

TRANSCRIPT_BLOFIELD_ISH2_SESSION2_19082021

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00:07

Good morning, it's 1145 and this issue specific hearing is resumed. Can I just check that everybody can see and hear me clearly? Yes, I can. Thank you. Thank you. Okay. In that case, moving on to agenda item four, which was climate climate change. So I've got a question for the applicants. So the applicant has provided an assessment of the proposed development against the sixth carbon budget, which is the period 2033 to 2037. However, I asked the question one, my written question 1.4 point one, in addition to this, for assessments be made, and the conclusion reads raged based on worst case assumptions against subsequent carbon budget periods. That is over the remaining lifetime of the proposed development. The applicant respond to that this was not possible given that the carbon budgets have not yet been set. Is the applicant able to provide me with some indication using professional judgement as to whether in its view, the proposed development is likely to give rise to significant effects on climate change beyond 2037?

01:53

Good morning, hey, david jackson here, climate lead swepeco. UK representing the applicant today. Within the chapter and rep a 2002, we have included the total carbon emissions expected beyond 2037 out until 2087, which was the remainder of the 60 year period of the window. With regard to significance, we would have to respond to you in writing on this.

02:25

Okay, I have asked the question, though. And you said you couldn't you couldn't provide that because the

02:34

well, your reason was that the carbon budgets have not been set yet. So are you are you able, rather than coming back to the writing to use professional judgement to give me some indication of your your views on this?

02:53

I see Sarah has a turn your camera on? I'll let her come in here.

03:11

I don't know whether it's my computer or whether that's Holmes has lost connection. Yes, so that certainly happened to my end as well. Okay, let's just give it a few seconds. Oh, are you able to contact Miss Holmes?

03:38

So we have a separate team chat. I didn't contact her. So if you wouldn't mind just taking a moment.

03:48

Yes, that's, that's fine. I'll just I'll just bring up documents. Miss Robson, have you heard anything?

04:33

Yes, sir. Miss Holmes is trying to reconnect. Totally baffled as to why she's lost. baffled as to why she's lost connection. She's in the office in Bristol, which should have good connection. So

05:03

So I think given the technological issues that we're having, I wonder if, despite your earlier intervention, this might be something we can take away and respond to you in writing, as you say, it's predominantly the written process. And if we are to exercise professional judgement, as part of your question, with your permission, I'd rather do that in slightly slower time in a more detailed fashion rather than in response to an oral questions.

05:33

Okay, I have I just I do have some further questions on climate change is the same as the one who should be answering them or can I can I go ahead with those.

05:45

So that there is a title had muted myself. So there is Mr. Jackson, as well, who is able to to assist and I will assist, of course, we're where I can. I think if you continue, hopefully, Miss Holmes will rejoin. And if not, we should have the expertise. In the in

06:03

the I can see that Dr. Boswell has his hand up. I'll just go to Dr. Boswell

06:12

very much said Dr. Andrew Boswell, climate emergency planning and policy. On the question you you've just asked, I think it would be useful also to have an idea of the period after 2050 to 2084. Because what we have in this application is a 60 year appraisal, which covers the 25 years up to the 2050, net zero target, and then another 35 years beyond 2050 to 2084. And that's a period in which women to be in this country net zero. Yet, when you look at the tables, table 14, eight, and table 14, nine, we can see that at the moment there are your larger mission accounts there. So as part of that question, it would seem to be very relevant to ask how is the scheme going to be net zero after 2050?

07:19

Yeah, so in as well, in the, in the response, my written question the applicant? Well, my my question was to do with the lifetime of the development which Well, yeah, so the table they provided to 2087. And they have provided a total sort of net change in carbon. co UK carbon budgets for that period overall. So I think my question does encompass that already.

07:54

Okay, so thanks. Yeah, sorry, my mistake on the 2087 is looking at level two, we went to 2085, I think. Yeah, no,

08:03

that's okay. But I think Yeah, so when I've said, professional judgement, that's where they in my view, in high res England's view, the proposed realms is likely to give rise to significant effects on climate change beyond 2037. And that's, that's for the remaining lifetime of the proposed development, which is to 2087 as far as I understand it. Okay, so in that case, I'll move on to my second question.

08:34

Dr. Boswell, use your hand up the and you said that your camera if you could just turn it off. Okay. Thank you, Dr. Boswell. So,

08:52

in answer to my written, written question, you Well, the applicant draws the conclusion that the proposed development in isolation, given the similar country less than 0.001% in each of the fourth, fifth, and sixth carbon budgets, would not have a material impact on the ability of the UK Government to meet its carbon budgets, and that it is not anticipated to give rise to a significant effect. It likes this response. Could you please explain to me what is meant in paragraph 14.8 point 10. Section two of as chapter 14, where states or the proposed development might affect the government's ability to achieve its carbon reduction targets over the periods 2007 as budgets do not include allowances for increases in road transport emissions. Please

10:05

david jackson a from sweco, representing the applicant, I so within that period beyond 2037, as there is no carbon budget to a measure against, as we have followed the NPS statement with regard to providing a The only target that is within there is the national budget targets. We have stated that kind of with the emissions beyond 2037, a feature analysis would be required. But in light of a the budget This is based upon a segment in the committee on climate changes a scenarios which do not include an increase in road emissions. However, in light of the Department for Transport strategy and highways include strategy to decarbonize and be in line with net zero for 2050. This would be in line with that.

11:03

Okay, so. So, so I was hoping you could explain. So in your response, where it's in question, you said, Oh, the applicant said that, even though it's not point naught, naught 1%. The praise valid would not have a material effect on the ability of the government to meet its carbon budgets. That's in part paragraph 14.8 point 10. Two, it says

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the scheme

11:42

may affect the government's ability to achieve its carbon reduction targets. These two different you're looking at two different sets of books. Could you just explain to me what, how why these differ?

11:58

Of course. So within our assessment and what has been conferred, or compared against the carbon budgets, that is only 39% of the carbon associated with the 60 year lifespan of the project. Thereafter, no assessment can be done as there isn't a target to a SS those emissions against.

12:35

Okay, but in paragraph 14.8, point 10 to you're not saying that, is it not suggesting that up to 2037? The proposed development may affect the government's ability to achieve its carbon reduction targets. Whereas in the answer to my question, you say that the opposite? Or am I misinterpreting something? so my

13:06

apologies, I would have to go and reflect on that paragraph. Again, it may be that the message has been crossed over there. But the point was to be made that beyond the sixth carbon budget where there is no target as such, we wouldn't be able to reflect on the 61% a, that hasn't been accounted for, again, or measured against those six budgets. If we can please take that away in writing to look at the paragraph and come back to you.

13:36

Okay, so that in paragraph 14.8 point, 10 three, that's where you say about the remaining 60 assessment cannot be undertaken. But in paragraph 14.8, point 10 to do you do have the climate change chapters to hand listed

13:55

here. Dr. Jackson, sorry, but yes, I do. Yes, I've got this in front of me.

14:03

Okay. So if you just read 14 point 8.2 then just explained to me what that paragraph is saying.

14:17

Yep. And apologies if my reading out isn't good. I'm dyslexic, let's say the predicted 61,784 tonnes of carbon dioxide equivalent 39% increase in emissions resulting from the proposed scheme may be compared with the currently published carbon budgets to 2037 may affect the government's ability to achieve its carbon reduction targets over this period, as these budgets do not include allowances for increase in road transport emissions. So

14:51

so I'm struggling to interpret that. So are you saying that 2037 The proposed scheme may affect the government's ability to achieve its carbon reduction targets. Although in, in their response to a recent question, you say it will not have a material impact on the ability of the UK Government to meet its carbon budgets.

15:20

So the conclusion that is within the chapter A, which follows the national policy statements guidance and DML dmr, Haley 11444, this, under that conclusion, it would not have a material impact on reaching the carbon budget. A, I'm happy to go away and respond and analyse that paragraph again, to make sure that there is a consistency throughout the document.

15:51

Okay, thank you, Dr. Jackson. It might be my intro. It may be you're talking about two different things here. But I would just like I just need I just like to understand.

16:07

And so if I, if I may assist a little bit. Mr. Jackson, if you will tell me if I'm just sticking my size elevens, then it seems to me that there's the assessment in the AAS, which is the as you'll note from the the drafting is the percentage increase the results from the the project, there is then the next step of assessment. And it says it may affect the government's ability to reach its target, then the assessment that's contained in the written response to the questions, which is what when you take that percentage increase of the project and look at it in the context of the whole of the UK is carbon budget, what it what does that increase? What is that percentage increase as part of that overall budget, and that is where the naught point naught 1% comes in. So maybe on my admittedly on expert I, that that isn't an answer to your question, no doubt. If I'm wrong. Mr. Jackson will come in, but but

17:14

okay. I it seems to me that 14 point 8.2 is slightly contradictory to the answer to the original question, unless I'm reading it wrong, because then well, it says it may affect the government's ability to achieve it. And the answer says it won't affect the government's ability to achieve it.

17:34

So I think it would be contradictory if it said it will not affect it will affect the government's to achieve its carbon reduction targets and then we said subsequently said it will not I think what it says is that it may IE further consideration needs to be given to it further consideration is given through the response to the written questions and the conclusion does not

17:54

right, they say I say so, in that case.

18:01

But I accept that there is an if one was reading 14 point 14.8 14.8 point 10 t in isolation. The question would be what is it good to have any effect or not? to which our answer is contained in the response to the written questions now what naught point naught 1%. Right. So in that case,

18:23

does does chapter as chapter 14 need to be updated in in light of that? And oh, oh, maybe I'll leave that with you. But so you're saying your response, because this is subsequently strapless or I should look at your response. Rather than be unsure about the ies chapter 14.8 point 10. Yes, because

19:00

it is back on online.

19:06

Okay, I saw a hand up from Dr. Boswell first before Miss Holmes, so I'll just go to Dr. Boswell First, if that's okay.

19:15

Yes, thank you very much. So Dr. Andrew also climate emergency planning and policy. I just wanted to put it on record that climate emergency planning and policy do not agree with the npps method of comparing the carbon emissions on a single road scheme in isolation with the entire UK carbon budget and that is backed up by expert national transport experts. For example, Professor Phil Goodwin, and Professor Jillian Annabel and I, I don't want to go into the arguments here. I understand you're working with the ntps but I just want to put that on record. called as opposition. And secondly, I just make the point that the years 2535 really are the most important years in all of this, particularly after the IPCC report last week or the week before, maybe now. And you know, that from that IPCC report, any additional increase in carbon emissions is very, very concerning. And it also sort of points back to the fact that the mechanism for assessing in the NTP S is is no longer up to date, quite frankly, with the academic opinion. And you know, it does need to be reviewed and understanding, you know, it is going to be reviewed by 2023. I also understand that transport Action Network will try to force an earlier review of that methodology through the courts. Thank you. So they wanted to say at this point.

21:07

Okay. Thank you, Dr. Boswell? Ms. Holmes, did you want to?

21:13

Yes, thank you, can you can you? Can you hear me now? I'm so sorry. I had to get our it down to my connectivity in the office. So clearly. Good. Thank you. Um, I was going to say, I think the point at which I left I've obviously missed some material where you were talking about the period post six carbon budget, that we were starting to get into the next question about the implications of the High Court decision on the legal challenge to the road investment strategy, too. Because the High Court was very clear there in confirming that the only cumulative targets against which cumulative assessments of of carbon emissions could be made where the carbon budgets, there's no other mechanism that is appropriate. And secondly, that the contribution made by emissions from all of the road impact rate investment strategy two projects, which include all the recent read investment strategy one schemes including blofield. over the period assessed at that point, the end of the fifth carbon budget was de minimis at less than naught point 2% of total UK emissions. The judgement also recorded as the as the climate change Commission and the government that there are different pathways forward and the purpose of the carbon budgets is to deal with the the need the recognised need, that there will be some increase in emissions in some areas, and the government needs to drive down emissions in other

areas, so that at the end of each of the budgets they retain, remain on on shedule to reach net zero by 2050. So this road investment strategy of which this scheme is a part has already been concluded to be de minimis in terms of its impact on the government's ability to meet its net zero, or three, the end of the fifth carbon budget. And therefore, it's entirely logical for this scheme to conclude this scheme also would not have a significant effect on the government's ability to comply with those obligations. I do anticipate, because I saw the letter that Dr. Boswell submitted last night and he refers to the a 38. decision and the additional work that the sector states required to be undertaken and submitted there to to enable further review of cumulative carbon emissions. And I'd like to suggest that we provide a more detailed response because there are multiple issues, multiple documents and court cases ongoing but the direction of travel is is clear. And in the midst ministerial statements that was published on the 22nd of July, the government is very clear that the advice in the NPS remains the relevant framework policy framework within which gcos for road projects should be determined.

24:27

Okay. Thank you, Miss Holmes. I hadn't actually asked the question. Yes. About the high court the High Court judgement

24:35

Well, it's relevant to the ability to answer for the for our assessor to answer questions about assessing significance post a carbon budget because the court confirms there's no there's no framework within which that can be made. That is the responsibility of governments in and as advised by the climate change commission in developing subsequent carbon budgets.

24:59

Okay. So how so when I'm reporting to the Secretary state? How do I how should I deal with carbon emissions and climate change beyond 2037?

25:10

Because? Well, because the NPS makes clear that it's unlikely that there will be significant effects. The road investment strategy, of which this scheme is one out of about 50. has already itself been concluded as likely to have a de minute or having a de minimis impact on the government's ability. And the

25:36

is that they were the de minimis effect. That's the minimum effect on the government's ability to meet its carbon budgets, or is it de minimis effect on

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the minutes effect on the government's ability? So paragraph 159 of the judgments I see the judge said, I see no reason to question the judgement reached by the Department for Transport that the various measures of carbon emissions from risk to were legally insignificant or de minimis when related to appropriate comparatives for assessing the effect on climate change objectives. Okay,

26:13

so that that judgement, you could do submit that into that, would you be submitted to the examination?

26:18

We will do? Yes. So there are many evolving documents coming out. And I certainly expect before the end of the examination, that the government will have published its netzero strategy and that you will wish to hear from all parties on the implications of that for for this project. So I'm sure that climate change will continue to future in your examination.

26:40

I'm sorry, I know that. Dr. Boswell has, you've got your hand up, but let's say how does the challenge to the 38 Darby junctions? Was was saying that the Russell that came out before the race to judgments, right,

26:58

what it wasn't a judgement that came out, etc. State conceded to judgments on the a 38 starboard junctions. And that was because the inspectors reported it. And we'll put this in in writing but paragraph six 460 of the three the examiners report said that they had not been provided with enough information to a recommendation to make a recommendation as to whether the proposed amendment would lead to the UK being in breach of the Paris Agreement. 2015. And I quote, whilst there was no evidence that there would be a breach, as per section 1044 of the plan act 2008 were unable to confirm there would not be a breach on the evidence submitted. Second point was consideration of punitive effects on carbon emissions from the price of settlement with those of other defendants on an on a consistent geographical scale. For example, by assessing the cumulative risk one or two programmes of which the that proposed to animals part as as as against the relevant UK carbon budget. And in a fair point on that one, whether the proposed government would affect the ability of the government to meet the target of the revised netzero carbon by 2050. That was set in July 2019. After that application was submitted subject to these caveats, we consider that the proposed development would be unlikely to result in an increase in carbon emissions so significant that they will result in any significant effects in respect to climate change, or carbon emissions. So the Secretary of State has issued the statement of matters which the applicant in that case is now provide providing the material to answer. There's another case called the DCM application on wizzley where a letter has been issued on the ninth of August asking for the substantively the same information and we are proposing to provide that information to you also to provide reassurance on these points.

29:00

Okay, so as a result of the the a 38 crossing of the DCA. There are certain there are similarities with with this scheme, I guess in terms of the issues to be considered because of that and you're going to be providing me with the information that you think I need to be able to do that.

29:25

Yes, we provide you with that information together with an update of all the policy documents and so on that have been issued since of so that you have a comprehensive

29:37

Okay, with that the whether that be a deadline for deadline for okay. Dr. Boswell.

29:48

Thank you very much, sir. Um, yeah, we seem to have got a bit ahead of the timetable. I don't want to take you any further ahead than we may be need to come back to a 38 and the other scheme later, but just on the comments on the risk to court case from Miss Holmes. I'd like to say that the the judge made it very clear in that judgement, that the courts are not in a put in a position to make decisions about scientific evidence. So the judge was very clear that he was sticking really to the procedural legal issues of that case. And it really was around, you know, whether the Secretary of State saw the right information before making his decision. That was all the judge was concerned about. Now, the issue of the evidence from the scientists did come up and that 158 the judge says, I see no reason to question the judgement reached by the DFT. But he's in saying that that's a procedural thing. He's not actually saying that he disagrees with the scientists. And, again, I want to put it on record that the scientific evidence from Professor Phil Goodwin and Professor annabell is still out there. And it has not been it has not been dismissed by this judgement. And and consequently, I don't accept that the de minimus argument has been thrown out either it has been thrown out on a procedural point on that particular case, but it's still active in considering any other case. Under particularly under cumulative emissions, come on to on that on that part of the agenda soon. So I just really wanted to make that point that you know, that the VA science still contests the npps and that is why it's being challenged in the courts before that 2023. Deadline the government put on reviewing it themselves, you know, we want to basically get it there quicker. Okay, but more scientific compliant quicker. Yeah.

32:10

But you accept that the end, the national networks national policy statement is the prevailing policy.

32:18

That's what we have to work with in this inquiry. But as we go on late later today, I hope that are also show that the the npps itself is consistent with the EIA regulations, and the EIA regulations, demand more of the application then has been provided, in other words, the applications inadequate against the AI regs, and that's actually required by the npps. But we'll get to that point later. I don't want to sort of rush through the agenda myself, so to speak.

32:58

Okay, Dr. Boswell? Thank you, Mr. Robson, who?

33:04

Yes, so it's a very short point that I think was encapsulated in your recent points of Mr. bos to Dr. Boswell, that of course, you are bound by the NPS. And this type of hearing, it's not within your gift to go behind what is contained within it. And you must apply it in your decision. The approach to the recent high court judgement as Miss Holmes set out, we will include in a detailed written submission to you.

33:33

Okay, thank you. So, I just wanted to ask the applicant say the design manual for roads and bridges, which is la guidance la 104. Paragraph 3.21 sorry, three. Point two suggests the road projects which have been confirmed for delivery over a similar timeframe are included in cumulative effects assessments are referred to this my rule eight and rule 17 letter dated 22nd of June. In light of this, I just I was hoping you could explain Firstly, how cumulative effects cumulative climate change effects have been assessed and secondly, why the cumulative effects assessment. In relations climate change is not considered other road projects in the areas such as the two other a four to seven enset projects currently under consideration or all the other road projects that are the government's road investment strategy, too.

34:42

So david jackson, a climate lead at a circle representing the applicant with regards to cumulative effects a, we believe that this is following the policy, the NPS and the MRP guidance with regards to what is their wishes. inherently inherently cumulative a, the emissions accounted for take into account construction emissions and those through operation a via the traffic model which takes into account all committed developments on the affected Food Network area. With regard to that, a, as such the emissions that are put within the documents are a cumulative with regard to the study area, we have used dmr le 1148 to define the study area, which for construction and operation is the carbon emissions associated with the project construction related activities and materials and their associated transport and for the operational reducers within the affected road network.

35:49

Okay, so in so design meant no frozen branches, la 1043 la 114104. Paragraph three point 21.2 suggests the cumulative effects should report on road projects which have been confirmed for the delivery overseas similar timeframe is that because he's comment on that, and is that is that because nono within the study area that you've identified?

36:31

Yes. So the study area that has been used for this is the they Yeah, the traffic model, which has taken the transport model, sorry, which has taken into account the committed developments within the area.

36:52

Okay. So, I mean, this, this all kind of goes back to the residue judgement, in a way, I guess. I mean, I know that some interest parties suggest including the other 847 insert contracts within the cumulative assessment. But just to be clear, you're saying it's not? You haven't, because it's not within this. They're not within the study area that you've identified.

37:23

That is correct. And the transport leader can comment on the details on the developments. Yeah. Okay.

37:35

Okay, so, Miss Holmes, would you like to?

37:41

Thank you. So it was simply to say that, that the carbon budgets are inherently cumulative assessments, because of the point I made earlier that it is not simply a case of data development give rise to an increase in carbon emissions or not. It is obviously vastly more sophisticated than that in a matter that the government has many leavers and policies at its hand to address so in accordance with the NPS, the cumulative assessments, is undertaken through the comparison against the carbon budgets, because that is how the carbon emissions are required to be assessed. Okay. Dr. Boswell, you've got your hand up.

38:36

Yes, thank you, sir. I just wanted to come back on Mr. Jackson's point where he said that the acumen, the emissions are inherently cumulative. Because he included construction and missions or the application includes construction on missions, and use submissions and so on, but he's actually conflating there or confusing rather, the types of emission that need to be accounted. So construction, embedded emissions and the new submissions. We have a cumulative which actually is can include other schemes in the area, and in fact, the EIA regulations and even the NPP s make that entirely clear.

39:23

So I think I think what Dr. Jackson is saying is they but the cumulative assessment has included other schemes are the area within the study area that's been identified,

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where he's saying there's a comp. He may be saying, I don't know but he may be saying there's a if you have the say, the scheme over at North tuddenham, which is on the west side of North Northridge, the there may be some Road Traffic increases which affect the blofield area. Is he saying that and that that's inherently cumulative in that sense, or I understood stood him actually to be saying he was accumulating types of emission like the construction emissions and the operational emissions. And that's not the usual sense in which the word cumulative is meant. And it's not the sense meant in the AI regulations or even in the npps. So we need some clarification of what exactly he's accumulating, I think.

40:23

Okay. Dr. Jackson, would you like to respond to that point made by Dr. Boswell? Yeah. Thank

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you, Dr. Boswell as I was saying, a bit with that, that all the missions have been accounted for says he said through through different phases, but also in accounting of all the developments that are within the traffic model for the affected road network. Okay. Dr. Boswell?

40:58

Yes. The effected road network for this scheme, as I point out in my written representation is very poorly chosen. And what Mr. Jackson's referring to is not referring to other road scheme developments. He is referring to two other developments in there, but I would point out that the EIA scoping report and I believe it's on Yes, it's on. If we could get the EIA scoping report up at this point, surfing would be

useful. If you just give me if you just give me a paragraph? Yes. ADP 116. All right. Well, it's PDF page 43. The combined and cumulative effects?

41:59

Yep. pdf 40. Free and page 37. In the other numbering. So page 43, or what was your the page is PDF? If you can go to the PDF number is 37. You know, on the bottom, the document numbering, but at 40, free fixed? Yeah. I have it. Okay. You have it. Right. Okay. Can you wait for me to find as well, I thought it would come up on the screen.

43:11

I can ask I can ask my one of my colleagues, if they're able to share this document.

43:23

Oh, I've got it in front of me. So I don't know if you want to get it on the screen for other parties or so it's referenced a PP dash 116 Yep. They've run into the planning Inspectorate. We'll arrange that. Thank you. Are you okay? Thank you, Miss Allen.

44:03

So let me read is is paragraph 4.11. So it's the next page 37 down the bottom.

44:13

Yep. So that's there's two things I want to point out to here. The first is actually the, in the sort of big main sort of section that the last sentence. It says, No matters have been proposed to be scoped out of the assessment. So that's something I just wanted to sort of put on the record, actually. But the point I wanted to make in terms of what Mr. Jackson has just spoken about, is the point right down the bottom right hand corner. And this is comments from the Inspectorate when you reviewed the EIA scoping and talking about the two kilometre zona then influence the Inspectorate at the bottom there say the applicant should give consideration to sequential cumulative effect of other schemes carrying on the a 47. And I believe what Mr. Jackson has just said in not, including every 47 schemes, but only including schemes in the affected road network is then contrary to the inspectors, the spectris comments there.

45:34

Okay, Dr. Jackson, we'd like to respond to that.

45:42

Yeah, thank you, Dr. Boswell for your comment. I with regard to that, we wouldn't be able to look at the other 47 schemes from a construction point of view and assess how this comes into it. But as a miss Holmes was saying earlier, a, an assessment against the risks to strategy has been done, or has has been suggested ensuring that it would be didn't diminish. So within that the other 47 schemes would fall into that is to strategy.

46:14

So you're saying things have moved on since that scoping opinion. And the risk to judgement explains to us the cumulative effects of the risk to projects, which we should take into account.

46:33

A That's right. I don't know if Miss Holmes wants to clarify.

46:42

I was actually going just asking if some of the someone else can pick up the point about the scope of the transport assessment, which does include the other re 47 schemes. I think the issue that we have here is Dr. Boswell is suggesting that we should do a carbon emissions cumulation cumulative assessment just based on the a 47 schemes, but as I pointed out, that would not be appropriate because it is not the way in which the carbon budgets work and the way in which we are advised by the NPS to approach the assessment of cumulative carbon emissions for this scheme. Okay. Dr. Boswell?

47:34

Thank you. So once again, we've sort of gone on to the risk to case and sort of saying the risk to case, your that plan, saying the risk to case sort of means all sorts of things, but actually it doesn't. And I think we need to very clearly be very clear what there is to case means and what it doesn't. First of all the risks to case concerns and investment decision. And it was it was the procedure around an investment decision made by the Department for Transport. And it wasn't about environmental matters, it only came in in the sense that it was whether in setting that investment decision in setting the risk to the Secretary of State had actually took into account carbon emissions and whether they complied with the Paris Agreement. That's what was there in the risk to case. The second thing about the risks to cases it concerns a whole programme of schemes, not an individual scheme. And at this examination, we're considering an individual scheme. But then we're considering or I'm proposing that a more than proposing I'm saying the EIA regs require and also the npps require that the individual scheme is assessed with it's a cumulative impacts are from the other 847 schemes and also to other road schemes in that greater norridge area, actually the northwestern link and the long Stratton bypass. But the key point there is that the risk two is about a whole programme. And that whole programme actually was never environmentally assessed. It didn't have a strategic environmental assessment. And that's where we are that you know, I would not agree that it shouldn't have had a strategic environmental assessment but accept the reality of where we are today is that that risk to programme did not have a strategic environmental assessment. And the environmental assessment has been back loaded into the decio process. And again, the judgement makes that quite clear in their space on the Heathrow judgement does as well actually which is also on NPP SS and well it says You know, the EIA process is what applies at the individual scheme level. And it's the EIA regulation process we're talking about here.

50:12

Okay, by the individual scheme level. Dr. Boswell, you accept this, it's unlikely to have any impact on the government's achieving its carbon budget.

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Now, I believe it will have an impact. And I've assessed it, it will have an impact. And I've assessed that in in my written representation. I've assessed the the road scheme itself in isolation. Yeah, this

particular road, this particular a 47 jewelings. in isolation, then I've assessed it. It with accumulated with the other road schemes I've mentioned, and I've assessed it actually against the fourth carbon budget.

50:57

Okay, so James, do you disagree with a naught point naught naught 1%. figure that they don't agree,

51:02

I don't disagree with that calculation. I don't necessarily agree that the carbon emission number which is fed into that is correct, because that depends upon traffic models. And the traffic models have not been made available to the public or people like me. So I can't say whether I think the number which goes into that is correct or not. But I can say that I agree that if you put the number in, which is in the tables in chapter 14, and assess it against the whole of the UK carbon budget, yes, you'll get that naught point naught naught 1%, or whatever it is. However, I don't believe that that means that the government won't will meet their, their, their climate obligations. And the reason is that it's the very reason that you know, your Miss Holmes said, we're, we're talking about one schema 50, we've actually is one schema and 100. And when you accumulator, overly all these schemes, and this is the evidence from Professor Goodwin and Professor annabell, the scientific experts, it's certainly not de minimis. And that's why in my written representation, I say that the logical rational way to assess the scheme is against the local carbon budgets. And you can do that against the greater norridge area, local carbon budgets. And when you do that, you get figures which are greater than 1%, for the impact. And actually, in 2025, in the fourth carbon budget, you get some very large percentage figures, even against the CCC four carbon budget and government forecast and budget. Now, the table I've got table five, in my written representation gives all that data. Yes, I've read that and speak to that later. But But the point to make here in answer to your question is that, you know, we're getting high percentage figures against the local carbon budgets. And then when you look at all those local carbon budgets across the whole country, that's what's happening. And that's why we're not going to meet our climate obligations under Paris under the climate change act. Um, there are national determined contribution here, all the different things we've signed up to in the UK, we're not going to meet any of them, actually, if we build this scheme and rebuild all the other ones, and locally, I'm saying again, in my written representations, we look at nationally, all the schemes and that's the 100 odd, but also in the greater norridge area, we look at those five schemes, including this one. And then we get a very good marker, a very good benchmark, and we can do a realistic, and you're quite frankly, a scientific based assessment, the current assessment of assessing again, your one road scheme and isolation against the whole UK carbon budget, where you're looking at industry, and you're looking at all the domestic emissions or the industrial emissions, you know, it just does not make sense, actually, you know, that's the the scientists approved it to.

54:20

Okay, but there's the national networks policy statement suggests for US National carbon cause

54:25

this Yes, it certainly does. And I don't dispute that point. But I framework that I need to make my record

54:34

based on that, but I'm giving you other data, which points to very different conclusions. And you know, that also needs to be looked at and you know, I hope I will also get to go through detail the Ei regulations and the npps on what they're saying because they do actually require cumulative carbon emissions and they also require assessment on local, regional and national basis.

55:00

So I've read your rep, representation. And the story, just bear with me and the applicant has responded to your representation. So I feel that I've asked all the questions I need to ask surrounding climate change for the moment. However, you know, obviously, I'll take your body, your comments and written representations into account. Also, the applicants and also the applicants responses to those, and perhaps buy in by deadline for the applicant is going to going to be submitting further information about this. And you'll have the opportunity to respond to that in writing by the following deadline. So maybe I suggest that that is what happens from this point. onwards.

55:51

Okay, I'm so happy to accept that all certainly, you know, so can I just say that what I was alluding to about the Ei regulations in the npps is actually new information, which wasn't in my written representation. I know quite a bit about the AI regs in those written in hacha crate have read before I went on holiday. And there's, there's there's more information there. And I can put that in, you know, the the write up on the the ishs for the next deadline, if that's how you would prefer it all. I can speak to it here. And I'm sort of happy either way.

56:32

I think it's probably better if you if it's new information, then I think it's probably better that you put that in writing. And then the applicant will be able to digest that and respond to calls with it the next deadline. Should we have any hearings in the future that we can address? Those kind of matters then rather than rather than speaking about it now. Okay. That would be my, my preference. Okay. Fair enough. Thank you. Thank you. Thank you for your contribution. Thank you to this agenda item. I just wonder whether the applicant had anything else to add. Before I think about moving on.

57:21

I don't believe we do on on climate. So we don't agree with the EIA regulations, approach taken, but we'll deal with all of that in writing and call to the next one. Okay, so

57:32

you'll deal with all that in writing by. Okay, thank you, Miss Holmes. Is there anybody else present who'd like to comment or have any questions relating to climate change? Okay, so I'm unconscious of time. The next agenda item is cultural heritage. I think it's probably worth taking a lunch break now. And coming back at 12 sorry, 145. unless anyone has particular issue with that. Okay, I'm seeing no hands raised. So the time is 1243. I'm going to adjourn the hearing until 145. Where we'll discuss cultural heritage. Thank you very much.