

# TRANSCRIPT\_ISH2\_DAY2\_SESSION1\_A57L INKROADS\_10022022

00:06

Good morning, everybody. The time is now 10am and this issue specific hearing. So, for the 857 Linkwood project is reconvened. Thank you all for joining us today. Please could remember the case team confirmed attacking heard clearly that the live streaming and recording and started

00:25

Yeah, I can confirm you can be here clearly on the live stream recording has started. Thank you.

00:31

Thank you to avoid disrupting the hearing. Please Could everybody keep your microphone muted and the camera off until we invite you to speak Thank you.

00:43

I will now remind you of some housekeeping matters. And we'll repeat a couple of things that were covered in the arrangements conference for those that are watching the live stream or the recording. As I have already mentioned, this event is being both live streamed and recorded. As explained in our letter if the 16th December 2021 recordings will be retained and published. These recordings will form a public record and can contain personal information to which the general data protection regulations apply. I covered this matter in the introduction to yesterday's session. And so I will not repeat myself here. Basically anybody joining in teams minimise any background noise. This includes switching off or muting your mobile phone if you're not using it to join the hearing. Please also remember that the chat function on teams will not be enabled or in use. So please don't try to use that questions or comments. We will only use the raise your hand function in Microsoft teams at specific points in the agenda. When we invite general comments. We will invite people who do not have that opportunity to comment at the relevant time. If you're watching the live stream, then please be aware that the live stream will be stopped. When we are joined adjourn the meeting. Sorry of the hearing, you will need to refresh your browser page to view the restarted hearing will remind you again, when we adjourn. You will find it useful to have our letter of the 16th December 2021. And the agenda that was published on the 31st of January 2020 to attend relevant parts of those documents will be displayed on the screen during this hearing. For those who are watching, we will highlight which parts of the documents were referring to for anybody that is not watching. Oh now ask the elite speaker for the applicant to introduce themselves.

03:01

Come on Morning sir. Mrs. Vicki Fowler. On behalf of the applicant. I'm a partner at Gowling WL G and legal advisor to the applicant. And today so I'll be joined by Richard Sterling. Also if Gowling W WG.

03:21

We are not going to invite other introductions at this stage. Please would all other parties introduce themselves when we invite them to make a submission, giving your role and the name of the organisation that you're representing. Thank you all for attending today.

03:38

This issue specific hearing continues from yesterday. It is held in accordance with section 91 of the Planning Act 2008 and is subject to our powers of control over his conduct as established by that act. I take this opportunity to remind you that we do not expect parties to treat this hearing as an opportunity to set up their full cases or to divert the hearing from the specific matters at hand we do want to focus on the items on the agenda. We've structured the hearing today so that you may explain certain points when we invite you to speak at the relevant point on the agenda. Please keep your microphone muted and Campbell off until we invite you to speak these direct or comments or questions through us rather than directly to any other party. We will come to the points in the agenda that was published on 31st of January and please could the case team now share a copy of the agenda on the screen from Item six please

04:45

thank you possible to zoom in a little piece Thank you. We covered items to noise and vibration three transport networks and traffic for landscaping visual and Greenbelt. Five biodiversity yesterday. So we are resuming from Item six climate change today. And then we will pass through item seven, quality and then item eight other matters. Hopefully completing during today's session, we will be taking breaks at intervals of between an hour and 90 minutes. Those will be short breaks. If we proceed through lunch, then we will take a longer break for lunch. We are hoping to complete today. However, all of those timings are subject to change depending on progress. And it's possible that we'll need to move some items to tomorrow we'll provide a date on the timescales and on the breaks during this him please could we will ask for responses to some of the questions in the agenda to be provided in writing rather than during the hearing, as has been practised over the last two days. Once again, please could the applicant provide a written summary of responses for deadline for on Wednesday, the 16th of February 2022.

06:11

Vicki fell on behalf the applicant? Yes, sir. We will do that.

06:14

Thank you very much.

06:15

Are there any questions about the agenda or about how this hearing will be conducted? No, thank you. So let's move on to item six, I'm going to immediately depart slightly from the agenda that has been we are good actually followed the questions, but I just like to insert an item. Now. There have been a number of parties, but quite substantial representations on climate change from a number of parties. So we're going to take the opportunity, and there has been quite a lot of interest in speaking today. So we're going to take the opportunity to give parties who would like to speak. And in the short slots now to

make an oral submission. We're going to allow five minutes up to five minutes for each of those submissions. We will give we would like to strictly stick to five minutes. So we'll give indication after four minutes that there's a minute remaining for any submission that a party would like to make. So we will hold that at this point in the agenda. And then once we've been through all of the written questions in the agenda, and those those are directed to specific parties, then at the end of climate change, there will be an opportunity for parties to make a relatively short comment on the on any submissions and the answers provided to the list of questions at the end of the climate change session. So going to do the main five minute presentation now. And then short comments at the end of climate change. Could I see I'm going to go through actually policies on the interested parties for potential five minute submission. So I'm going to invite each party on the list. The submission should be strictly on the subject of climate change, please. So some of you here may be wanting to address other matters such as air quality, for example, and and not want to make a solution or solution here. So I'm going to go through the list in the order that I have them on the screen here. So would curl how them like to make a oral submission on climate change or not.

08:51

Burning sir. No. I'm quite happy to leave any comments in air quality. Thank you.

08:58

Thank you would Dr. Andrew Boswell like to make an oral submission on climate change, please? Yes, please. And thank you, Mr. Boswell. And we have your your written submissions. Thank you and have obviously read those carefully. Happy to give you five minutes, I would encourage you not to repeat anything in your written submission? Absolutely. Because because we are taking that on board. We'll give you a reminder with a minute to go if that's okay, if you could please stick to that timescale that would be very helpful. So over to you.

09:35

Okay. What I think a good place to start, as I didn't realise I was going to have this five minutes slot would be just to review the process which really should take place on quantifying and assessing carbon emissions with this scheme. And essentially there's there's two key steps The first is quantification. that's actually working out what the carbon emissions associated with the scheme are. And then the second is assessing them. Now, on the issue of quantification and something I will submit further material on, basically, what the applicant has done in using a ds minus dM model from the traffic models, is they have generated a soulless that is in isolation assessment of the carbon emissions of the scheme. That is literally just the road itself in isolation. It doesn't take into account any of the other development both land use development and other road schemes in the area. Now, one of the central thesis is of my position is the that is not compliant with the EIA regulations, particularly shedule. Four actually, where it says what the cumulative assessment should be, which is the scheme in accumulation with with other projects in the area. So, that's the first point. Now, the second point is that that's so less as I call it the soulless quantification that soulless quantification is actually the absolute minimum of any possible solos quantification. Because it it because the models, the DN model includes everything else, there may be trips in that DM model, which actually should be assigned on this road scheme, which actually, if you like in the model picked up by all the other stuff in the DM model. So they're just taken out before you even start the calculation. So it's it's a severe underestimate, basically,

the principle there is that the DM figure is higher than it should be. That the second point is that the cumulative emissions themselves just haven't been worked out. And they would be an even greater figure, because then you would be including the impact of any other road schemes in the area. Now, I'm not quite sure how much longer I've got left, but two minutes to having made those two important points. So just refer you to table 14.15. And the environmental statement, 14 dot 15. Which is where they show some of those D M and D S figures for the opening year 2025. And the design year 2015. That's right, that chart at the top. Now, if you take those

13:01

the six figures on the left of that, so more than the free right hand columns, what you see is the between 2025 and 2040, the DM goes up by 6.47%. I've done this calculation, I'm going to have the shorthand my explanation because of the time, but that goes up by 6.47. The DS goes up by 6.63. And the ds minus dM, which are those smaller figures like the 5000 than the 6000, but the six the 5300 and the 6800. That goes up to 29%. Okay, now, that is totally out of line with the net zero strategy. If you refer to my document, page nine, that's our EP two Oh, 64. That's right, that chart, you will see that the net zero strategy has delivery pathways for transport and actually that is a sector target the transport, which the the African the saying doesn't exist? Well, it does exist now in the net zero strategy. And that is talking about minus 34 to minus 45% by 2030 from 2019 and minus 65 to minus 76. That green line on the chart by 2035. What we're seeing with the

14:41

Mr. Puzzle could just have to wrap up please. Yeah.

14:44

Okay. What we're seeing with the data from the applicant, is it going in the other direction that 29% increase in the admissions they attribute to the scheme which as I've said is an under severe underestimate.

14:58

Thank you Mr. Boswell. I think if that's helpful, thank you for making that submission. I do believe that most of that was in your written submission. But perhaps emphasis,

15:11

a lot more to come yet. So, unfortunately, main I've had a sort of personal sort of, well, not tragedy, but my father died and I have yet to submit my real, substantive material.

15:24

And that's understood, and commiseration, speak for that. Thank you for your time. Right. Thank you. If you would switch your camera, please. And then would Mr. Antony re like to make the presentation? Pretend to re elect to make no submission, please.

15:45

Yes. Expect I'm just trying to turn my, my camera on for some Oh, there we are. It's better. This is the first time I've made a a contribution to this to this egg, egg egg egg examination. So I wasn't also

anticipating the the opportunity to make an initial submission as Dr. Boswell has, has just said, I was actually on I can see deign to refer to quite a lot of his his, his comments. So probably don't need to do that now. But up but under item H, I think it is. I did want to make some more detailed comments while in a similar fashion. to, to, to, to what he said in relation to table 1415. So if you'd like me to maybe maybe sort of leaps straightaway to that I could do that. Or else I could. You could call me in on on on that particular item.

16:45

On Item eight, did you say eight?

16:48

I think is it makes so let me just check. It's just going to the agenda. Please just bear with me a second. Sorry, I'm just I'm just quickly.

17:03

I see Mr. Mr. Ray. Happy for you to make your points now. Yeah, okay. Okay.

17:10

Okay, just bear with me. Second, I'm just got to the right item. And now I'm just going to go to my notes. And then if you like, I'll start my stop my my stopwatch to make sure.

17:22

The stop looks has started. I'm afraid. You have three and a half minutes remaining. Well, okay. Well.

17:40

Sorry, I'm just trying to summarise what was a reasonable submission. And of course, the clock is now ticking down. It's not entirely satisfactory to be confronted with these, this this situation?

18:05

Well, to be honest, Inspector, I don't think I don't think I can do that. And also the clock ticking down.

18:15

You have? Sorry, Mr. Ray, you, you seem to have your thoughts written down. Is that correct? Yes. Yes. So we can we can take a written submission prominent. But actually, there's no, there's no difference in giving a written or oral submission we do we do. We do take both with the same weight.

18:36

Yeah, that's absolutely fine. Inspector, I'll be very happy to do that. As I as I've said that you've just noted, I have actually written these down so I can submit these separately to you. And I can maybe just come in at the end of this item. To make some some some further comments. Thank you very much indeed, for helping me through that for that particular dilemma.

18:58

That's good. That's good to view. Thank you. And let's move on. And would Dr. And Robinson, or I would like to CPRE just to make one submission at this stage if possible. So either doctor and Robinson or Keith Bookham?

19:19

Yeah, I was gonna invite Keith back on to make a submission on our behalf.

19:23

Thank you. Mr. Buckland, please.

19:26

Thank you very much. Obviously, we are we haven't already made some submissions on carbon. And is our intention to make a further written submission by the 16th. I think what I'd like to do briefly here today is just give an idea of this oral hearing of a one of the most important issues to us, which I think we will be dealing with further but needs to be raised as soon as possible. And it is that the current method of measuring carbon measures basically, a marginal interest marginal sort of marginal change in a very large number. So the amount of carbon emitted in one year by this scheme is significantly greater than the marginal change predicted for the whole of the 60 year period. Just to put that in some sort of context. So I, I've been working on this, as you may imagine them in the last, during this week, having just received some useful data from NHS and a H, which I will be using. So it is important to remember that what really counts here in the totality of things is not just the marginal change in carbon, but the trajectory of reduction of carbon. And it is our contention, that if that trajectory of carbon reduction is not met by the DO SOMETHING scenario in this scheme, then the excess carbon over and above what is required to meet the government Target has to be assessed and has to be counted in the appraisal. Otherwise, the impact of the target will be meaningless. Now, I'm hoping that we will be able to give you some actual financial, some actual numbers produced using the same valuations that are used in the carbon worksheets. And it is our intention to try and do that before the 16th. We are working on that. And obviously, it needs to be checked. But I come back to the point that if the current scheme does not meet that trajectory of reduction, then that excess carbon has to be accounted for somewhere. So I don't know if you're familiar will be referring to it. But there is a partnership dealing with these sorts of issues. The de carbonate partnership are which Manchester Greater Manchester are members, as are Sheffield. And as are some of the great academic institutions of the of the North, including Leeds University transport Studies Group. This is not an unknown issue. It is very widely known in the profession. And we will be producing some provenance for that argument as part of our written submission. But I think it is important there are other carbon issues we will be drawing attention to. But this one is, I think, requires the most thinking and the most understanding, and therefore I'm grateful to have been able to raise it with you today. As I say, it's not just the marginal change in carbon that we used to account, we now have very clear and specific targets. And if those targets are not being met, in the DO SOMETHING analysis, then something has to be done to compensate for that they either have to be valued, or we have to go back to the drawing board and redesign the scheme. Thank you very much.

22:57

Thank you. Thank you, and thank you for being so timely Can I just I just want to make a general comment very grateful to the parties for the time being taken to put submissions together. The comment that I would make is that our consideration is very specific to compliance with government policy and compliance with legislation. So those are the particular areas we're most concerned to explore in the examination. So any any targets or material that is not directly tied to government policy, or is established in legislation is arguably of less value to us. So so we are very much guided into consideration against policy and legislation. So I don't just that that comment may be helpful to some other parties as they prepare submissions. Let's move on to Mr. Bagshaw Mr. Bagshaw would you like to make a presentation on climate change or or not is the back shop

24:16

I think Mr. Bagshaw at the arrangements conference said he's waiting for the next agenda item

24:22

okay that's fine thank you. Mr. Wimberly please

24:38

Okay, so is that is that all right audio working,

24:41

we can see you and hear you Mr. Wimberly. Thank you very good first, so

24:45

it's working. Yes, I tuned as price to have five minutes. It's very nice. I'm going to take a higher level take on this than case which without his professional knowledge, but So I look at it from the point of view of how does, how did the demands of climate change the absolute demands? Impact on this scheme? And what wait till we get to climate change, and how urgent is this matter. And in my deadline to written representation, I think I made it clear to you firstly, that climate change is here very much here and now. And I ran through the 2021, events, events of 2021, which was a terrible year, and we are faced with yet another year exactly the same this year and the next year and the next year. So I don't really need to labour for that point. Climate change is real. But in a sense, I do need to labour it because I was England seem to ignore the a the reality and be the scale of this challenge facing as by green for the scheme at all, without any consideration of other alternatives, which would serve to reduce our carbon footprint. Collectively. I think it's useful to look at this whole issue in terms of carbon budgets, I prefer to call a carbon bucket, because I think that's more dramatic. And globally, there is a carbon bucket. And if we it's 560 billion gigatonnes. But, and that gives us a 5050 chance, in the next 12 years of hitting the target of 1.5 degrees, I don't think 5050 is a good is is not acceptable at all. And then there's a smaller bucket, which gives us a 67% chance of hitting 1.5 degrees, which is the target. And 67% is not good enough, either. So I argued in deadline too. And I hope you agree that these odds are not good. And also that when you read the IP, CCS rundown of what is likely to happen with different degrees of certainty. In the future, with climate change, it is chilling, or overheating, but then we will look at it, it is not a good scenario, and we have to do everything we can to avoid it. And that means taking firm action and decisive action and large scale action immediately. There's another aspect, which is there's the odds. And there's also the downsides that there are things like feedback

loops, and tipping points which are not included in the IPCC calculation. So the whole thing points one way it points to looking for opportunities to take decisive action quickly. And here we are faced with a scheme which adds to the carbon, what goes into the carbon bucket completely unnecessarily.

28:05

And so the option is for you to take that all into account. Now, you mentioned the beginning that you only can one, I don't know whether you said only but that you're guided by government policy and government legislation, I would urge on you, paragraph 1.2, of NPS N N. The last exception to following NPS n n is this matter of weighing up the benefits against the costs and the scheme, the benefits to all of us the cost to all of us, that goes above over and above all legislation. It is not legislation, but it is in the Planning Act. And it's deliberately in the Planning Act 2008, that this shall be considered because we cannot predict what the issues are in 12 years time. Here we are looking at it as an examination in public under the Planning Act. So they wisely put in a lot about the environment and a lot about climate change, without restriction of whether it's in the latest target or not. Although as we've heard from Dr. As well, I think it is document. The targets are now they really aren't set in stone at last. But even that is I'm arguing that we are on the on the lower edge we're not at 2050 is too little too late. And when I look at the future i i tremble and it's you know, we have to act now. And the simplest thing is to say no to the scheme and then we can all get on with planning something that is carbon friendly.

29:54

Thank you Mr. Wimberly. And that was perfectly timed to the five minutes With the I believe that's all interested parties present wasn't intended to be read by the local authorities who District National Park Authority or the environmental agency to present this stage would be Mr. Wimberly. Would you would you switch your camera

30:24

off? was too early? Yes, yes. Sorry.

30:26

Thank you. Would the would the applicant like to respond at all at this stage? Thank you found on

30:35

behalf of the applicant. And so we're happy not not to respond? I think on the basis that a number of the questions do touch on some of the points made, that we're also conscious that there has been reference to further written representations. So it's probably more appropriate that we respond when we've seen the full representations. I'm also conscious that we did respond to a number of the relevant representations on this topic. And so certainly, there are there are responses from responses for a number of the points made as well.

31:07

Thank you. Let's move on. Now back to the agenda. So item six. A and V are in relation to indirect effects. So in response to the first written questions, the applicant said it's considered a single receptor, which is defined as the atmosphere or global climate, which the proposed development could have a direct impact that questionnaire please could the applicant comment on I've slightly reword this case,

could the applicant comment on the consideration given to indirect effects on other receptors? And that's that Respond, please.

31:58

Sorry, so my camera's been very slow to slow today, Vicki Fowler on behalf of the applicants. And so the effectively we have assessed and considered the quantity of greenhouse gases that will enter the atmosphere, so a single receptor. So so what we're reporting on is the likely additional and avoided greenhouse gases. So greenhouse gas emissions at each lifecycle stage of the project, in comparison with current and future baseline greenhouse gas emissions. Therefore, only direct effects on the on that single receptor have been considered, it's not possible to define a link between scheme emissions and climate effects on local receptors, for example.

32:50

So have so essentially, the applicant is reiterating that this is considered on a single receptor.

33:03

Vicki fell on behalf the applicant? Yes, sir. That's correct.

33:10

Let's move on, could we could you share these section five, two of the infrastructure planning environmental impact assessment regulations 2017 on the screen is.

33:32

Could a member of the case Team Thank you. Thank you. So Question B, if we can zoom in a little if possible to section five two. That's probably as much as we can. Let me let me read this out as well. So section five two states that the environmental impact so the these are the environmental impact assessment regulations. Section five to the environmental impacts assessment must identify, describe and assess in appropriate manner. In light of each individual case, the direct and indirect significant effects of the proposed development on the following factors, population, human health, biodiversity, I won't go through the entire list, land, soil, water, air and climate material asset assets, cultural heritage landscape, and then interaction between all of those previous factors. Good, yep, comment on that consideration given to provision please.

34:39

Vicky fell on behalf of the applicants? Yes, certainly. Sir. So, so effectively, environmental statement is required to describe the likely significant effects of the proposed development on the environments. And that includes a description of the likely significant effects on on the environment from the impact of the project on on climates and the vulnerability To save the project to climate change, and then as you say in terms of five he, the environmental statement is also required to describe the likely significant cumulative impacts of the development proposed, together with other existing and or approved projects. So the applicants cases that in following the dmrB la 114 standard, the assessment reported in chapter 14 of the IES inherently complies with that particular provision. So the need the need to consider cumulative impacts. And the procedures and evaluation criteria set out in dmrB la 114 climates are appropriate and sufficient to ensure that the effects, including cumulative effects of proposed road

schemes upon climate change are assessed in accordance with those regulations. And importantly, to provide sufficient evidence for your decision making requirements set out in paragraph five point 18 of the national networks MPs.

36:08

Thank you. And then trying to interpret section five, two. And it's the indirect effects issues. Relating back to Question a. The proposed development would have potential impacts on climate through carbon releases in particular, that's the way that that countries considered that there are indirect effects through climate on the other matters listed under two. So the indirect effect on populations, human health, biodiversity, etc. of the climate impact. So one of the things to struggle with is the extent to which those indirect effects from climate are considered. With reference to to the EIA regs there are some difficult difficult concepts to recognise, and the applicant may wish to respond to this in writing, I'm not sure that that's those are the aspects that we're struggling with is whether it is sufficient just to consider the direct effects on the one climate receptor or whether it's necessary to consider the indirect effects on the things that are affected by climate.

37:43

keyfile on behalf of the the applicant, and so I wonder if I might call on Liz young to come in at this point. So Liz Young as of as of BBA on behalf on behalf of the applicant, and she's the environmental coordinator for the project. And it might make sense for her to come in and talk to the points you raise

38:06

these Gavarnie, this young, the environment lead for the the scheme just said that in order to undertake the they climate assessment, and we conduct an impact assessment based on the carbon emissions from the operational and the and the construction phase. And but we also undertake a vulnerability assessment, which is the effects of climate change on the infrastructure itself that's been built. So that is also reported separately in chapter 14 of the environmental assessment. So the the greenhouse gas emissions assessment. There are only direct effects from that. And it's the the effects on climate change. Whereas we also do this additional assessment on the effects of climate change on the infrastructure itself. So just hopefully, that'll get a bit of clarification on the distinction between the two.

39:28

Yeah, so if we might explore that. So the Atkins has been able to carry out an assessment of the effects of climate change on the infrastructure but not of the effects of climate change on population, human health, biodiversity, etc.

39:47

And that, well know that the assessment of the greenhouse gas emissions is the that there is just one effect and the What is climate change? So, I mean, the the separate topics will come well that there's that there's that, you know that the effects of climate change on, say biodiversity etc within the scheme so that we would consider, for example, having resilient species within the the landscape proposals to ensure that climate change isn't that, you know, we've we've got a good range of species that are hardy and resilient to climate change. But the overall effects of climate change on the scheme to or to biodiversity, etc, would, because we're not, you know, as a result of the scheme, we're not suggesting

that there'll be any sort of significant effects arising from the scheme on biodiversity in an indirect way. And so in order to be compliant with MPs, and then we would just look at a comparison of the emissions against the carbon budgets.

41:19

Okay. I'm not quite sure where this point will take as to, in all honesty, and I think I think there are some difficult concepts to to grapple here and some visiting but you know, almost first principles. But there is there is a nagging concern about the significance of effect only being considered as direct effect on one receptor. There, there is some nagging concern that we have around that, knowing that the potential for climate change to affect many other receptors, and whether those are best termed as indirect effects. But the so the concern stems from the applicants approach, from the climate change point triggers just looking at the direct effects on one receptor. And does that give sufficient consideration to indirect effects, and the other receptors that are mentioned in the EA RX, for example. So if I could just leave that on the table? I think I have a good understanding of the assessment that's been carried out. But it's whether that assessment goes far enough in terms of looking at indirect effects and looking at other receptors. So if I could leave it on the table, it may well be that there are parts of the assessment where that's been carried out.

42:45

But it's, yeah, sorry, yes, it's just defining the links between the scheme emissions and the effects on these on on local receptors. There's, there's it's not possible to do that. But we can give you additional information on that, if you if you like you do understand the concern that yes, I do understand that concern.

43:10

Thank you. Let's leave that point there, thank you very much. Move on to cumulative effects. So within within the, the agenda is actually some text that's taken from another case. And actually a text that's been used in a number of cases since around the issue of cumulative effects. And so these, the text was largely put together by the Department for Transport around a consultation exercise on another project. So actually, that the questions have been responded to on other projects. But we would like to see the responses on to this project, if possible, please, I'm not proposing to go through any response now that would the applicant be able to provide a response to the points under question see in writing, please.

43:59

Vicki fell on behalf of the applicant? Yes. So we can do that. And we are aware of the other the other responses, and there's a number of number of schemes that have had those responses. And so could we could we suggest that we'll provide that written response by deadline six?

44:14

Deadlines six,

44:15

there was a there was some assessment work that needs to be done.

44:18

So Okay. Could I just ask the reason for that time? Look, I just like to have a look at where we are in the examination timetable of deadlines, so just bear with me a second. So the applicants intention is to do some more work relevant to this project over the course of the the responses that begin the project

44:45

is not so much it's over and above that sorry, Vicki fell on behalf of the applicant. It's not so much over and above that in this in the responses that have been given. There is a table that the effects we looked at the specific scheme

45:01

Okay, I understand the key. Yeah. Deadline six will take two. Excuse me, I'm just looking at the examination timetable at the moment.

45:16

So that will be with responses to the second written questions before. Okay. I think we could we could handle that it would be. I was envisaging following up on this point in the second written questions. But that's not very far head. So in fact, anything after deadline five will be difficult to accommodate into the second questions, but that the deadline six would actually allow us to address any points in the second set of hearings, and we're not very likely to have those hearings. So I wouldn't want the responses to be cut short, actually. So thank you. Thank you says, that's fine. Thank you. Let's move on to the next point significant effects. And there are a series of questions here. So the applicant said that it is compliant with dmrB la 114. And that's been reiterated, reiterated this morning as a methodology followed. The applicant to state that the assessment of projects on climate to only report significant effects, where increases in greenhouse gas emissions will have a material impact on the ability of the government to meet its carbon reduction targets. That can't also said that there are no recognised thresholds for assessing the level of significance in E RNA. If we then look at the National Policy Statement, paragraph 518 is a national policy statement from national networks states that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme is so significant that it would have a material ability on material impacts or on the ability of government to meet its carbon reduction targets. So while the national policy statement uses material impact on the ability of the government to meet its carbon reduction targets, and the national policy statement that will be grounds for refusal, in the methodology used under the dmrB. The same criteria are considered as criteria for significant effect, which is which is rather a different approach to the to that taken in the national policy statement. So the same, the same. I hesitate to use high bar but the same bar that's used. And the national policy statement for refusal is used by the applicant for significant effect. And refusal and significant effects are generally considered different things. So obviously, as I said before, one of our one of our

48:29

key

48:33

considerations is to assess the proposed development against the national policy statement, recognising how important and relevant that is to this scheme. And the dmrB is guidance that the applicant uses it is not national policy, it is not legislation. So We're particularly concerned to fall to follow the national policy statement. So let's let's go against that background. So so let's get let's go through the questions in sequence if remain against that background. So could could the applicants please comment on whether it considers that the National Policy Statement sets the criteria for what should be considered a significant effect for carbon reduction? For carbon emissions are

49:34

picky filed on behalf of the applicant? Some say no, we do we we don't believe that the national networks MP so MPs does set out the criteria for what should be considered significant. Instead, it sets out the criteria criteria for when carbon emissions should be a reason for refusal. As far as we're aware, there's no recognised thresholds for identifying the level of significance. Any issue AIA terms. But by following the D RMB standard that you've referred to, and applying professional judgement determined significance, it is up to the applicant to demonstrate that the scheme will not result in a material impact on the ability of government to meet its carbon reduction targets. Such as section three of the dmrB la 114, paragraph three point 18 to three point 20. Define the reporting requirements and, and the requirement for comparison against the relevant carbon budgets and the evaluation criteria for significance. And so we say that that is consistent with the decision decision making requirements set out in paragraph five point 17 And five point 18 of the MPs national networks.

50:55

Thank you. Let's let's go and look at the threshold issue as well. So Kayastha local authorities to comment and this point on whether they're aware of any recognised thresholds for assessing levels of significance and by recognised I mean that they're established through through government policy and all legislation so would would Darby county council comment Davis, county council for this comment first.

51:29

Yes, good morning, sir Steve BeFree Dodge County Council. I've consulted a number of my colleagues in the county council as well for expertise in climate change matters. And their response to this issue is know that they're not aware of any recognised thresholds for assessing level of significance. But one point they have made is that to DM RB la one one for the state that to establish the level of significance, benchmarking of project performance shall be undertaken by comparing greenhouse gas emissions to other highway projects. So that they would sort of race based the question or pose the question therefore, should a benchmarking exercise be undertaken for the assessment of carbon emissions of this scheme in comparison with others others have a similar sort of scale and extent?

52:18

Thank you. That's very helpful. Thank you and would pick borough councillors into that please.

52:29

James, principal Planning Officer happy broke out so no sound nothing. So I'd be on what's the county council? I've just suggested them. Right.

52:38

Thank you. And Tim sides, Metropolitan Borough Council please. Simon Eastwood, Tameside Council? No, we're not aware of anything. Even present. Thank you. That's helpful. Let's come back to the benchmarking point, if we may. That was a certainly a helpful comment. Let's move on to question G please. So

53:10

the applicant has previously and actually just in the last few minutes, referred to the application professional judgement. So the quick let me let's just go through the questions is could the applicant clarify his methodology, the assessment has significant effects individually the basis of any professional judgments please.

53:41

Vicky fell on behalf of the applicant. So so in this instance to undertake an informed assessment. So professional judgement based on information that the applicant can reasonably compile and having regard to current knowledge is required. So this has been applied by relating our assessment to other comparable schemes and to consider whether they do something emissions, compared with the do minimum emissions are of a magnitude that will not materially impact the government's ability to meet the budget, and therefore will or will not have a significant effect on climate. So I think as as we explained in our response to the examining authorities, first written questions, that's question 8.3. Where greenhouse gas emissions for the scheme to be considered significant, then then they would not be proportionate or comparable with other schemes from risk to and therefore would not be de minimis. Currently, no root schemes have reported greenhouse gas emissions that are so significant that they would have a material impact on the ability of the UK Government to meet its carbon reduction targets. We say scheme assessment is proportionate to the dmrbl one one for assessments recently undertaken for other schemes within risk two. And furthermore, increases in greenhouse gas emissions are anticipated to be substantially outweighed by the benefits of electrifying the national fleet, which is the focus of government policy in this area. I think we come on to that further in some of the other questions.

55:25

Okay, thank you. So again, just just to try and put some flesh on what we're struggling with.

55:40

So, certainly the MPs is very clear material impact on the ability of government to meet targets as being grounds for refusal. So I think we're all very clear on that. The struggle is whether that is an that should be considered an equivalent bar for significant effect. And whether the dmrbl approach is reasonable in that respect, is that a reasonable bar for significant effect. So that's, that's what we're struggling with. That there are implications of whether the effects are considered significant or not. Because if there are significant effects, it brings more onus on the need for mitigation, and potentially clarifies the position terms of the planning the balance. So it, it puts more onus on the need to consider significant effects in the planning balance, arguably, as well. So it may be that we can deal with the planning balance and the mitigation issues separately from having to define whether the effects are significant or not. But I

think we'd like like, probably to continue to explore the definition of significant effects and whether that's reasonable or not. And the next question, we'll do that a little bit as well, just to take views on that. But it's, as I say, it's eventually down to what we consider in the planning balance, it's down to what we consider in terms of the need to have firmness of mitigation. Those those those, those Supposedly, the thought processes, if you like that we're going through the demand. So that's good. Let's go through the next question. So, the IES to this question ah, the ESD to the proposed development would reduce additional 38,917 tonnes of co2 equivalent into the atmosphere job construction and 401,026 tonnes of co2 equivalent over 60 years of operation. So, this is I apologise, this is a slightly provocative question who entered into it, but I think I think it needs to be asked in some ways so. So in the there is a target of net zero by 2050. And that is very firm government policy of meeting that target. So that that that requires netzero carbon by that time in a pathway, which has been mentioned in various submissions to reduce co2 emissions towards that target and carbon budgets, encourage them to get to that that we all understand. However, the proposed development would would increase carbon emissions. And in the applicants assessment, the release of those additional emissions is considered not significant against the background of net zero. So I just have parties may or may not want to answer this question. It is a little bit provocative. So one of the things we're struggling with is, is it reasonable for those to be considered not significant? Would any of the local authorities like to like to comment on that, please, so does your county council. And again, don't feel obliged to comment if you prefer not to?

59:23

The Belfry Dodge County Council, sir. I think the county council just say this. This sort of question or issue goes back to the benchmarking issue on race previously and without understanding how protected levels of co2 emissions generated generated by this particular scheme compared to other schemes. It's is sort of difficult to comment on the significance. However, from the County Council's point of view as a general principle, it would say that any project that increases carbon emissions should be should be sort of considered as significant and therefore, you know, it will be appropriate to explore mitigation Should, I suppose part of the scheme to address that particular issue?

1:00:04

Thank you. That's helpful. So what Derbyshire county council expect to see mitigation being firmly secured for carbon emissions?

1:00:16

Yes, sir. I think that will be an expectation for the County Council. Thank you.

1:00:20

Yep. Thank you. Would anything to add from high peaks is

1:00:28

not James hypur account. So we will support the views of the Cannes Council on this matter.

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Thank you. And Tim side, please.

1:00:38

So many would Tameside? I think we probably agree with them. darbishire.

1:00:46

Thank you. That's helpful. Thank you very much. Does the applicant want to respond to that to that point.

1:00:57

Vicki fell on behalf the applicant sorry, some having trouble my camera. And I thought we were going to focus on the obviously the net zero by 2050. So obviously the Committee on climate changes, and 2019 report net zero. The UK contribution stopping global warming reassess the UK is long term emission targets and pathways for achieving that. I mean, the main pathway element recommended by the CCC for transport and transport infrastructure is the electrification of the national fleet, which in turn requires a road network that's fit for purpose with adequate capacity. Now, the CCS core and further ambition scenarios include an element of modal shift non road transport. But But road transport does remain a central focus of policy and will require to continue to require appropriate infrastructure. And it talks about enhanced shared infrastructure. So I mean, if that's for you, and then we've also got the government's transport, decarbonisation plan, which also identifies it whilst Public Transport Cycle cycle and walking should be the first choice. Again, the roads programme needs to continue. But I think importantly, the scheme provides new and improved facilities for pedestrians, cyclists and equestrians assess out that because response to written question 814. And I think you know, and I think we'd also just draw on the points about the emissions reporting as being conservative as as of course, the calculations don't have full take full account of the government's policy on electrification of vehicles. So that's, that's all I want to say on that.

1:02:50

Thank you. That's helpful, thank you. That's certainly more ground to be covered here. I think that we're currently have a mind that the carbon emissions from the first development should be considered in the planning balance, so that that's what we're currently minded to do. And in that way, any mitigation for those would be considered in the planning balance as well. And so, just to indicate to the applicant, our current thinking, and I'm using those words very carefully in terms of the approach in mind to take because there is some way to continue in these discussions yet and there are other submissions being made, that I think that is where we sit at the moment and therefore, there are recognise that there are mitigations that have been carried out outside the proposed development in terms of vehicle, electric vehicles, etc. There are however, some mitigations that are within the control of this project and those those would include potential mitigate which will come on to potential mitigations around the embodied energy in materials and the construction stage and alternative means of transport, active travel, etc. So while we develop our thoughts on how to handle this in the report, we would like to very much explore the potential for mitigation in those other areas there is within the control of the project. In light of those considering be likely to consider cost In the emissions in the funding balance. So I hope that's helpful in terms of where our thinking is currently. As I say, there is some ground yet to be covered. And I'm sure that those thoughts will develop as we as we continue. Let's move on then to thank you for their submissions. That was very helpful. And let's let's move on to construction, the construction stage construction materials. And I will read this out. So, paragraph 19 of the National Policy Statement

requires evidence of mitigation measures that are effective in ensuring that in relation to design and construction, the carbon footprint is not unnecessarily high. The applicant in response to first written questions, and I forgive me if I hopefully summarised this fairly said that assessment is based on the use of conventional. So the assessment that has been carried out to date on the use of construction materials, is based on use of conventional methods and materials. Other references were made to read schemes being variably, built to specified standards due to the need for safety, durability, consistency, cost control and certainty. So there are other considerations to consider. of high importance as well as any use of materials that have less embodied carbon. The applicant did say that there's virtually no major major variation in design and carbon performance between schemes. So I think we can take our own conclusions from that. The applicant then refers to opportunities for savings, including from build clever, built efficiency, efficiently, excuse me, potential for significant reductions Due to the extensive use relevant materials. And some examples are given that have recycled sub base warm asphalt, low carbon concrete, low carbon steel. And specific specific examples provided something called Ken free concrete, which was set to increase the cost of concrete, but reduce co2 emissions from those materials by approximately 70%.

1:07:33

Where it could be applied. And these are all figures provided by their current reference has also made potential savings from the use of electric or hybrid construction vehicles, which is something that was raised yesterday. So that they do seem to be a number of the current assessment is made on conventional methods it would appear without including some of the opportunities that it's set out. And there do seem to be a large number of opportunities to reduce emissions, some of which would bring in financial cost the applicant and its response to the deadline to suggested that carbon footprint. So we were we asked asked a number of questions to try to understand what necessarily high meant how should we understand the term unnecessarily high? And therefore, how do we apply the national policy statement that requires the carbon footprint not to be unnecessarily high wages unnecessarily high beam what sort of boundaries should we accept? So in one bid responses, the applicant suggested that necessarily high would be where essential construction activity or structure where the viability of all other engineering solutions, which would have a lower carbon have been exhausted? So perhaps we'll come back to that. So could it could I, first of all, let's go through the questions against that background. And please do correct applicant if I haven't quoted anything corrected that. Could the applicant clarify whether there are opportunities for carbon savings to the assessed scheme using conventional methods and materials without compromising the specified standards, safety standards, durability, etc. That must be followed as well. So does it does the applicant consider there are opportunities for savings?

1:09:44

So sorry, I've lost the meeting there. Vicki fell on behalf of the affair on behalf of the applicant. I'm having it problems today.

1:09:52

It's time to do his a question.

1:09:55

I did. I did. Thank you. Yes, so Yes, there are opportunities for carbon savings to the assessed scheme without compromise sorry, compromising specific standards. And certainly a key part of the design development is to implement the carbon reduction hierarchy, build nothing, build less build clever, build efficiently to identify additional opportunities for carbon savings. And so that is taking place for the detailed design development currently and underway. And a range of specific opportunities are being considered and assessed.

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There the search those, thank you for that response so that there are measures being considered through the detailed design to date currently.

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There's no obligation currently on the applicant to do that the type of the type can find through the DCO, through the React, there's, again, mention of intentions. There are voluntary processes that can be taken. So again, against the background that I tried to describe earlier about consideration of the planning, balance and therefore secured mitigation. We seem to be at a position currently where there is an intention to do things and things are being done. But this that doesn't seem to be matched by a firmness of mitigation being secured. So we may be going through a process here or simply securing what the applicant will in any case, do. That may be the case. But I think for us to take these things on board, we need to see that they're secured firmly, if that makes sense. So if they're not secured firmly, we can give it very little weight. And I think the weight that we give to these things in the balance could be quite important. Could be here. So that's that's against that background again. So item J, could the applicant comment on how it will be insured? So this is firm mitigation secured? Should that for construction materials, that carbon footprint is not unnecessarily high. Does that require commitment to take opportunities to make savings and consideration of the viability but the engineering solution? So I suppose the challenge is to what extent is the applicant able to make firm commitments to some of the things that have been mentioned?

1:12:45

So Vicki fell on behalf the applicant said, yes, the applicant will ensure that the carbon footprint for construction materials is not unnecessarily high by using current standard best practice design and specifications as a minimum and developing new best practice where opportunities exist. So I believe that there are already commitments in the Riak. And it may be that we we need to look at those. I mean, certainly, for example, there is reference and we're going to come on to PSP is 28 2080. And that the reference for the dassies Believe it or have got it C 1.8.

1:13:28

So I'm also conscious that yesterday, so when we touched we were obviously discussing the sort of design commitments, for example. So again, in terms of that, submissions on that and considering that, I mean, again, there's if it needs to be bolstered and firmness, applied, then there is the reset scope.

1:13:49

Thank you. I think perhaps we're in similar territory. The the precision of the wording is really important on these matters. And and the precision of that wording to actually be a firm commitment to make a

demonstrable difference. That that firmness is that that clarity of wording is very important. And it's can be very tempting for the wording to be a little loose. And I'm not saying that's the case, but I think certainly here we're looking for these are issues which many parties have raised. It is these are issues which are of national importance. Every project has its place within the national picture. It's something that we feel certainly quite strongly as an examining authority of making sure that we're addressing these matters properly on on in our assessment of the project. And that needs any mitigation We need to be particularly satisfied. It's firm. So if it is, it is possible to review some of those commitments in the light of what I've just said. And I'm sure that the applicant will understand the point about the wording being important. Thank you. Let's, let's move on to past 2018 2016, which which has been mentioned. So the applicant has provided an overview of past 2018 2016. And again, this is summarised the past 2018 describes a comprehensive process involving the proactive participation of all stakeholders to a strategy defined by the asset owner. The process would require carbon to be quantified, reduced by applying a carbon reduction hierarchy and managed by a carbon management plan. So let's just go straight into the questions do so please could be.

1:16:13

Hi, everyone, looks like we may have some

1:16:16

issues. I think, Can you can you hear us? Yeah, I can see and hear you now. Thank you. We did lose contact very briefly there. Apologies.

1:16:26

Yeah. You turn your camera off just briefly, it it seems to be still serving a little bit.

1:16:36

Is that can you can you hear us clearly now? Yeah, we can hear. Okay, apologies for that. I may have butchered an expletive if you did hit. OK, we're all human. So question Kate. So pas 2018 requires the asset to define the strategy. So question carries with the applicant outline its strategy for the use of past 2018 2016? Would would this involve the setting of targets for carbon savings? And if it does, how would those targets be established? How would carbon savings be prioritised against custom programme? How would these the process be independently verified? How would the outcomes of the process be reported? So this all comes down to the applicant strategy and how it would use plus 28? Because the comments please,

1:17:38

Vicki fell on behalf of the applicant. So yes, sir. So project Carbon Management Plan compliance with the project level requirements of pas 2080 has been produced and implemented on the scheme. And those the targets have been set aligned with national highways Net Zero plan and a note for your reference. So we set out those targets in the response to written questions, your first set of risk questions 8.1 E. So carbon site savings are not prioritised against costs and programme rather costs programme and carbon are the three multiple project metrics that have to be considered collectively. So each project development consideration is assessed in its own right and against the performance of the overall scheme. And the metrics are balanced accordingly. So pas has three tiers of conformity. Did

you want me to come up? Yes. So sorry. The question did involve conformity sorry, yes, there's three tiers of conformity, covering independent third party certification of the party certification and self validation. The current proposal is for self validation. And the the outcome of the project carbon management will be a documents in a design carbon report and subsequently in the construction carbon report passes the technical standard for carbon reduction on infrastructure schemes. And as such, it is the most suitable means of minimising carbon released. This process is embedded at design stage where it is recognised that most carbon savings are achieved. We make the point that is specific conditions not required to secure this as it's already implemented, both through contractual arrangements with the principal contractor but it is also referenced in the React So, and that's reference C. C 1.8, which is secured by requirement four of the draft DCO. So, so we say what I've referenced is secured. But I note your earlier comment in terms of precision of wording and, and we'll review that

1:20:00

Yeah, thank you I have no reason to doubt that has 28 years and appropriate schemes to adopt? So no reason to to question that at all. I think whether those responses and where what you set out in the React would lead us to is that there is an uninvited local authority to come into the moment. It leads us to

1:20:43

the back to the firmness question, I think. So. None of those targets are secured through this process. The itself validation, there seems to be no reporting of targets being met so that there's no sharing of the outcomes of that process. It seems to be a voluntary process to some degree in the in the in the way that it's been described. So so different stakeholders can take part on a voluntary basis. So in terms of having firmly secured either the process or the achievement of targets, it doesn't seem to be something that we can take account of currently. So that that's one of the struggles that we're having, and which which perhaps, is unfortunate, and actually would discredit some of the activities that have been taken to it is obviously being taken seriously, it is obviously being used, so so no reason to doubt the applicant, or the applicant is saying there. But there's nothing that is secured in a firm sense that we can take account of with which on one sense is unfortunate, but on the other sense, is perhaps the way it is, and that's thus, we just have to ignore that mitigation in our considerations. So I think I think if there are I would encourage the applicant, again, I think if if, if some firmness can be introduced, then that might be helpful.

1:22:37

Vicki fell on behalf the applicant said that that that is understood understood. And we'll respond will respond to that. I think further and further in writing. Thank you.

1:22:51

Thank you to the local authorities to comment on the suitability of past 2080. Please. Can we start with dogshit? Again, please?

1:23:07

Steep reduction county council, sir. Yes, as far as the county council understands, so far as 20, it does provide a common framework for managing whole life carbon management, specifically for

infrastructure projects. So it's sort of will ensure consistency, its consistency in terms of sort of methods or for reporting, and managing carbon thereby informed delivery, you know, carbon reductions and additional benefits. So I think it's a valuable tool in progressing towards sort of national targets and standards. So I think the kind of council considers therefore it should be used or included as a mitigation measure with independent verification. I think the point you you raised.

1:23:50

Thank you. There was B. Could anything to add from hyperlink, please?

1:24:06

Mike James, he broke out. So again, we would concur with the view of the county on this.

1:24:10

Thank you. And anything further from Thamesmead? These, some of these would term side term side. Sorry. I wonder what your inquiry is in then. I think we'd probably agree with Thank you. That's helpful. I think perhaps we unless unless the applicant would like to comment, I think that's we've addressed and the point is, the more general point I think we'd like to make around the firmness and the extent to which mitigation be can be secured that we can rely on and we can take care So I think I will do that unless Africa was meant to respond. No, thank you the carbon management plan was mentioned and that that does seem to be a key part of the pass 2018 process. I wonder if the applicant could just update us on? I think the applicant mentioned earlier that a covered management plan has perhaps been produced. Is that something that could be shared with if it hasn't been produced? And if so, could it be shared with the examination?

1:25:40

Vicky fell on behalf of the applicant sort of I will take instructions on that. And perhaps I could revert after the break if that's okay.

1:25:47

Thank you. That's helpful. Okay. Let's let's wait for the applicants response on that before sitting on the comments.

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Sorry. So Vicky fell on behalf of concern. My instructions are using outline only but I assume that means that it can still potentially be shared. Like we've shared the other outline plans, I'm assuming.

1:26:11

If it can be confirmed whether it can be shared, it sounds like an important document. It's obviously for the applicant to decide whether whether or not can be shared. That yes, if you could confirm that they'll get helpful thank you let's move on to the correct answer. And in fact

1:26:43

let's take that one in writing if we may, actually. Now let's take let's take it now. Let's take it now so so Dodge County Council and Tim site and Metropolitan Borough Council have suggested further

opportunities to mitigate carbon during construction. And these are some of these around well sorry during Operation apologize as an error in the question there so opportunities to mitigate carbon during operation, including network of cycleways footways, active travel, reduce reliance on vehicle use, potential for renewable energy installations regeneration, habitat creation and protection in relation to offsetting resilience and behavioural change and cooperation between local authorities residents and businesses to reduce carbon emissions. There the applicant responded to those at deadline three restart with Derbyshire county councillors as Dutchess County Council had an opportunity to review the applicant responses. Is Darby county council satisfied with those responses? Or does it feel that there are further measures that can be taken to reasonably mitigate carbon releases during operation?

1:28:11

I'm sorry, think but we can counsel sir. As you see, we set out the measures we think could be given further consideration through our response to the first written questions which which you've set out correctly there. In terms of the question, I haven't had chance to review the applicants. response to this. So I'll need to take further consideration away with me on and we'll provide further sort of comment on that through the next submission deadline if

1:28:37

I could, that that's very helpful. So would you be able to do that for deadline for? Yes, thank you. Thank you that's grateful for that. Anything anything to add from Hi, pig, please.

1:28:55

James, just referring back to our local input report, we certainly did identify opportunities there for active troubled edges, for instance, looking at walking cycling opportunities in the gossip area at the moment which which aren't currently part of the of the scheme or any mitigation. So I've referred to those. And they need to take a view on the written response from national highways don't send us their views on that particular question.

1:29:19

Yes. So if you would like to respond in writing as well to those points that would be quickly received. Thank you. Thank you. And Tim site, please.

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I think we respond in a written response.

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Thank you very much having

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checked against what we've said previously,

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thank you very much. And again, if that could be by deadline for if possible, that'll be very much appreciated. That concludes the questions in this part of the agenda. can give a brief opportunity for

any VIPs. To comment at this stage there is a will try the hands raising. So let's let me just see. So Carol Harlem, handled by Billy

1:30:20

Hello? Yes, sir Carol Harlan from volunteer from community group share first my journey to school, and it was a question for the applicant. In the public consultation. The applicant indicated that there will be an ecologist on site to ensure habitats of local and protected species can be monitored at all stages in the construction process. And I noted that habitat creation and protection was something listed here also by the suggestions from Derbyshire County Council and the Tameside County Council of Tameside Borough Council as well. And I just wondered if that was still the case?

1:31:08

Sorry, could you remind me the start of that question, the commitment to provide

1:31:12

an ecologist on site through the operational phase. I was quite pleased to hear that during the public consultation, and I wondered if anything had changed

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during the operational stage so that all

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stages actually was was what was indicated. Yeah,

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but okay, let's does he have to go on to respond to that now or take that one in writing? For the applicant to decide?

1:31:41

Sorry, sir, on behalf of the applicant, sorry, sir. Yes, we can respond to that now. So yes, there will be an ecologist on site during the constructions stage, I'll see where it's applicable to have one. And there will certainly be post opening monitoring, and during Operation just to check that everything's taken, okay. And the mitigation has been secured. Thank you.

1:32:09

Thank you. Thank you. Alright, let's move on to Dr. Boswell, please.

1:32:17

Thank you, sir. Yeah, I've got four points I'd like to make very briefly, I will, of course flesh these out in writing later, on the indirect impacts right back at your point B, I believe. In terms of what the receptor for that is, I would say that is also the global environment. And speaking from a scientific point of view, where you will get the best guide on that is to go to the IPCC reports. Now, if I highlight the special report on 1.5 degrees, which was an 2018 report from the IPCC, they set out the difference between 1.5 degrees and two degrees, the impacts. And they, they produced a very detailed analysis. Now, I'll

reproduce this later for you, but on issues like food security, health impacts, after 1.5 degrees, we lose all coal, reefs and so on. I won't go on more now. But what I will also say is the My analysis as a scientist and actually backed up by people like David King, is that we are going to overshoot 1.5. Anyway, five 1.5 degrees is lost, frankly. And that's what most people in the climate world who are serious, no. So we're already heading for those impacts. And that's the indirect effects of any carbon emission. So it's not to say that clearly, the the other thing to say at this point is that there's an emerging area of attribution science. And that basically makes a connection between things like extreme weather events, we see around the world fires, tornadoes and all the rest of it with carbon emissions. And again, any increase in carbon emissions can now be attribute ID to, you know, an attribution or impact on extreme weather events. And again, I'll put some material in on that. But I think that's where you need to look for that aspect of the environmental impact regulations. Because I know we're short of time I will say a lot more about what material impact is in a legal sense, that was covered I believe on the E and therefore you're talking about thresholds. But essentially, the sad NPPs was drafted in 2014. We're in a very different climate change legislation framework, then we are aiming them for 80% reduction by 2050. We're now aiming for that by 2035. We're aiming for 100% by 2050. So we've, we've doubled literally what we're trying to achieve on climate change mitigation in the last few years and NPPs hasn't caught up with that. And I would just submit, so now verbally, that any increase in carbon emissions is material and has to be assessed against that net zero target, the net zero strategy and the carbon budgets. And it NPPs 5.18 instantly does say carbon reduction targets, as well as budgets, which is often left out of the thing on that third point on local carbon budgets. There's some excellent work was done a few years ago now by Manchester University and the Tyndall Centre. And they've produced carbon budgets for local authorities, which actually map to the icy IPCC data is actually the data. Mr. Wimberly was talking about earlier,

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though. We've had we've had submissions on that. Yes,

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yes, indeed, you have. I've spotted those elsewhere. And I will make further submissions because I've got a year. But I just wanted to point out that there are those local authority carbon budgets, and they were developed under Bay's business, the department backing

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Thank you, Mr. Boswell?

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Final point, if I may. Okay, this is on point eight H rather. So. And there was discussion there about electrification and electrification of the road fleet as being a large part of the government policy, which I don't dispute that it is. But we do have grant Shapps quote, which is actually on my submission, page six that you can't do everything by electrifying vehicles. But I want to put some sort of better numbers on that, from the Committee on climate change, if I may. And in their six carbon budget report, they have had a methodology report. And basically, in that methodology report, they were saying that in order for the you know, the six carbon budget to be deliverable, and that means net, net zero, and so on as well. A seven to 16% reduction in vehicle kilometres by cars was needed by 2030. And the 12 to

34% reduction in vehicle kilometres by cars by 2050. So we're seeing that front loaded, that we need a greater reduction in vehicle kilometres up to 2030. That's 17 16%. So that's quite significant. And then that slightly later, they had a joint recommendation to Parliament that that was June 2021. And they, they say on investment in roads that decisions on investment road should be contingent on analysis, justifying how they contribute to the UK pathway to net zero. So that's now Net Zero strategy, which does have a transport sector, as pointed out earlier in that graph.

1:39:07

And, Mr. Boswell, I'm going to ask you to stop those. Those are all things you've included in your written submission. Or said or in other written submissions. I've certainly seen

1:39:20

Okay, yeah, I'll certainly flesh them out further, but that's one of the highlight those points as

1:39:25

Thank you, and please don't feel the need to repeat anything that you absolutely. Try not to do that. Thank you. Thank you, Mr. Wimberly, please. Mr. Wimberly, please thank you. Yes, please comment comments,

1:39:51

if you would, this is just a brief comment. It's about the inclusion of the new carbon value that's come out to be he is and applies to all government departments and that new price of carbon is four times what it was. And the question is two highways England or whether you have insisted to highways England, that they re calculate the PCRs, both the original BCI and the adjusted PCR. On the basis, we're incorporating this new carbon price, bearing in mind that it applies to the embodied carbon emissions in the construction, which is what we've largely been talking about, and also the carbon emissions during operation if this scheme is ever built.

1:40:46

Okay, thank you, Mr. Wimberly and can move on to Anthony Ray, please.

1:40:52

Well, can I ask whether that whether they he had been asked to redo the VCR?

1:40:57

I'm going to ask them a question in a few moments. That take the mystery, please.

1:41:07

I'm just trying to turn my camera on for some reason. It's not. Very, thank you. Just just just for for, for brief, brief points. Please. I see you keep back and is due to speak again. Now. I just want to say that that I that I do agree with the comments that he made in his opening sub submission about the consequences for the overall decarbonisation pathway if additional or increased emissions do occur, as it's accepted will happen. As as far as as far as all of this, this, this scheme. The second point is just want to make the point a point about cumulative emissions in the consultation letter, it does refer to Mr.

Boswells. So in consultation letter on the 30 HPV it does refer to 222 Mr. Boswell, so Dr. Boswell's report on that scheme, but he doesn't refer to the legal letter submitted on behalf of the Darby Climate Coalition, which draws out the significance of, of cumulative emissions. I just wanted to ask I've previously checked with the with your, with your officer as to whether you would be able to consider that legal letter. As well as Dr. Dr. Boswells. Report, but I just want to point out it's an obvious point, I think that the the the environmental statement does not contain any statement or qualification about cumulative emissions. My third point is in relation to the balancing and you said that you would consider Emma shoes in your in your balancing? I think I heard I mean, correct me or she will correct me if I'm wrong. Miss Fowler, for the for the applicant, say that the consequences of increased traffic volumes which are accepted, and what will happen would be outweighed by a vehicle electrification. But according to the figures in table 1415, which show an increase in emissions at the 2014 date, I don't see how that can be the case that the that increase volumes would be outweighed by electrical vehicle electrification. And then finally, on your, your question H, which I get if I can just get it up in front of me, which you described as provocative, but I think it's highly highly, highly relevant indeed. But comment on whether it appears reasonable for the releases to be considered not significant. I don't see how they can be considered not a not significant if you look at other other views apart from that from the applicant. As to that volume, I'm thinking for example, and I will provide you with a reference in our written submissions to the 33 million tonnes identified by the transport Action Network, as I think corroborated by WWF recently 33 million tonnes arising from I think it's 45 out of the 50 Raise risk to scope so on so I don't see how if you take those other views, a broader view, and I think Dr. Boss was to sort of take the same approach how How it is possible to consider that scale in terms of millions of tonnes potential increased emissions, of course, not just associated with the scheme but more broadly, in your in your balance sheet. But I will put these points in, in writing to you. And I'd be grateful if you could just tell me by what deadline, you would like me to do that place.

1:45:21

Thank you. Thank you, Mr. Ray. Can I just respond to one of the points? Well, first, first of all, the deadline for is next Wednesday, the 16th. Okay, so written submission by there will be very much appreciated. You read you raised a legal letter on the 13th. Who projects on the agenda items? See, there is ref. And I think your point was in relation to cumulative effect. So Item C of the agenda is a precis of the wording that was used on a letter from the Secretary of State asking for responses from parties around cumulative impacts. So if your reference to that project is something else, then would you set that out in your written submission as well. So if I could invite you to look at Item C on the agenda? And if you wanted to raise another point, in relation to build a project, and please set that out in your written submission?

1:46:35

Yes, I mean, I was. I mean, I'll obviously provide you with all the references. It was simply that in the consultation letter, which I think you will see is mentioned in item C on this item, it does refer to Dr. Boswell's report, and I'm referring to the legal letter that accompanied that

1:46:59

I see so many different things. So in which case, if you could give information on that, in your submission, that would be helpful.

1:47:06

Thank you very much, indeed.

1:47:08

Thank you. That Mr. Boswell? I'm sorry, I'm not going to go back to all Mr. Wimberly. I apologise if you if you have any further statements. Please include those in your written submission. You may have left your hand up from earlier. Mr. Nicholson. Nicholson, if you?

1:47:34

Thank you. Thank Thank you, sir. It's Tim Nicholson, on the transport policy planner for the P District National Park Authority. I just like to pick up on something that actually hadn't been mentioned in relation to climate change. And this is a it's about the designated sites that actually cover a large part of the mall and through which they 57 Snake pass, and a six to eight trunk roads pass. And these are generally nutrient poor, mall and areas that are a vital, import vital important carbon sinks. So basically, they work really well probably one of the best types of carbon capture in the world, for storing carbon and keeping it keeping it kind of away from the atmosphere during out the atmosphere and storing it. And it kind of comes back a little bit to some of the points that we've raised earlier about the importance of these as a healthy habitat and the healthy, healthy store for carbon and the potential damage that can be caused as a result of traffic from this scheme. With with nitrous oxide emissions, and the fact that that actually enhances the nutrients within the soil. It's a kind of it's a link to that, that I think we need to bear in mind about the effects that the scheme may have on the ability of these things to operate as well as they can do. Thank you.

1:49:03

Is the National Park Authority concerned that the applicant's assessment of the effects on on that Merlin's has not been sufficient or I am making a different point,

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I think, I think in I guess in relation to the six to eight because that was scoped out, because that is already potentially more greatly affected than the 57 because of the because the 857 currently carries around 1500 vehicles per day according to the traffic model. The access to a carrier is significantly higher near 10,000. Today, and the impacts of the scheme on that have not really been assessed because it lies outside of the the assess network because the because of the threshold of the the 1000 vehicles per day so it's it's something to bear in mind that that because this hasn't been assessed that the potential impacts to the of the Marlins is called as a carbon sink as well as actually provide their habitat may not have been assessed properly

1:50:11

understood, as that been included in a written submission from the National Park Authority

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we haven't included is a link thus far, but I will make sure that we did it.

1:50:22

Thank you very much indeed. Thank you. Thank you. And then finally, we have Mr. Buckley, please. Mr. Buchan or Dr. Robinson? Good at or both of you.

1:50:39

I was hoping that Keith could speak and I just wanted to ask one quick question afterwards.

1:50:44

Okay, Mr. Bookchin, please.

1:50:49

Thank you, sir. Um, just a couple of brief points arising out of the discussion this morning, which I think has been very useful and illustrates the seriousness of this particular topic. Two points arising I think one on the issue of benchmarking and what is significant. I think, if I can put it this clearly, the benchmark to which we should all be referring is the carbon reduction pathway, which is set out in the decarbonisation report and is essential. And as Dr. Bosman Will said is also specifically a traffic levels are specifically mentioned in the climate change committee's work. So we do have given provenance for for these of these figures. So first of all benchmarking and I would say that really, that requires the scheme to show give us a proper indication of the total carbon emissions. I've requested that from national highways, and that has arrived. And we will be using that in our submission for next Wednesday. So I think it's important to benchmark. The second point that I think has come out is quite rightly, the serious concern about the mitigating measures, and that plays directly into the necessity of achieving the policies both in the decarbonisation strategy nationally, but also in local policies such as Greater Manchester, indeed, their 5050 target by 2040, is probably not as stringent as the government's new targets. So we've got to look at look at those policies. And it does seem to me coming out of your quite justifiable concern with with with this operational mitigation, if I can call it that as opposed to constructional mitigation is that that becomes harder in the context of a scheme which directly supports and encourages solo car driving in the area. And that is a problem that has to be investigated. And given this morning's discussion, so I will seek to make a written representation on that. But I think it is important to just to flag up those arising out of this very interesting morning's discussion, the issue of mitigation being more difficult if you can't do you can't work in opposite directions. At the same time. You can't get people onto buses, while making it faster for people to drive around the area. It's it's a there are and there are ways of quantifying it. So we'll have a go at giving some indication of that. As I say, the benchmark. It's as though the do minimum should be the government powerful.

1:53:22

Thank you. Thank you Mr. Volker. And Dr. Robinson. Final comment?

1:53:26

Yes, just a very final comment to you that obviously the questions about the cumulative assessment indicate that the environmental statement lacks a proper cumulative assessment. So we were just wondering if you were considering if environmental impact assessment regulation 20 should be engaged considering the changes needed to the environmental statement?

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We're, we've asked, we've, we've replayed if you like the Department for transports question on cumulative effects. The Atkins is going to respond to that. We'll review the applicants response to that, and then then we'll take the next steps after reviewing that response.

1:54:09

Thank you.

1:54:11

Thank you. Can I just bring the applicant back in finally so just there will be some written submissions from parties following those oral submissions could just specifically raise a couple of things from those so Daksha county council and CPRE Peak District in South South Yorkshire, both res benchmarking and Darby county council did mention that the requirements in the dmrB benchmarking that there has been a previous question on benchmarking but I think if it would appear that the applicant is is given some material to the CPRE Could the applicant possibly reef, refresh its responses on benchmarking and and set out the consideration given to the dmrB perhaps reminders of that if necessary. And provide any benchmarking data or signpost wherever has been provided previously.

1:55:23

Picky picky fell on behalf of the applicant. Yes, yes. So we can do that, as you say we have we have responded on benchmarking before.

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So if it's sorry, I'm sorry.

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I was just gonna ask in terms of the deadline, because I'm conscious, I wasn't sure whether further submissions were envisaged on the benchmarking or

1:55:46

it may be raised by some parties in the deadline for submission. So if that wanted to provide that deadline, fine, that would be perhaps most appropriate. Thank you. I think I think also to include consideration of benchmarking going forwards. So So benchmarking would appear to have a role in demonstrating that emissions are not unnecessarily high. So it'd be helpful just to relate it to that, just that point as well, if possible. Could I also raise the point made by Mr. Wimberly and the pricing of carbon, and perhaps, maybe, again, in response to Mr. wimble, is written submission. So they can be helpful if the applicant could just clarify where the pricing of carbon is considered in the application, the role of pricing carbon as paid in the case of the scheme, or where relevant and perhaps comment on the increases in pricing Pricing of carbon as as appropriate as part of that. So, again, potentially deadline five, but that one, please.

1:57:02

Pick he fell over half the applicant? So yes, yes, we can, we can do that. I understand also that the response, we will be relooking at the carbon values, and when we revert on the cumulative. So in terms of the other schemes where there's been a response to the cumulative. I mean, effectively, what's happened is obviously DFT. We've got the sorry, the, in terms of the UK vehicle fleet, and associated emissions, we've now got the data going up to 2050. So again, I think so they'll there'll be some reassessment of that, within that. That documents, thank you. If I've got that wrong, and perhaps Lucien can shout. But yes, that's, that's my understanding. So

1:57:51

I think that's helpful. I'm not going to take any more submissions at this stage. But if there are any points to be made, please do include those in writing. We, that has been a very helpful session on climate change, and quite a range of contributions. So thank you, I would very much encourage, as all parties hopefully now we do encourage written submissions do very much. We do read through every submission, and we pay attention to every submission. So please be assured of that, please don't feel the need to repeat anything, whether it's made by yourself or another party. In fact, it can be helpful not to have things repeated, we do have a large volume of material to go through and we will always go through it. But it's helpful to be concise and not repeat as fast as possible. So that's a little plea for notice. Do please as I say try to relate submissions to either the points that we've raised today, the points that we've raised in previous questions are directly to the policy and legislation that we are required to consider. So if I could encourage you in that way that would help us to it's now 12 o'clock. We're going to adjourn for lunch. And we will recommence at one o'clock if you're watching the live stream and please be aware that the live stream

1:59:31

looks like the examiner and authority left early but um yeah, just to remind you all if you're watching on the live stream and please refresh your browser Thank you think

1:59:45

so we we prematurely the hearing. So I'm good. I'm good to go through that again. We're now going to adjourn for lunch and we'll recommence at one o'clock. If you're watching the live stream then please be with the live stream Now start to view the restarted meeting. You'll need to refresh your browser page when we restart so we recommend at one o'clock Thank you