

M3 J9_ISH2_2nd AUG_PT1

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FULL TRANSCRIPT (with timecode)

00:00:05:01 - 00:00:38:22

Good morning. It is now 10:00 in time to resume this hearing. And welcome to day two of issues specific hearing to which we're holding for the M3 junction nine improvements. We will be continuing with the agenda published on the National Infrastructure Planning website on the 21st of July 2023. Um, can just confirm with Mrs. Norris, our case manager, that recording and live streaming has commenced. Thank you very much. So just a brief reminder of some housekeeping arrangements for those of you who weren't here yesterday.

00:00:39:03 - 00:01:19:14

If everyone can please set their devices and phones to silent or turn them off, uh, please. The toilets are located down the stairs opposite the hotel reception. There's no fire alarm test for today. Therefore, if the fire alarm does sound, please leave the building by the nearest clear exit and do not re-enter the building until staff instructs you to do so. The assembly point is the hotel front car park. We intend to take a short break of 15 minutes around about 1130 and a longer break for lunch at a convenient point and another short mid-afternoon break has proposed around 330.

00:01:20:18 - 00:01:44:26

This hearing will be recorded and available to view after the event, so would ask that when you are speaking, please speak clearly into a microphone stating your name and who you are representing each time you speak. Um, I'll just ask for anybody that wasn't here yesterday to introduce themselves. Um, so if I could just start with the applicant who is here in addition with you today, please.

00:01:46:04 - 00:02:10:03

Good morning, Catherine Tracy For the applicant today I've got on my right Mr. McLaughlin. Um, biodiversity. And on my left I've got Mr. Taylor for noise and Mr. Branch Flower for air quality. And then my colleagues at Douglas Haycock and Mr. Beasley from National Highways, who neither of whom are intending to speak today.

00:02:10:16 - 00:02:15:11

Thank you very much. Um, and for Winchester City Council, please.

00:02:16:13 - 00:02:28:24

Good morning, sir. Robert Green for the City Council. In addition to yesterday, we have failed to reduce chartered environmental health practitioner. Mr. Cedric is fine and here to speak on the air quality and noise agenda. Thank you.

00:02:29:06 - 00:02:32:29

Thank you very much. And can confirm if someone is here from Hampshire County Council.

00:02:36:20 - 00:02:48:27

Okay. No, thank you very much. Um, thank you very much. Um, we will, without further ado, move on to move back to the agenda for this issue specific hearing.

00:02:51:26 - 00:02:52:27

Sorry, Mr. Gillam.

00:02:53:12 - 00:03:26:07

I'm sorry, sir. Chris Gillam, Winchester, Friends of the Earth. Um, it just pertains to yesterday's discussion. Just wondering if the examining authority would like to have posted on the documents the, the the recent report, the last 2 or 3 days from the Transport Select Committee, which pertains to the whole issue of whether we should be planning for traffic reduction or continue with traffic forecasts and feel it's a relevant document to this inquiry.

00:03:32:18 - 00:03:43:24

Uh, Ms.. Gillam, It's not a document we're seeking, but if you believe it would be relevant and important and would assist the points that you're making, then we're open for you to submit it.

00:03:44:11 - 00:03:45:00

Thank you.

00:03:47:12 - 00:03:55:14

Thank you very much. Um, we will now go to 0.5 on the agenda, which is biodiversity.

00:03:58:20 - 00:04:28:06

And the first item is about current survey information for specific species in their local impact report and responses to the examining authorities. Questions. Winchester City Council have highlighted that additional information is required by them to determine whether sufficient mitigation and compensation measures are likely to be sufficient. Can ask Winchester City Council to give the examining authority an understanding of where their current view is and how that information is progressing, Please.

00:04:28:28 - 00:04:59:28

Thank you, Sir. Robert Green for Winchester City Council. Yes, there has been progress between the applicant and the council's ecologist on this point, so taking it in the order that's in the local impact report, the matters for bats, badgers, reptiles and landscaping. We've received the additional surveys and we have no further comments on the survey, so those concerns are addressed. For Dormice, we are just waiting for an updated mitigation and planting phasing plan, which the applicant said in their responses that they'll provide. And the same for birds as well.

00:05:00:00 - 00:05:06:00

We're just waiting for the 2023 bird survey, which is to be provided and we'll assess that when when it's provided.

00:05:07:04 - 00:05:20:22

Thank you very much. Um. I will come to the National Park Authority in a moment, but I'll just ask the applicant if they have any comments on the work with Winchester City Council and anything further they wish to add. Um.

00:05:23:26 - 00:05:45:00

Duncan McLaughlin on behalf of the applicants. Yeah, just just to echo that, the applicant's been working with Winchester City Council to provide updated surveys as they've been progressing. The two outstanding items are currently just being finalized and will be issued to Winchester in the coming weeks.

00:05:45:26 - 00:06:18:10

Thank you very much. Um. She's turning to the South Downs National Park Authority. In their local impact report, they stated that further information was required regarding protected species. And forgive me if this is repeating the same species that have just been mentioned, but including bats, dormice, badgers and birds. In addition, they state that there could be negative impacts on small mammal animals and amphibians having safe passage to various habitats in and around the road scheme, and that the authority would like to see and comment upon any draft mitigation and compensation strategy.

00:06:18:22 - 00:06:32:03

Um, can the um, the South Downs National Park Authority comment on where they currently stand with this information being provided? Um, and, and if they have had sufficient opportunity to comment on the proposals.

00:06:34:00 - 00:06:56:15

Thank you, sir. Kelly Porter from National Park Authority. Um, it's. It's basically the same point we made yesterday. Unfortunately, we get missed out on being sent some of the information. But in terms of both Winchester being satisfied and natural, England, we're we're content with that. We would just like to be included in, in seeing the information and commenting on the information.

00:06:57:21 - 00:07:06:10

Thank you very much. I know this was was mentioned yesterday. Has the applicant got any response to to that, which we've heard a couple of times now?

00:07:07:03 - 00:07:22:03

At Katherine Tracy for the applicant. We're we're happy to send you the information we can send you. But protected species information has a limited circulation. Um, and so if you if there's an ecologist we're not that we can be looped up with more than happy to share that.

00:07:25:09 - 00:07:50:21

Please come back. Come back? Yeah. I mean, obviously part of the purposes of the national park is, is biodiversity. So we would expect to be consulted. And and yes, we do have resources in house to comment, but I'd reiterate, obviously we do work hand in hand with natural England because we're part of the DEFRA family. So I'm not questioning anything. We're satisfied that things have been addressed. It's just please don't forget that you you need to include us as well. Thank you.

00:07:52:01 - 00:08:02:16

I think having heard this a couple of times, I think it'd be useful just to to have some sort of agreement about how these things will be covered and understanding that the slight

00:08:04:05 - 00:08:25:15

uniqueness of the national park position as an authority. And if that could be resolved and certainly seen in the statement of common ground, how that that will continue not only through the I'm sure beyond would be very useful. Thank you very much. And thank you for that, Mr. Porter.

00:08:28:09 - 00:08:58:02

Can I just ask the applicant to update the examiner authority on further information requested by Natural England in the draft statement of Common Ground? As an example, they were asking for additional information to be provided in relation to dormouse translocation. No, natural England aren't here today, but I know there are a few outstanding things Having seen their statement of Common Ground, could you update us on where you are with that important discussion with Natural England, please?

00:09:00:09 - 00:09:14:23

Duncan McLachlan on behalf of the applicant. Yeah. So, so we submitted a draft Dormice licence application to Natural England back in December, I think, and they've been reviewing that through their discretionary advice service.

00:09:14:25 - 00:09:17:26

So can I ask you to be a bit closer to the microphone, please? Thank you.

00:09:17:28 - 00:09:38:13

They've been reviewing that through their discretionary advice service mechanism. They've provided some comments, I think, in March and subsequently we've been updating the draft licence application with the further information that they requested, and that was resubmitted to natural England on the 17th of July.

00:09:42:23 - 00:10:04:25

Is there is there anything that. Obviously not speaking for them, but in your discussions that they still have some concerns about in terms of the progress or in general, are they seeking additional information which you are able and willing to provide to to substantiate or support the application?

00:10:06:14 - 00:10:27:03

McLaughlin On behalf of the applicant Natural England were overall comfortable with the mitigation that was set out in the draft license application. They requested some further information which which we've included in the license application. But we don't think, you know, think with the updated information that will be satisfied with the license application as it is.

00:10:28:28 - 00:10:58:18

Thank you very much. That's very helpful. And obviously, we'll will await further information from those discussions with Natural England and the conclusion of the statement of Common ground with them. Um, just before I move on, obviously the species survey information is, is key to underline the, the biodiversity. Is there anything else that, um, either Winchester or South Downs National Park in particular have concerns about and would like to raise in terms of species specific information or surveys?

00:11:02:01 - 00:11:33:27

No. Thank you very much. Okay. The next item on the agenda is about mitigation and post-construction management. Now, we did cover some of this within our discussion yesterday, so I'm not looking to repeat that in much detail. Um, there were just a few things that I just did want to cover off. Um. The South Downs National Park in their local impact report, did have a continuing concern about connectivity specifically and wildlife corridors and any mitigation proposed for that.

00:11:33:29 - 00:11:55:01

And it was something we also asked in one of our excuse in terms of wildlife corridors and connectivity. Um, since the local impact report, does the South Downs National Park Authority have any remaining concerns still about specifically about connectivity and wildlife corridors and their mitigation, please?

00:11:57:25 - 00:12:06:29

Thank you, sir. Kelly Porter from the South Downs National Park. Um, I'd say our concerns probably still still exist because we think it's a missed opportunity.

00:12:09:16 - 00:12:22:08

Is this is there something more you could highlight in terms of your concerns about the specific corridors and particularly for specific species and just confirm that these are things that you have been discussing with the applicant previously?

00:12:23:04 - 00:12:51:25

Yes. So it is linked to obviously the conversation we've had with Natural England and sorry, national Highways this week with our landscape officer. And we've talked about different, different types of planting in different locations and making some of the tree belts wider, which naturally sorry. National highways have agreed to take away and consider. So obviously we'll wait and see what what submissions they make it, I suspect deadline five, but we'll see.

00:12:53:13 - 00:13:15:09

It just preempted my question. You may have preempted the answer. So thank you. Thank you for that. And obviously, as discussions have been happening this week, um, could you confirm with the the applicant where those discussions are and where you think they may be available for, um, for submission, please.

00:13:17:03 - 00:13:21:09

I think this will be deadline five. Katherine Tracy, the applicant. Um.

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Yeah. Thank you very much. And and I assume that obviously those discussions will continue between now and then. And hopefully, um, we'll be able to see those concluded in the statement of Common Grounds.

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Very much. And. I would just ask Winchester City Council a similar question about wildlife corridors and connectivity in case there is anything they would like to follow up on that.

00:13:49:15 - 00:13:53:18

I think so. Robert Greenfield, Winchester City Council. No further comments from us on that point.

00:13:53:20 - 00:14:45:00

Thank you. Thank you very much. Um, so yesterday we did cover the the item about the first iteration of secularization and the third iteration of the environmental management plans and how they were secured in the DCO. And it was accepted by both Winchester and Hampshire and South Downs National Park Authority that they are comfortable with how that is secured in the DCO. So I'm not going to have that same discussion again, but will just ask, um, Winchester City Council and South Downs National Park Authority if there's any detail in the first iteration of the environmental management plan relating to biodiversity that they might still have a question about, or whether in in general, the first iteration secures enough mitigation for us to continue.

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Thank you.

00:14:47:22 - 00:15:17:28

Thank you. Kelly Porter from the National Park Authority. Yes, we're generally content, but linked to some of the comments we made yesterday. The this idea about fencing being part of the landscape mitigation and also think it was a comment in our local impact report how actually the design of the fencing and the drainage can help small mammals, etcetera. So it's about those are concerns around the linkages and make sure these things are tied together that way but generally content.

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Thank you.

00:15:18:29 - 00:15:19:17

Thank you.

00:15:21:09 - 00:15:29:24

Robert Green for Windsor City Council. Yes, we're satisfied with the contents of the first iteration and also it's how it's secured in the. So no further comments from us. Thank you.

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Thank you very much. And just give the applicant the opportunity to respond if they wish. No, thank you very much.

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In which case I'll just.

00:15:42:14 - 00:16:12:17

Continue to the last bullet point in 0.3 about mitigation, about opportunities for enhancements. The South Downs National Park Authority, in their local impact reports state that it welcomes discussions with the Environment Agency regarding enhancements to the River Itchen as part of a potentially funded project through their designated funds regime And the South Downs National Park Authority considers that those enhancements should be provided as part of the requirements through suitably worded obligation within a Section 106 legal agreement.

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Could ask Miss Porter to update us on this proposal and explain further what would be developed and how it would benefit biodiversity and the biodiversity net gain of the proposal. Please.

00:16:26:02 - 00:16:55:28

But thank you. Kelly Porter from the South Downs National Park Authority. We've not progressed any discussions directly with national highways. I understand that there are discussions going on with the Environment Agency and think it's with the Environment Agency to provide some more information to the applicant. So that's in terms of the specifics. And then obviously, you heard from Miss yesterday how we don't think the mitigation mitigation is sufficient. So therefore, we think this is an opportunity where this could be secured through a Section 106 agreement.

00:16:57:06 - 00:17:22:00

Thank you very much. I know we might have covered this slightly in the last in the first issue specific hearing as well, because the applicant please update us on where they are with those discussions about the wider improvements that the discussions have had with the Environment Agency and also if there's any further enhancements that have been considered that might have been discussed with other parties. In a similar vein, please.

00:17:25:21 - 00:17:41:11

Duncan McLaughlin On behalf of the applicant, I can give you a brief update on the River River action so that the Environment Agency and National Highways held a meeting earlier this year. Think to discuss the potential for.

00:17:43:14 - 00:18:08:25

The use of National Highways Designated Funds scheme to provide enhancements to the river section in accordance with the river rich and restoration strategy. That is, that would sit outside the project is not needed as mitigation for the scheme and that is now with the Environment Agency and National Highways to to progress as they see fit.

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Thank you very much. I noticed you say that.

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Just just just.

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When you say it sits outside the project, just for clarification, it's if that were to proceed, that's not an enhancement that you would ask us to take into account in the planning balance.

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Duncan McLachlan on behalf of the applicant? No, that's correct. The scheme is providing some enhancements to the river section within the red line boundary, but that's that's a separate matter. The designated funds projects with the Environment Agency is outside the realm of the scheme.

00:18:51:28 - 00:19:11:18

Thank you. That for the the other question that was hidden in my questioning about the with the which which the local impact report from the South Downs National Park Authority suggested it should be um could be and should be secured within DCO. Your your answer to that is.

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But he shouldn't be.

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Duncan McLaughlin on behalf of the applicant. Correct.

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Um, and in response to your second part of your question about other enhancements that are part of this, the scheme and the organisations that have been consulted. Um, a couple of examples. The chalk grassland creation on the east of the M3, which now has been discussed at other hearings. Um. The applicant have consulted with a number of stakeholders in relation to to the delivery and design of that in particular.

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Specialists from butterfly conservation who've been involved in a number of chalk grassland restoration and creation projects and gave a presentation to the project team, which has been quite key in influencing the design and the species selection for the chalk grassland creation.

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In relation to the operational road drainage, the suds drainage features. The drainage design has been shared with the Environment Agency for their review and comment during the design development as well.

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Thank you, sir. Just. Just to confirm that the the. The project that is being pursued with the Environment Agency, with designated funds, is in reality the only additional project in that sort of in that vein you're looking at.

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There's another one.

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Oh, okay. Yeah.

00:20:57:27 - 00:21:21:00

Thank you. So there's actually, there's two designated fund projects which are in around there's the River Action project that we discussed. There is also another designated funds project looking at creation of further areas of chalk grassland east of the M3. Um, but again that's, that sits outside the project.

00:21:22:24 - 00:21:42:03

Can I ask? Without going into the mortgage, you can ask why you consider these are sitting outside and don't contribute to the overall balance. I know Ms.. McCoy asked that question and you simply said no. I just would like to know why you've made that consideration. Please.

00:21:43:09 - 00:22:14:02

Yeah. Katherine Tracy for the applicant, having looked at the scheme and the mitigation enhancements that are required. But for the scheme that that's what we've put into the and then if the scheme comes forward. National highways have the designated funds regime to be able to potentially go further and offer more. But certainly the I'm not sure about the Environment Agency conversation as to whether that is directly linked to the scheme going forward.

00:22:14:04 - 00:22:31:07

But the additional chalk grassland can could only really be brought forward if the scheme is then in place, but it's not considered. Necessary as part of the scheme. So it's a, it's a separate pot of money. Um, so yeah, so that's, that's the distinction.

00:22:34:15 - 00:22:52:19

And can I just ask Miss Porter if. Again, just talking about, as we've already done so about communication and communication. Are these discussions that you're aware of that are happening as well and have the opportunity to partake in?

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Thank you, sir. Kelly Porter from National Park Authority. Mean. Yes, we are aware aware of that. And particularly, obviously, the designated fund for the for the Chuck Grassley. But obviously, you you've heard opposition that we we don't don't agree that they should be excluded.

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Mr. Gillam.

00:23:13:25 - 00:23:42:16

Thank you, sir. Chris Gillam, Winchester, Friends of the Earth. Um, I'm not sure whether this comes out of the mitigation of biodiversity or under the air quality, but I'd like to raise the point about the overload of nitrogen deposition on the chalk grassland, which is very, very severe already at the baseline. And there will be additions to that. I know from I'm a volunteer with the Wildlife Trust, and we're frequently concerned about

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when when for example, we're clearing brasch from from from

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one of the sites. We the material is burned because there's nothing else you can do. And we're always required by, by natural England and so on to bag up the the ashes. It's that important to get rid of the nitrogen in the chalk. And the wildlife trusts also have to invest every now and then in chinks, in in scrapes in order to to to if you like deplete the the soil of of nitrogen just just in order to get some of the chalk species chalk grassland species to thrive.

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Um, so this is a scheme which is going to add to the nitrogen deposition on the existing chalk grassland. And I'm just wondering if there are mitigation measures that could be put in place to actually perhaps assist the wildlife trust, for example, to, to, to to manage the grassland in a way to reduce the existing, um, nitrogen deposition on, on, on a species rich grassland.

00:25:06:27 - 00:25:07:17

Thank you very much

00:25:09:04 - 00:25:39:09

there. I do have a question in the air quality section about some comments that Natural England have made in in upon a similar subject. So, um, I will just defer that until um, the air quality section, but it's obviously given the applicant a few moments to think about that question and if during that question any relevance to biodiversity comes back, there's, there's a number of things that were overlapping in today's session.

00:25:39:11 - 00:25:56:19

So, you know, please feel free to, to cross-reference as and when you feel you need to in your answers. But thank you for that and we will come back to it. And as I say, there is a question about airborne deposition. Anyway, um. So the last thing I wanted to look at in terms of.

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In terms of biodiversity was biodiversity net gain. Um.

00:26:07:23 - 00:27:09:09

So. This is a question for the South Downs National Park Authority. In issue specific hearing one. We've already referenced it a little bit today as well. We had a discussion about the importance of landscaping and some changes that you might seek to the landscape and visual measures and the suitability of the mitigation that may be specific to the national park, for example, the chalk grassland that we talked about. Could you explain, if you can, how you see the balance of importance between the importance of the landscape and visual being right and the the importance of biodiversity net gain? And if there's a deemed priority for you between those two and I'll just give you an example, the applicant has already, in their biodiversity net gain calculation, made a concession that chalk grassland gives a far lower percentage gain in terms of pure net gain calculation than other neutral grassland, but has accepted that that is the correct in this space.

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Do you see other priorities being discussed from your point of view? That might affect that that biodiversity net gain calculation. Does that make sense?

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Think. Thank you. Kelly Porter from National Park Authority. Yeah, Cutting to the chase. We accept that for us, a habitat priority is chalk grassland. And unfortunately, in the metric it produces a lower score than other types of grassland. But but for us. Obviously, given the landscape character, the priority is for chalk grassland, and we accept that that has an impact on on the net game figures. And then obviously in our local impact report, we we have suggested that there might be other opportunities.

00:27:55:24 - 00:28:18:26

Again, just picking up on we've talked before about maybe extending some of the tree belt might help increase the figure slightly a little bit more because in the reality is it's it's you take one away, you add to another kind of thing. So overall, don't think there's going to be a massive, massive change in the figures, but there are some tweaking that could happen.

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Thank you. And think that's the point I was trying to ask is if if. You were looking for a wider tree belt. If that impacted negatively on the biodiversity net gain and it may be a positive, is that that would be something that you would in your position would be comfortable with rather than trying to achieve a bigger percentage net gain. Just as a statement of number.

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As I said, our priority, the habitat priority is chalk grassland.

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Thank you. Um, and can I just ask the applicant if they got any comments on that and whether they've we've seen any other compromises on the biodiversity net gain figure? Um, I think in your summary you said the biodiversity net gain is about 4% and could be 14% if, if it wasn't for the risk of the chalk grassland. Is there any other concessions that you've accepted to get a lower diversity biodiversity net gain, or are you comfortable that your your 4% is where you are and those changes may not be significant from now on?

00:29:25:22 - 00:29:55:29

Uh, Duncan McLaughlin on behalf of the applicant in designing the scheme and the landscape design, there's inevitably, you know, different draw pools and things influencing that. And so the designers had to balance biodiversity, landscape mitigation, agriculture and landscape. And all of that has influenced the bigger picture. But I think ultimately we're you know, the applicant is happy with the design that meets the meets its objectives.

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And if there were changes to thickness of tree belts, for example, I'm not sure that would influence the overall net gain score significantly. It may go up or down 1 or 2%.

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Thank you very much.

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No further comment. Nothing.

00:30:22:23 - 00:30:53:12

Even even having that discussion in your local impact report, Miss Port of the South Downs National Park Authority said Policies nine and 45 state that development proposals should only be permitted where they can serve and enhance biodiversity. And the local impact report goes on to say that the current proposals would have negative impacts. Um. Notwithstanding, we've had the discussion that there is an overall positive biodiversity net gain calculation.

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Can you just explain where the differences between your statement that about negative impacts when we've seen a positive calculation? And is that really. In association with your, say, your part, the national park part of the application? Is that what you're referring to?

00:31:11:21 - 00:31:33:05

Thank you, sir. Kelly Porter from National Park. Yes. And also, it's linked to the conversations we had previously in previous hearings about making sure these things are tied together and the concerns we've raised about the management and maintenance of that grassland. Um, but, but hopefully if, if amendments are made to, to the,

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the environmental master plan and the management to pick up on some of these issues, hopefully we'll be able to say that it's a positive. But at the moment that's our position is it's a negative impact.

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Thank you. And can I just ask the applicant if you've actually done a separate calculation for the biodiversity net gain within the national park, whether you felt the need to do that or whether you have any understanding of whether that is positive or negative within the national park itself, bearing in mind the status of the national park?

00:32:08:13 - 00:32:20:29

Duncan McLachlan on behalf of the applicant. We've done a biodiversity net case net gain calculation for the application site as it is, but not a separate calculation for the national Park. Okay.

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Thank you very much.

00:32:31:09 - 00:32:36:07

And is that something that the National Park Authority would welcome or.

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Are we are we

00:32:41:04 - 00:32:48:03

accepting that? Actually the emphasis is really on getting the right thing in the right place rather than a number?

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Thank you, sir. Yeah. You nail on the head. It's it's the right thing in the right place is is our priority. That's fine.

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Thank you very much for that confirmation. Um.

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My next question is, is, um, is about maintenance of the mitigation. And I know we had the discussion yesterday within the DCO section. So again, I'm not going to look to repeat that. I think my question is trying to have a separate question about the five year maintenance period is within the biodiversity net gain assessment. Um.

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The longevity of that assessment. When do when when are you expecting to see the biodiversity net gain come to fruition because of, you know, obviously some things take time to mature in terms of, you know, new planting, etcetera. Is there a timescale that you expect to see that that that percentage increase through, you know, post-construction.

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Duncan McLaughlin on behalf of the applicants. Yes, there is in the the biodiversity metric. Individual habitats have different time periods to reach maturity. And so it will vary depending on the habitats within the specific habitat. So quickly establishing habitats will mature quite quickly, whereas obviously things like broadleaf native woodland will take many decades to reach maturity.

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And is that that detail? Is it within the application or is that information that you could supply separately about how those different habitats will mature over time?

00:34:41:27 - 00:34:45:04

To reach the biodiversity net gain that we that is calculated.

00:34:49:15 - 00:35:22:17

Katherine Tracy the applicant might differ. Um, but the, the time period that vegetation has taken to mature is already inherently factored into the metric calculators so you get a lesser benefit um and percentage from trees that take a very long time to mature versus very quick growing. So it's all inherently embedded into the, the 4%, 4.9% gain that we have.

00:35:22:27 - 00:35:41:20

Um, so it's, it's, it's difficult to separate it out. So you kind of get the game at the point that you plant and then it establishes and then it continues. But the trees, for example, will already be suppressed in their value, um, in acknowledgement that they take 30 years to mature.

00:35:42:29 - 00:35:43:26

Thank you very much.

00:35:45:09 - 00:35:45:24

Um.

00:35:46:27 - 00:35:48:10

I'll come to you in one moment.

00:35:50:24 - 00:36:03:04

In response to to the general question about biodiversity net gain and that that that point about longevity. Does the South Downs National Park or Winchester City Council have any comments they would like to make or questions?

00:36:04:23 - 00:36:06:03

No, thank you. Thank you very much, Mr..

00:36:08:19 - 00:36:39:26

Thank you, sir. It does seem that if the scheme proceeds, it would be extremely difficult to achieve the level of net gain required. I was wondering if there was any possibility and whether National Highways had considered the idea of offsetting the biodiversity actions and funding schemes that would achieve the net gain that is required in this site elsewhere.

00:36:40:15 - 00:36:56:01

There are plenty of schemes that could be funded and I'm sure that funding would be welcome, that would that could deliver a net gain as a result of the activities of national highways on this application.

00:36:58:06 - 00:37:00:17

I'll ask the applicant if they have any comments on that, please.

00:37:00:27 - 00:37:42:09

Kathryn Treacy for the applicant. I think we need to start by noting that biodiversity net gain is not a legal requirement at this stage for nationally significant infrastructure projects, currently actually not for any projects. So while national highways have an internal policy that they want to deliver net gain, there isn't actually a magic number that we are required to meet at this stage. But in terms of what else

can be done, that is precisely the reason for looking at using designated funds to bring forwards additional chalk grassland and potentially contributing to the Environment Agency's River itchen proposals as well.

00:37:42:11 - 00:38:04:06

So it is something that is being looked at. But as it's not a legal requirement, it is not possible for national highways to include it within the scheme and use compulsory acquisition powers to secure land on which to deliver biodiversity enhancements. So so that's part of the reason why it's outside of and using designated funds.

00:38:05:04 - 00:38:06:13

Thank you for that confirmation.

00:38:11:16 - 00:38:25:15

No mean just the points taken, but I'm not sure you absolutely dealt with Mr. Gaga's point, which was in terms of setting and potential for using funds for projects outside the site. So if you could just deal with this specific point.

00:38:26:11 - 00:38:34:22

In terms of offsetting, we don't consider there's a need for us to do that as part of the project. We're delivering what we need to within the red line boundary.

00:38:38:16 - 00:38:39:15

Thank you very much.

00:38:41:27 - 00:38:57:29

So unless there's any final questions about biodiversity net gain from Winchester or South Downs National Park, which I've already clarified, um, we will move on to air quality if. Everybody is in their seats. No changes needed. Thank you.

00:39:09:25 - 00:39:45:27

Okay. So we'll start with looking at some the operational phase forecast and thresholds in their local impact report. Winchester City Council state that harmful emissions in Winchester currently exceed national standards and the city center is currently designated as an air quality management area. The Chapter five states that there is predicted to be some increases and some decreases in air quality in the city and concludes that overall there will be no likely significant effect on air quality for human receptors for an O two Winchester City Council state that they have no high level objection to the assessment methodology in their local impact report.

00:39:45:29 - 00:39:57:10

Can they also confirm if they have an objection or concern about the overall assessment of the effect of O two and the projected forecasts and acceptance acceptability within the air quality management area? Please.

00:40:02:08 - 00:40:34:06

33. On behalf of Winchester City Council, um, it's accepted that the operational increases or decreases in two levels resulting from the proposed scheme are not of a magnitude that impacts upon compliance of the national air quality annual mean and O2 objective of 40 micrograms per meter cubed does not mean the scheme has no adverse impacts as these objectives are higher than those recommended by organisations such as the World Health Organisation, which currently states a ten micrograms per meter cube annual average.

00:40:34:18 - 00:41:02:21

However, it is recognised these standards currently have no legislative standing within England. So overall the scheme at the operational phase is considered to be neutral with reference to impacts on the. It is the short term construction impacts with particular reference to traffic diversions and potential congestion impacting upon the AMA, which is of more potential concern. But note those questions regarding that further.

00:41:04:14 - 00:41:35:16

Trying to be helpful in trying to, you know, segment the the questioning so that we can concentrate on different areas at one time. So thank you very much for your your response. In terms of the operational forecasts and the confirmation that as well as the the acceptance of the assessment methodology, you have no overall issues with the assessment of the impact of the air quality management area. Um, just ask if the applicant has any comments they would like to make on that point.

00:41:38:08 - 00:41:38:23

Yes.

00:41:38:25 - 00:41:39:10

Philip Branch flower.

00:41:39:12 - 00:41:47:03

For the applicants. Um, I'd largely agree with what Sir Winchester Council's comments. The only thing I'd disagree really is the.

00:41:48:21 - 00:42:11:21

Categorization may be neutral, we'd say it's slightly beneficial, small beneficial impact on the AMA. If we look at the receptors that were modeled in the AMA, there were 11 that show a benefits and six that show a perceptible dis benefits. So on balance we think there's a small. I'm a positive impact on the two.

00:42:13:15 - 00:42:20:01

Thank you. Any. Follow up comment that you'd like to make on on that point.

00:42:21:05 - 00:42:30:11

So think the the counting of differences of pluses and minuses such that we take issue with saying it's positive. We would say that it's effectively neutral.

00:42:31:29 - 00:42:44:07

And just to confirm that, that's from Winchester Council. Yeah. And that can confirm whether that has any overall impact on mitigation or other improvement works.

00:42:44:26 - 00:42:45:11

No, sir.

00:42:45:17 - 00:42:53:24

So, yeah, Thank you. So it's, um. Yes. Thank you very much, Mr. Gillam.

00:42:55:03 - 00:43:26:02

Okay. Chris Winchester, Friends to the Earth. Um. I'd take issue two with the the positive benefit because think it's all based on the traffic model for the streets of Winchester. I think that's where they're gaining their so-called advantage and it's actually being monetized. It's a significant part of the benefits they contribute to this scheme. And as I pointed out yesterday, there is no possibility of reliance on the as a result of the traffic validation figures.

00:43:26:04 - 00:43:33:23

There's no possibility of reliance on the traffic figures being used within the Winchester Town network to make such a claim.

00:43:37:21 - 00:43:42:04

Thank you for your comment. Does the applicant have anything they would wish to respond on that?

00:43:45:09 - 00:44:06:23

Philip Brent, The applicant has only to confirm that, yes, that the air quality model is reliant on the traffic model, which shows, with the exception of a small eastern lane Wall Street area. Most of the main roads in Winchester experience a decrease in traffic flow as a result of the scheme. But that's why we have the improvement in air quality as a result.

00:44:07:29 - 00:44:22:15

Thank you. And it is noted your comments from yesterday and understand your questioning of how that then follows through into the air quality. But I think the applicant has answered that question. Thank you very much. Um.

00:44:25:24 - 00:44:57:00

Thank you. Um. So I'd just like to go on to the question of PM 2.5 concentrations. In their written response, Winchester Action on the Climate crisis gave details of the PM 2.5 emissions, referencing the new environmental targets fine particulate matter England regulations 2023 and they state that the environmental statement shows that the scheme will be close to non-compliance by 2028 and potentially non-compliant by 2040.

00:44:57:14 - 00:45:35:28

Um, it's noted that the applicant did reply to the written representations stating that the assessment is in line with the IRB. But can the applicant please update us on any relevant assessment or any pending review of the RB that may be required in light of this new legislation? And if there is an assessment for PM 2.5 at 2040, which is the new legislative target for ten micrograms per cubic meter, and I'll also ask Winchester City Council afterwards if they could have a view on the impact of this new legislation in the area.

00:45:36:00 - 00:45:36:21

Thank you.

00:45:39:08 - 00:46:14:15

A Philip branch. On behalf of the applicant. As she stated the reports the assessment of. Thousand 32.5 in accordance to the current requirement of a 20 microgram limit, which is in the equity limits, the 2040 target for 2.5. Obviously introduced in earlier this year, January 2023 and obviously by 2040. The demonstration of compliance of that is going to be undertaken by DEFRA through monitoring data

00:46:16:06 - 00:46:46:21

and they will basically review the monitoring data from the monitoring network across the country to demonstrate whether that's been compliant or not. It's not there's not a methodology and there's not a requirement for individual schemes to try and demonstrate their influence upon that. The reference. Think to the information within the chapter that shows. PM 3.5 concentrations in the air being above ten micrograms is a valid point, and that is our prediction for opening year.

00:46:47:22 - 00:47:08:26

Um, but by 2040, the measure was that the government led measures that are coming in to reduce background concentrations and contributions from other sources will ensure that that's achieved. And that's the different model has been done to show that. So it's not. It's not for individual schemes and that that opening year data doesn't doesn't affect the 2040 compliance.

00:47:10:25 - 00:47:33:25

So so in effect, from your knowledge of the new legislation that just to confirm what you've said, that there's no there's no onus on individual projects to show they will meet individually the 2040 targets, but it will be through monitoring by DEFRA that that will be monitored through the time period between now and 2040.

00:47:35:12 - 00:48:10:26

That's correct. It's the there's two targets. There's the ten microgram and your main concentration target, which will be all which all deaths from monitoring stations will be used to take an average across the country. And there's also a population exposure reduction target, which is a reduction from between 2018 and 2020 40 to 35% reduction. Again, that will take all urban background monitoring locations from Defra to look at that reduction and they're already running annual reports on that. Now it shows that things are well, things are going in the right direction, but obviously influenced by Covid.

00:48:10:28 - 00:48:19:09

So take a few more years to see how that's progressing. But they have interim targets as well and further measures will be introduced. So it's not for individual individuals.

00:48:19:11 - 00:48:32:25

Okay. Will, I've noticed your hands, gentlemen, will come back to you in a second, but I'd just like to ask Winchester City Council if if they concur that that is their understanding is the local authority with the responsibility for air quality.

00:48:34:27 - 00:49:06:25

Winchester City Council? In short, yes. But may may just expand slightly upon that. Please do. Um. I agree the standard set for Pm10 is 20 micrograms per meter cubed and we're satisfied that that was assessed correctly using the current 105 methodology. Um. There is, I would know considerable development of research and concern over both PM 2.5 and even something now called Ultrafine particles or PM 0.1.

00:49:07:22 - 00:49:54:00

These are legitimate concerns, but don't think they've been fully addressed yet within the current legislative regime. We've already heard that the World Health Organization has recommended targets and there is some confusion. I appreciate that these are in some way obligatory, but we do acknowledge at the moment they have no legislative standing. Um, we agree that the two standards currently set this year under the environmental targets fine particulate matter England regulations 2022, which is what the applicant is referring to, sets two standards, but we acknowledge those are currently for overall government compliance and aren't currently prescribed for local air quality control, specifically scheme by scheme.

00:49:54:27 - 00:49:55:12

Um,

00:49:56:28 - 00:50:32:17

it is important for us to note that although we acknowledge compliance with the current legislative regime, that does not mean we acknowledge that the scheme would not have no negative health impacts. I don't have a crystal ball, sir. It's certainly a very challenging regime with a lot of concern.

And whether additional guidance comes out in the short or medium or long term, I do not know. But I would say currently there's a lot of information coming from Defra suggesting there may be further movement in this area, but as it stands at the moment, I agree with the applicant position regarding the obligatory assessment criteria.

00:50:33:03 - 00:50:59:20

Thank you very much. Thank you. Will come to you in a second. Just need to I just want to, um, um, and apologies for repeating what you've just summarised. I just want to absolutely confirm that you are confident from your position that the applicant has assessed particulate matters correctly in line of what they're expected to do at this moment. But it's a moving it's quite a fast moving area and things may change. Is that is that correct?

00:51:00:03 - 00:51:00:18

Yeah.

00:51:00:20 - 00:51:05:10

Phil Winchester Council In short, sir, Yes. That would be a very good summary of what I've just said.

00:51:05:13 - 00:51:24:00

Thank you very much. That's clear. I've had hands up, unless it's something that's very specific about this, this, this, this discussion will bring in Mr. Mr. Gillan first. If that's is, that's okay. Gentlemen, you both had your hands up. I'll take Mr. Gillam first.

00:51:24:19 - 00:51:51:13

Thank you. Chris Gilman, Winchester, Friends of the Earth. Um. As understand that the there isn't actually a model for the 2.5. So let's understand it from the the what you're doing is relating it PM 2.5 directly to the Pm10. Um, is that correct? So you're not specifically modeling PM 2.5.

00:51:53:04 - 00:52:05:19

Again if you'd like to ask the questions. Yeah, I will. I will ask that question to the applicant. Um, could you please comment on the the measurements of the PM 2.5 as opposed to PM two point 2 p.m. ten, please.

00:52:06:29 - 00:52:51:03

Yes. Philip Branch of the applicants said there is no requirements. Tim says there's no requirement to assess PM 2.5 because the Pm10 concentrations are so well below the objective, there's no risk of exceeding the 2.5 objective. We undertook an assessment. We quantified the PM 2.5 concentrations by combining the modelled PM to this model. PM 2.5 data background concentration provided by DEFRA. We combine that with the modelled Pm10 concentrations from the road traffic that we modelled and that in that way we're over estimating here in 2.5 will only be maybe 60% of road traffic emissions of PM 2.5 depending on source etcetera.

00:52:51:05 - 00:53:04:08

So we've added a larger value, the whole turn into our concentrate, our calculations at PM 2.5 concentration that's reported in the chapter. So we've not we've quantified it, but not perhaps directly.

00:53:05:06 - 00:53:18:25

Thank you. And just a question to Winchester City Council. I know you've said that very clearly, that you're happy with the methodology, and that includes assessing PM 2.5 as based on Pm10.

00:53:21:10 - 00:53:22:22

So that's what the guidance says.

00:53:22:24 - 00:53:24:24

Yes. And you're comfortable with that. Thank you very much.

00:53:27:07 - 00:53:30:23

Together? Yes, of course. Winchester, Friends of the Earth.

00:53:32:14 - 00:53:35:17

I agree that that the guidance is that the.

00:53:37:04 - 00:53:54:09

The fact is that that's a highly questionable it's highly questionable. The Pm10 is an indicator or any kind of proxy for doing PM 2.5 modeling. In fact, two modeling I think is usually reckoned to be closer. Um. What? What?

00:53:57:02 - 00:54:33:11

As far as I can understand, the the reason, the reason for not modeling is that currently we are in a situation of meeting standards. For a scheme of this length. You feel we ought to be anticipating whether we will meet the standards of the future and in particular, we ought to be looking at the likelihood that the sorry, there is an assumption here. I think there's an assumption all along that we're meeting, we're meeting current levels and things will get better.

00:54:34:10 - 00:55:10:25

I think all the evidence is showing that we were. We're meeting standards. We will not meet the standards that are coming up shortly and that things will only get worse because the all the evidence is that PM 2.5 is going to be an increasing factor as a result of essentially of the electric vehicle change of the fleet because the electric vehicles and their brake and particularly their tyre wear are very, very much more emissive in terms of PM 2.5 than the current fleet.

00:55:10:27 - 00:55:19:19

So they ought to be modelling what will happen when the when the the nature of the the vehicle fleet changes.

00:55:22:19 - 00:55:26:17

Thank you. Can I ask you if the applicant has any comments to make on on that?

00:55:29:01 - 00:55:44:05

Yes. Philip Branch, on behalf of the applicant, think there's two points. One is the as we said, they have the 2040 target for ten micrograms of PM 2.5. And I know when the government set that, they set that as something that they were

00:55:46:02 - 00:56:16:27

confident that the modelling showed would be achievable. It wasn't that ambitious. The the monitoring that we have at the moment shows no don't know what the 2023 monitoring in Winchester showed, but there's certainly the 2022 data showed that it was less than ten micrograms in Manchester City centre. So that's already been achieved within the city centre here and Southampton's. The next closest one was also less than ten and most most sites across the country now are. Already less than the ten microgram limit. There's only some very urban ones that aren't.

00:56:16:29 - 00:56:44:23

So that is already moving towards that target is. Progress, good progress has been made. So that that is going to that is continuing through lots of. Lots of measures and not just traffic related. There's lots of other measures in terms of open burning. That was a large contribution to PM 2.5 and other interest in

international sources. So there's a there's a high that should be high confidence that that target will be met and the the impact of the scheme whilst we.

00:56:46:14 - 00:56:57:04

We've also looked at in the common, the combined model in the component mind, body and appraisal report also has a look at the whole balance of the 2.5.

00:56:59:24 - 00:57:30:06

Impacts across the whole study area, and that's part of the economic appraisal and that shows an overall benefit. So over the whole study area showing a decrease in 3.5 and a two concentration sort of pollution average over the population. Um, the final point really is the one changes to fleet and electric vehicles and there's still a lot of work on going on that to see how that will change. There's a real balance there in terms of weight of vehicle and the regenerative braking, which causes a large decrease in emissions.

00:57:30:08 - 00:57:37:15

And how that's going to balance out is still a lot of research ongoing. So it's not all it's not all bad, though.

00:57:38:13 - 00:57:39:02

Mr. Gillen.

00:57:40:02 - 00:58:11:08

Thank you, Chris. Good friends there. Yes, I agree. There's a lot of research going on and a lot of debate about exactly where it will be. But I think generally the the electric car position, electric vehicle position is that whereas emissions are going to be very much more than tailpipe emissions, for example, present fleet, I think that's I think there is a lot of research going on at the moment. I'm prepared to submit something in to indicate that.

00:58:11:21 - 00:58:34:24

The other thing is you say that the we are meeting the standard already in the Central Winchester. I don't think that is true. I think I monitor regularly the net live data and currently the Saint George's Street station has 2.5. The average is over the ten micrograms per cubic meter only. Just. But it's over.

00:58:36:19 - 00:58:56:10

Thank you. If you We're very happy to receive any information you would like to give us in your follow up. I'm happy for, um, Winchester City Council to respond on that point, but it's not necessary. Um. So will probably ask Mr. Garg to for his question. Thank you.

00:58:56:29 - 00:59:34:00

Thank you, sir. Phil Winchester Action on the Climate Crisis. Um. I think we've got a bit of a problem that the legislation needs to catch up on scientific knowledge. And I do appreciate National Highways team the attempts to follow what is absolutely required. But I think we have to go a bit beyond that. We have to go beyond the spirit of saying no more than you are absolutely required to do and think.

00:59:35:00 - 00:59:47:20

Data on PM 2.5 was easily available to this team and could have been included in the application because it was published from.

00:59:49:21 - 01:00:27:18

Uh, Volker Fitzpatrick in the initial paperwork of the scheme. So there are. Existing maps probably derived from the work being done by King's College. About PM 2.5 distribution. They show very clearly that although there's a great deal of background 2.5 that is topped up above the motorways,

particularly in south east England, so to refer to emissions in Winchester City Centre is helpful, but it misses the point.

01:00:28:12 - 01:01:11:27

The map, published by Volker Fitzpatrick of calculated anticipated emissions in 2026, shows quite clearly that the M3 is nudging the proposed standards for I think it's 2029. It's a um, and therefore I think this proposal would be a would be right to be precautionary and retain experts like King's College to do a map of the area and to make predictions about what will happen.

01:01:12:26 - 01:01:48:26

This is important not only in terms of the health section, but also in terms of the economic benefits that have been calculated, because it seems to me very clear that your economic benefit calculations have taken no account of likely hospitalisation health benefits that will be caused by this project. And I also think that increasingly we need to take account of not roadside emissions, but in cab emissions.

01:01:49:03 - 01:02:19:24

And part of the economic benefit should include the likely health benefit of regular users of the M3 and the A34. If the latest ability to do real calculations and produce maps of PM 2.5 are. I have no reason to doubt their approximate accuracy.

01:02:20:05 - 01:02:57:03

It does suggest that people like lorry drivers, regular commuters, etcetera will be exposed not only to the roadside level of 2.5, but and perhaps more research needs to be done on this. But in cab exposure, which will probably increase the level of health dis benefit considerably. And I think that is going to be so significant that it will probably make a fundamental difference to the cost benefit calculation.

01:02:57:17 - 01:02:58:06

Thank you, sir.

01:02:59:18 - 01:03:11:19

Thank you very much. Mr. Garg. If I could ask the applicant just to respond about the PM 2.5 mapping that was referenced by Mr. Garg and also about the the issue of in-car health benefits, please.

01:03:13:11 - 01:03:14:09

This benefit. Sorry.

01:03:14:21 - 01:03:15:06

Yeah.

01:03:15:16 - 01:03:50:22

Philip French. Behalf of the applicant. The 2.5 maps. I think they're being referenced are derived from different background map data. They were based on. They were derived from 2018 monitoring data and probably protected for to 2026 or 2027. And yeah, they do show that within sort of the motorway area then think levels will be background levels would be above ten anyway. So that's that's agreed. But obviously, the target is a 2040 target to ten micrograms, which is updated.

01:03:50:24 - 01:03:53:14

Modelling shows that that will be that will be achieved. So.

01:03:56:14 - 01:04:04:19

Yeah, there's that data is within the public domain and let's show that. And that improvement will result in the 2040 target being met.

01:04:06:09 - 01:04:07:15

Um, there's also.

01:04:07:17 - 01:04:40:25

The economic benefit points. I mean, the health health impacts of air quality are within the economic system. The combined, um, combined modeling appraisal report does look at the air quality changing air quality impacts and monetizing that in terms of health benefits. So through the differ approach, so that that is within the assessment. And so that provides an overall benefit in terms of air quality because there's an overall reduction in exposure at population. To air pollution scheme, but that obviously only focuses on residential.

01:04:40:27 - 01:04:50:19

We only look at residential receptors and other receptors like schools and hospitals. We don't look at car exposure to air pollution. That's not part of the assessment process.

01:04:55:02 - 01:04:55:18

Mr. Gang.

01:04:56:17 - 01:05:05:00

Thank you, sir. Phil Wintrust Action. Climate change. So take that chair as.

01:05:07:04 - 01:05:38:26

A confirmation that in cab health benefits have not been included in the black box model. We spoke about black boxes and what's in it and how it would be preferable to have a little bit of narrative saying what the black boxes contain. So now we have a little bit of commentary demonstrating that probably the major health benefit that will be suffered by users of the motorway has not been taken into account.

01:05:42:06 - 01:06:01:29

Thank you very much. Think I'll ask if in the summaries of this hearing whether this could just be referenced in terms of what the your the standards are required in terms of in-car so that we can have that clearly stated by the applicant. Thank you very much. I was going to go to.

01:06:03:29 - 01:06:04:26

Councillor Porter.

01:06:06:14 - 01:06:07:02

Yes, please.

01:06:09:15 - 01:06:43:07

Can't support a cabinet member at Winchester City Council for place and local plan and air quality actually, and I'm conscious that it is an area of developing knowledge and it may well be more specific to actually look at this to public health. By 2027, we will know much more. And we have an but also all local authorities are required to provide air quality strategies and to have air quality strategies by the end of 2024, which include national and local contributors to that air quality, particularly for PM 2.5.

01:06:43:28 - 01:07:15:27

So we are reviewing the impact not just on the air but also on the whole district. So we're required, as is said, we're actually in compliance. We believe that that the process at the moment is as it is, but we're conscious that we have to look at the impact on the whole district. And one of our most vulnerable communities is actually on Eastern Lane on Wall Street, just at the very point where we

come into the city at that point and alongside the M3. So we have a we're conscious of the national target, PM 2.5 of ten.

01:07:15:29 - 01:07:55:29

And as you said, it's it's close to ten, but it isn't. It has risen this year and it's nearer 11 and at our current monitoring site and we acknowledge that we have one monitoring site and so we're looking to extend that as part of the air quality strategy. And because we want to reach the government target ahead by 2040. And we're also conscious that and it comes up in a little while about the during the construction process and the 17 months and the diversions. And Mr. Tedrake will talk about that when we get to that point to recent meeting about public health, the the public health director of public health said that the is not the creator of health.

01:07:56:01 - 01:08:33:03

Local authorities are in the way that we have to manage air quality parks, leisure centres, etcetera, etcetera. So we are being very conscious that the 2.5 for the city comes from a number of sources and a variety of distances. And so having a standard 20 actually could impact on us quite a significant to quite a significant degree. Um, so I fully concur with the point that that's been made by Mr. Gillam. On that point, we're also conscious that this development of the road is timed to be completed by 2027.

01:08:33:08 - 01:09:13:19

It actually may well be longer than that, but actually the operation of it will be longer. And so we would be trying to seek an improvement to have those qualities at least monitored as part of this process so that we know if it is making a difference and it is making a change rather than just predicted. And we really want to look at the impact for from the point of view of the developer and the applicant, not just on the but on the whole district. As said, most vulnerable community is right along the M3 and we really want to make sure that any outcome from this application does not make it worse for that community.

01:09:15:02 - 01:09:22:06

Thank you very much. I will ask the applicant if they've got any any immediate state responses to.

01:09:23:25 - 01:09:24:26

Councillor Porter.

01:09:27:28 - 01:09:58:18

No, thank you. Think. Think. We've, um. We've. We've aired the 2.5, um, issue quite well and think we're possibly going to be straying into, into things that are beyond what we can certainly discuss with regarding this application. But there is obviously the opportunity for people to, to, to further make their points in, in follow ups to the to the hearing at the next deadline. So I'd encourage people to do that if they wish to make further points.

01:09:58:20 - 01:10:29:12

So I'm going to go on now to the issues highlighted by natural England regarding habitats. So this is direct questions to the to the applicants in their answer to examining authorities questions. Um 5.122. And in the statement of common ground with natural England, the references air quality impacts on biodiversity, mentioning concerns with types of airborne pollutants, which was referenced earlier, which is this is where I'm coming back to it e.g.

01:10:29:20 - 01:10:56:27

acid deposition and that further documents are being produced. Can the applicant please give further updates on details regarding Natural England's concern with the assessment of air quality impacts, including a full list of airborne pollutants which they consider should be assessed and what the

applicant intends to do in providing a revised appendix 8.3, which is what was mentioned in a response to natural England. Thank you.

01:10:58:05 - 01:11:00:10

Duncan McLachlan, on behalf of the applicant

01:11:02:09 - 01:11:36:00

Natural England, provided a number of comments back in March, predominantly related sorry, on the Appendix 8.3 assessment of operational quality impacts to biodiversity and the comments from Natural England were predominantly in relation to the methodology followed within the assessment. And as you mentioned, they've requested the inclusion of some additional pollutants within that assessment, including acid deposition. Natural England were not they didn't challenge the conclusions of the assessment per se.

01:11:36:02 - 01:11:58:27

It was more a matter of process. And subsequently the applicant had held a meeting with Natural England to talk through their comments in further detail and is currently in the process of updating the assessment presented in Appendix 8.3 with a view to submit it to the examining authority at deadline for.

01:11:59:20 - 01:12:02:27

That's good to hear. Was hoping you say deadline for. Um.

01:12:04:16 - 01:12:23:07

So can you just say we've already said once in the absence of natural England here today, do you believe they have remaining concerns or do you think that the the discussions you've had and the extra work that you've been doing is going to make them comfortable with with the position?

01:12:25:02 - 01:12:30:02

Duncan MacLean on behalf of the applicant. During the meeting we held with them.

01:12:32:22 - 01:12:42:15

The impression was that if the comment, their comments that were provided back in March were addressed in the updated Appendix 8.3, than they would be satisfied with your with the assessment.

01:12:42:23 - 01:13:00:09

Thank you very much. And will just go back to the point that Mr. Gillam raised earlier about deposition of on the chalk grassland. I'm sure Miss Port would be interested to whether you have a response or whether it's actually tied up with with the updated appendix 8.3 that you've mentioned.

01:13:01:12 - 01:13:33:21

Duncan McLaughlin on behalf of the applicant. So nitrogen deposition to designated sites, including all of those with chalk grassland characteristics in the local area, were assessed in Appendix 8.3 in the original version. So that that assessment focuses on nitrogen deposition and the modeling showed some minor increases and decreases to those sites, But overall no significant effects were identified.

01:13:34:16 - 01:13:35:29

Thank you very much. Um.

01:13:39:27 - 01:13:49:07

We look forward to the updated Appendix 8.3 and we will look forward to Natural England's response. Thank you very much. I've just.

01:13:49:24 - 01:13:50:09

Sorry.

01:13:50:11 - 01:14:04:00

Please check. Um, I think Mr. Gilliam's question perhaps went a little further than that and wondered if you could provide a full response to what he asked, for example, and he was suggesting perhaps some.

01:14:05:28 - 01:14:19:13

Contribution or work could be made to improve the existing situation and perhaps by way of an enhancement. But perhaps you can give me your view on that.

01:14:22:28 - 01:14:43:01

Duncan McLaughlin On behalf of the applicant providing mitigation or enhancements or equality effects can be included where significant effects have been identified. But in this instance that no significant effects were identified and therefore no further action was considered necessary.

01:14:49:06 - 01:14:49:21

Just kidding.

01:14:50:23 - 01:14:51:13

Mr. Gillam.

01:14:52:28 - 01:15:08:12

Thank you. Thank you. Um, have to take issue with this. No significant effects. This is camel. This is straws on camel's backs. There is very large existing overload of nitrogen on the chalk. Chalk grassland.

01:15:09:07 - 01:15:09:28

It is.

01:15:11:00 - 01:15:47:18

You can't say that because it's small compared with this huge overload that it's insignificant. Mean What stage does something become significant? What. And it think the if you're going to add to something which is already in excess, you ought to be asking, how can I mitigate that And the way to mitigate it. Well, don't really I don't know enough about land management to suggest, but suggest that you could be asking questions of the people who do as to how you could mitigate the existing overload of nitrogen.

01:15:47:20 - 01:16:06:25

Nitrogen on the chalk, chalk, grassland. We have problems already with places like Deacon Hill where there are nettles growing through the level of the the level of nitrogen accretion on that slope. And that is a chalk grassland, which ought not to have that kind of vegetation on it.

01:16:11:06 - 01:16:13:03

Can I ask the applicant if they have a response to that, please?

01:16:16:14 - 01:16:28:15

Catherine Treacy for the applicant will take that one away if possible. Please respond in writing. We'll endeavor to do that in our post hearing summary. But if it takes longer, we'll submit it separately.

01:16:28:28 - 01:16:30:14

That's very much appreciated. Thank you.

01:16:35:22 - 01:17:10:25

So just before we adjourn, we will just I just wanted to cover the last bullet point on the operational phase, which is about mitigation and monitoring. And it has just been, um, mentioned about monitoring. So the Chapter five of the environmental statement states that the assessment of air quality does not have a significant air quality impact and does not affect reported compliance with air quality regulations and therefore mitigation during operation is not required. And it goes on to say that no specific enhancements will be included for air quality, which we have just discussed.

01:17:11:04 - 01:17:24:22

Um, can Winchester City Council confirm that they agree with, with the approach and no, we just mentioned it as well. And if enhancements to support improvement of air quality area has been discussed at all.

01:17:29:26 - 01:17:48:18

Of Winchester City Council because there was compliance and I haven't had any discussion regarding specifically regarding mitigation. Any mitigation that the applicant would offer would be greatly welcomed. As we've already discussed, there's a difference between compliance and zero health impact. Thank you, sir.

01:17:49:29 - 01:18:18:03

Thank you very much. Um, and just before I ask the applicant to respond, finally on these two points, we. Councillor Porter did mention about, about no monitoring, um, being required in, in the operational phase. Um, bearing in mind the discussions we've had about emerging, um, information and the new legislation. You can ask Manchester City Council if they believe that that is still the correct assessment.

01:18:21:23 - 01:18:31:26

So, yes. At Winchester City. It is a correct assessment in accordance with the guidance. Again, addition to mitigation and monitoring the applicant would propose would be welcomed.

01:18:34:07 - 01:18:39:16

Thank you. And just on those two points. Can I just ask the applicant if they have any responses, please?

01:18:45:03 - 01:18:47:05

A branch of the applicant only to.

01:18:48:27 - 01:19:08:07

Yes, the the findings of the show that no mitigation or monitoring is required. Um, in terms of the ongoing monitoring. Obviously the Winchester City Council have an ongoing requirement to undertake monitoring as they are only at the moment and through Winchester, so that that monitoring itself can be used to show any.

01:19:09:24 - 01:19:15:10

Adverse or beneficial impacts to a degree as well. So I don't see a need for additional monitoring at this stage.

01:19:16:01 - 01:19:26:01

Okay. Thank you very much. And if any of those discussions do continue, I'm sure we'll see them in the updated statement of Common Ground moving forward. Um.

01:19:27:24 - 01:19:48:14

Just ask me any further questions before. In which case, before we take a move on to the next part of the agenda. I will suggest that we have a 15 minute break now. So it's now 1120 and we will adjourn until 1135. Thank you very much.