

5th June 2014

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22:17

Further continuation of Mr Ward's evidence

MW	[Asks about timetabling]
	Would imagine X-Ex of Mr Ward would not take the whole morning on Friday. Quare whether Mr Flesher could be cross-examined tomorrow.
GJ	Had a brief word with Mr Walton and had very little for Mr Flesher, solely in respect of the College. Think it's better to start Mr Flesher.
KP	We've had some docs handed in by Mrs Pickering. There were 2 versions of TAG UnitA3- original refs were in January 201 version but doesn't seem to be any difference from DCRA-07. Also DCRA-108 is the extract from DMRB vol 2 section 3 on environmental assessment for cultural heritage matters. Also DCRA-109 is an English Heritage document which is a summary of what EH say the NPP says. Perhaps better to refer to the parent document rather than EH's interpretation of it. I'll hand back to Ms Pickering ('HP').
HP	I couldn't find the TAG document yesterday but we have it now - DCRA-107. Is produced by DfT in consultation with EH about assessment. Page 34 first para 5.3.19. "The principle here is that where it is clear that there is a cumulative effect....then the scheme as a whole should be scored at a higher category rather than the resources in isolation".
PW	I'm used to that approach it was in Circular 88 and PPG15. It's a concept I'm familiar with and it's sensible.
HP	Your end assessment of Otley Road is "minor adverse" when there are. Wouldn't you say that all these impacts make it moderate adverse rather than minor?
PW	Yes it might. The impacts are acknowledged in my proof but I'm not hiding from that. It's not formally scored in my proof.
HP	You agree with me then that you haven't added?
PW	Yes
HP	If we take other examples e.g. Headingley I haven't found examples of cumulative impacts being added?
PW	Well other areas hve less cumulative impacts.
HP	Can you give examples of other significant cumulative impacts?
PW	Well we... It hasn't been formally scored, no. I didn't carry out the envtl impact assessment and dn't pretend to be an expert. I go along with advice of others...Kevin Neather would be an expert who could give evidence.
GJ	I cross-examined this witness, he's adopted the methodology of ES and he purported to be a expert and now is saying is not an expert.
PW	I'm not an expert on environmental assessment but I am an expert on heritage matters.
GJ	I register some concern at this stage that for the first time the witness has acknowledged he's not an expert on environmental assessment on heritage matters.
KP	I've heard what you say Mr Jones and I've a note of your Xex.
GJ	Is it the Promoters'intention to call another heritage witness?
RW	No -certainly not intending that.
HP	A lot of the information defined as "secondary impacts" not taken into account - particularly, noise, air pollution. One of te effects of separating out the information weakens the appraisal of impacts on heritage assets?
PW	No I don't accept that. Numerous refs to tree loss and noise intrusion and traffic in the ES. In my proof I looked at other chapters of the ES.
HP	We haven't got an assessment. You describe the impacts but don't assess them.
PW	I take the impacts on these into account in relation to heritage. I'm not an expert on trees and noise.

HP	You don't know how many trees have been cut down. These are all things that need to go into the historical environment appraisal.
PW	[They are covered.]
HP	Your answer is that they are covered in the heritage assessment?
PW	Yes.
HP	You didn't look at cumulative impacts -intention to minimise the assessment?
PW	Not at all.
HP	If the Inspector found you did, then there was a bias.
PW	If there was, that would be disingenuous.
HP	Your [main proof] App9-2 para 6.10. Do you admit that the scheme does not preserve or enhance our heritage and so conflicts with PLBCA Act.
PW	Yes it doesn't preserve or enhance but the harm is less than substantial.
HP	Doesn't comply with Leeds UDP and Policy N20.
PW	It doesn't accord with it but that's a bit simplistic.
HP	Yes or no?
PW	No.
HP	It doesn't agree with P10 and P12 of emerging Core Strategy [reads]?
PW	Do you mean P11?
MW	We need to look at them.
HP	No firm proposals about the scheme?
PW	I agree.
HP	Let's move on to your rebuttal to the Archaeo-Environment Report.
KP	Rebuttal argument 6? Goes on, "mitigation measures have been assessed". Doesn't seem to refer to what you are talking about?
HP	DCRA-102. We made a point that there's over-reliance on residents getting used to the new environment and we say he hasn't addressed it. The statements have been that where residents get used to the noise it's okay. It's taken as mitigation. But this just accepts the continued degradation of the environment.
PW	Yep. It's not a point I make in my proof. I think it's a point Mr Walker makes in his proof.
HP	You don't have a view on that about getting used to things?
PW	People do get used to things, yes.
HP	You do agree with it?
PW	More or less, yes. My assessment is the beginning of the scheme. In respect of trees I don't take into account temporal effects.
HP	Don't you agree it's not a legitimate mitigation issue?
PW	I agree it's not a mitigation issue.
HP	Rebuttal by Mr Ward to the Archaeo-Env't (same document) para 2.16.1. We are stating that there is no understanding of impact on buried artefacts because no field evaluation has been carried out. Not done has it?
PW	No it hasn't.
HP	A standard procedure isn't it?
PW	Can be, sometimes a walk over is enough.
HP	The need for a predetermined [sic] evaluation is required by NPPF 128.
PW	If appropriate. It is shot through with the idea of proportionality. It depends on the significance of the site.
HP	There was no archaeological map with this application?
PW	There wasn't

HP	until Ms Hardy's report. There is now.
HP	APP 8-3-5. West Yorks Archaeological Advisory Service
PW	Mr Speake's appendices I think.
HP	A map showing archaeological potential.
HP	Do you agree that many of them are significant to require pre-determination evaluation?
PW	No.
HP	Is it acceptable for this scheme to be exempted
HP	We don't know what the state, integrity and preservation of arch remains are? Though no initial trenching or evaluation.
PW	It depends on the significance of the sites. Desk study has been done.
HP	In most developments even housing developments, nitial trenching is done. You say yo know from looking at desk-assessed documents they don't need evaluating.
PW	In my experience of 20 years of developments in Leeds the number of pre-determination evaluations can be counted on two hands.
HP	You don't know what the archaeological remains are. Yu make a point that the sites are not designated but of course they are not as they have not been dug up.
PW	If that approach was taken you'd be digging up the whole of Leeds.
HP	We have a map of significant potential.
PW	We are advised by West Yorks Advisory Service.
HP	Funded by Leeds City Council aren't they?
PW	In part, yes.
HP	It's a financial risk isn't for the Promoters to not take a precautionary method to assess methodology?
PW	Yes there is a risk but I think the risk has been reduced by the desk-based assessment.
HP	As you haven't done any field investigations you won't know how to design any mitigation measures and condition them.
PW	We've got a condition. We know where the areas of sensitivity are and we know the significance.
HP	I've raised the question whether you do know the significance as you've not assessed it.
PW	We don't think we do need to assess it.
HP	Okay let's take Headingley Hall- manor for over 1000 years. Can you give me an example of its significance.
PW	[flicks through docs] I'm A/08c7 - the ES.
HP	Mr Ward, I'm looking for an archaeological view on this.
PW	[reads through the ES] This is the site of Headingley Manor? There's reference in the ES at 3.19.
HP	Is there any reference to the archaeology there?
PW	Yeah - "it's the site of a grange associated with Kirkstall Abbey"
HP	So why is it not necessary to do any archaeological work there?
PW	I'm advised it's not necessary. I'm not an archaeologist.
HP	Does it comply with the requirements to be necessary, reasonable precise and enforceable?
PW	I think so yes.
HP	It's a blank cheque - don't know how much this will cost us if remains are dug up?
PW	There are 2 questions. One is cost.
HP	My question is, don't you agree it's a blank cheque as no-one knows how much this wil cost us in terms of delays and staff time?
PW	I don't know what the question is.

HP	You're leaving the City to pick up the cost if archaeological remains are discovered.
PW	I'm advised that pre-determination investigation is unnecessary.
MW	Is the advice from West Yorks Advisory Service? Or someone else.
PW	Yes, WYAS.
HP	Are you familiar with , DCRA-104, EH reort "heritage counts". It concludes that economic resilience is increased because heritage attracts visitors.
PW	That's one of the findings of the report.
HP	The historic corridor is important as it attracts visitors?
PW	Yes.
HP	You accept that if te area is damaged it's likely to deter people from visiting or living in the area
PW	Yes but not the end of the story because the economy could be improved by new infrastructure.
HP	You accept there is harm?
PW	Yes.
HP	Has any assessment been done on impacts on small businesses especially from the construction phase?
PW	Not aware - not my area.
HP	Are you surprised that local business on this heritage corridor have objected on environmental grounds.
PW	It may be a bit beyond my evidence.
KP	What Mr Ward is saying is that he doesn't have economic expertise and the economic impacts would be for an economist or business consultant to answer.
HP	If we look at this research it shows people value livng in Cons Areas and houses sell on average 23% higher premium and appreciate faster?
KP	Yes.
HP	So if they are damaged this could harm the conomy couldn't it?
PW	It could. But that's not the end of it. We're not just leaving it in a state of devastation but are adding something that could be attractive.
HP	How long do you think it would be until it recovered?
PW	I don't think I can comment.
HP	Are you aware that the scheme is already
HP	Don't you feel that yur evidence is intuitive rather than evidence based?
PW	A very big question. It is often a matter of opinion. Often I deal with aesthetic matters and don't think you can quantify it.
HP	Your evidence is confined t the aesthetics?
PW	No but that's why you live in the area
HP	Would you agree that you are not familiar with the documentation necessary for this inquiry?
PW	Of course I don't agree that. I'm familiar with the parts relevant to my evidence. I've not read all the documents. I'm not familiar with all teh aspects on noise and ticketing.
HP	When you do the appraisals on conservation areas are you bringing in noise experts or only looking at aesthetics?
PW	I accept that noise is relevant.
HP	Wouldn't you accept that you don't have the expertise to appraise them?
PW	I'm not a expert on trees, or noise.
HP	You're not an expert ...
PW	Of course I'm an expert of carrying out appraisals taking into account some of those things.
HP	You don't think then that the trees which are said to be one of the significant aspects.

PW	I don't know anybody who is an expert in my line of work on architecture, noise and trees. I don't think you can combine those in a natural lifespan.
HP	Why does the Council take so little notice of what we think in respect of this proposal? We've made those points very frequently.
PW	Can you evidence that. Why don't you think the Council takes any notice?
HP	In 2008 EH published "Communal Values". Do you know what it means?
	What people invest in a place emotionally.
HP	Reads out the definition. And para 121 of NPPF. These are all aspects of communal value?
PW	Yes.
HP	Are you required to consult us?
PW	Yes.
HP	DO you think the Council is ignoring our views?
PW	I don't think the Council is.
HP	No montages available - Holy Trinity, St Chad's Church, Museum. Amazing that they are missing, don't you think if you are going to consult local people on impacts on their heritage?
PW	I don't. Very expensive to produce. Would need hundreds of montages.
HP	Do you not think it worth it to spend money to enable people to see what the impacts would be?
PW	Montages are always to be taken with a pinch of salt because they are renderings. They are only renderings. There are other sources of info - landscape plans.
HP	When we look at landscape plans there's no image of the visual impact of wires outside Grade I listed Town Hall on the Headrow.
PW	It's a fact that there's no view of that. There are views, along A660
HP	Not many. We've talked about key buildings - Grade 1 Town Hall, Grade 2 and 2* we looked at yesterday. You're being obtuse.
PW	There has been an attempt, a whole book of images. May not be the ones you want.
HP	The views are linear, down the route. No attempt to visualise across the routes the impact on heritage views.
PW	I'm not aware of any, no.
HP	Do you agree we live in a 360 degree world?
PW	Yes
HP	Failure to give views across the route gives a distorted view. Like the traffic - told not to look at traffic across the route.
HP	Don't understand that we might feel that the significance of the heritage has not been made clear technically or to local community.
PW	You're asking me to put myself in your shoes which I can't do can I.
HP	Lack of proper appraisals of Cas or LBs has undervalued them?
PW	In the ES. I don't believe they have.
HP	Do you believe it underplays the blight and neglect from Supertram and the cumulative impact?
PW	That's your opinion not my opinion.
HP	Would you agree that it would cause significant damage to A660.
PW	It causes harm to heritage assets along the route.
HP	There's significant damage to assets along the route,
PW	There's harm but not substantial harm.
HP	DCRA 104 5.3.19 page 34. Talks about "most adverse" category. "scheme as a whole should be assessed according to the most severe effect". Rationalise that highly severe impacts should

	not be masked by less adverse impacts. Those are the guidelines that you should be adopting?
PW	Those are the guidelines.
HP	The whole scheme should therefore be categorised as "major adverse"?
PW	Er the whole scheme?
HP	This is for large projects and it says that of one impact is major adverse then you assess the scheme as major adverse?
PW	Yes it's major adverse effects along the route. That follows doesn't it.
	[Break]
KP[11.3 7]	Someone representing South Headingley Residents' Assocn have handed me some documents that are new. Does Mr Walton have anything to say?
RW	If we an deal with them, of course we will. But documents for witnesses need to be put in before the witnesses give evidence.
KP	In this case the lady wasn't here for Mr Ward's examination and needs to be reminded that you can only be cross-examined on evidence that is already there. I am a bit concerned because the idea is not to spring surprises on witnesses. Is anyone in touch with Dawn Carey-Jones who can speak to her because I am concerned.
Q [Douglas Kemp]	I represent West Park Residents' Assocn- a newer area. My Qs relate to APP-9-2. Won't stray outside but I intend to look at A-08e-1 photographs. On your first day you commented that wirescape was more visible against the sky?
PW	Yes.
Q	Have you visited other cities with these systems?
PW	I'm from deepest South Yorks and I'm familiar with the Sheffield Tram system.
Q	That's a single-overhead-wire system?
PW	Yes.
Q	View 16 for instance, illustrates the extent to which a lot of the route of A660 has mostly sky and is devoid of clutter. Page 25, 5.35-5.36 you said "low" impact.
KP	Your correction was "moderate" not "low".
Q	Are you saying it's now "moderate"?
GJ	My concern is errata should be before he witness is cross-examined.
MW	We don;t know your view then.
PW	Because the city centre value is high, the impact would be moderate adverse in the city centre.
MW	You say these paras only apply to City Centre.
PW	Yes other areas, low adverse.
GJ	I just want to know whether this is an assessment of the sigificance of the harm? For the purpose of p.16 table.
PW	It's the effect of the harm.
KP	You refer to 2.3 not 2.2?
PW	I refer to table 2.3 yes, the level of effects.
KP	So in fact impacts are referred to in 2.2. so it should be "the level of effects".
GJ	And that is both corrections 5.35 and 5.36?
Q	Is it possible to clarify as regards section 8.4?
PW	I'd want to have an exception in the city centre.
MW	Is it the same? Effects or impacts?
PW	Effects.
Q	Also at para .26 it says "all" of the conservation areas.
MW	Yes it needs clarifying better for the errata.

Q	Move me on to view 38 Known as West Park Roundabout. Do you see any impact from wirescape?
PW	Yes the wires would be viewed against the sky. Might be worse than other situations.
Q	Why?
PW	Because seen against the sky.
Q	Because the bus is going around the roundabout it's not dissimilar to what e viewed yesterday?
PW	Not a crossing.
Q	No but has to follow a curve so will require more supports. It's where West Park meets [inaudible] CA. Unless you are to discount the road between them, it is within a conservatio area.
	Greater support for wires?
PW	Yes.
Q	You say there is a cumulative effect but almost "average it out"
PW	Well it runs down Otley Road and it's a linear feature.
Q	Well you say it's subjective but it's like you merge the impacts into a generality that falls into the bottom category.
PW	I'm looking at it as a whole and am averaging it out.
Q	Don't use any formalised scoring technique.
PW	No
Q	Were you aware that there are formalised scoring systems?
PW	Yes.
Q	Deliberately chose not to use them?
PW	I didn't wrtie the ES, I only borrowed it.
Q	It will reduce the lighting clutter?
PW	I think the intention is to combine the lighting andn poles?
Q	Any idea what proportion will be combined?
PW	No.
Q	Don't you need to know?
PW	Don't think it can't be done.
Q	Seems you are waiting till it's built to assess it.
PW	Won't know till it's built/
Q	What colour will they be painted? Black?
PW	Don't know. May depend on branding.
Q	Increased crossings- these are "clutter"?
PW	I was talking in terms of lighting.
Q	I put it to you that
PW	Will be more crossings but less of other things. I don't know what the overall position is.
Q	Have you been provided with info to help you assess this?
PW	No
Q	Not enough info?
PW	Design isn't far progressed.
Q	How much involvement have you had in the design
PW	I've been involved with Headingley Castle and Woodhouse Moor sections in terms of mitigating the harm
Q	View 39. Parade f shops- any survey of these buildings it's proposed to fix them

PW	No.
Q	Do you have any concerns over the types of buildings?
PW	I think they could accept fixings without harm to the Cons Area or buildings.
Q	Will they require spreading plates?
PW	Solid walls I expect so may not require a spreader plate
Q	Just a visual survey?
PW	Yes.
Q	View 40. Impact depends on number of poles?
PW	Yes and width of carriageway.
Q	Will the replacement bus stop be in the same location?
PW	I think probably a bigger than that and in similar location.
Q	Will be designed to accommodate a bus 18.75m in length. That stop is only 2m long but will obscure the shops.
PW	From his view it will not make any difference but from the other side of the street yes.
Q	Passing trade wouldn't be able to see the parade of shops.
PW	There is a suggestion that this forecourt be improved but I don't think there is any funding to do it.
Q	These proposals seem to identify areas that need improvement but don't facilitate it. What you're saying is the development doesn't enhance the Cons Area. You are aware that the trolley buses and bus stops are separate?
PW	Yes
Q	Adding to clutter?
PW	Yes.
Q	Have you put forward arguments to combine them?
PW	It would be nice going forward but not the intention in short term to combine them.
Q	At meetings, it's not a view you've put forward?
PW	No.
Q	View 42. In future the route has to accommodate the trolley buses and the existing bus service. Do you see any issues with accommodating single-storey bendy buses and double decker buses?
PW	Well there'll be more traffic.
Q	I'm concerned with the height of poles and wires for clearance. Do you think the montages signify the appropriate height?
PW	They are not scaled so it's difficult to say.
Q	View 43. Picking up on your para 5.16 at p.21. Road-widening affecting the wall on the left of the photo. The intention is to set the wall back up to 10m. It says given the wall is not in the original position the impact is less.
PW	Well the impact is less as not original position.
PW	The more you move it back the impact increases.
Q	Is it not a consideration that you are encroaching on Grade II LB?
PW	It is a consideration and is picked up in my Proof of Evidence.
Q	Where?
PW	Para 7.15. Similar to discussion of Rose Court. A subsidiary feature but will affect the setting.
Q	It is part of setting of [Shenfield]?
PW	A consideration
Q	Removal of trees
PW	There will be planting. I think it's less harmful as less impact on Shenfield and the impact on

	the wall is less as it is not the original wall.
Q	View 44- again illustrates extent to which the sky is a major feature of the road into the City Centre. Do you not agree?
PW	I do.
Q	Should there not be more consideration of that feature, more adverse, more harmful?
PW	Certainly views against the sky are more adverse than views against buildings.
Q	And view 52- do the same points hold good?
PW	Yes. It is important that the wires will be below the line of the trees.
Q	Won't trees need cutting back to make way for cables?
PW	Won't stop the trees growing...I guess the trees need to be cut back so buses can run freely yes.
Q	So can never wholly mitigate the loss of the trees?
PW	It must be the case where trees encroach on overhead lines.
KP	Mr Barraclough ('B')
B	I'm representing 20 residents who are current custodians of Headingley Castle. Want to refer to your PoE and also an advice note Core Doc G-4-91. Am I right to assume that you were the author of the clause relating to the LB under 5.4 on page 8?
PW	Yes certainly I was involved in the drafting of this first section.
B	Can you confirm that the divided ownership within the curtilage has had no bearing on your assessment?
PW	Yes it doesn't.
B	Proof para 4.6 page 13. The Castle is in Headingley CA not Hadingley Hill?
PW	The House is but not the curtilage. Part of the paddocks are in the Headingley Hill CA.
B	And no appraisal of Headingley CA?
PW	It doesn't exist.
B	Parkland of 3-6 acres. You say "small paddocks" (para 5.10, 5.22). I play cricket on there... I question the references to "small"?
PW	Perhaps it isn't helpful...is not meant to be a description of their importance.
B	Move on to 4.10 on page 15 of your Proof. Last sentence. "St Columba's Church where there is potential for medieval value". Have you been pointed to what this may take the form of?
PW	No.
B	Could be linked to monks?
PW	Er yes.
B	Para 5.4 you accept the ES.
PW	Yes.
B	You refer to detriment to Headingley Castle at 5.10. Do you mean the harm is greater when you say "particularly"?
PW	Yes impact is greater on our property.
B	Is that "major"?
PW	No- moderate not major.
B	If "particular" then how much more than moderate?
PW	More harmful than the others.
B	Para -side access roads "currently quiet". Are you aware that the current drawings are to dig up the majority of the private access road in the curtilage and the avenue of 120 year old lime and chestnut trees?
PW	No I wasn't aware of that.

B	You said earlier not an expert of trees but removal 70 trees in curtilage of listed buildings which are actually a shelter for the building - will impact on it?
PW	Yes it will.
B	No mention made. No mention either of removal of Portland cement pathways from mid-C19th. These were invented in Leeds in mid-C19th.
PW	Yes I was impressed when I visited.
B	Are you aware that a survey has been completed of levels by MottMacDonald?
PW	Yes.
B	I'm waiting for that.
B	Despite removal of 70 trees and obvious impact on this heritage asset you maintain that LBC is unnecessary?
PW	Yes.
B	The advice note confirms that an 18m section of the curtilage estate wall is to be removed. Can you describe it?
PW	A traditional boundary wall to a villa. Tall by most standards. Brick on inner face and stone on the outer face.
B	The stone from the outer face was to maintain the stone impression.
PW	The dignity of the property.
B	I want to look at Design Frieze 2 which followed more closely the route of the SuperTram. Took advantage of the collapsed beech tree.
MW	I think there was a plan of the design.
GJ	We don't have any plans of Supertram but Mr Ward fairly agreed it was further away.
KP	Is it in Appendix 4?
B	That's a useful plan from our heritage consultants. Design Frieze 2 sat in a cutting and did a swerve round an impressive beech tree that had survived for many years. Would you not agree that it would be preferable to run the trolley bus at this lower level as far as possible from the heritage asset?
PW	There would be slightly... I've addressed this in my rebuttal point.
B	The point is, Mr Ward, is it better for the route, cables and poles to be at a lower level in terms of views to and from the heritage asset?
PW	Yes it is but that's not the end of it. Would have to relocate the car park to the proposed green space and there would be an impact on the Conservation Area.
B	We walked across to ST Columba's Church and the whole route had been jumped up onto the parkland setting and my impression then was that that route would have been better.
PW	In terms of the impact on the setting of the listed building, on the castle, yes.
B	The building had been left derelict for some 20 years when you last visited. Have you not been back since?
PW	No.
B	Have you consulted with the custodians at any time?
PW	No.
B	What do you think the construction of the castle is?
PW	Physical construction? I think it's built from grit stone blocks. Is it not a traditional masonry construction?
B	No it's cast-iron beams. Your former colleague Rob Murphy was responsible for driving the restoration of the LB and was adamant that there could be no double-glazed windows and we should retain single glazing. Is that the view you have?
PW	As far as possible we should retain the original fabric but it's not as simple as that.
B	They were not original but were replaced with single glazing for visual appearance. Is your opinion the same as Rob's?

PW	Difficult to say.
B	I ask the question because if you were asked to comment on St Columba's church secondary glazing...
PW	No absolutes in conservation...
B	You'd support double-glazing? Will be a cavalcade outside.
PW	I think the main thing is to keep the building occupied and we would have to think carefully about sound insulation. I can't say without detailed proposals.
KP	Happy to break at one?... Let's break now and come back at twenty-to two.
KP	[13:41] Miss Randall?
CR	Is the building [] on Victoria Road a positive contribution to CA?
PW	Yes a positive contribution to the conservation area?
CR	Is it right that while the whole piece of land has one owner it's misleading to say it's 1 property?
PW	Yes there are several discrete properties within the same ownership.
CR	Do you know how many semi and detachd villas were built in the 30 years before the Great Year in Leeds? 1886-1914. La belle epoque?
PW	I think 6,506 it says here?
CR	That's <i>all</i> houses. Detached 446 semi 1246 and large no of back-to-back terraces. Would like to draw attention to Victoria Road - semi detached villas.
PW	I always think they are detached villas.
CR	That increases the rarity value then?
PW	If you say so.
CR	Had the Conservation department done any assessment of the rarity of buildings of this nature before the NGT proposal to demolish it?
PW	No.
CR	Does it make a positive contribution to character of CA?
PW	It is a positive building. It's not the life and soul of the CA.
CR	We see only 446 were detached.
PW	I don't know Have never done a study of detached villas in Leeds.
CR	Now we've ascertained it's a detached villa, no.6 Wood Lane is another built in that period c.1900 ish. You accepted it's a psitive building?
PW	Yes
CR	Do you now of the other 442 villas built in Leeds still remain standing?
PW	Don't know.
CR	Should we not know this before we demolish them?
PW	N, I'm viewing them as part of the CA rather than as part of the city, globally as you're suggesting I do as part of the totality of Leeds.
CR	Wouldn't the number increase their rarity value?
PW	Yes and if this were the only one in Leeds it would probably be listed. There are many in Roundhay.
CR	Any on this route?
PW	No.
CR	I've noticed frm Google Earth that there is an annex r adjacent attached building on NW side of Rose Court which is low but seems to be in the same materials.
PW	Yes I think I know what you mean. If it's what I'm thinking of it was with columns and was built in late 1990s. Within our lifetimes.

CR	The one that comes within about 7m of the wall.
PW	Yes.
CR	I've measured on Google Earth it's less than 7m.
PW	It would be part of the Listed Building but it's proposed to demolish it.
CR	Who, Molly House Trust?
PW	I think so.
CR	I wanted to explore that.
RW	If Qs are to be put simply to request info we are happy to answer that outside of the inquiry.
CR	If it were to remain, only 2m away?
PW	Yes.
CR	How high would the wall be?
PW	The land falls away. It's an imposing wall from within the site, the further south you get.
CR	It does vary. At the Hyde Park end, what would be the height of the wall on Headingley Lane?
PW	I don't know.
CR	It would clearly be more than it is already given that the gradient is quite steep?
PW	Depends if it falls away or was level. I expect it would be level to accommodate the cycle path.
CR	I'm talking to the South, looking from the inside if the wall comes down the hill.
PW	I don't know.
CR	Would you accept that the side was the main entrance with the impressive portico?
PW	I discussed this at some length at another public inquiry. I described this property as "Janus Faced" - has the "street front" facing Headingley Lane and usually rear elevations are more utilitarian. Unusual because of its high quality finish. I think because it can be seen from the road more effort was put in.
CR	Would you accept that as it appears visible there was a small circle in there/roundabout..
PW	Yes carriage drive.
CR	Come in through the gate piers and turn around?
PW	Yes
CR	So would the turning circle be considered as curtilage?
PW	Certainly within the curtilage as normally understood. I don't mean as a listed building - t's not a LB- but certainly within the setting.
CR	Within the curtilage now?
PW	It's not part of the listed curtilage - it's not a building or structure.
CR	What would you consider was the curtilage of the LB now?
KP	The piers or the mansion itself?
CR	The mansion itself.
PW	Yes it's within the curtilage as normally understood.
CR	Would it be possible once it was set back to drive a horse drawn vehicle around on that gradient?
PW	I don't know -I'm not an expert. That might be worst case.
CR	Are there steps there?
PW	No they were part of a previous design frieze and have been amended.
CR	With reduction of size would it not be substantial harm to the curtilage space?
PW	Certainly less genotous but the building ws designed to be seen from the street and moving the street closer would not be substantial harm to its special character.
CR	I'm talking about harm to the function of the space to the turning circle.

PW	To that space, undoubtedly but the judgment I have to make is the harm to the LB not the functioning of the turning circle for horse-drawn carriages.
CR	Given that it is a handsome listed building, isn't it the case that cramping the wall a metre 6m from the house prevent that appreciation of the quality of the building because you would be unable to stand back within the grounds.
PW	To appreciate the full splendour of the building you do have to stand back but you could do so from the other side of the street.
CR	Can't do that except through the gate.
PW	Not easy but still able to see over the wall and also between the gate piers.
CR	Not able to within the grounds.
PW	The generosity of the space would be affected.
CR	Not what the architect intended.
PW	I'm sure that's what the architect wanted - Victorians wanted to aggrandize themselves. Bt still a good deal of space to the South. Some trees will be lost but replanted.
CR	Retaining wall along Headingly Hill up to the School -on the south side. You say you ndon't know what the fallaway is
PW	No
CR	Does go on, to varying degrees along the length?
PW	Yes it does. I think when you get I think to Spring Hill School...
CR	It's steeper at each end and less in the middle.
PW	Yes it is.
CR	Have you considered from P.o.v. Of visual amenity what the impact would be on viewing from south side given the steep natue of the hillside near Rose Ct School.
PW	Yes it may be yes. It's already an imposing wall b/c the land does fall away steeply.
CR	The visual impact would appear to be closing in behind the mansions looking back from Victoria Road.- Substantial harm.
PW	It is intermittent and at that distance I don't think you would experience much of an effect. Over 100m away.
CR	Rose Ct School. I'm very concerned about the proportion of the school play area. Mr Smith gave height of the road of 2.8m. But did not include the 2m high wall above that b/c play area is excavated into the wall?
PW	Yes.
CR	So the wall viewing from the South side school play area would be approx 4.8m high? 15ft.
PW	Yep makes sense.
CR	The School building is the same height or higher than the wall. Is that where oad widening would be only 2m?
PW	Don't know.
CR	Losing 2m in width of the play area, would the play area end up being just a narrow play area between 2 walls rather than the open area they currently enjoy.
PW	It is different but I'm not sure it's a question for me to answer whether it is harming the amenity for school children.
CR	A dark area not suitable for recreation.
KP	Raise it with landscaping witness.
CR	Part of the wall has collapsed. Due to a tree falling in a storm and not to any defect in the wall?
PW	It may not be. It may be that the wall was precarious.
CR	The cause of the wall falling was the tree.
PW	I'll accept that.
CR	Would walls on Buckingham Mount need to be built up?

PW	Yes. I know something is proposed for that but I can't help.
CR	The wall would need to be adjusted.
PW	The junctions have to be managed.
CR	There are many buildings of interest other than the modern ones?
PW	Even those are of interest.
CR	Why do you think they are empty?
PW	May be being sold or institutional inertia if owned by the City Council. I don't know.
CR	Councillor Walshaw suggested something similar. But in the
PW	I know Lupton House quite well and have been trying to find a use for that.
R	The large white one? I'm not addressing that but those along Headingley Hill. I'm putting to you that the uncertainty over demolition, supertram and NGT has been responsible for that.
PW	I don't know there's been a ruinous house since I first came to Leeds.
CR	Red brick gate house
PW	Yes part of the school - has taken time to get Planning permission.
CR	Surely no-one would want to commit themselves if not likely to be in existence.
PW	I think you'd be foolish to redevelop the site in knowledge it's likely to be demolished.
CR	Would it not enhance the area if put to use e.g. For education rather than letting them deteriorate.
PW	Of course it would be better to put them into use. But you can't blame NGT. Most of the buildings are not going to be demolished.
CR	Shire Oak Road. Would you not agree that trolley bus across it with loss of mature trees would have a major effect on views of Headingley Hall?
PW	Yes we have covered this before.
CR	I'm concerned about the loss of garden and curtilage of the Vicarage. I don't believe it is listed but it is positive?
PW	Yes it is and the severance of its curtilage would be harmful to the conservation area and the demolition of the wall.
CR	Heritage is something we've inherited from the past.
PW	Yes that we value in the present.
CR	Lots of mature trees. Your Summary Proof para 1.3, bullet point four you say, "longevity of tree cover...through replacement of ageing tree stock". I'm particularly concerned about this because I'm wondering if you know which trees have been identified as this ageing tree stock?
PW	That's something Tom Walker can talk about because there's been a number of senile trees. The fallen tree may have been one.
CR	I don't know that tree myself only the stump. A beech. But do you know how old local trees are?
PW	I've already said I'm not an expert in trees.
CR	When we get to trees of this size, we're talking ballpark centuries.
PW	I don't know how long trees live but I'm told beeches can last centuries.
CR	So I'm concerned some of the trees are nowhere near the size of massive beeches. Quite clearly beeches only a metre thick would be half the age of a massive beech.
PW	I don't know
CR	You'd agree they could continue for decades or centuries?
PW	I don't know - it may depend on the location.
KP	This is speculation on Mr Ward's part. The tree expert is the person to ask.
CR	If some of these trees were capable of surviving for a considerable length of time, would it not be our responsibility to steward them for our successors to get to know truly ancient trees rather than reculled and replanted every half century?

PW	So far as we can.
CR	Would you accept heritage goes beyond visual amenity?
PW	Yes but we appreciate the heritage visually as well as other things. I stroke trees. I stroke walls as well.
CR	Would you accept that it can affect the ...can give value and expanded meaning through association with the history and local people.
PW	Of course I can that's the basis of what I do.
CR	Now on communal value. Have you considered that there might be potential for heritage tourism in Headingley?
PW	Yes I think it does. People visit Headingley because they enjoy the environment - without staying overnight but because they enjoy it. I do it myself. You can call that tourism.
CR	Residents were Arthur Ransome and Professor Tolkien and Arthur Anderson. Would not surprise you to know that cultural events such as Headingley Lit Fest take place along the route?
PW	Yes.
CR	Would the development not diminish the attractiveness of Headingley for those who visit for these cultural reasons?
PW	Yes.
CR	Are you familiar with the concept of spirituality in nature as a concept in social anthropology that's held by varied people?
PW	I know animists etc.
CR	And eminent Christians like CS Lewis and Tolkien.
CR	Does your methodology take account of such cultural religious and academic traditions?
PW	No it's not ...quite peripheral to mainstream culture.
CR	Relevant to heritage tourism?
PW	Some may come to worship trees but most would not.
CR	If those trees were known by Tolkien or CS Lewis would that not be important?
PW	If those trees could be identified I'd give them increased significance.
CR	Some chestnut trees were here in the 1920s and he lived a quarter of a mile away and he would have known them.
PW	Er they give me joy..
MW	We'll have a 15 minute adjournment till ten to three.

Examination of Mr Sean Flesher on Parks

RW	Reads out Mr Flesher's CV Chief Parks Officer. To take your main proof 2.1 the areas of recreation land your evidence considers - existing sites, temporary construction sites and then new sites Stourton. Can you explain the methodology
SF	Follows the Council's parks strategy. Was approved 2009. Aim is for all parks to meet Green Flag standard by 2020. Developed a national level as means to identify quality. Not 'excellence' but good parks. The Green Flag assessment requires desk based and field based survey. But Leeds Quality Park standard uses only the field based study. The criteria are divided into 26 sub criteria.
RW	Where do those 26 subcriteria come from?
SF	Part of Green Flag standard. Are assessed from 0 to 10 (outstanding). A score of 48 is needed. There are 50 internal staff qualified as judges. Two of them were part of the standard - Tinsel recreation ground and Woodhouse Moor.
RW	Parks and Green Space Strategy is Core Doc D-6-14. At 2.13 and following you set out the conclusions (page 8) - dealing with existing parks and green spaces affected by NGT. Can you take the first one and explain how the table works?

SF	First part is location and description. Then what its NGT use will be. The percentage of the area affected by the land take (6%) then the LQP assessment value. Current score is 38.4. I then looked from the plan what the mitigation effects would be and did a re-assessment from the plan. Next part sets that out. Still does not reach the standard but there is some improvement. All there apart from Woodhouse Moor and Tinsell which were assessed by other judges.
RW	Explain what you've done [with new open space].
SF	No assessment I can do visiting the site so I looked at the plan and applied the scoring appropriately.
RW	Satellite construction compounds using table 2.4 can you explain how you went about it?
SF	I visited the site and looked at the mitigation. E.g. Reestablish the grass cover suitable for mowing.
RW	Read out concs
SF	Belle Isle Circus would attain LQP standard and Woodhouse Moor, along with the new open space. No adverse effect.
RW	Point put against the scheme is that ecological mitigation and use for recreation don't go together.
SF	I'm not an ecologist. But the Council manages 4,000ha of and 1.5000ha is formally managed parkland
RW	We'll provide a note. In broad terms are the uses incompatible?
SF	No.

Cross examination of Mr Flesher

GJ	Do you know where Leeds College of Art is?
SF	I've seen a plan.
GJ	One of the issues is that as part of the NGT they'll be offered some space that they might use. Not in your evidence- not your realm?
Sf	No - more public realm?
GJ	Who do you think I should address questions on that to?
SF	I think Mr Walker.
GJ	OK. You refer to Green Flag Guidance Manual. Say 2 things needed -field based and desk based. Why has Leeds only carried out half of the recommended approach?
SF	We have that for 8 of our sites plus 1 community park which we use as a benchmark. We felt from a user perspective what goes on behind (e.g. How we manage the pesticides) doesn't relate to users' experience.
GJ	It's not in full compliance with what Green Flag requires?
SF	In terms of desk assessment, no.
GJ	Then the 2010 Green Flag award manual - you've set out the table. DO we find in the manual the criteria or the scoring or is it left entirely to judgment?
SF	2 ways - training for judges and there is guidance in the manual to help guide you.
GJ	Not a set formula?
SF	That's right there is a degree of subjectivity to it.
GJ	You set out existing parks. Then when one looks at the appendices we have the parks that <i>will</i> make the standard.
SF	And those that won't.
GJ	Are they as well? Where are they? We don't find all the ones that don't make it?
SF	Oh no, all the 9 sites assessed should be in there.
GJ	Okey-dokey the Green Space Strategy for Leeds. I just want to draw attention to these

	principles. Page 5 please. The penultimate one- "safe sustainable and effective meeting people's needs to get about while affecting the envt as little as possible". Is that a principle you endorse and are happy to apply?
SF	Yes that would be my understanding of that objective.
GJ	Then the Green Flag awards scheme. "Conservation and heritage" is included isn't it?
SF	Yes.
GJ	Also community involvement? As an officer you'd endorse that?
SF	Yes.
GJ	Page 8 of your evidence - "should not be regarded as a standard where only a few prestige sites should achieve it". Pressure is to try to get as close as possible to just a few top parks?
SF	Yes 2020 strateg we are aiming for all parks to meet the target.
GJ	Looking for all parks to meet that target?
SF	Yes.
GJ	A box "sustainability". And also "conservation and heritage" - very much part of that through...one of the factors the locals have touched on is community use and need for appropriate management. At 3.4 on playing pitches I want to talk about artificial pitches on Park and Ride but there is a concern that we need to safeguard pitches from development/.
SF	Yes but primarily for access and opps for people to play sport, less to do with landscape.
GJ	Yes and 3.9- parks increase biodiversity, noise, drainage. Can I take you- would you endorse proposal 19 p.36 - creation of green corridors for recreation ...
SF	Yes and important to add that a key aim of the Strategy is not to spit the user from the natural environment.
GJ	Looking to compensate with artificial pitches?
SF	Yeah that's mainly a planning criteria to be fair rather than a parks criteria.
GJ	At 3.2 you set out FA strategy on new artificial pitches. I don't understand that to be at the expense of the existing grass pitches.
SF	I don't know the details. I'm responsible for recreation both owned by the Council or not. I've got some private clubs that can make better use of artificial pitches than grass pitches.
GJ	There's a whole debate about artificial pitches. The FA want grass pitches for the moment but my understanding is the FA aren't proposing that you use otherwise healthy grass pitches. Not being suggested they're so deficient they can't be used as grass pitches?
SF	I can't really answer that about the FA
GJ	There are health issues about artificial pitches concerning recycled rubber in the turf?
SF	I don't know
GJ	Also bromate zinc and lead?
SF	I don't know.
RW	Which hat is Mr Jones wearing? Are any of your witnesses dealing with this. Hadn't understood this was part of your case.
MW	That should have been raised in your case shouldn't it?
GJ	Only after the proofs were submitted was it raised that artificial pitches were a positive. This is a public inquiry not a court. I'm entitled to test the evidence. Our general case is that the adverse things that have been done will not be needed.
MW	Which witness will be dealing with this?
GJ	I'm not calling a witness.
MW	I'll let you ask but how much weight I give to it...
GJ	Oh well that's a different matter.
GJ	Are you aware of zinc and bromate in published papers?
SF	No.
GJ	And the issue that artificial pitches retain heat?

SF	No.
GJ	Any ecological interest in the topsoil is removed? Outside your expertise?
SF	It is.
GJ	Are you aware of issues about runoff from artificial pitches when you clean them?
SF	It's not.
MW	Mr Foren. (F)
F	I'm grateful to Ms Vincent for letting me know this afternoon. But I would reserve my right to question him further tomorrow as my X-Ex had not crystallised.
MW	May not be tomorrow as we've more on heritage as well.
F	If I run out of questions because of lack of time adequately to prepare I would reserve the right to come back.
RW	I'm very happy with that approach. But what we can't do is hold Mr Flesher back...
MW	It's got to be before re-examination tomorrow.
F	Have you got photographs Ms Vincent photocopied? [passed around] I'm Christopher Foren and represent A660 Council. You're an employee of City Council?
SF	Ys
CF	They are one of the promoters?
SF	They are.
CF	Wrong to say you are an independent expert?
SF	I'm employed by one of the promoters but the criteria have been applied which are not biased either way.
CF	Have you visited the sites?
SF	Yes all 9.
CF	Are you familiar with the route?
SF	Yes mainly focusing on the parks.
CF	Have you visited the Headingley Hill Pocket Park?
SF	Well visited the site so I've had to do it off-plan. At the moment just fields for grazing and some mature trees.
CF	You're keen to emphasise the word "public" here?
SF	Managed for public recreation, yes.
CF	They're public space now?
SF	Appear to be allowed to use it by the owner so the access is permissive rather than y right.
CF	A number have views across e.g. The old people's complex at Oakfield and Headingley Castle?
SF	There are some people I'm not sure about Castle but won't dispute that.
CF	And near St Columba's Church?
SF	I'll not dispute that.
CF	Not just those visiting the Church for worship?
SF	I manage other churchyards and cemeteries and they are used recreationally yes.
CF	From the point of view of the use of the space the legal rights are only a minor element?
SF	Well I'd assume the owner could deny the rights of access.
CF	Are you aware that the Church do not refuse access?
SF	I'm not aware of evidence where they do appear or do not either.
CF	Why don't those 2 fields appear in your table?
SF	Not officially managed as part of the City's public realm.
CF	They don't appear anywhere in the table or assessment apart where you say the pocket park will create new space.

SF	That's right - not part of my evidence to look at sites that don't meet the LQP sites for assessment.
CF	You say it doesn't qualify or count for assessment?
SF	Because it wouldn't meet the LQP or Green Flag criteria. Doesn't mean it can't be assessed against that.
CF	This inquiry has to look at land use. In some cases it involves taking space from people's gardens.
SF	I'd agree with that but it comes under landscape and visual amenity and it's
CF	Do you know who's the owner?
SF	I've not done any land search but would assume it's the Church from what you've told me.
CF	No parks in Headingley Ward?
SF	Not in the ward.
CF	Lots of others do like Roundhay and Birley Park.
SF	Yes there's lots of community parks.
CF	Isn't that what Headingley lacks?
SF	Yes.
CF	Can Mr Flecher look at A660 JC101 and 100. Is this a document you've seen before?
SF	No it's not one I'm familiar with.
CF	Look at Table 5.5.1. A survey done by the City Council on various types of recreation provision. If you read down to Headingley they Council identified deficiencies in 4 out of 5 criteria. I can't think what those are but here aren't many children in Headingley. See para 5.5.6: "deficiencies in all typologies except children's".
CF	If you start looking at photo no.8, do you recognise the view?
SF	Headingley Hill?
CF	Yes behind the Church. A flourishing natural scene?
SF	Yes.
CF	Of the sort Headingley is short?
SF	Yeah looks like it's managed for grazing.
CF	No.9 That shows it is used by people?
SF	Wouldn't dispute that.
CF	No.10 is behind St Columba's church and it's used by people. What do you make of the trees?
SF	They look nice.
CF	I think Horse Chestnut or Sweet Chestnut. Then photo 13 and 14. and 15 Sir is the view back from the fields to spire of ST Michael's Church. And you can see various buttercups and other wild flowers in the grass there. Photo 16 a fairly rural scene with a horse, ditto 17,18 Picture 19 shows part of the horse enclosure and picture 20 is a close-up - horse chestnut?
SF	Yes
MW	When were these photos taken?
CF	Taken by me, Sir in May of this year.
MW	Fairly recent then, yes.
CF	I'm happy to label all of these Sir at a later time. Picture 25 is another view looking towards the rear of Oakfield to the Church. Look at 27 -do you recognise it?
SF	Headingley Hill.
CF	29 is the terrace of the Otley Road. So all in all we don't need to go through all of these it's an attractive place isn't it?
SF	Yes from photographs and my visits.
CF	Aware of the effect of the trolley bus?
SF	Goes through the middle of the field?

CF	Know how wide is it?
SF	Don't know.
CF	Are you prepared to accept from me it's 11m wide?
MW	You may not have the right witness. Inviting us to look at them but it might not be that Mr Fletcher can give us any particular information on this.
CF	He does address parks and green space.
MW	Mr Flesher didn't look at them.
CF	Mr Fletcher, your assessment should have looked at this shouldn't it?
SF	I don't agree because it would be by permission and limited for walking and only limited because it's used for keeping some of it.
CF	But only part of it has animals.
SF	Doesn't meet the criteria for parks and
CF	You would concede that access to green space is good for sense of wellbeing?
SF	Yes and I've seen published evidence of it.
CF	And not just physical access
SF	Yes - I think there's published data that people in hospital wards overlooking green space have beneficial effect on health and recovery. Though I'm not an expert.
CF	The impact on this site will be catastrophic won't it - tracks and buses every 3 minutes.
SF	Don't know.
MW	Well I don't want to waste time you'll be addressing the same Qs to Mr Walker.
CF	With respect he's put up as an expert on recreation and open space and someone has to weigh up whether the destruction is worth it.
CF	These fields and some of the trees and the sense of place is going to be destroyed by the proposals isn't it?
SF	Well I've not done an assessment so I can't say in terms of the details.
CF	What kind of assessment do you need to do. Isn't it blindingly obvious that if you put a major road through Roundhay Park you'd change the character. Don't need to be an expert to see that the
SF	Depends on your perspective. I've shown in my evidence that the mitigation where the NGT passes will improve the quality.
CF	Do you know the area called the Granbies? Many of those houses are back-to-back without gardens. And similarly in the area called the Richmonds. Okay?
SF	Yes.
CF	Isn't it right that people who live in areas without gardens of their own might derive benefit from green space that they could use?
SF	Yes.
CF	And they could derive a benefit from them?
SF	I'm not familiar with the Granbies so don't know how far away it is.
CF	Is it your evidence that this site would be improved by this development?
SF	I can't say either way as I've not done an assessment. I haven't applied the methodology. I've tried to apply a consistent methodology.
CF	Just coming on to the "pocket park" - you say a "new" park or green space that's something of a deception isn't it because a large area of green space will be destroyed and a tiny stretch will be kept.
SF	Where I'm coming from is that an area will be created for recreation.
CF	Tiny area.
SF	0.35ha
CF	Bordered on one side by busy main road and on other by NGT track?

SF	Yes.
CF	Not ideal space for a park.
SF	It is for an area without a park. From a parks management perspective its land we don't currently have managed for recreation and it's permissive.
MW	Can you move on- we're going round in circles.
CF	I'm nearly finished but I've also got questions on green space policy.
RW	That's for our planning
CF	It's like a robber taking everything from them and giving back tuppence. That's the case whether or not it fits your criteria a large open space will be taken away from them and they'll get a small wedge?
CF	Well certainly there will be 0.35ha publicly managed green space created. And I don't know what the landtake is.
MW	Can we not look at a plan?
RW	A-12-118
CF	An overly bureaucratic take on what's happening here? Proposals will result in destruction of existing natural green space regardless of access and
Sf	Well it leaves 3 and a half hectares and some field margins.
CF	Currently the noise from the road is lower?
SF	It's a pleasant space.
CF	Will be harmed by a trolley bus going through every minutes?
SF	I've not done an assessment and it's subjective.
MW	We're going to have exhausted this as you're not going to agree.
	We're going to have an earlier night I think. We'll adjourn until 9.30 tomorrow, back with Mr Ward. Then if we've got time we'll be bringing Mr Fletcher back and do cross examination and re-examination and I'm intending to finish by 3 o'clock.