

TRANSCRIPT_ISH2_SESSION5_A57LINKRO ADS_09022022

00:05

Good afternoon again, everybody. The time is now 1640. This hearing is restarting, please could a member of the KT team confirm can be heard clearly? And that the live streaming and recording have restarted?

00:19

Yeah, I can confirm you can be heard clearly in the live stream has commenced again.

00:24

And once again, Can I remind all parties to keep your microphone muted and camera off until we invite you to speak these time that we voted to speak this give your name and on whose behalf you are speaking? Thank you. So we are now resuming with the next agenda item which is Item five, and biodiversity, ecological and geological conservation. And Mr. Dyer will take us through those questions thinking.

00:59

Dealing with the first question Item five, a mindful of time I am intending to take answers or the response to that in writing. It may have implications for the previous item. And it relates to some suggested opportunities for biodiversity and habitat enhancement resulting from the substitution materials for walls, bridges and buildings and fancy. Put the applicant be happy to deal with that in writing thank you, sir, which turning on behalf of the applicant. And so my content to deal with that now in writing as you require we understand that time pressures. And so we can provide you with our written response on that one, sir. Thank you. Next item, and still with the habitats regulations assessment. The increase in traffic volumes on the IEC six to eight t would have passed on the A 57. Site parser approaching 1000 vehicles ad T with the applicant provide a commentary on their approach to assessing the proposal with regard to air quality, and its effect on habitat and foreigner considered against the competence limits of traffic modelling. So Richard, failing on behalf of the applicant, in relation to the question there, Sam and insofar as we're in biodiversity, and I have Mr. Watson with many who could expand on points in relation to the effects on habitats and fauna? I did wonder insofar as that it relates to air quality, if there were matters relating to air quality, or those points you also wish to be addressed on now? Or are they actually matters you would rather cover in I think it's item seven listed for tomorrow's which picks up quality. And these are with regard to be habitats regulations, assessments specifically. So I think I'd like to there might be more comments and questions tomorrow.

03:44

Under item seven, we'll be dealing with human effects on humans and compliance. So we won't be specifically dealing with the habitats, regs or habitats, and foreigners tomorrow. So we're splitting in that way. So this is about effect on habitats for known habitats, habitats, regulations,

04:06

in which case, then, it may be a combined effort. We also have Mrs. Robinson, with me this afternoon, who is able to speak to the quality aspects, perhaps if you invite Mrs. Robinson, to join us on screen now and introduce yourself and she can begin with those matters. And then as necessary and convenient, Mr. Watson, if that's the appropriate way of dealing with it. Thank you. Thank you, Mrs. Robinson. Would you like to introduce yourself, please?

04:47

Hi, I'm Suzy Robinson, and I'm the quality specialist on behalf of the applicant. So initially, I just wanted to pick up in terms of the the question was relating to work We've got traffic approaching the 1000 vehicle ADT change on the a 57 snake paths, and the a six to eight would had pass. So I just wanted to pick up on what the kind of actual changes were and what we've included in our assessment in terms of the areas and road. So taking first, the sneak pass, the traffic change was just above the 1000 ADT change threshold that and that's taken from dmr, la 105. And that's another change in the opening year. So we have assessed that we have included that location within our air quality assessment. And so we've taken that through a number of other stages in terms of the assessment, which I'll come on to in a minute, in relation to the six to eight wood head paths. So for that particular road, where, for the section east of new road, it doesn't meet that traffic change criteria of a 1080 Ti. The actual change in 2025 is an increase of 509 150. So in accordance with the La 105 dmr guidance we haven't taken, we haven't considered the air quality, kind of further in terms of calculations of nitrogen deposition for that particular road. So where we have undertaken further calculations of air quality, and that's for the 857 snick paths. We've detailed in Appendix 5.3, Section Five of the air quality environmental statement chapter, we've set out the approach that we've taken for assessing the air quality impacts on designated ecological sites. I'll just give a brief kind of summary of that. Now. And in terms of what were the steps that we've taken on that. We, we identified the designated sites that within 200 metres of the road section sections that are exceeding the dmr Ello, la 105 traffic screening criteria, then identified the habitat types, based on information in the pollution information system, where that was available or through field surveys. We then use that information to identify the sensitivity of habitat to nitrogen deposition, and also the critical loads for those particular habitat. We've then undertaken some calculations of the total nitrogen deposition for receptor points, both with and without the scheme within within those sites and looked at the resulting change in the nitrogen deposition. Those changes have then been screened against criteria, nitrogen deposition, and sorry dmr la 105 designated habitat screening criteria. And so it looks at in terms of the what the, the actual change in nitrogen deposition is, and also the change. And in relation to the relevant lower critical load level for the particular habitat. And we've looked at that change and whether that change is greater than 1% of that lower critical load level. So were the site where the habitat screening criteria were exceeded. We've then gone on to another stage of consideration which where we, we looked at whether we made a further review of habitat type. For the area where the screening criteria were exceeded. We've looked at kind of the actual magnitude of the change of the nitrogen deposition criteria to further identify whether it was greater or less than naught point four kilogrammes of nitrogen deposition per hectare per year. And

then where required, we've we've then looked at what distance into the site, there was an exceedance of that naught point four value and also kind of the duration, the number of years that it would take for that, for the nitrogen deposition to reduce to return to the without scheme, deposition rates. And that's what we've done within the air quality assessment. And that's reported within the air quality documents that were part of the DCO application within the biodiversity and with it specifically within appendix 8.4, which is document reference a, a pp 172.

09:44

Further, they've looked at further kind of consideration have been made within the ecological assessment in accordance with dmrB la 108. And it's kind of a summary of that approach is that nitrogen deposition changes. They were characterised against the impacts, and effect descriptors that are given within dmrB la 108. Specifically paragraphs, three point 10 and three point 11. And then the determination of the resource importance has been made, again, complying with the approach within dmrB, la 108. And then a consideration has been made if the integrity and the key characteristics of the resource, and that's taken account of the type and the condition of the habitats for which the designated habitats have been, or where the habitat has been designated, is had called the characterization of the nitrogen deposition impact. So, that's that was what I was talking about earlier in terms of looking at the change in the the area affected and the duration. And then finally, what will, what we've done is we've looked at the light looks at the lightly biophysical responses that the designated habitats would have, in terms of whether it would have a potentially significant effects and whether it would undermine the ecological coherence and functioning and conservation status of the features. And so, taking into account all of that assessment process, and it was, it was found that within for sites for relevant statutory sites of Jace, within 200 metres of the eighth of seven snake paths, we actually found the nitrogen deposition rate changes were less than naught point four kilogrammes of nitrogen per hectare per year. And as as such no significant effect is expected.

11:53

Thank you. Thank you. Following on from that, it's noted that in December 2021, new guidance on decision making threshold spread pollution were published by the Joint Nature Conservation Committee, which provides an evidentiary basis for decision making thresholds to inform the assessment of air quality impacts on designated sites. But it's because the applicant and I've also addressed Natural England, unfortunately, not present at the moment that provide any comments on the implications of the guidance for the assessment of air quality impacts as presented in the Act regulations assessment report. Thank you, Sir Richard, failing upon the health of the applicant, it may be that Mrs. Robinson wants to add to want to have say, but I think that's the starting point, there is no the applicants position, the assessment methodology and the approach that is taken has been agreed with Natural England that is recorded in the statement of common ground that is before the examination. And the recently issued guidance does acknowledge that the decision making threshold is not intended for use in the context of the strategic network. Whereas the dmrB guidelines, which is methodology, which has been adopted and used, has been specifically designed for the assessment of street strategic road schemes. And that is why that's the guidelines that has been followed in accordance with the approach and methodology that's been agreed with Natural England. The applicants position is therefore that it doesn't believe that the release of this guidance will have any implication implications for the assessment of the scheme.

13:47

Thank you. That was helpful. Just to clarify that. So the the new guidance on decision making the thresholds that was referred to within that guidance itself, it says that it is not applicable to projects such as the proposed development, is that is that my understanding? Is my understanding, correct?

14:07

Yes. I think there's probably more than one reference, but the easiest one is there's a summary page a of the guidance, and it acknowledges that eight page A that I think is because it's sort of a summary of what's in the overall report. I got onto the numbers. It's very early on. Thank you. That's really helpful. And with regard to this, and with annual average daily flow increases, approaching 1000 threshold, can you explain why a more cautious approach wasn't taken With regard to biodiversity and habitat sets, so particularly one we're particularly on would pass to which attending on behalf of the applicant, in terms of the initial response on that, and just expanding on what you've just heard from Mrs. Robinson, essentially, the the assessment approach taken, followed the guidance in dmrbl 115, in relation to the habitats regulations assessment, and concluded that wasn't a likely significant effect, and therefore, no requirement to proceed to further assessment. And as I alluded to, in the previous question, a moment ago, that was the methodology and approach in the conclusions that we've agreed on national highways, I should say, has agreed with Natural England.

15:52

And that's in the statement of common ground with Natural England.

15:56

In terms of Yes, their approval of the different chapters of the environmental statement and methodology and best practice adopted. I think it's actually 2.5 in the statement of common ground. That's the section that deals with assessment and methodology. And the in the reference, the library references are EP two hyphen, zero to nine. Thank you.

16:22

Okay. Very helpful.

16:25

And with regard to the rest of my questions, particularly in the absence of the National Trust in Natural England, today, I'm intending to take those also as written responses. Is the applicant happy with that approach? Sir, Richard Sterling on behalf of the applicant, so no action to that approach, just to clarify, is that is that the question question, Is he on was he to I? Yes. Understood. And we have no problem with that approach and will respond in writing as directed. Thank you. The only other party to restrict means the District National Park. Can you confirm whether or not you would be happy with that approach? Thank you, sir. Tim, little simple District National Park Authority. Yes, I can confirm we'd be happy with that approach. Thank you. Okay. Does anyone else press Presley today? Any any comment or observation that they would like to make with regard to biodiversity? Just a giant.

18:07

Thank you. Yeah. Mark James, happy Borough Council. And it's not on the agenda specifically. But our local impact report did identify possible concerns regarding action deposition on the Shai Hill, ancient woodland. And the applicant seems to be saying that the the impacts would be around a year in terms of its effects. And I'm not an ecologist, I'm not a place to comment on whether or not that would be detrimental to ancient modern, which, which is irreplaceable. So I just thought I'd make that point.

18:40

Thank you, as the as the the applicant has responded to the local impact report of the high peaks in that response. Are you aware?

18:52

Yeah, sorry. So it's their response I'm referring to so in their response to the highlights the conclusion, it would appear so anyway, that the effects will only last for a year and therefore, aren't all noteworthy. I'm not an ecologist as say, but I just thought I'd raised that as permanent. That was a valid point. So I'm not really sure whether they became as ecologists could perhaps pick that up and look at that, and comments.

19:18

Okay, who can't counsel would it would you be able to follow up on that for us? Table three, kind of counselling?

19:25

Yes, I can take that forward to a que lo que

19:29

does the applicants ecologist Oh, do we have the applicants ecologist with us?

19:39

So I mentioned firming on behalf of the applicant. And we do have the ecologist and I'm just just checking if he's available in terms of to respond to that point. And

19:55

I think we're well let's let's see, that's

19:59

yes. Thank you. And Mr. Watson is

20:08

so good counsel have raised matter in the local impact report about deposition effect on ancient woodland.

20:21

I'm not getting any indication in the moment that we necessarily have the reference. So perhaps the the best thing for us to do is we can review the responses that we've already given to hire people to

counsel and perhaps provide some further clarity in relation to the year that's been been referenced by Mr. Chang.

20:44

Yeah, if I could suggest that let's Dougherty county council may want to add to that. So if we can invite deputy county council to respond to the deadline for and then perhaps up could respond a deadline five instead of the applicant? That certainly sounds sensible to myself. Thank you. That's helpful. Thank you.

21:13

Yeah, so so that's fine. But my colleague had to leave He has promised to undertake to consult the ecologist. So we will certainly come up with something by deadline for

21:24

Thank you. Thank you. That's very helpful.

21:29

That brings it in five to a closed, we are going to take a break and adjourn overnight, and recommence in the morning.

21:43

Let me let me just run through that. So that thank you very much for all the contributions today. It's been a very busy day. Apologies, again, for our technical problems this morning. And thank you for bearing with us, then. It has been a very useful day course. Very grateful for all of the contributions that a number of parties have made. There are some important written submissions for deadline for and then deadline five. So we very much look forward to those. We are going to now adjourn this hearing. Please do keep a note of the items that you've undertaken to provide a written submission on if I could remind the applicant that they've undertaken to provide a written summary of all of its responses for the deadline for on Wednesday, the 16th. That's appreciated. And the transcript and video recording of this hearing of today will be published on our website as soon as practicable after today. We are going to adjourn until tomorrow. So issue specific hearing to This hearing will be commenced tomorrow. We will recommence with the hearing at 10am. The there'll be another arrangements conference tomorrow. Albeit it's for the same hearing that we did we do need to have another arrangements conference. So that will start at 930 tomorrow. So please Can all parties try to join that in time. So all the remains day is coming. Thank you all. We have Mr. laureates, the

23:34

Yeah, it was just to remind parties that there's a separate link to join tomorrow's hearing. So that will be included in the joining instructions you use to join today's. So please just don't join today's hearing by accident because no one will be in there.

23:51

Thank you. Thank you. So yes, so please do join the right hearing tomorrow. The right using the right link for tomorrow. Don't use the link for today. So an easy one to slip upon potentially. Thanks for that

clarification. Older remains then as I was saying, thank you all for your contribution if you're not attempting tomorrow. Thank you for your valuable assistance this week. And again, if you're not attended tomorrow, all the very best to meet again and we do very much hope and intended that will be possible in person. This issue specific hearing is now adjourned until 10am tomorrow morning. First day the 10th of February. Thank you