

M3 J9_ISH3_8th AUG_PT2

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00:00:05:12 - 00:00:16:25

A hearing is now resumed. I'm going to ask my colleague, Mr. Sims, to deal with the to lead on the next agenda item. Mr. Sims.

00:00:16:27 - 00:00:51:08

Thank you very much. Um, yes. So, um. This agenda item is about the implications of any updates and reviews, in particular the recent updates of the Solent to Midlands route strategy. The original 20 or the 2017 route strategy document is referred to in the case for the scheme and there's been an update very recently in May 2023 with a new Solent to Midlands Route Strategy Overview report, which does make reference to the M3 Junction nine being included from the Risk two programme.

00:00:51:14 - 00:01:25:22

Is there anything you'd like to comment on the updated route strategy and its objectives in relation to Junction nine? And also picking up a little bit of a point earlier? I was going to ask anyway, was there any requirement to review live projects that move from risk one to risk two and similarly from risk two to risk three? In light of the new thinking requirements in those route strategies and the the latest Road investment Strategy programme.

00:01:31:06 - 00:01:45:21

Katherine Tracy if the applicant. I'll take the last point first. No. Once it's been allocated in risk, the the in principle doesn't get reviewed when it goes to risk two or even to risk three. So the assessment is done at risk one.

00:01:47:09 - 00:01:49:18

And then I'll hand over to my colleague, Mr. Buckle. Thank you.

00:01:50:05 - 00:02:17:08

Points on behalf of national highways with reference to the specific objectives outlined in the 2023 report. Objective B refers to improvements to the NTN 23 and cycling routes. Objective C addressing congestion on the A34 and objective D enable more efficient freight movements.

00:02:18:24 - 00:02:40:27

In that context. Our position is that our scheme is consistent with those objectives and it's noted that the document will be, my understanding, updated at the end of 2025 and is in effect a rolling document with versions from 2015, 2017 and so on.

00:02:42:08 - 00:02:44:28

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

00:02:46:14 - 00:03:17:01

I'm not expecting an answer to this follow up question now, but I know you're going to be responding on alternatives to the scheme. Free inclusion in the road investment program. Just when you do that,

can you just clarify something for me to help me because I'm reviewing the route strategies. The original Junction nine wasn't included as part of the Solent to Midlands route strategy.

00:03:17:12 - 00:03:42:10

It was included in the M25 to solar route strategy. However, your case for the scheme mentions only the route strategy for the Midlands. So unless you would like to comment on that now, I would very much welcome an explanation of how Junction nine got into the programme.

00:03:43:29 - 00:03:49:09

Based on the fact it was in a different route strategy to the one that you're referencing in the case of the scheme.

00:03:51:28 - 00:03:55:28

Katherine Tracy. Yes. Will pick that up in written submission.

00:03:56:05 - 00:03:57:03

Thank you very much.

00:04:02:16 - 00:04:03:01

Mr..

00:04:05:11 - 00:04:46:17

But thank you, ma'am. Phil Winchester Action on the Climate Crisis. I'm slightly surprised that in response to the last question, the applicant didn't point out, um, objective D enable more efficient freight movements along the corridor. M3 and. 827. To and from key gateways outcome improved access to holistic rail freight options at the ports with more freight moved by rail than on the roads.

00:04:47:03 - 00:05:20:18

That does seem to be really quite pertinent. Objective H to support sustainable transport options for the south of the route. We aim to encourage connectivity to and from Southampton and surrounding cities and towns, including Portsmouth and Winchester through improved integration with sustainable traffic modes to benefit local residents.

00:05:21:04 - 00:05:58:10

Outcome Improved integration and connection between the SRN and sustainable options. Reduce traffic on the SRN. The contact contacts makes it clear that things like transport interchanges that Winchester Station, for example, would be a very useful way of reducing the volume of traffic. This does seem to be very important and also embarrassingly links back to earlier discussion.

00:05:58:12 - 00:05:59:24

Thank you. Man.

00:06:01:17 - 00:06:02:09

Thank you.

00:06:06:01 - 00:06:09:08

Gotta check if the applicant wants to respond now to that.

00:06:11:12 - 00:06:13:13

Katherine Tracy for the applicant? No, ma'am.

00:06:21:13 - 00:06:22:06

Mr. Gillam.

00:06:24:08 - 00:06:46:04

This, actually. Thank you. Chris Killen, Winchester, Friends of the Earth. This is actually not the the Solent Midlands route strategy, but it talks about other updates. I understand that there's an M4 to South Coast study, which is from National Highways, which is with the Secretary of State. That is um,

00:06:48:20 - 00:07:19:04

essentially think the, the main corridor that's being considered is from the M4 Junction 17 and Southampton is one of the, the ports in question on the south coast that it's looking at. And my understanding is that that report to the possibility of going south from the A350 to south of Warminster. So it is actually proposing.

00:07:20:17 - 00:07:38:08

It is actually talking about alternative corridor effectively through the A36 to Southampton. And I'm like, that seems to me to be relevant to consideration of movements north south from Southampton.

00:07:41:16 - 00:07:46:02

Thank you, Mr. Gillen. The applicant want to make any response?

00:07:47:27 - 00:07:48:12

Ma'am?

00:07:48:14 - 00:07:49:03

Not at this stage.

00:07:57:24 - 00:08:44:27

Right. And that's case we will move on to the next gender item, which relates to local plan and other policies. And the first. Bullet point that really relates to the relationship between NPS and policies and the local plan. And this is, of course, a Section 104 Planning Act 2008 case. But just wondered if the any of the councils wanted to say something in relation to the local plan as relevant and important considerations and how you would like us to consider any conflict between the two?

00:08:50:14 - 00:09:13:27

Thank you, ma'am. Kelly Porter from the South. National Park Authority. Bridges obviously just wanted to pick up on the key point that obviously the and more specifically our local plan policy three are consistent with each other when it comes to major development and and the tests that are required for you to consider. And obviously our position should be given significant weight.

00:09:16:12 - 00:09:17:02

Thank you.

00:09:19:26 - 00:09:22:13

Councillor Porter. Thank you. Councillor Porter.

00:09:22:15 - 00:09:36:29

Interested council. Obviously the importance of sustainable transport modes is very important to us and Winchester City Council is in the process of constructing its new local plan and as such has.

00:09:38:24 - 00:10:08:17

Commissioned work through Hampshire County Council looking at sustainable transport and the impact of transport on our local plan, of which carbon neutrality is a very important point. And that is due not until not until next April. So we won't know the outcome of that. But it is specifically looking

at the emerging policy for the County Council, which is looking again at all manners of sustainable transport to reduce the number of vehicles on the road.

00:10:11:09 - 00:10:25:19

Therefore, it is important because we are looking at not the old NPS and but looking at towards hopefully revised draft, which is much more sustainable and much more carbon.

00:10:27:13 - 00:11:05:05

Thank you. And perhaps it sort of including the second bullet point as well. If come back to Winchester City Council now, we will be discussing climate change in more detail later on. But in terms of relevant local plan policies, your local impact report states the proposal is in conflict with the climate policies and aims of the action plan. So could you perhaps confirm that to be the position and which Winchester local plan policies you could you consider the scheme to be in conflict with?

00:11:07:00 - 00:11:36:20

Thank you, ma'am. Robert Green for Winchester City Council. Yes, that is correct. I'm just making sure I've got the correct policy number before I say it, which is one, which is because of the timings of the local plan, obviously written, you know, 2013, it's not explicitly referencing climate change across the local plan like the new emerging plan does, but it is one which which mentioned climate change impact and supports proposals that mitigate climate. So that would be the one.

00:11:39:01 - 00:11:56:20

Thank. Thank you. Perhaps the similar question for South Downs National Park Authority. If you could indicate which of the South Downs local plan policies at this stage of the examination, you believe the scheme would be in conflict with?

00:12:00:03 - 00:12:09:27

Thank you, ma'am. Kelly Porter from the South Downs National Park Authority. Yes, it's set out in our local impact report. But in in. Sorry.

00:12:11:13 - 00:12:14:14

Now. That's all right. And your position hasn't changed since then?

00:12:15:01 - 00:12:16:03

No, it hasn't. Thank you.

00:12:19:15 - 00:12:29:10

And does the Hampshire County Council want to say anything in relation to this and whether any local transport policies would be in conflict with the scheme?

00:12:31:19 - 00:12:44:12

Thank you. Laura McCulloch, Hampshire County Council. Um, no. As far as the County council is concerned, the scheme is consistent with the policies in the current local transport plan and the emerging local transport plan.

00:12:54:21 - 00:12:59:20

I'll just check if the applicant has any, any response or anything you want to add on to this topic.

00:13:08:02 - 00:13:11:15

On behalf of national highways.

00:13:13:10 - 00:13:35:13

In response to Winchester and the relevance of the Carbon Neutrality Action Plan. It's perhaps worth just highlighting on page eight that it states that the purpose of this action plan for the purpose of this action plan, the scope will exclude motorways as these are national infrastructure and require a national response.

00:13:37:00 - 00:13:43:06

So therefore we consider that got limited weight given that statement was in the plan.

00:13:44:24 - 00:13:52:27

And our position is that we also give limited weight to Winchesters at Policy one.

00:13:54:20 - 00:13:59:00

And we'll discuss that in further detail in the climate session.

00:14:04:19 - 00:14:07:07

With respect to South Downs National Park.

00:14:11:08 - 00:14:14:11

The only point we'd like to highlight is that, um.

00:14:16:26 - 00:14:43:10

Major development test policy three and part one considers what is major development, and we agree that the scheme is major development. Part two does mirror paragraph 1.51 of the NPS and then and part three is in relation to conserving and enhancing the special qualities of the national park which we've outlined in Table 7.1 of the case for the scheme.

00:14:46:18 - 00:14:56:17

Thank. Thank you. Just for a moment, Mr. Gallagher. See that Dr. Boswell has his hand up so I could ask Dr. Boswell to join us on this.

00:15:00:18 - 00:15:54:17

Yes. Thank you, ma'am. Um, on the issue of the local transport plan and the four, which. Understand, um, what the city councillor has just said is in preparation will be quite a few months away. Um, I think it's worth noting that you're effectively in a chicken and egg situation on this, in that the transport decarbonisation plan from the government back in 2021 said that, um, local transport plans would have to provide um, local carbon budgets for transport, um, for the local authorities to implement and so on.

00:15:54:19 - 00:16:37:00

Yet we're in a situation where those local transport budgets have not yet been developed apparently, and certainly not in, you know, a formally accepted plan which has gone through the County Council and the city council and so on. So you are in a chicken and egg situation here in that, um, it's impossible actually to assess whether this scheme will meet the those local carbon budgets when they're set in that four because that four is sort of way off actually being, um, finally, um, you know, accepted.

00:16:37:06 - 00:16:37:21

Um.

00:16:40:25 - 00:16:43:12

So I just wanted to put that on the record. Thank you.

00:16:46:05 - 00:16:51:02

Thank you. And think it was Mr. Gag. You had your hand up.

00:16:53:10 - 00:17:31:01

Thank you, ma'am. Um. I. Have not seen the latest iteration of the Hampshire County Council for draft, but I am very surprised that Hampshire County Council have said that there is no conflict. Um, there is a in the first draft that we all commented on and there's been no no news yet of any redraft, although I have sat through a number of very interesting meetings.

00:17:31:12 - 00:18:02:29

Um, one of the key objectives in the draft that I've seen was to reduce car use by 10%. I don't see how this proposal could in any way be consistent with that. Um, similarly, there is a great deal of emphasis on greater use of um, uh.

00:18:04:00 - 00:18:45:04

The public transport, cycling and walking. And I think this will probably in terms of its encouragement and removal of a bottleneck for car driving, a increase the overall use of cars in the county and also threaten what remains of public transport routes. So I'm very disappointed that Hampshire County Council hadn't been able to spot the conflicts, but I hope we can put the conflicts on record.

00:18:45:08 - 00:18:45:29

Thank you, ma'am.

00:18:48:07 - 00:18:49:05

Thank you. Does the.

00:18:49:07 - 00:18:49:28

Applicant wish to.

00:18:50:00 - 00:18:50:21

Respond?

00:18:56:07 - 00:19:33:10

Right. In that case, I'll move on to the next bullet point under this agenda item, which relates to the national planning policy framework and the applicant's case for the scheme refers to paragraph five of the, which makes it clear that it does not contain specific policies for nationally significant infrastructure projects. Are there any comments from um parties in relation to any aspects of policies that you consider may be relevant to this case?

00:19:35:17 - 00:19:37:27

South Downs National Park Authority.

00:19:38:14 - 00:20:10:01

Thank you. I'm Kelly Porter from the National Park Authority. I just wanted to highlight the point we already made this morning. Obviously the recent changes to the highlight and give greater emphasis to good design. But obviously we we would say that good contextual design is already contained in our local plan in what we refer to being the landscape led approach and specifically policies four and five. And you've already heard from me today that he say the currently the scheme is in conflict with those policies.

00:20:10:07 - 00:20:10:22

Thank you.

00:20:11:17 - 00:20:12:22

Thank you. Thank you.

00:20:15:15 - 00:20:21:23

Does the applicant wish to respond or add anything to what you say in the case of the scheme on this?

00:20:23:07 - 00:20:38:04

Katherine Tracy for the applicant. I think we're just reiterate that the itself makes it clear where the NPS is applied to nationally significant infrastructure projects and. I would ask you to note that paragraph, which is 1.19.

00:20:42:16 - 00:20:44:06

Oh, sorry, Mr. Grant.

00:20:44:16 - 00:20:46:13

Monarch Grant for the National Park Authority.

00:20:47:23 - 00:20:48:25

Just to double.

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Check, there's no dispute about what Para five says, but, um, certainly our view is it's still a material consideration for. You Don't understand that to be disputed, but let me know if otherwise.

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And no, we.

00:21:03:05 - 00:21:07:17

Didn't include the whole reference. I hadn't read the whole.

00:21:10:06 - 00:21:11:11

Right. Thank you.

00:21:17:09 - 00:21:31:00

Right. We move on now to item three on the main agenda, which is climate change and GHG emissions. So the first bullet point relates.

00:21:33:02 - 00:22:10:05

That relates to the effects of the proposed development on climate change during construction and operation. The second relates to the adequacy of the assessment of carbon emissions, including cumulative impact. So Am actually proposed to deal with the second bullet point first. That is to say, the adequacy of the assessment in the light of various criticisms that have been made by interested parties, and then to go on to consider the implications of this in the context of the ability of government to meet its carbon reduction targets under the first bullet point.

00:22:10:15 - 00:22:45:01

So the paragraph 517 states that for road projects, applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets. The Chapter 14 concludes that the effect would not be account. So I want to deal first with certain matters raised by Dr. Boswell's written representation. Insofar as parties are able to do so, given that it is a late submission.

00:22:45:05 - 00:23:16:13

So this raises a key issue how the significance of carbon emissions associated with the scheme are assessed. And it's also critical of the cumulative assessment, asserting that it does not meet comply with the infrastructure planning EIA Regulations 2017. He also makes reference to a recent High Court decision to which was a party and which considered the same issue in relation to three other schemes.

00:23:18:13 - 00:23:53:29

In that case, the court confirmed that the approach taken to the assessment of the cumulative impact of carbon emissions in all three decisions did not breach the relevant regulations. So I could ask Dr. Boswell first. Hope he's still with us. Yes. Thank you. First first, could you update us on the current position regarding you said you were going to appeal that judgment. Could you update us on any appeal that has been made or the progress of that?

00:23:54:21 - 00:23:57:09

Yes, absolutely. Um,

00:23:59:05 - 00:24:36:01

that was after the judgment, which was July the 7th. The High Court one. There was three weeks in which to apply for permission to appeal. And, um, my lawyers submitted a permission to appeal document on Friday, the 28th of July. So about ten days ago. Um, so that is really where we're at now that, um, I've applied for permission to appeal and we now have to wait to see what the appeal court um, you know, say on that.

00:24:38:02 - 00:24:38:17

All right.

00:24:38:20 - 00:24:39:27

Thank you. But, um.

00:24:41:22 - 00:24:49:01

No doubt you'll keep us updated as to any progress on that. Yes, sure. But as things stand.

00:24:49:28 - 00:24:50:25

Now.

00:24:51:07 - 00:25:10:08

In this stage of the examination, you accept as a matter of law, as it now stands, is your position that the applicant's cumulative assessment still does not comply with the regulations? As a matter of law in the light of the judgment.

00:25:11:26 - 00:25:12:11

Um.

00:25:14:03 - 00:25:48:11

I sort of have a twin track approach in my consultancy, which is science and legal matters. Um. And what. Myself and my lawyers have done. Is we've done forensic analysis on the numbers that you find in the climate change chapter. And then these are common to all the road applications, I should say.

00:25:48:13 - 00:26:23:15

You know, national highways use a common approach. We've done a forensic analysis of how those numbers, if you like, move through the system, through the sausage machine of calculation. And that analysis has been both scientific and legal. And where we're at now is that. As a long term scientist,

I'm completely sure that there has been no cumulative assessment done, and that is what I've said for the last two years.

00:26:23:17 - 00:26:54:00

And it's crystal clear now in terms of the legal matters pertaining to that. Each of those forensic steps has also been looked at in terms of legal issues and case law and so on. And where we are now with going to appeal is essentially very, very thin argument around, you know, 2 or 3 of those steps and how the law applies to them.

00:26:54:02 - 00:27:24:03

And also that's not just the steps in the Chapter 14, of course, it's also the steps in the secretary of state's decision making process. And, um, you know, my view is that my lawyers have put in an arguable case to the appeal court. Um, you know, that's also their view. Or they wouldn't have done it. They wouldn't have taken the task on. Um, and we have to wait now to see what the appeal court say.

00:27:24:05 - 00:27:46:22

So my position in summary is that scientifically there has been no cumulative carbon assessment done in this, um, environmental impact assessment or the environmental statement. And legally we wait to see for the courts to see the reality of that in terms of legal matters, that's where stand.

00:27:48:27 - 00:28:15:08

Thank you for that. Dr. Boswell. Um, can I ask the applicant I appreciate that this representation was accepted late. Is there anything you wish to say at this hearing in relation to the recent Boswell Judgment and its applications to the facts of this case and the approach taken by the assessment?

00:28:16:23 - 00:28:39:07

Katherine Tracy For the applicant, the this assessment for this scheme was undertaken um, in accordance with the same methodology as those cases, subject to the Boswell judgment, which was dismissed. So we consider that our assessment, um, does meet all the relevant legal tests.

00:28:41:03 - 00:28:45:23

In respect of the wider submission by Mr. Boswell. Do you want to respond now?

00:28:49:05 - 00:28:50:07

We'll pick, given.

00:28:50:09 - 00:28:56:12

That we've only had sight of that yesterday. I think we will pick that up. In written submissions, please.

00:28:57:27 - 00:29:27:21

I also wondered if you, um, wanted to comment on the other perspective. Court proceedings mentioned by Dr. Boswell in that is to say the announcement on 7th of July 2023 by Friends of the Earth Clientearth and Good Law Project, that they are taking court proceedings against the Government in relation to the net zero strategy and again its relevance for this case.

00:29:31:07 - 00:29:42:15

We don't have the details of that challenge, but we so we'll respond in writing in respect of what we may want to say. I'd have to take instructions.

00:29:59:22 - 00:30:33:28

Again, this may be something that you can't deal with yet, but it seems to me that your position on the assessment is that including other existing and or approved developments within both the DM and

scenario complies with the DM 114 and then in turn the EIA regulations and furthermore through road scheme, the UK wide industry standard methodology for use in assessments is that set out in DMB.

00:30:34:01 - 00:30:55:01

Could just check that I have understood your position correctly and mean Dr. Boswell did provide his his own quite detailed assessment in the written representations. Is there anything you wish to add now in response to Dr. Boswell assessment?

00:30:59:04 - 00:31:11:13

On behalf of the applicant think we've responded on points on this in regards to how our assessment aligns, which is the standard method for the schemes. So nothing further to add. Thank you.

00:31:12:12 - 00:31:16:18

Can I just check Dr. Boswell? Did you hear that? What was just said?

00:31:20:13 - 00:31:59:05

Yes, I think so. Yes. Um, I wanted to make, um, further points of clarification, if I could. Um, first of all, actually, um, to, to thank you for accepting the late written submission and do understand the, you know, the impact that has on other parties. And the timing has been awkward and, you know, very grateful that you accepted that submission. Um, the, the um, what, what a, the, the argument in that submission does not depend upon my legal case, of course.

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And I just wanted to make sure that.

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I understand that and have

00:32:04:22 - 00:32:30:24

difficulty with you. Clarify matters orally is that people haven't all had a chance to fully comprehend what you have, what you have set out. Um, so I'll ask if you want. You can either add those submissions to your written summary or if they are brief, then perhaps you can highlight any key points of clarification now.

00:32:31:13 - 00:32:49:21

Yes. Um, well, I appreciate having an opportunity to say, um, to say a few things, if I may. Um, try to keep it short, obviously. Um, the. The situation. Um.

00:32:51:14 - 00:33:32:11

Is the the net zero strategy legal case, having been taken back into court for a second time, is very, very significant. And understand, you know, the applicant will be responding to that, um, in good time. Um, but essentially the matter in terms of the significance assessment is that the Secretary of State has always made, um, these decisions on road schemes on the basis that net zero is going to be delivered.

00:33:32:13 - 00:34:10:11

And that's not just the net zero 2050 target, that's the carbon budgets, the four fifth and six going forward and also the nationally determined contribution under the Paris Agreement, which is of course an international obligation on the UK Government. It's all assumed that those are going to be met. And just in a very, very sort of high level to sort of say what the significance of my written representations is that saying that none of that can be assumed now and I've given reasons why it can't be assumed.

00:34:10:13 - 00:34:46:03

And also the fact that, you know, three NGOs have taken it back to the High Court, taken the net zero strategy and the carbon budget delivery plan back to the High Court on the very matter of risk assessment of policy delivery is also another reason why that assumption is just not possible now, and that's why or credible now. And that's why I've highlighted in my document matters, which really have to be put right in front of the secretary of state.

00:34:46:05 - 00:35:21:17

You know, the secretary of state has to understand that, you know, it's no longer credible to present this idea that, oh, we will meet net zero magically, it will happen because we have the policy, because we have the Climate Change Act, magically it will happen. It's very clear that magically it is not happening. And it's very clear that that's not going to be a legal position which is credible in the future. And that's really the the nutshell of my submission.

00:35:21:19 - 00:35:52:05

And that's why it doesn't depend the pool at all on my legal case, which is a very different technical matter. Just about, you know, as I said, the forensic way you look at the numbers earlier. Now, if you look at how the applicant is approaching significance, that's in a section 14 .5. 33 of Chapter 14. It might be worth looking at that paragraph.

00:35:52:07 - 00:35:54:29

I've got it in front of me here and it's quoting the

00:35:56:21 - 00:36:15:12

114, which of course is not a legally binding document, but national highways law is quoted as if it is. But then it goes on to the the paragraph 517 of the triple and which you mentioned at the beginning of of this.

00:36:17:04 - 00:36:52:16

Uh, this item. And, um, what do you, what one has to understand about this current triple NPS is it was written in 2014 and it was written five years before we even had a net zero target on the legislation. Seven years before we had a net zero strategy. You were eight years before we had the we've got the carbon budget delivery plans, that extremely old document and that the 517 is just not at all.

00:36:52:18 - 00:37:31:03

So it's just not a credible position to take anymore in the context of what is actually happening on, on climate change policy delivery and what is not happening on it. And the the applicant, in terms of their legal sort of footing is basing everything on that paragraph 517. Um, but, you know, we have to understand that that's completely outdated way of looking at things and all these other issues come in and, you know, won't go on because I put a lot more from the Climate Change Committee and so on in my submission.

00:37:31:05 - 00:38:07:07

But that's all there. That's probably enough to say on that. I had one other point, um, which was about the traffic models and the baseline as they relate to greenhouse gas emissions. Um, and that is that if one looks at the coma report, which is the rep 125 um, documents, first of all, um, as always in these things, it's a huge confusion about the different hierarchy of traffic models that there are.

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And I've found four different traffic models. We have the Southeast region traffic model, we have the M3 Junction nine traffic model. We have the Solent model, which appears to be the main one. We also

have a Microsimulation model. I'm not quite sure if those are four distinct models or whether they are three. The Microsimulation model might be the same one as the M3 junction nine.

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So say that, but haven't been able to establish that from the documentation. We also have the affected road network, the wren. Um, what does it think we need from the applicant at this stage in order to understand the later greenhouse gas emission work is what those four traffic models are. How are they linked together with each other in a hierarchy and where the affected road network, um, comes out of them? That's the first point.

00:39:10:26 - 00:39:49:17

The second point is in the greenhouse gas emission chapter. Chapter 14, there's actually, um, no information from the calibration of the traffic model and the do minimum greenhouse gas emissions from the traffic model, um, at the point of time of the calibration. Now, if you look in the coma document rep 125, you find that the traffic model was originally written back in 2009, but it was calibrated for this project in 2015.

00:39:49:19 - 00:40:21:10

It was calibrated in March 2015. Um, the reference to that is, um, bullet section number 3.4.2 in the coma document. Um, so what is the usually presented in the greenhouse gas emissions chapter? Is the, the greenhouse gas emissions at that point of calibration in other words, March 2015 and that hasn't been done in this case.

00:40:21:17 - 00:40:59:12

Now, why are they that important? It's important because we were talking earlier about, you know, the and the economic modeling and so on. There's a lot of infrastructure coming in since 2015, 2027, 2042, which are getting put into the baseline of the traffic modeling. Now that infrastructure is what's included in table 4.3 of the coma document or housing and jobs and what's included in the table 4.4, which is highway schemes.

00:41:00:00 - 00:41:45:27

Um, all of those understand would have gone into the traffic modeling, but they would have gone into the due minimum case. And what we're not seeing is how much the greenhouse gas emissions go up from 2015 to 2027 as a result of all that. And we're not seeing effectively how much of all this new development is going into that, um, in the traffic modeling. And then that opens up the whole issue of the trustworthiness of just looking at this very, very narrow definition of the scheme only emissions, which is, which is what, what's actually been done in the chapter 14.

00:41:46:17 - 00:42:24:23

Um, and I've tried to make that clear without sort of going back to the legal case on the cumulative emissions. Um, I'm sort of winding up now without going back to the cumulative emissions. I have pointed out in my um, written submission where the headings on the table are just, you know, blatantly wrong, where they're claiming to be cumulative. Claiming to include all that other development for housing and, you know, job site development and other schemes.

00:42:24:25 - 00:42:31:19

But they're not. They're actually soulless. Those headings I've highlighted and right.

00:42:32:05 - 00:42:32:24

Was we.

00:42:33:04 - 00:42:35:07

Wind up and yeah, thank you very much.

00:42:35:15 - 00:42:45:27

Those also you know you have made a number of detailed points there and I'm not sure we're going to get a response to those today. But thank you for your contribution.

00:42:45:29 - 00:42:47:00

Okay. Thank you.

00:42:55:09 - 00:43:29:07

Right. I just want to go on and ask a few more questions before come back to the applicant. Um, firstly, Winchester City Council. Um, that's in relation to your local impact report. 5 to 11. Um, you request the applicant to reappraise its conclusion that the increase in GHG emissions is not significant and put in place appropriate mitigation, offsetting and monitoring measures.

00:43:29:09 - 00:44:02:12

The applicant has provided a D3 response, um, which reiterates its basic position but points to the scope for further work to be undertaken during detailed design and the collection of quarterly GHG emissions returns associated with the activity of each contractor during construction. I just wanted to check if that response at deadline three It provided Winchester City Council with any reassurance on this topic.

00:44:02:19 - 00:44:20:14

And if not, please, could you, um, explain further in the light of that your case for appropriate mitigation, offsetting and monitoring measures and what form they would take and how they would be secured?

00:44:23:20 - 00:45:13:16

Uh, thank you, ma'am. Robert Reading for Winsted City Council. I'll start bring Bringing Miss Wise as we go on. Um, no, there hasn't been any further discussions between the council and the applicant. Purely due to time since the, um, the applicants responses to our questions. And we will, I'm sure we will meet following the closure of this hearing today. Um, I think one of the points that I did appreciate were going on to the mitigation questions. I will cover that now. Um, one of the points that I did want to make in terms of mitigation and it's really with the comparable schemes that have been put forward by the applicant, because one of the things I do note for the A41 seven missing Link scheme, particularly in the, and the um, the table that's within that, that does set out a number of mitigation, including ongoing monitoring for operational emissions.

00:45:14:01 - 00:45:38:25

So it's just something wanted to highlight today to say that what we would expect is that's, you know, duplicated for the M3 Junction nine and expanded upon because of the additional emissions that we have for this scheme. Um, as I said, I think just because of the time restraints, we haven't had opportunity to discuss with the applicant. So I do intend that we do meet offline and go over these in more detail and we can feed that to a written submission. Deadline.

00:45:39:10 - 00:45:51:23

All right. Thank you. And and also in terms of feedback, if there are changes either to the VM or the DCO that you seeking, if you could make those clear.

00:45:56:12 - 00:45:59:13

I'm on the wise Winchester City Council.

00:46:01:04 - 00:46:46:01

Thought it might be useful. Just to briefly recap on the reasons why we did believe the increase in emissions is significant. Um, this is categorisation is based on the Institute of Environmental Management and Assessment guidelines in assessing greenhouse gas emissions and evaluating their significance. That aim a guidance was developed across industry and in consultation with the Government and was recently updated in 2022. And the requirement to consider that topic resulted from the 2014 amendment to the Directive as transposed into law through the town and country and Infrastructure Planning Regulations 2017.

00:46:46:03 - 00:47:18:25

So the guidance considers that um any increase in greenhouse gases can be significant due to the high sensitivity of the receptor, i.e. the global atmosphere and states that all global cumulative greenhouse gas sources are relevant to the effect on climate change. And this should be taken into account, um, in defining the receptor, i.e. the atmospheric concentration of greenhouse gases, um, because of its high sensitivity to further emissions.

00:47:18:27 - 00:48:01:20

However, perhaps a more relevance is the recent recommendation by the UK's Climate Change Committee. In its report published on the 28th of June this year entitled Progress in Reducing Emissions 2023 Report to Parliament and that is its annual evaluation of how we're we're tracking um in achieving the, the legally set carbon budgets and recommendation 2023 148 states that the recommends that the government should conduct a systematic review of current and future road building projects to assess their consistency with the government's environmental goals.

00:48:01:22 - 00:48:33:25

And this should include ensure that decisions do not lock in an unsustainable level of traffic growth and develop conditions that permit schemes to be taken forward only if they meaningfully support cost effective delivery of net zero and climate adaptations. And this recommendation is suggested that it needs to be carried out with urgency in 2023, um to then be included in the road investment strategy three process and beyond.

00:48:33:28 - 00:49:11:08

So we um, would like to see, um. National highways reclassify the increase in greenhouse gas emissions as significant, which will also require that there is a greater degree of of monitoring and a carbon management plan and so on put in place alongside that. We also note that the existing national policy statement for national networks has four strategic objectives in chapter two.

00:49:11:10 - 00:49:24:05

One of them is that networks which support the delivery network should support the delivery of environmental goals and the move to a low carbon economy and

00:49:26:04 - 00:50:02:13

the mitigation and and sort of offsetting details we set out in in in our response. But sections 14 .9.6 and 14.9 .17 strike 18 outlining the mitigations for both the construction and the operational phases in the environmental statement, they are short paragraphs. They don't contain any attempted calculations for mitigations and with the adage you can't manage what you can't measure.

00:50:02:26 - 00:50:32:27

Without these, it's quite difficult to assess the effectiveness there. There is. Um, very little in the way of mitigation. For example, the National Cycle Network, Route 23 and Bridleways may be considered a new recreational use rather than a direct mitigation of the road traffic. You know, the traffic on the motorway itself.

00:50:32:29 - 00:51:15:08

So, um. Just to wrap up, I think we have as a council to net zero targets. One is to be carbon neutral as a council by 2024, and the second is to be carbon neutral as a district by 2030. These are set out in our council plan, the emerging local plan and our Carbon Neutrality Action Plan. And we recently commissioned a road work roadmap to carbon neutrality, which again very much emphasized that transport emissions are, um, yeah, a big part of our district emissions.

00:51:15:10 - 00:51:57:14

And um. With regard to say the carbon budgets for these rely more heavily on decarbonization of the grid and we are getting to the grittier end of of behavior change and so on. So think we just are asking we really welcome the the opportunity to meet at an early stage. Um we note that the emissions um. Cumulatively of 139,800 tonnes of carbon dioxide fully operational and 37,000 tonnes of carbon dioxide.

00:51:58:04 - 00:52:28:29

Once the mitigations have taken place for the construction, the operational phase does also rely on the Government's strategy being successfully delivered. So we we would it would be very useful to have, for example, a chapter in the appendix that covered the mitigation and offsetting and also had quantified figures that we could really help evaluate them.

00:52:30:01 - 00:53:02:15

Thank you. Thank you. Um, just before we go back to the applicant, do also see that Dr. Boswell has his hand up. So the assessment, including cumulative assessment, has also been the subject of criticism by other IPS. Mr. Gillham, your position is that it is being combination effect on our carbon treaty commitments of all the schemes in the road program that should be considered.

00:53:03:14 - 00:53:03:29

I hope.

00:53:06:05 - 00:53:19:24

Yeah, refer to that correctly. Is there anything new or that you would wish to add on this topic, particularly in the light of the applicant's response to your written submissions?

00:53:20:24 - 00:54:08:13

Um. I don't think so. My sorry. Chris Gillam, Winchester, Friends of the Earth. I think I've made the point. Think it's a camel's back thing? You can't just keep loading, loading carbon and saying each one is. Each addition is. Each straw is insignificant. Um. That there is a, um, a small technical point. Oh, question I'd like to put is that in the economic assessment of the carbon emissions? As I understand it, the do something do minimum difference in carbon emissions in the cost benefit analysis.

00:54:09:17 - 00:54:44:23

Is that is that discounted in the way all other costs are discounted back to a base year? Because that does not seem to me to be a logical position to take because it the principle of discounting is essentially that the future matters less than the present with carbon emission. It's the other way around actually. So we ought not to be discounting a climate cost from the future and pretending it doesn't happen because there's nothing we can do in the way of investment to mitigate that.

00:54:48:11 - 00:55:23:17

Pat, Thank you. And I'll probably ask a similar question to Mr. Gag. So in your written representations you've made, you submit that the proposals don't provide an adequate analysis on greenhouse gas emissions. And you make you've made detailed criticisms of the Chapter 14 and disagree that it complies with the RB 114 requirements. You will no doubt of seeing the applicants D3 submit response to your submissions.

00:55:24:04 - 00:55:31:17

Is there any new or additional points that you wish to make on this topic at this stage?

00:55:31:26 - 00:56:05:21

Yes, ma'am. Um. I am completely befuddled by the response. Perhaps that's my problem. Um, but the response was I think that the modeling area was the whole of the Southeast. Now, Dr. Boswell just mentioned the proliferation of traffic modeling. Most of the traffic modeling that we see in the application is the local Winchester model.

00:56:06:14 - 00:56:45:00

Um, but I don't see any evidence of traffic modeling that takes into account the whole of the Southeast. And of course, if that is the case, there is the problem that has already been mentioned, which is, uh, have you taken account of changes elsewhere? I worry that perhaps including emissions caused on the M2 or I'm 20 is really quite extraneous to this exercise.

00:56:45:04 - 00:57:04:12

But perhaps I misunderstand what the traffic model for the South East is. However, it is a reasonable misunderstanding, and I do suggest that the applicant looks again at the statement that

00:57:05:28 - 00:57:36:19

they make in paragraph 14, 715 and 14 716 of the climate emissions, and explain in much more detail what those emissions applied to. I'm finding it extremely difficult to reverse calculate where those emissions came from. If if they are transport emissions over the whole of the Southeast.

00:57:37:05 - 00:58:09:24

I don't understand. Even though it's 2027. Why it's not a little bit closer to the 16 million. The 16 megatonnes of transport emissions across the southeast. I don't know where the figure 4,157.8 kilotons comes from for the, um.

00:58:09:26 - 00:59:34:15

2027. Uh, do. Do something figure. And I think we do need to know what's behind your calculations. We can't just take it on, um, on trust. And I'm really worried that this, this is yet another example of tell and don't show, um, how what, what is the relationship between 4100 and 57 kilotons and the emissions that are reported either on the one hand for Winchester district which I have here but won't burden you with them, um, or for the whole of the Southeast? Or are we talking about an unspecified area halfway between, or are we talking about just motorway emissions over the southeast or just a road emissions over the southeast? Neither do I understand how the government's net zero growth plan has been factored into these anticipated admission emissions for 2027.

00:59:35:12 - 00:59:38:24

But anyway, whatever the area for these emissions,

00:59:41:09 - 01:00:29:21

the guidance does say very clearly that you will provide a current emissions analysis for whatever the area is you've chosen. So think so much information needs to be added to these bare, unexplained figures that we're all talking about, as if we all understand where they came from. Perhaps I'm the only person that doesn't understand where they came from, but I would really like some help on this, and I would really ask the inspectors to ask for a full explanation of how those figures were derived.

01:00:31:23 - 01:00:38:03

Thank you, Mr. Jack. I'll go now to Dr.. Boswell, Is there another point you want to make, Dr. Boswell?

01:00:38:25 - 01:01:14:15

Yes, Thank you, ma'am. There's another three points. Um, just to follow up on what Mr. Greg has just said about the traffic modeling, and he was following up on what I was saying. Um, yes, You know, this is a big mystery to everybody, and Mr. Garg is not alone. And the information is very much hidden. What we need to actually know on top of what Mr. Garg asked for is what makes up the affected No road network Now in the affected Road network.

01:01:14:17 - 01:01:45:04

One of the things the traffic modelers do is they opt in and out, if you like, various links, various connections between A and B, the traffic models made of, you know, a larger number of links. They in the calculation, they opt in and out different links. And that makes a very big impact on the numbers you get out for the greenhouse gas emissions. At the end of the day, we need to have transparency on that.

01:01:45:18 - 01:02:23:15

Also mentioned, you know, before we have a hierarchy of four different traffic models, we need to understand the interaction between this local Winchester model and the southeast region, because what you you have in these traffic models, as there will be a pressure of traffic from the wider area on the local area. Now, what we don't understand at all, because it hasn't been described by the traffic model as is how that pressure works and how that what are the sort of things happening on that interface.

01:02:24:01 - 01:02:57:03

And that again, affects the affected road network because it's to do with how the inputs are traffic, if you like, on the exterior of the local traffic model, our model. So that was the first point on the traffic modeling. The second point, it was very interesting and helpful for Ms.. Wise from the Winchester City Council to bring up the issue of the EMA guidance. And I particularly noted and think it should be put on record that Ms..

01:02:57:05 - 01:03:36:02

Wise asked for national highways to reclassify the greenhouse gas emissions as significant, but wanted to make a point on this, which is on the detail. The EMA guidance, which Ms.. Wise was quoting, that when you look at the EMA guidance and how it assesses significance, there's a table in there and there's four thresholds. And the table and the narrative in the immigrants is very, very clear that once you once a scheme is significant, it's either model rate adverse or major adverse.

01:03:36:15 - 01:03:42:20

The criteria, if you like, or the threshold for significance, is it becoming moderate adverse thing.

01:03:42:22 - 01:03:45:06

You made that point in your written representation?

01:03:45:10 - 01:04:18:29

Did indeed. Yes. Yeah, that's right. Yes, I explained that in my written representation. So as I understand it and what I wanted to put on record Winchester City Council and now saying that from their perspective, the emissions from this scheme are at least moderate adverse. The third point was just to follow up on again what Ms.. Weiss said about the EV strategy and wanting to know more about how the strategy would affect the local emissions in Winchester and so on.

01:04:19:01 - 01:04:57:19

With this scheme or with or without this scheme. Um, I think it would be helpful to, to even sort of frame that wider to an analysis of how this scheme interacts with the policies in the carbon budget delivery plan, because what we had in July 2021 was transport decarbonization plan. What we've had

in March 2023 is all the policies within that transport decarbonisation plan expanded and again, actually go in, I list what those are in a footnote.

01:04:57:21 - 01:05:24:21

I think in my written representation, something like 35 policies or something. What we need to know is how those policies are affected by this scheme because then we can start to see what the impact of this scheme is on the carbon budget delivery plan at the local level. Um, so I just wanted to again say so that is something which we also need to see from the applicant. Thank you.

01:05:27:12 - 01:05:31:18

Thank you. Thank you. May I hear from Rebecca Lush, please?

01:05:34:00 - 01:06:11:00

It's Hi. Thank you very much. Rebecca Lush from Transport Action Network. I just wanted to very briefly also support the Winchester City Council position of the significance of the scheme carbon emissions being reappraised and also the importance of the Climate Change Committee's recommendations that there should be a systemic review of all road schemes that increase carbon emissions. I wanted to also make the point that the in the current NPS, it's being reviewed.

01:06:11:14 - 01:06:49:04

The requirement is for the policy maker is instructed the decision maker is instructed to dismiss the carbon impact because they won't make a material impact on the UK's ability to meet its legal obligations. Um, and so the Department of Transport and National Highways, then what they do is they um. Compare the scheme submissions against the entire UK output of carbon emissions across all sectors, which is basically setting up any scheme to fail.

01:06:49:06 - 01:07:21:15

We call it the ridiculous carbon test because it's just designed to make sure that any scheme compared to the entire output is always regarded as insignificant. Um, but if you did the same thing with the purported economic benefits of a scheme and compared them against the entire UK GDP, the percentage would be far, far, far smaller than the percentage of emissions from a scheme compared to UK carbon emissions.

01:07:21:17 - 01:07:50:18

So it's completely unfair. No other criteria is treated in this way, only carbon emissions and it's set up to make sure that a scheme is always regarded as insignificant. And I fully support Chris Gillings from Winchester Friends of the Earth's comments that all of these schemes are the straws that broke the camel's back. We have to urgently reduce emissions scheme should only be approved if they reduce emissions, not if they increase them.

01:07:53:29 - 01:07:55:04

Okay. Thank you.

01:07:58:14 - 01:08:09:22

Right. I'll turn now to the applicant. I know there have been a lot of points made. Not all of them you'll be able to respond to now. But is there anything you want to take up at this stage?

01:08:14:03 - 01:08:20:02

The college on behalf of the applicant. So think just to touch on the mitigation point.

01:08:20:17 - 01:08:24:19

Excuse me. Can I just ask you to get a bit closer to the microphone, please, or speak up? Okay. Thank you.

01:08:24:21 - 01:09:07:18

Thank you. Um, so yeah, the point raised about mitigation quantification by Winchester City Council. So, um. We the emissions we presented in our chapter. So a lot of the emissions from the construction side of things have been taken account into the design and we're not able to sort of backtrack on a lot of those emissions. So decisions made such as using select materials such as warm asphalt and sort of hot asphalt, that's sort of taken into account already. So we can't we can't take away the sort of exact difference between what we would have done if we weren't going to build with warm with hot asphalt because we weren't going to take that forward for the planning application in the first instance.

01:09:07:29 - 01:09:42:08

But some of the other mitigation that we have raised is also quite difficult to quantify at this stage. For example, if we've got elements around sourcing local materials to reduce transport emissions, again, we we just don't know at this stage exactly where the materials will be sourced. And so until we sort of progress further into design and get to construction stage, that's when those submissions will be able to support it. On. Um, and then to add to that point as well, we do have offsetting through planting, through the landscape scheme.

01:09:42:14 - 01:10:11:21

And again, we don't take that into account in the impact assessment in any way. Um, so mainly because there are sort of a lot of variables that go into the offsetting, but the scheme itself is providing planting on that front. Um, so yes, we acknowledge we don't have emissions to calculate the mitigation, but we have implemented and sort of shown how mitigation will be applied to the emissions we've presented in the chapter.

01:10:14:02 - 01:10:40:24

I think that other comments, a lot of that would be so breaking down and taking into written responses. But again, it's just reaffirming that we've followed the DMV and that is through the same approach that other schemes mentioned today that have gone through the High Court. And comparing against national budgets is the suggested approach by and the NPS and as currently stands.

01:10:43:17 - 01:10:44:02

Okay.

01:10:47:18 - 01:10:48:13

Thank you.

01:10:55:07 - 01:11:37:25

Kevin Lumsden on behalf of the applicant and the quite a few points there, just probably to wrap up the what models were used for what purpose. And there are really only two models to really consider this as opposed to four. I can totally understand where Dr. Boswell got four models from what we put in section 3.2, point two of the commas. A little bit of a history of how we got to the strategic model that's actually used for the greenhouse gas calculations. In 2015, the applicant developed a series of five regional traffic models covering the whole of England, of which the Southeast regional traffic model was one that was then used.

01:11:39:10 - 01:12:15:04

It was updated for the M3 M27 model and it is that model that was selected as the most appropriate model to use for the M3 Junction nine strategic model. And so it's the M3 Junction nine strategic model which was used to calculate the greenhouse gases in terms of the sphere of influence that we use to make those calculations. It's it's noted in section 5.5.4, one of the comma that the full M3 Junction nine simulated highway network was used for those calculations and I appreciate that.

01:12:15:06 - 01:12:55:00

Perhaps a graphic of that within the comma is probably around about 40 miles, around 40 to 50 miles around Winchester. And that takes into account and the sphere of influence of what the variable demand model works. And that's, that's what's classed as the simulated highway network. And so all the calculations for greenhouse gases use all the traffic information within within that area. And that includes, as Dr. Boswell noted, that the changes in housing, commercial development and other aspects of infrastructure that have included in the new minimum for the the forecast years of 2027, 2042 and 2047 another.

01:12:55:06 - 01:13:30:21

So the hierarchy of models is there's one strategic model which is the M3 junction model, and there's an operational model, a detailed simulation model that looks very tight into the scheme itself that was not used in the calculation of the greenhouse gases. It doesn't have a wide enough sphere of influence. Another point was in terms of how have we consider the EV strategy in terms of the figures that we have that we provide to the environment team. And they are predominantly determined by how the fleet will change over time as determined by the Department for Transport Stack Board.

01:13:39:06 - 01:13:53:09

Mr. Gillam, you appreciate him and you're familiar with the process, would normally let the applicant have the last word on a topic brief, and I'd usually ask you to put additional points in writing. But is there a brief point of clarification you're seeking?

01:13:53:18 - 01:14:01:03

Yes, ma'am. Chris Gillum, which is the Friends of the Earth. Um, it's it's really a little little add on to what

01:14:02:18 - 01:14:37:19

Mr. Gallagher was saying. Um. But both Winchester District Council and the County Council have climate action plans and it seems relevant to to assessing those or assessing this scheme in terms of those to know where what the the carbon emissions are associated with trip ends in Winchester District Council and within Hampshire County Council. And I'm wondering whether that is data that can be dug out of the the carbon analysis for the scheme.

01:14:38:04 - 01:14:38:19

Thank you.

01:14:39:23 - 01:14:40:19

Thank you.

01:14:42:13 - 01:14:44:01

The applicant. You want to respond?

01:14:45:04 - 01:15:23:26

Kevin Lumsden on behalf of the applicant and the greenhouse gases. They could be disaggregated by a region, but not so much in Japan's because the carbon emissions are, as a vehicle travels at a certain speed to get to its ultimate destination. Whereas trip ends are at the point of with 70 cars in a zone that are heading out onto the networks. Once they get onto that network is that's where the greenhouse gases are emitted and and the total amount of greenhouse gases, which is across that simulated area that I mentioned, could be disaggregated if required to a Winchester and everywhere else calculation.

01:15:29:21 - 01:15:47:27

All right. It's. It's nearly lunchtime. Um, so think this is an appropriate point to adjourn before we go actually, on to the first bullet point under this agenda item after lunch. So will adjourn now and will resume at 5 to 2.