesn't. |
| GJ | So it's quite a misleading answer to say that though it hasn't followed the criteria it relies on something else that does. There is no other conservation area statement? |
| PW | No. |
| GJ | So you say you've borrowed the ES methodology. It fails even the first criterion because we've agreed that there is no assessment of the Cons Area. |
| PW | No, not explicitly. It does put a value on the conservation area. You might say the next stage the You couldn't make an assessment of the impact without putting a value on those elements, so I expect the author has done that. |
| GJ | When you look at what value to place on an assessment, you look at the expertise, then the methodology and then whether they've applied them. Otherwise a "black box", no way to tell whether confidence in the professional judgment. |
| PW | Yes. |
| GJ | That's one of the reasons why it's important to set out the methodology. |
| PW | All I would say is, in the baseline assessments values are placed on different elements of conservation areas. Section 3. There's a description of the historic environment along the route. |
| GJ | Is para 3.83 what you have in mind? |
| PW | Yes. |
| GJ | I mean |
| PW | They don't contribute very much to the ity centre |

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| GJ | They're not? |
| PW | No. There is one, the Sorbus. |
| GJ | When we looked at the museum you said it was important. |
| PW | There is one tree which is being felled and replanting outside the Radisson hotel will mitigate that. |
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| GJ | Can you show us one montage showing affixing of wires to Museum? |
| PW | No. The closest shows the lower part of Cookridge Street. |
| GJ | I think the witness is referring to Urban Design and Access Statement Vol/.1? |
| PW | Vol 3. B/12. |
| GJ | Madam could you also take out A/08k- Urban Design and Access vol 1. |
| | We have nothing for the Museum? |
| PW | No montage. |
| GJ | No indicative diagrams either? |
| PW | Of fixings? no. |
| GJ | There's been a division by the trolleybuses which we looked at a moment ago. If we can just go back to the LBC application - bundle A/09a, tab 20, appdx C The wires have got to be affixed to sometjhg on the other side. We've called them poles though can be quite substantial things, but have we any diagrams - will they attach to poles? |
| PW | No - span across to buildings - shop 41-51 Cookridge St and to the Electric Press . |
| GJ | Is there a need for anything in between? |
| PW | I don't know. |
| GJ | There's absolutely no commitment that there won't for example if it's engineeringly necessary that there won't be an intermediate pole? |
| PW | It's possible. |
| GJ | The promoters say they have all the powers they need and it would be impossible to refuse permission for more attachments once the principle was established? |
| PW | Yes. |
| GJ | If we look at the montages. |
| PW | It's probably as minimal as it gets- can't imagine they would get away without transverse wires. |
| GJ | If we look in B7, montage 29. On these montages they are showing the bbare minimum that you could possiby need? |
| PW | Mm. |
| GJ | The application says it's all a matter of detail for another day? |
| PW | Yes. |
| GJ | We don't see any detail of what the attachments would look like - seem to just disappear at the ends. |
| PW | No we don't see the lines landin on the buildings . Mind you would hardly see them, |
| GJ | If we go to Design and Access Statement, A/08k which you referred to in oral evidence. Page 5, picture from Oregon USA and a tree- landscaping helpin to mitigate. And Lyon in France. And Eindoven Holland although it doesn't look like a trolleybus. Then selections of montages -what we've just been looking at but smaller. The figures have some degree of illustration of what the promoters...Yes photographs at 53- we agreed the minimum was shown. And here we have photrographs of some arrangements- "single cantilever", "double central cantilever" etc. If I can...When one's assessing heritage aspects, the devil can be in the detail can't it? |

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| PW | Very much so, yes We were talking about this in respect of Rose Court yesterday. |
| GJ | One of the controversial aspects of trolley buses is overhead cabling. For example, we put in a Price Waterhouse report advising New Zealand whether to continue with trolley buses. And had paragraphs on different trolley bus systems. One was San Francisco and one factor stopping it expanding was public reluctance to let cables expand. That's a big issue isn't it? |
| PW | Yes. |
| GJ | It's almost the elephant in the room b/c we don't have any montages clearly showing the impact of a worst case possible scenario of cables affixed to listed buildings? It's showing the minimum. |
| PW | Are we talking about wirescape or fixings? |
| GJ | Whole thing. One would have expected at a minimum for sensitive areas: at least fairly detailed indicative plans of impact on Grade II listed buildings - are there cables, are there poles, what's it going to look - even if not doing it for the whole scheme, montages should focus on Grade II listed building? |
| PW | Well the purpose is to show the townscape. And there are listed buildings in this view. |
| GJ | Yes, not heritage. You'd want a montage for heritage purposes for Holy Trinity and other listed buildings? |
| PW | I'm not sure. We know we want to affix the buildings and we can make a judgment on the impact. We can visit the line of the route and look at the buildings and make a judgment. Don't need to rely on photo montages. |
| GJ | The montages show the minimum. |
| PW | They show the intentions of the scheme. |
| GJ | Just to show you. The promoters have mentioned Vancouver. FWY-123. This is not an attractive street scene. Now, we don't know at the moment the levels of cabling and they could be something like this? |
| PW | It won't be like this. It can't be, that's Vancouver. |
| GJ | Putting on one side that it's Vancouver, drive on a different side of the road and weather is different. I'm focusing on the trolley bus and the means of powering it. |
| GJ | We don't have the detailed scheme? |
| PW | No we don't. |
| GJ | Just by way of illustration, these are the sorts of arrangements that have proved necessary to ensure the trolley buses are powered. I'm sure the Canadians are not doing it for fun. This is the sort of arrangement that could be possible if engineeringly necessary? |
| PW | It's possible, we don't know. |
| RW | Can we have details of the location in Vancouver. |
| PW | I don't know if there's a configuration of roads that could give rise to this. It's all about context. How can I answer this. |
| GJ | One of the key aspects of contexts is, you need to know what type of arrangement is proposed to form a judgment. |
| PW | This is a situation with a crossing of several roads. I don't think we have a situation in Leeds like this. |
| GJ | You've got absolutely no idea whether there will be additional poles, what they will be, what their height will be, whether or not buildings would be structurally capable of taking weight and tension of cables. |
| MW | Mr Jones how long are you likely to be? |
| GJ | Not 5 minutes we can take a break. |
| RW | Can Mr Jones predict how long he might be. |
| GJ | Another hour I think. |
| RW | With your leave Sir, I'll stand down Mr Flesher for today. |

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| GJ | No, I'm sorry I was overly optimistic yesterday. |
| KP | It's now just after twenty-past [11]. Come back at twenty-to. |
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| GJ [11:38] | Going back to the theme of "devil's in the detail". Abtech House on Park Row. LBC Application- approx 6.8m or above. In terms of detail, no restriction on the number of fixings, and either bolts or brackets? |
| PW | Yes. |
| GJ | If we turn over to Section 9, materials. "exposed eyelet aprox 6.8m or higher above ground level" - no description of the materials? |
| PW | No. |
| GJ | That's not what's intended in a LB application- supposed to describe them, aren't you? |
| PW | If you know what they are. |
| GJ | But we don't know. |
| PW | No. |
| GJ | They say "at concept stage" so detail not currently available and a building inspection will be done later. |
| PW | Yes. |
| GJ | Says will there be works to the interior, "no". But we don't know do we? |
| PW | No. But unlikely though if you look at this building. |
| GJ | Just because the developer says they are at a concept stage and haven't considered the details that's not a good reason for decision-maker to go ahead? |
| PW | No it's not. We've got to be confident in our decision-making whether it is safe to grant LBC. |
| GJ | No survey? |
| PW | No. |
| GJ | No details of materials? |
| PW | No |
| GJ | Nor size |
| PW | No |
| GJ | Nor how many fixings will take place |
| PW | No. |
| GJ | Draft conditions, we've been through before - all possible to do as suggested as necessary and reasonable. - A need for "invasive survey"? |
| PW | There may be. |
| GJ | It's been put forward as being necessary |
| PW | Well more necessary for some buildings than others. Less necessary for this building as it's of traditional construction. |
| GJ | Ms Lightbody's rebuttal. We can see it's got a very fine frieze on it. |
| PW | Yes, recently restored and award-winning |
| GJ | What award did it win? |
| PW | The Leeds Award for Architecture conservation project - cleaning and lighting. |
| GJ | Why |
| PW | Cleaned very well. The lighting was done very well, light touch and you can appreciate it at night. |
| GJ | From the ground? |
| PW | Yes. |

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| GJ | When did that take place. No mention. |
| PW | Last Year. |
| GJ | Before or after the heritage statement? |
| PW | Likely to have been before - my guess. |
| GJ | We can check, but the heritage statement does no mention that and has not been updated. But we do know page 2: "brighter feel". And I suppose lighyting helps to contribute to that in dark? |
| PW | Yes. |
| GJ | Transition between historic and modern buildings. |
| PW | Yes. |
| GJ | When one walks around Leeds one of the things that's quite pleasing is the sense of openness isn't it - not just Park Row? |
| PW | Yes. |
| GJ | One aspect one needs to consider is potential impact to sense of openness and wideness . I'd cal it visual scarring; delineation of wires across the skyline has an impact on openness. Do you see the concern? |
| PW | Not putting a roof over the road. Do you mean vertical or horizontal delineation? |
| GJ | May be both. E.g. Professor Pod's evidence - not a new document - this is a street in Geneva. You were very concerned in Vancouver that it was a junction. Here it's not a junction. But it's this type of delineation. And that looks <i>wider</i> than Par Row. What I'm suggesting to you, the delineation is likely to have an adverse effect on one's sense of openness particularly at Park Row. |
| PW | What I can agree is the sense of the large expanse of sky is affected by this . Do take issue with word 'delineate' don't know what you mean. |
| GJ | What do you think t means? |
| PW | Marking out wit a line. |
| GJ | Yes. |
| PW | Against the sky or buildings? |
| GJ | Imagine you are walking down Park Road and you look up. What do ou see? |
| PW | Sky. |
| GJ | No buildings. |
| PW | Yes. |
| GJ | Right and the trolleybus scheme is there, how does that affect openness? |
| PW | See buildings and the sky and wires. |
| GJ | Negative effect on openness? |
| PW | Yes. Not agreeing about extent. |
| GJ | I'll suggest it will be significant. |
| PW | Slightly adverse against buildings. As against sky, <i>more</i> harmful. Can we do it in a relative way? |
| GJ | No. |
| PW | Adverse. Moderately adverse. |
| GJ | Then your point is, if you see it horizontally with the sky behind, seriously adverse? |
| PW | Well there's a moment on the Headrow - rises up to a brow at Albion Street and you'll be looking down on the wirescape with the vista looking west with the town hall and that'll be where it's most noticeable and harmful. And the reverse view from West looking East. |
| GJ | I've got a plan, Appdx D (in the Abtech House application). Is it here in the plan? |
| PW | Yes. Appendix B Site location plan might be useful here. I'm describing the view from Albion |

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| | Street looking west - you'll see the wirescape horizontally where it crosses the Headrow. |
| GJ | Looking directly down the Headrow? |
| PW | Yes and the reverse view from the west. |
| GJ | More than moderate so what degree of adverse effect. You indicated other views were moderate. |
| PW | You'll see it and that's more harmful. But I'm not prepared to go further. |
| GJ | Why not, may harm the promoters but you're supposed to be here as an independent expert. Have you not thought about it? You've highlighted it to me as the most harmful view for the Leeds conservation area. I'm asking you to do your job. |
| PW | You're I've ...it's harmful. It's more than moderate. |
| GJ | What's that? Can I help? You say you've adopted the methodology of the ES. It describes the next level above moderate as "major". |
| PW | Well, it's value times impact that gives you the level of effect. We can agree it's a high value asset and the effect will be moderate. |
| GJ | You said before, more than moderate. |
| PW | Now, I think it's moderate. |
| GJ | Notwithstanding your earlier answer you've gone back. |
| PW | Well there are different degrees within it. |
| GJ | You're worried it will harm your case? |
| PW | It's not a substantial harm can't be. |
| GJ | I'm asking for your own views not concerned with the consequences for your employees promoting the scheme. |
| PW | Well can't be substantial can it- not destroying the asset. |
| GJ | Well can it? According to this methodology, high value and more than moderate, then "major". |
| PW | I disagree I think the impact is moderate. |
| GJ | So looking at table 2.3 and you put it in moderate - which moderate box. Magnitude moderate? |
| PW | Yes. |
| GJ | We've agreed a high value asset? |
| PW | Yes. |
| GJ | If we apply this, then moderate magnitude on high value asset gives a "major" adverse effect, in terms of significance? |
| PW | Yes. |
| GJ | If you have under criteria in ES a "major adverse effect" on significance, is that not "substantial harm"? |
| PW | No. |
| GJ | No mitigation here? |
| PW | The mitigation is to affix to buildings rather than poles. |
| GJ | Doesn't affect the Table 2.3 outcome? |
| PW | No. |
| GJ | So we go through [12:11] criteria and come out with an effect that's "major adverse" in context of a high value asset. I'm going to suggest to you that where you have a major adverse effect on a high value asset it can only be "substantial harm" |
| PW | No -don't understand |
| | Bedford Council v SoS case - High Court says substantial harm can only be obliteration or demolition. Nowhere near that. Not in your wildest fantasies can you make your ends |

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| | meet.. The test as the guidance says, is a very high test, it's exceptional. |
| GJ | What sort of thing do you understand would be capable of "substantial harm" to a conservation area? |
| PW | Demolition of whole r majority of the buildings. Or erection of a very tall building on Park Square. Something like that. We're nowhere near that. |
| GJ | Now if we go back to Park Row and Abtech House. Yep? I want to now look at the issue of the fixings and poles. Can we go to introduction (LBC Applicn). Why is ground-level furniture harmful? |
| PW | Street clutter and obscuring views of buildings. |
| GJ | Traction poles -why are they harmful? |
| PW | Just answered. |
| GJ | You see that as overlapping. |
| PW | Yes I do. |
| GJ | In respect of the first 2 bullet points, we don't know the extent of traction poles that will be employed do we? |
| PW | No. |
| GJ | So we don't know the extent of harm to the street scene. |
| PW | No |
| GJ | Aren't you troubled by that? |
| PW | Well we all want to know as much as we can to make an informed decision but we know one or the other will be done and can make a jugment. |
| GJ | Well we don't -even if there are fixings we don't know if they will need poles. |
| PW | OK |
| GJ | Aren't you troubled? |
| PW | I'm not troubled. We can assume that any buildings where there are fixings won't have poles. |
| GJ | I suggest that should be troubling to you both in terms of LBCS and also TWAO and general planning. |
| PW | We do know there is a general intention to fix to buildings. |
| GJ | Don't know how many buildings or poles? |
| PW | We know how many applications there have been. |
| GJ | How many traction poles are there? |
| PW | I don't know. |
| GJ | How can you possibly make a rational judgement |
| PW | We can assume there won't be poles and fixings where they apply to add fixings. |
| GJ | We've already been through it - no idea whether there will be additional poles at Millennium Sq |
| PW | No. |
| GJ | And at Trinity Church you know there will be poles and don't know how many. [PW agrees]. |
| GJ | If this wasn't your council promoting it this would not be an approach you would want to take for listed buildings at Leeds. |
| PW | I'm not going to answer that. Hypothetical. |
| GJ | So if my clients wanted to erect poles and fixings and traction poles and bus shelters affecting listed buildings you wouldn't ask anything else? DO you really want the Inspector to record that? |
| PW | Depends. Too general General mantra is you need the right info. |

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| GJ | Can I suggest you are influenced by fact it's your council promoting it |
| PW | This is not an unusual occurrence so I've been advised. |
| GJ | You've asked for further info and been told it's normal? |
| PW | No that's your interpretation . |
| GJ | Is it your understanding that you take a different approach. |
| PW | It's not unusual it's been described as an outline application, which of course will be subject to conditions as all outline applications are. That's what I've been advised that this is an outline application. |
| GJ | You've not been involved in any previous trolley bus scheme? |
| PW | No |
| GJ | So reliant on promoters? |
| PW | Yes. |
| GJ | Who told you this? |
| PW | I can't recall. Not trying to be evasive I can't recall. |
| GJ | Back to Abtech house. Let's look at the level of heritage assessment that's been done and the degree of confidence we can have in it. Tab 32. Scheme details, impact on access, section 5.1. |
| PW | Ok. |
| GJ | There's mention about a survey - 5.1., last paragraph. This is not suggesting a structural survey was done? |
| PW | No, yep. |
| GJ | It's suggesting some other survey was done and we've not been able to find that. |
| PW | I've not seen that, |
| GJ | Not something you've asked for? |
| PW | No. |
| GJ | Don't know what it consisted of? |
| PW | Don't know. |
| GJ | Approach to substantial harm. I asked you yesterday about why the statements took different approaches. Now, a heading "justification" - not your bailiwick nor the authors'? |
| PW | Correct. |
| GJ | They say, outweighs the harm. The authors aren't in a position to carry out that judgment? |
| PW | Well they can give an opinion. |
| GJ | Not within their expertise. Not experts in public transport? |
| PW | Well may affect the credence you'd give it. |
| GJ | Can't give it any credence can we? |
| PW | Not my call. |
| GJ | The reason they've come to the view that there's less than substantial harm is by weighing up the public interest. That's wrong? |
| PW | Strictly speaking that's wrong. Need to identify the harm and then weigh up the harm. |
| GJ | Exactly. Completely wrong and allowed the view of public interest to affect the assessment? |
| PW | Yes. |
| GJ | Page 11 of the LBC application documents. Description. [reads out] An award-winning and finely-carved frieze. Now before consent is given for affixing anything shouldn't we at least know the nature, number and location of things being affixed to the building? |
| PW | Depends on the significance of the building? |
| GJ | Well it's highly significant isn't it? |

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| PW | Yes, yes. |
| GJ | Are we looking at fixings interspersed with the figures, |
| PW | Well I could measure it if you would like but I think they are below. |
| GJ | Surprised you haven't measured it. Well we were on site yesterday and you get an idea of the people who are just under 2m high. The doors are quite a bit above that? |
| PW | Mm |
| GJ | And clearance height- So looking at lower frieze or certainly the upper friezes. |
| PW | We're "looking at"? What? |
| GJ | The facade is of great value? |
| PW | Yes and I'd be very troubled if fixings were made to the frieze., |
| GJ | Once consent is granted they can do nit? |
| PW | We can negotiate the optimum position. I can drop a tape measure. We could add a condition so it didn't land on the frieze. |
| GJ | Why? |
| PW | Because it would be harmful. |
| GJ | Should have done this before. |
| GJ | In addition, we also have the delineation of the cables. The Heritage Statement does not grapple with the impact of the wires on the frieze and the award-winning lighting. |
| PW | There is reference to network of cross-wires having an impact on conservation area at 5.2. |
| GJ | Not the LB |
| PW | Not the building. |
| GJ | As you say, it's irrelevant to the LBC application. But what is relevant is the impact of wires on the setting of the LB. Not been assessed? |
| PW | Correct. |
| GJ | And will have an adverse effect on the aesthetics of his building? |
| PW | Will depend where the cables are positioned. If above the frieze no impact. |
| GJ | Setting of LB has been ignored. Extraordinary. Reason why it doesn't even have a basic assessment is the lack of expertise of those carrying it out? |
| PW | That's a supposition. |
| GJ | You can agree as someone experienced in listed buildings that it's a flaw? |
| PW | It was an omission |
| GJ | Is it a flaw or not? |
| PW | Yes. |
| GJ | We'll go much quicker if you give your honest opinion. |
| PW | I don't think setting adds anythin to this building. |
| GJ | Well it is, because the views are important aspect of the setting. Even leaving aside whether the frieze will be damaged by banging in cables. We know it's got this attractive frieze, lighting at night to show off those views. We've got an application where had a proper assessment been done it would have highlighted that |
| PW | I think in all cases these buildings are capable of talking attachments. I've seen hundreds of |
| GJ | You say the condition may have to be amended and in what way? |
| PW | Yes. It may be amended to specify a minimum height? |
| GJ | "May" be? |
| PW | Would be a bit presumptuous. |
| GJ | Why? You're the conservation officer. |

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| PW | Well it's the SoS |
| GJ | In your opinion do you advise it should be amended? |
| PW | Yes to avoid the frieze. I'll need to do some work. |
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| GJ [12:50] | Now Headingley Castle Management Ltd. OBJ461. A proof with 4 appendices on behalf of the owners of the Castle. And Ms Lightbody's rebuttal. |
| GJ | We agree that the Supertram inspector's view was "rather blasé"? |
| PW | Yes. |
| GJ | In respect of Headingley Castle it was further way? |
| PW | Slightly further away. |
| GJ | Their PoE section 11. It's an issue Headingley Castle management have raised as to the need for a listed building application. It's to do with a demolition of what the owners have provided evidence of as being a curtilage wall. At 1.5, a brick estate boundary wall that will be breached. That's right isn't it? |
| PW | Yes. |
| GJ | Was part of the estate since when originally listed. That's a lie issue? |
| PW | Mm. |
| GJ | When you look at the evidence they would appear to be right? |
| PW | Yes - within the curtilage. |
| GJ | So needs LBC |
| PW | No, my opinion is an alteration not a demolition and it does not affect the special interest of the LB in my judgment. |
| GJ | You'll have movement of vehicles through. |
| PW | That's not the alteration but the consequence of the alteration. |
| GJ | That's where you've gone wrong. I'd suggest you also have to take into account the consequences of the alteration. |
| PW | I disagree - like giving LBC for alteration of a house to a pub and taking into account the character of the people using the pub. |
| GJ | So you accept the reach in the wall does affect the setting? |
| PW | Yes it does. |
| GJ | Your approach is, you just look at the physical works but not the use or consequences of the use on the setting? |
| PW | Yes. |
| GJ | I'll be submitting you are wrong. But we accept you haven't taken into account the consequences? |
| PW | No. |
| GJ | You can't say that LBC application is not necessary if you are wrong? |
| PW | You'd still have to take into account the impact of the use on the special historical interest. |
| GJ | And you haven't done that exercise? |
| PW | No. |
| GJ | Rights so I won't cross-examine you on that. |
| PW | Appendix 4, page 5 of Headingley Castle Management Ltd Proof [13:00]. It seems to be missing from our Core Document folder. |
| KP | How much longer, it's one o'clock? |
| GJ | I think here's a prospect that we can finish if we hold off lunch for a bit. |
| PW | I've got it. |

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| GJ | Figure 2. We've the proposed original route and then it;s been moved closer to Headingley Castle. When did that change take place? |
| PW | Don't know. |
| RW | We'll get the date for you. |
| PW | I don't know. |
| GJ | Whatever the impact was before, the moving of the route is going to be more intrusive in respect of setting of Headingley Castle. |
| PW | Slightly closer so slightly more intrusive. Slight degrees. |
| GJ | You're not troubled by the impacts on Headingley Castle. |
| PW | When you say 'troubled' I recognised that it would be harmful in my rebuttal. |
| GJ | Well I don't want to say blasé but in your Proof of Evidence [5.22]- "bring trolleybus traffic into this important green space". Quite a width because of cycle lanes alongside. |
| PW | I don't know what 'quite a width' means. |
| GJ | How wide is it Mr Ward? |
| PW | I don't know. |
| GJ | Another one for the measuring tape. |
| PW | I mention it elsewhere. |
| GJ | "Yes 5.10 "Moderate adverse harm". If we go back to the table in the ES pp.17-18, in some respects you do differ from the ES. Castle is a "high value" asset? |
| PW | Yes. |
| GJ | We're then looking at "major" again aren't we? |
| PW | It's a significant residual effect. |
| GJ | Inspectors can note and add to 5.10 that applying Heritage Chapter methods to the significance of the effect it's a "Major adverse"? |
| PW | Yeah well a distinction between the conservation area and LBs - where I say moderate adverse on conservation area. |
| GJ | Just in respect of this: residual major adverse? |
| PW | Yes. |
| GJ | Ivy Lodge and Headingley Lande are they high value? |
| PW | Yes but not as great an effect as on the castle. Background effect -Opton Rad to the beer garden of the Original Oak -not severig the immediate setting of the LB. |
| GJ | At para 5.10 you don't distinguish between those listed buildings. |
| PW | I don't think the harm is as great. |
| GJ | Do you want to change it? |
| PW | I may want to go away and consider it. |
| MW | Are you saying your evidence is not right? |
| PW | Well I want to reflect on it. To decide whether the impact is moderate or low because it efects the impact. |
| GJ | When you see the outcome is major you want to change it? |
| PW | I think I'll leave it as moderate magnitide |
| GJ | So Insp can note it's "major adverse" overall. |
| PW | Yes. |
| GJ | And again, 5.22 "moderate harm". You say moderate asset so that's coming out as "moderate adverse" in terms of significance. |
| PW | Yes that's what's in my proof. |
| GJ | Can we get agreement here. Para 2.22 of Ms Lightbody's rebuttal. She says, "No evidence of |

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| | the promoters having examined the historic context of Headingley Castle and its nearby buildings". Have you see any evidence of the promoters having examined the historic context? |
| PW | No. I think these assets speak for themselves and a professional will be able to read these visually and appreciate the surroundings of the Castle and come to the view that it's historic and is part of the setting. |
| GJ | Can I suggest this is wrong. One needs to examine the historic relationship of a paddock with the building. It's shown on tithe maps and one can only assess that by consulting historic records and not turning up with wellies in the field? |
| PW | It depends on the significance of the Building. This is Grade 2. |
| GJ | Don't do that with Grade 2 buildings? |
| PW | Sometimes. But you can read it viusually and cartographically. |
| GJ | How can you tell how long the land has belonged to the same ownership. |
| PW | It's not important visually whether in one ownership or another. |
| GJ | Insp can record that you say it's not relevant to the severance of land whether it has remained in the same ownership? |
| PW | No it's very relevant. But the visual relationship will still be there if it's in a different ownership. Not important. |
| GJ | I'm sorry, this is basic heritage stuff. The history, which involves the ownership is highly significant isn't it? |
| PW | It can be but not in this case. Its Victorian not medieval manor. It's not irrelevant but what's most important is the visual relationship. |
| GJ | Your evidence has not considered <i>at all</i> the historic relationship |
| PW | I think it's obvious looking at it that there is a historical relationship. |
| GJ | Thank you. Madam, nothing further. |
| | [13:22] |


Drummond and Churchwood Residents' Assocn

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| Q [Helen Pickering?] | Can we take it you are here in an independent professional capacity and have not supported the Historic Environment Assessment, |
| PW | Yes as I say in my Proof, my opinions are my true professional opinions. |
| Q | I'm going to raise 3 things: - development of scheme - methodology of the assessment - stated impacts particularly on conservation areas and the North Headingley Cons Area There are 9 conservation areas. Can you talk about their configuration along the A660. |
| PW | What do you mean "configuration"? |
| Q | What conclusions can you draw from the configuration? |
| PW | They run along the road. |
| Q | This is a historic asset the whole continuous route out of the city centre |
| PW | There are lots of types - buildings etc |
| Q | Wouldn't lead you to accept that the A660 route is itself a special route for the city |
| PW | I would agree that the combination is important. |
| Q | It's unique - no other road in Leeds with such a concentration of Cons Areas |
| PW | Correct - Harrogate Road has a string of cons areas as well but not as many I don't think. |
| Q | EH has reported that 85% of Cas nationally have been apraised. How many of these 9 have |



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| | been appraised by Leeds City Council? |
| PW | 4 |
| Q | Tell me which of the 9 haven't been assessed. North of the river. |
| PW | North of city centre, we don't have an appraisal for Queen's Square, Woodhouse Lane, University Precinct, and Headingley. |
| Q | And the City Centre too's not been appraised. Some of the most important Cas haven't been appraised. |
| PW | Those |
| Q | EH has dsignated Woodhouse Hill as heritage asset at risk. |
| Q | You've just started appraising the city centre? |
| PW | Correct |
| Q | There have been plans for a major transport system since last century. |
| PW | Yes |
| Q | Council should have thought it important to inform the consieration of these schemes by conducting an appraisal |
| PW | Would have informed the assessment. |
| Q | Why do you think tey have not been apraised? |
| PW | Lack o resources. Resource intensive. |
| Q | So you didn't think when prioritising resources that it was important to do appraisals so people like myself would have an idea about the impacts? |
| PW | It's a consideration. We've had regeneration schemes that took priority |
| Q | It's not therefore because the Council was one of the promoters of this scheme? |
| PW | Absolutely not. |
| Q | When residents' assocns have approached the Council about broken pavements etc we've been told improvements have been delayed or deferred because a transport scheme. |
| PW | I don't know. Don't maintain the roads. |
| Q | Improvements deliberately not done to be offered as a "mitigation" of this scheme. |
| Q | Many improvements relate to planning blight that's not been dealt with for a long time - hoardings, clutter. |
| PW | Not "planning blight" |
| Q | No-one tried to put any environmental improvements to Hyde Park before - is this because you wanted to put it frward as mitigation? |
| PW | No- the funding wasn't there - NGT brings with it the money. |
| Q | Mr Henkel said Leeds City Council had lots of money. Would you be surprised to know that we would agree with Mr Jones about the methodology? |
| PW | I wouldn't make any assumptions. |
| Q | Look at Table 2.1 of ES p.16 and the baseline that has been used. This gives all the Cons Areas a value of "medium significance" don't you? |
| PW | I didn't write it but I agree with it except for the City Centre which I ascribe high value to. |
| Q | Because of the appraisal work you've been doing? |
| PW | No. |
| Q | If you looked further at them, if you had gone in and really looked at it like City Centre, you might have thought for instance Headingley would have been regraded? |
| PW | I'm not a stranger to these areas. It's possible but unlikely. |
| Q | You've put Headingley in the same category as Queen's Square. You'd agree wouldn't you that it's not as significant as the tiny Queen's Square. |


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| PW | Small but beautiful and high concentration of LBs. |
| Q | So in your view all the same significance? |
| PW | Yes. |
| Q | To treat them all as "Medium" some LBs have been downgraded. Far Headingley we have a Grade II* LB which has been completely ignored in the assessment (St Chad's). There's a danger that you are 'levelling out' the assets? |
| PW | Of course, they are not all the same value. In relation to other things I think they are of medium significance. It's all relative. |
| Q | A bias towards a low level of harm and higher levels never can be reached. Because Cons Areas have all been treated as "medium" you are getting a lower level of impact than "substantial harm". |
| PW | There's no bias. I don't accept there is bias to downgrade conservation areas. If there was, we would put them in lower than they are. |
| Q | What would you put them in? |
| PW | Medium |
| Q | Aren't they in the same category as "undesignated county assets"? |
| PW | Yes. |
| Q | Resulting in them being assessed in the same way. |
| PW | Yes. |
| Q | Treating them in the same way and reducing the value of conservation areas. |
| PW | No that's not happening. |
| Q | Would it be true to say in relation to substantial harm that if the special character of the Cons Area had been changed or destroyed would it be "substantial harm" |
| PW | If destroyed, yes. |
| Q | The NPPF says significantly affected not destroyed. |
| PW | Show me where it says that? |
| Q | We'll come back to it and Mr Ray will find it for me. |
| | Can we look at 2 conservation areas we've taken as examples that are in the Archaeo-Historical Env't Report (prepared by Northern Archaeological)- Core Doc H1, page 26. |
| | Reference to Far Headingley Conservation Area Appraisal from 2008. Done by residents dismayed at NGT appraisal and had to raise the funding themselves. Author has Masters in Arch from Glasgow, Member of Instit of Archaeologists, 29 yrs' continuous experience in hist env't, member of institute, author of numerous Cons Area Appraisals and management plans. Former head of conservation and county archaeologist. |
| MW | She was going to appear as an expert witness. |
| Q | That's right but we don't have the funding to do it. We asked her to look at our Cons Area. She puts in dark shading where there is substantial harm in her view. Mr Ward I'd like you to look at Caroline Hardy's judgment about their significance. Bear in mind that we do have an appraisal. St Chad's church. |
| PW | Very imposing, set back at right angles with cricket green between it and the street and a line of trees at the edge of the pavement. NGT will sweep past it on Headingley Lane. Won't pass the Church. |
| Q | How far ? |
| PW | 100m plus. |
| Q | You would accept it is affected? |
| PW | No impact on the building. Will impact on the setting. Be able to see trolleybuses moving to and fro behind the screen of trees. Don't see how that can be substantial harm |
| Q | Some trees are due for demolition? |


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| MW | Ms Hardy isn't suggesting that, as they are light boxes. |
| KP | Can you indicate to us whether light or dark boxes. |
| Q | It is a light box and is set back from the road. |
| PW | I think there's been some change and no trees will be demolished in front of the War Memorial. |
| Q | They are. Eight trees near the parish church are to be saved but not affecting that view to St Chad's Church. Do you <i>know</i> whether the setting is being affected? |
| PW | I'd have to look at the landscape plans. |
| MW | The landscap witness might have a good idea though if it is going to impact on te setting of the building it's better to know now. |
| RW | Plan A-14. |
| PW | [Consults a plan.] Yep I've got the latest "design frieze". Erm 3 trees on Right Hand side will be demolished and replaced by 6 trees. The trees set back are not affected. I think we can conclude that there will still be screening from the precinct of the church to the road. |
| Q | If you look at the appraisal one point made is on the long vistas towards Chad's Church. These trees have an important impact on the vista. |
| PW | Yes. |
| Q | It's been difficult to get answers about which trees will come down and we have asked and get different answers- the proposal at p.25 was followed by a modification but it will not be the ones that have the most impact. |
| MW | [to PW]: You weren't aware of these trees and which ones were demolished. |
| PW | I'd forgotten. Mr Walker will be able to answer after me. |
| Q | We think it's important for a listed building and are disapointed that he does not know. |
| PW | It's evident from this plan that 3 trees are being felled. |
| Q | Which ones? |
| PW | I think they are 3 red hatched circles. |
| PK | Can you confine yourself to questions. |
| Q | Can you confirm how many trees you know will be destroyed as a result of this scheme? |
| PW | 3 trees. |
| Q | Can we look at the dark shade - boundary walls to St Chad's. |
| PW | I think they are curtilage structures. I don't know how that can be substantial harm. Not total obliteration of the asset is it? |
| Q | One of the defining features of our Cons Area . |
| PW | Some impact, but set back in same manner as other walls to the south. |
| Q | We'll not rerun but adopt the questioning in respect of Rose Court. |
| Q | Tree lined roads are the defining feature of this area of the conservation area. |
| PW | There's certainly a loss but not substantial harm. There will be replanting. Only a small area of the conservation area - one street. Para 5.19 of my proof.[Reads]. Says will result in loss of leading assets- "moderate adverse effect on the cons area". |
| Q | Changes the special character of the conservation area. |
| PW | Oh yes, but not irrevocably and certainly not substantial harm. |
| Q | This area - montage page 11 - these are the trees that will be removed. And the cobbling and York stone pavements will go. |
| PW | Probably makes the street seem less generous and sense of enclosure along that street will be increased. My understanding is that the York stone will be replaced. |
| Q | Not shown on the montage. |
| PW | That's the intention |

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| Q | Not what it says is it. Large, what appear to be lights gantries- no idea what they'll look like but even if they look like that, will be a radical change to our Cons Area? |
| PW | It's a change. |
| Q | What level of harm would you say? |
| PW | Using the EIA methodology? |
| Q | Yeah. |
| PW | I think, moderate adverse. |
| Q | Mr Ward are you familiar that this road goes from 4 lanes wide to a 6 lane highway with central reservation? |
| PW | Yes. |
| Q | Where you see on the montage where the bus is , will need wires on other side.  3rd June 2014 Video recording started: 15:20 04 June 2014 |
| PW | [I missed this] |
| Q | Do you agree with the ES that there is so much street clutter already it won't make any difference? [Para 4.58 technical appendix to ES]. |
| PW | Did it really say that? I'd be surprised. It will have drawn attention to the context of existing paraphernalia. And I said something similar myself. |
| Q | Can you draw to our attention where you said that? |
| PW | Yes "a cumulative impact associated by overhead line equipment which will be mitigated by wall mounted fixings as far as possible" and considering the existing clutter I say the impact is "low" not neutral. |
| Q | Would you say there <i>is</i> street clutter? |
| PW | Ys there is. Lighting |
| Q | Are they staying or going? |
| PW | Don't know. The intention is they will combine poles with lighting. |
| Q | You don't know how many there will be do you? |
| PW | No. |
| Q | And we think there may be poles on the other side of the road. Would you still stick with your assessment? |
| PW | Yes. |
| Q | Bottom p.28 and talks about war memorial and associated trees in the Appraisal. Talk us through the impacts you've identified and why. |
| PW | Overlaps with my discussion before in front of St Chad's. DO we have to go over it again. |
| Q | A different asset. |
| PW | Same impact tree loss. |
| Q | How long will it take to mature? |
| PW | I think about 14 years. |
| Q | Can we look at the Lodge and trees. |
| PW | I think it's the same as before. No comments to ad. |
| Q | These are separate items |
| PW | They overlap don't they. |
| Q | York stone pavements- your understanding is will be repaved with replacement York stone |

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| | pavements? |
| PW | That's my understanding but please cross-examine Mr Walker on it. |
| Q | TAG Manual Unit A3 (2014) vol 2, section 3, Part 2, HA208/07, para 2.7 specifies a methodology for transport infrastructure. DO you know it? |
| PW | No. |
| Q | Important for you to know about it because it refers to impacts on heritage of transport projects, isn't it. |
| PW | Not a primary document |
| Q | It says, needs to be considered hollistically not as a list of impacts and that where there are numerous impacts it should be scored at a higher category than when you deal with each aspect in isolation. |
| KP | If Mr Ward doesn't have a copy he'll find it difficult. Can we have a mod-afternoon break and then photocopy it? 15 minutes break. [15:37]. |
| Q | [15:54] I'll move to archaeology and then come back. Arch Rebuttal 9, para 16.1. We are saying, no archaeological field study has been carried out. Correct? |
| PW | Yes. |
| Q | Desk survey is a first step. But in DMRB... |
| MW | We'll need the whole document and we might not be able to see it today. |
| Q | I think it's quite a critical document |
| RW | Can we substitute another cross-examiner until we have the document? |
| Q | I would agree with that if I can be called later. |
| MW | Mr Ray? |
| TR | Tony Ray - retired town planner to represent NW Leeds Transport Forum and am a member of West Park Residents' Assocn. |
| TR | To just o through our evidence. I'll take you to para 3.6. You single out Victorian suburbs and parks having a contribution to the whole city? |
| PW | Yes. |
| TR | Headingley too? |
| PW | Yes. Leeds' first suburb. |
| TR | You draw atten at 3.22-3.23 to importance of views. |
| PW | Yes. |
| TR | And hedges and boundaries. So would you say the trees, views and boundary treatments are key elements of the special character of the A660 corridor? |
| PW | Yes |
| TR | Para 4.4 on assessment of value you attribute "high" value to city centre. |
| PW | Yes. |
| TR | Because, you say, of the coherence of Victorian landscape and concetration of listed buildings. |
| PW | Yes |
| TR | These conservation areas <i>also</i> have Victorian landscape and concentration of listed buildings. Same value? |
| PW | I think the city centre is of national importance. Best preserved Victorian city centre in the country so I give it greater importance. |
| TR | Para 4.10 - Headingley - "the best concentration" of Victorian mansions and villas in the "whole city". |
| PW | It may be the best in the city but I don't think it's of national significance. |
| TR | Your definition of high value is "national significance"? |

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| PW | Yes, whereas conservation areas are local designations and not normally of national importance. |
| TR | Well I disagree with you - it's a coherent Victorian suburb and the first Victorian suburb. |
| PW | In Leeds. |
| TR | Headingley Hill you describe as the "prime nineteenth century area". This was the first suburban area in Leeds from 1830s onwards would not this rank as having high value? |
| PW | I don't think so, no. |
| TR | You say the city centre is unique. But wouldn't Headingley Hill be classed as that? |
| PW | No. |
| TR | Where does this distinction based on national importance come from? |
| PW | My judgment. |
| TR | So concerned as a heritage officer for this city in Leeds you wouldn't ascribe high significance in this city to Headingley Hill? |
| PW | No. |
| TR | These conservation areas are a step in between the City centre and other areas, would have increased importance? |
| PW | Would accept that as an intellectual argument. |
| TR | Now, 5.20. Photos 69, 70 and 72 will be put up, in the Northern Route Photo sheets, Annex A of Landscape Character evidence appendix - A/08e/1. In para 5.20 you refer to setting-back  3rd June 2014 Video recording started: 16:09 04 June 2014 The setting-back of the wall, removal of trees, removing of forecourts of shops. Do you agree that the cumulative impact on this section of the historic street scene is at least moderate adverse? |
| PW | Yes. |
| TR | You classed it as only "minor adverse", top p.22. You had discounted the loss of the trees and the forecourt. |
| TR | Video recording started: 16:12 04 June 2014 P  3rd June 2014 This [photo 73] is to be demolished but it's an important positive feature. Stone detailing |
| PW | It's positive. |
| TR | Should be preserved if possible? |
| PW | Yes. |
| TR | You again say "Moderate adverse" |
| | 74 and 77. That is where there will be an NGT "turnaround facility". To get the facility in, the trees screening the Arndale Centre will go. Video recording started: 16:15 04 June 2014 |
| | Now, my photo - Broderick Ct faces the turnaround (photo 4330). This was |

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| | designed by Mr Cuthbert Broderick who designed the town hall. The clump of mature rees will go. Impact on setting of Broderick Ct? |
| PW | Agreed. |
| TR | Not mentioned at all. Doesn't need LBC but needs to be taken into account as a material consideration. |
| PW | Yes. |
| TR | So loss of trees and turnaround facility will have an impact on an important LB. |
| PW | Yes Grade 2 listed. |
| TR | <p>Photo 73 Wood Lane. Your words - severance of historic street. Mature trees, coherent stone walls, house to be demolished is just to the right of the photograph. To me, that is a classic, Akinson Grimshaw view (leeds artist) Do you agree?</p>  <p>3rd June 2014 Video recording started: 16:18 04 June 2014</p> |
| PW | Yes. |
| TR | The walls and trees are an essential part of the special character- cant ven see the buidings in this view. Do you agree? |
| PW | I do. |
| TR | View 73A- View is straight through the lane. |
| PW | That's why I made the point about the truncated street. |
| TR | That being the end of the street doubles its importance to "hold the line". |
| TR | Not only does it come "crashing through" and break the street scene, but it's completely blocked by the location of the stop. |
| PW | I don;t thin done deliberately. |
| TR | Fundamentally changes the character. |
| PW | It changes the character. We're talking about the character of the area of Headingley as a whole - lots of streets and hundreds of buildings. |
| TR | Goes to the heart of Headingley? |
| PW | It's in central Headingley. |
| TR | More than moderate significance? |
| PW | No. |
| TR | Noise from NGT traffic and visual intrusion will be lasting permanently? |
| PW | Yes. Not from construction. |
| TR | Noise, ntrusion, break up historic form of the Cons Area- isn't that fundamental? |
| PW | It's important yes. |
| TR | Isn't it substantial harm? |
| PW | No it's not destruction? |
| TR | You agree the layout is part of the special character? |
| PW | Yes |
| TR | Will destroy the historic form? |
| PW | I don't accept it will destroy it but will break it up. |

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| TR | To me that's substantial harm. |
| PW | I disagree. Headingley will still be recognisable and there won't be mass migration of Headingley-ites. |
| TR | Let's look at 5.25. Headingley Hill, Hyde Park and Woodhouse Moor Cons Area. Loss of buildings, etc. All these individual elements (photos 82, 85, 86) you've assessed as "Moderate adverse". But cumulative impact with poles, overhead wires, NGT stops - all duplicated with bus stops and trolley bus stops? |
| PW | Yes. |
| TR | Do you not consider the cumulative impact on Headingley Lane will be fundamentally altered? The conservation area appraisal of Headingley Hill [Core Doc D-5-3] says the streetscape of Headingley Lane is "central" to the special character. Page 10. This cumulative impact of all these elements on this key feature of the Cons Area is "substantial harm" to the character of the Cons Area? |
| PW | No I wouldn't. Will be mitigated by rebuilding. There will be loss of historical and evidential value as on a new line, but the longevity of the walls will be improved as many are tired. And the trees will be replanted so will be mitigation there. Where there will be significant residual harm will be the off-line routes to rear of Arndale Centre. |
| TR | And a number of mature trees will go. Considerable impact? |
| PW | In the short term yes, but Mr Walker is optimistic. |
| TR | Your view. |
| PW | Won't be mature for 40 to 60 years. |
| TR | Yes, so for 40 years a major change. |
| PW | What's a generation? Not in the long term. Don't think the loss of trees themselves would be substantial harm. Will be rebuilt, the wall doesn't go. |
| TR | Huge gap to accommodate a double-width NGT. |
| PW | That's one of the significant residual effects of the scheme. But not "substantial". |
| TR | You would agree it would be significant if it destroyed the character? |
| PW | Yes. |
| TR | But you don't think substantial harm? Bypass [etc.] |
| PW | That's right. |
| TR | <p>View 98</p> <p>Video recording started: 16:36 04 June 2014</p> <p>Video recording started: 16:36 04 June 2014</p> <p>Video recording started: 16:36 04 June 2014</p> <p>Loss of a statue. No clutter currently; more clutter now. And View 99- no clutter for miles either. View across Woodhouse Lane</p> <p>Video recording started: 16:36 04 June 2014</p> <p></p> <p>3rd June 2014</p> <p>The overall impact of NGT will fundamentally alter if not destroy the uncluttered aspect of Woodhouse Lane.</p> |
| PW | It is a change. Woodhouse Moor is the most impressive thing about Leeds. A true <i>rus in urbis</i> . A unique feature. It is a significant impact. BUT only part of a much large conservation area. It can't be "substantial harm" to the Cons Area as a whole. |
| TR | But in combination with the bother matters - Chartists and other matters. Significance City-wide and contrast with narrowing-down into University and Headingley. You said "significant" I would say "substantial" |

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| PW | I disagree. We're not building on the Moor. |
| TR | Previous name was Swi-Moor - play area for children. Should enhance and tell the story about Swy Moor. Will destroy the character. |
| PW | Will impact on Woodhouse Moor. The Cons Area would I think still be designatable as a CA even if the Moor was not there. That is an indicator of its importance. It is a significant residual effect. |
| TR | Talking about poles and overhead lines . Go to 5.36. Given the current levels of visual intrusion the impacts are low, you say, But no clutter in Woodhouse Lane? |
| PW | No |
| TR | No clutter across paddocks? |
| PW | No. I was making a general comment across the piece. There will be some sections which already have clutter and the impact will be neutral. I' aggregating, averaging out. |
| TR | More than moderate or major? |
| PW | It is, yes on that stretch. |
| TR | More than major thank you. |
| PW | Are we using the methodology of the EIA? I didn't say more than major - putting words in my mouth. |
| MW | You did, yes. |
| TR | Do these impacts -they're also addressed in separate Landscape and Visual documents - but are relevant? |
| PW | The trees are part of the conservation areas outside the city centre. |
| TR | Are trees, townscape, landscape, visual amenity all part of your assessment? |
| PW | Yes, I don't know what you mean by "visual amenity". A woolly term can be views from bedrooms. |
| TR | Not talking about that, but views into and out of Cons Areas? |
| PW | Yes. |
| TR | Cumulative impact-widening roads, clutter, cables. Is that not substantial? |
| PW | It's not "substantial". It's not destruction. It's a very high test. I think the question is whether they would e designatable after the NGT were built. |
| TR | So your definition is whether it would still be designatable? Total destruction? |
| PW | Yes. Not total but near-total. I'm led by case law. <u>Bedford BC v SoS</u> - proof 3.13. High Court approved Inspector's formulation "something approaching demolition and destruction". You're asking me to apply the test at para 133 of NPPF and I'm saying it's not appropriate. |
| TR | Trying to ascertain what degree of harm you think amounts to substantial harm. |
| PW | I think the test is whether the area is still designatable. It's not an experiment we can carry out, but I think it still would be. The guidance to the NPPF says it's a "high" test. |
| TR | Your conclusions. 8.15-"damaging" "Not in keeping with historic form pattern and layout". Would you not then say substantial? |
| PW | No I then say I don't think it would meet the high test required by NPPF. |
| TR | Well I agree with the preamble but say it must be treated as "substantial harm". Your final conclusion quotes the Bedford case. That's the crux of the Inquiry. But would you not agree that if the public benefits are shown as less, alternative approaches should be taken instead. |
| PW | No. The benefit may not be as great as been claimed but still not so much harm. |
| TR | Wouldn't another vroute be to look at alternatives. |
| PW | There are alternatives but that's not a scheme the promoters want to pursue. |
| KP | It's five to five so we'll adjourn to 10 o'clock tomorrow. |

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| MW | The errata? |
| RW | With the Programme Officer. There are 4: - two are changing "Low" to "moderate". One is confirming that it doesn't clip the Cons Area but runs along with it. |
| GJ | Can we have a copy. |
| Joanna programe Officer | It's APP -123. |
| GJ | To answer the question, Robson Street Vancouver One of the ladies working at Regus is from Vancouver and recognised the picture though I'm not calling her as a witness! |