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00:11

Thank you. It's now 355. Resume. And I promise you're aware we're getting there. It's been a long day. And there's not much more to go through. I don't think so. Welcome

00:28

back. So we are now going on to 3.3 on the agenda, which is flooding and drainage. Mr. Roscoe,

00:39

thank you. In terms of agenda item 3.3, flooding and drainage. The item is the essay wishes to understand the current status of agreement with the Environment Agency, with particular reference to the flood reference flood risk assessment, baseline conditions, and the Environment Agency pads, which expresses expressed some concern over those matters. First of all, Mr. Owen in response to that first part, first bullet point of the agenda. Thank you.

01:10

Thank you, Mr. Roscoe. I'm going to invite Mr. Kevin Crooks, who's a technical director at AMI and the project drainage lead to respond to you by summarising where matters have got to with the environmental see on the flood risk assessment. Mr. Crooks,

01:27

thank you.

01:30

Good afternoon. So we've

01:34

Mr. Krause, could you speak up a little bit? Please all put the microphone closer to you?

01:38

Yes, of course. Okay, so, the reference in the agenda is related to the baseline hydraulic modelling from the principal areas of disagreement with the Environment Agency. So, the baseline hydraulic modelling of the watercourses was undertaken based on the methodology agreed with the Environment Agency. This one modelling was issued to them for comment. Their comments have been received. And we addressed all the comments that have potential to impact the flood depth and extent in the model outputs. These changes were all included in the flood risk assessment that has been submitted, which is application sorry, app 221, which is in appendix of the environmental statement. Following the submission, the to the EA, the remainder of the comments were addressed by written response and sensitivity testing of the baseline model. And this testing concluded that the remainder of the minor

comments from the air did not result in any material change. And therefore the conclusion of the FRA remains unchanged. So from

03:09

that, then can I take it that the any outstanding points were minor, in your view? Any outstanding points were minor view minor, and that they didn't affect the results of the FRA? That's correct? Yes. Thank you. Right. I believe that online, I have Mr. Carter from the Environment Agency. Yes. Thank you. You've just heard what's been said. I would be grateful for a response from you on that place.

03:37

Yes. So the baseline hydraulic modelling was submitted to us for initial review, and we provided our comments back to the applicant. We have sent since received an updated version of that baseline hydraulic modelling, which we are in the process of reviewing, we have not yet completed our review of that material yet. So I can't confirm that we agree with the applicants view that everything's acceptable at this time, but it it you know, we are in the process of reviewing it,

04:17

right. What would you be? What would your response be to the comment on these being minor points?

04:23

And, unfortunately, I'm not a hydraulic modelling expert. I can't really answer that question.

04:32

Then when do you have, do you have a timescale of when you will be getting back to the applicant?

04:39

We have the baseline modelling we are awaiting the proposed modelling, which we are going to review in tandem. Unfortunately, can't provide any timescales for completing that release time. It is quite a challenging process at the moment.

05:02

Right. Okay. So you can't give me any timescale at all?

05:06

Not at this time now. Right? Okay.

05:09

Obviously, you're aware of the seriousness, if you like, of the baseline, it underpins everything else that is done. This is holding on a response from the Environment Agency. Obviously, that is something that we may have to report on in due course, if that has delayed the examination, so I would be grateful if you could pass back our concerns on the timing of this. Yes, thank you very much. Right. That was all I wish to actually ask on that first bullet point. But Mr. crux, is there anything that you'd like to come back on on behalf of the applicant?

05:48

And not at this time? Thank you.

05:49

Thank you. On to then the second bullet point in that Agenda Item, the current status of any discussions and agreement with local authorities and lead flood authorities, Mr. Owen,

06:04

again, so I think that's a matter for Mr. Crooks to briefly respond to if he would please. Thank you.

06:12

Yes, of course. So, the baseline hydraulic modelling of the watercourses was undertaken to in accordance with the methodology as I just said, and that methodology was also issued to the lead local flood authorities for comment. We have been in communication with the three local authorities that represent the Tavi li local flood authorities for the area's on this scheme. The correspondence for that is generally listed in the statement of common ground for each of the three authorities. So ABCYa, 277281, and app 278. And I can provide specific dates of correspondence. If that helps,

07:06

right. I don't actually need specific dates of correspondence. The purpose of this agenda item is just for us as a panel to get an idea of where you are, in terms of agreement from your side. And then obviously, I'd ask if the council's had anything to say in response to that. So from your side, where do you think you are in terms of agreement, any agreements with the local authorities and lead local flood authorities?

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There's ongoing communications with the authorities at this stage.

07:38

Okay. Thank you. Right. And then we spoke in terms of the councils that you are representing,

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in terms of North Yorkshire county council and Cumbria county council, sir. And my instructions are that there has been limited engagement from the applicant to date, and they would welcome further engagement. ASAP.

07:59

Thank you. And Miss tea, Mr. staylinked. In respect of Durham,

08:04

I'd like to introduce my colleague Brian Weatherall, please, who's joining us remotely.

08:11

Mr. Weather Good afternoon, sir. Brian, withdrawal, danger coffee protection, Durham County Council. We've had several discussions over a decent period of time with with the designers representing the applicant. And we're generally happy with the principles that have been agreed and don't see any issues for the for the small parts of the site that are within the seem to fit with our policy.

08:39

Thank you very much. So just to turn to Mr. Crooks, you've heard the comment on lack of engagement. I would be grateful if you could take that back. And obviously we have the clock has started now on the examination. Various matters relating to flooding, and drainage should really be bottomed out during the examination. Was there anything else you wish to come back on?

09:04

That's absolutely fine. We can make sure that engagement continues.

09:08

Thank you and possibly is accelerated. Of course. Thank you very much. Just one more point that I'd like to add on as a supplementary to these two bullet points is to just to not run through but just to an overview of the other points on the environment agency's principal areas of disagreement summary shedule that was provided, just in terms of those as a whole. Mr. crocks. Are you reasonably content, they're actually showing that those matters can be resolved during the examination that there's a high likelihood of those matters being resolved during the examination? Do you have any comments on that document at this stage? Mr. Owen, you may wish to

09:57

so just give me one moment please

09:59

Campbell I realised I realised that I have somewhat thrown thrown this in. And so, in that respect, I would happy, I would be happy to take a note on it if that's an easier way of dealing with it. It's not a detailed response. During the examination, we as a panel just really need to keep tabs on these discussions, because they are important to the recommendation report that we have to do in six months time just a little bit less than six months time. Australian, sir,

10:27

thank you very much. That might be a better approach, and that I'm certainly not not aware of any major sticking points with the environmental See, we're working through the issues that they raised, we've obviously responded to the relevant representation. And that process continues. But we absolutely do understand the great importance of of really moving those issues forward, given the other need to do so for the process.

10:56

We need to clear these out. Yep.

10:57

Thank you. Thank you.

10:58

Mr. Carter, just to come back to you on the point that I've just raised about the remaining matters on your your pads. Submission. Did you have anything you wanted to add about that?

11:10

No. Time?

11:12

Okay. Thank you. Right. Was there anything else that anybody wish to raise on item 3.3? Just looking around the tables? No, just looking around the room. And then just looking for any hands raised online. And I don't see any, thank you very much. On now then to item 3.4, which is climate effects. This basically follows the same kind of format. There are bullet points that the ESA wishes to understand further. And I've got some supplementary points to bring in on top of those. So Mr. Roe in the first thing then relates to significant thresholds. It's written out in the paragraph there, I hope it could be understood. Do you have anything in response to that?

12:02

So thank you, Robin, for the applicant. We do I think the best thing would be for me to introduce Mr. Keith Robertson, who's an associated Arab who has been responsible for climate issues and climate effects. And Mr. Robertson was unable to be here today, physically. So he is online. There he is. Camp. Good afternoon, Miss Robinson, would you like to introduce yourself and then respond to Mr. Roscoe and the panel in relation to this first item on assessment of significance and thresholds, please,

12:38

Mr. Robertson, if you could introduce yourself first, and they will then I will effectively summarise where I believe we think we need to get to in terms of this part of the agenda item.

12:49

Of course, thank you. My name is Keith Robertson. I from art, I'm the climate lead on behalf of the applicant.

13:00

Thank you. Basically, in terms of the first bullet point, then the bullet point is basically how do you get from A to B. And so if you could briefly explain that, again, if there's need for a post hearing note, I'm quite happy to, to take it in that way. But I wouldn't be grateful for a brief explanation at this stage.

13:22

Of course, I'll try to I'll try to keep it brief. Our assessment of significance for the assessment of greenhouse gas emissions is based on the design manual for roads and bridges, L A 114. Guidance document for climate, which directs us that the assessment of projects on climate shall report significant effects only if we have increases in greenhouse gas emissions will have a material impact on the ability of government to meet its carbon reduction targets. And that text you'll know, reflects the

decision making criteria in the national policy statement for national networks. So that's the test will be applied to determine whether the emissions impact arising from the proposed development should be considered significant. There is no confirmed guidance on a threshold and numerical threshold that we should use when we are comparing emissions and contextualising. Those emissions. For the purposes of this assessment, we are comparing them to the National Carbon budgets. To summarise very briefly, the emissions. The quantification of the emissions are small for construction, they equate to around point zero to 7% of the fourth carbon budget and point zero 3% of the fifth carbon budget. And then the net increase in user emissions is around point 02 of this six carbon budget period. Now think it's important to note that throughout the assessment and throughout the quantification of emissions, we have tried where we can to adopt a conservative approach to the appraisal so as to avoid under estimating the total emissions arising from the proposed development. Even so, when we do that it still results in these small, total contributions when we look at them in the context of the National Carbon targets. Now, I'm aware that there has been some discussion in other DCU applications about a 1% threshold, that might be an appropriate benchmark. And in that case, as in this appraisal for the 66, the calculated emissions were much below that 1% threshold. But there remains no agreed threshold in guidance or decisions we should use, it remains a subject of appraisal. But in my view, the admissions are small compared to the relevant carbon budgets, there remains potential for further reduction of those emissions through further mitigation, additionally, given the legal requirement for the UK Government to achieve net zero, and in the context of wider commitments by UK Government in the transport, decarbonisation plan, and also highway and highways England's on net zero plan, I consider it unlikely that the emissions from this project are so great that they will have a material impact on the government achieving its carbon targets. And that's why we've concluded that the emissions aren't significant when that test specified in early 114,

16:56

is applied. Thank you. I've got a couple of questions on that. I just should say at the moment that I noticed that, Dr. Boswell, you've actually got your hand raised, if I could come to you at the end of this bullet point. If that's acceptable to you?

17:12

Yes, sir. That's exactly what I was going to sort of ask initially.

17:16

Thank you very much. So I will do that when I get to the end of this bullet point. Mr. Robertson, then basically, you've said that you've commented on the lack of thresholds, does that mean that I can't really ask you what you would consider to be in excess of the low descriptor that you've used on this, because there isn't actually a threshold low to medium.

17:42

There isn't, there isn't a threshold that we can that we can point to

17:48

thank you. And then on this matter, then I've got have in front of me table 6.9 of 237. And that is basically the combined modelling and appraisal report. And I was wondering how in the figures that are

in the, in the generality of the figures that you've just been describing, to me how you actually get to table 6.9. And this is another A to be exercise.

18:24

I'm afraid I don't have table 6.9 in front of me apologies, I'm not I'm not sure which document that's taken from,

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right, it's taken from from document 3.8 combined modelling and appraisal report.

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So we try and put it up on the screen.

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Thank you very much. And there are figures, they're given for various types of carbon emission impacts, such as tailpipe construction and maintenance operating, and then a total figure.

19:00

So I'm not familiar with the, with the table that you are, that hopefully you're going to show I am expecting that reflects the work that was undertaken within the climate chapter, but this this, the assembly of this document was undertaken by another party. So excuse me, if it takes me a moment to recognise this, okay. So, I think what we provided into the valuation process, we will be provided tonnes of carbon for the various elements of the assessment into the team that was undertaking the economic work. So, my discipline wasn't responsible for the conversion of of carbon quantification into monetary values. Right. I can probably provide you a short summary of how we developed the carbon, the co2 quantification of each of these tailpipe construction, maintenance and operation values if that would be helpful.

20:15

Right. I think I think actually it because it has involved others. It possibly Mr. Alien will be better dealt with in a response note, I hope so far that I've been able to explain what I'm actually looking for in terms of this. I would also put in as well as table 6.99. There is a representation that you would have already seen from Dr. Martin, it's PDL 043. And that actually deals with some of the same subject. And so it's those two things that it's this table 6.9, the question of how do you get to those 6.9 figures in the context of Dr. Martens representation

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Roby and for the applicant? Thank you. So I think that that is understood. And we are best, I believe responding in writing in the post hearing note. And as Mr. Robertson has touched on, I believe I'm right in saying that this combined modelling appraisal report was produced by other consultants at a previous stage of the project. As they have both begun partners, it is this stage, but it's the economics team. Yes. So it's best to do it that way. Thank

21:33

you. Okay. Thank you. Dr. Martin, you would have heard then that this actually came from one of your representations. I'm not expecting you to add anything to it at this stage. But just to draw your attention to that.

21:47

I don't have any more to add on this occasion. I would like to hear from Dr. Boswell.

21:52

Yep. Yep. Right, then Mr. Robertson, then back to you? Well, I'm back to the greenhouse gas emissions themselves. If you like, I think you're on mute at the moment. You're the document. Es chapter seven actually talks about greenhouse gas emissions in isolation. It doesn't actually take them forward into a cumulative impact. It's then talks about recent IEMA guidance, and a recent update. This actually provides guidance in respect of that particular mechanism of not taking greenhouse gas emissions forward into cumulative effects. I don't have a copy of the relevant document their their IEMA guidance recent update, I would be grateful for a copy of that. And I will just be grateful for just a little bit of an explanation on what that guidance is actually telling you to do. If you're like Mr. Robertson,

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this is an option for the applicant. Yes, the IEMA guidance was produced in its second version, quite recently, in an attempt to provide an update to some some older guidance, which and the intent and the intention was, was to try and tackle some of the challenges that have been identified as, as this topic of greenhouse gases said, assessment has become more important in recent years. And that was the purpose of that I am your guidance, and we can provide a copy of that. It does specifically address the discussion around accumulative appraisal of greenhouse gases. And it acknowledges that there are some specific challenges around the assessment of greenhouse gas emissions which render it challenging to undertake accumulative assessment in the same way as is done for other environmental topics, one of the chief one being that because the impacts of greenhouse gas emissions are not spatially related to where the emissions take place. It becomes very challenging, almost impossible to define the zone of influence, are tiny scale smaller than a national appraisal, because it makes no more direct. Relevance if another project is near the project we are assessing if it's far away, in terms of the greenhouse gas emissions that it produces. So for that reason, the AMA guidance notes that accumulative assessment is of limited value. I would note, however, that our assessment of the user emissions, so those are the tailpipe emissions for the vehicles. Our quantification is based on the traffic modelling, which has been undertaken for the proposed development and which supports other environmental topics like air quality and noise, etc. And that strategic modelling is effectively a cumulative model in that it takes account of other consented projects, which will have an impact on the road network. So when we receive outputs from strategic traffic modelling, for our assessment, that model reflects other consented development that will have an effect on the road network. So in that way, it does provide a cumulative assessment of the tailpipe emissions.

26:15

And is that actually, I mean, I think that you're leading me towards the air quality modelling. Yeah, right. And, and you're saying that the air quality modelling or the traffic modelling actually takes into account

other developments. And so therefore, the air quality modelling takes into account those other developments as well. Is that where you're heading with that?

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Effectively, yes,

26:39

right. Okay.

26:40

We don't we don't we don't take our analysis from the air quality modelling directly, but they are built off the same traffic model. Yes. And

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so is that is that then a report that then is obviously reported in terms of air quality? That that can't You're saying that that can't be taken forward into any cumulative assessment of greenhouse gas emissions? Which indeed, would be against the latest aim or

27:08

advice? That's correct. We don't express it in those terms, because it runs counter to the, to the IMF guidance. Yes.

27:16

Right. Okay. Thank you for that. Dr. Basel, I think actually, now I've got to the end of my first bullet point in agenda item 3.4. Is there anything that you'd wish to say in respect of what's just been said?

27:34

Good afternoon, sir. Well, a great deal. And I'm trying to sort of consider how to frame this really, I had,

27:43

right. I wonder if I could just I wonder if I could just come in at that point, I understood that you wanted to actually make a presentation this afternoon? Well,

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I wouldn't quite call as the presentation. But I certainly wanted to talk through two issues. One was the cumulative impacts, which have just been discussing. Yeah. And the second one relating to the IEMA guidance was SEC Torial. regional and local right assessment. Now, in some ways, I think the most useful way for me to answer what's just been said, is, to a certain extent, sort of stay with my script on that, and then point out where I can test what has just been said,

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just on that, then you're actually saying that you've got a script in front of you, obviously, it would be useful if we could actually have that representation from you. And then if we can have that in front of us first, we can actually understand and get a response from the applicant on that. And then we can

actually take it forward in that manner. If it was to be just relayed to us. Now, verbally. I'm just a little bit concerned that we there would probably be quite a bit of information to take in or at least, so that would mean that sort of wouldn't have a fuller understanding of it.

29:08

Yes. i You talking about sort of the Elam emailing it now, or are you talking about for a later? No, I'm talking about headline one or something I'm talking

29:18

about using the first deadline in the examination at the at the towards the start of the examination to get that into the examination early so that we can then deal with it, deal with it fully. And add in a in an organised way, rather than just have it put put on there put in all phases at the moment.

29:37

I mean, yeah, I had asked for a couple of pages of chapter seven to be displayed so that I could claim points. And I'd certainly do do the deadline. One thing anyone Yeah, thank you worth it at this point. Coming back on some of the things because cuz, you know, when things are sort of said live in situation like we've just had, I think it's quite important that to actually sort of challenge them in that moment, too. And I'm very happy to sort of

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write. Okay, so if you would wish to respond to what's just been said, then how long how long do you think you'll be in response?

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Well, I think in a discussion moving forward, you may want sort of go back to Mr. Roberts, and of course, maybe sort of 15 minutes,

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that's 15 minutes from you in the first place. No, no, no,

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I'm talking for me totally for 15 minutes. But I mean, to, to cover

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these points. Right. Okay. I have to say now that obviously, there's going to be quite a lot of information coming over to us. So Mr. Robertson, may actually actually not be able to respond in this particular hearing to what you're going to say. And so I might have to ask, because I've done at other times this afternoon for what we call a post hearing note on that. Absolutely, yes, yeah, we do get to a stage where we were written communication is actually a better way of actually us being able to get the information in front of us in a manner that we can understand. Yeah,

31:12

I fully agree with that, actually. Yeah, I mean, given the context of the project speed and wanting issues up front, I sort of thought it was helpful to try to get my issues in as early as possible.

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We haven't actually had a written representation from you. I don't.

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Medline was sorry.

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So we have had a rigorous edge. It was the it was the Pdl, you got a relevant representation? Yeah. Sorry. Yeah. Yeah. Yeah.

31:44

Yeah. And in fact, you know, all the points I'm going to make actually were in that,

31:48

right. So I can actually take those from the relevant representation.

31:52

You can indeed, yeah, yeah. I mean, the cumulative points are the points one to four and my relevant representation. Points in all points, one, four, just weren't answered actually. Which, again, is why I thought is quite important to come here and say, Well, you know, we do need some answers to this.

32:13

Okay. Right. Was there anything briefly that you wanted to say in response to the first bullet?

32:17

Yeah, absolutely. Yeah. I mean, it would be helpful if we could have table seven to free up, because we've talked about this in isolation and a cumulative issue. And, you know, heard Mr. Robertson say that the traffic model is effectively cumulative. So if we could get table 7.2, free up.

32:43

Right, is that possible to do that? This is the difficulty that we have Dr. Boswell well, that we're actually bringing these things in into the into the hearing. If you're going to be referring back to your relevant representation, and you have the opportunity, then to expand that in the written representation, it's quite quite important that we get things in a manner that we can understand and take in. Yeah,

33:08

I absolutely will do that. And I will expand on what I say now.

33:13

Thank you. If this could be a brief summary, I wouldn't be available.

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So this is the table we've gone on to the operation and missions now. So this is the data which has come out the traffic model, as Mr. Robinson said, and what you see are the figures for the the opening year 2029 model design year 2044. Now, the figures, which actually taken forward to the assessment, Mr. Robinson, would confirm are the fourth row of that table where it says total operational use stage emissions, excluding operational land use benefits? Because that's explained? Yeah, that those aren't included. So it's that fourth where I'm looking at and for the 2029, you get, you get a DM, do minimum, DNS do something and then you get this 14 1231 figures that's in the third column of numbers across in the fourth row. 41,250. I can see it Yeah. Right. So now, the D, the DM, that traffic model has all the land use and roads and other developments in it. So I agree with Mr. Robertson, that it is cumulative in that it's bringing in all the other developments in the area. The difference with the do something and the do minimum is that the scheme itself He is added in. So what you see at the do something is also cumulative. I agree. And it just has the scheme on top of everything else, which is already in the DM, the the difference, which is ds minus dM the 41,231. That is subtracting the two. So when you subtract the two, you land up with actually what's actually said in the document itself in isolation, you will end up with the scheme in isolation. And having done that subtraction, you've taken two outputs of a traffic model, which you I think we can agree Common Ground is cumulative. But you've landed up with a number, the 41,000 number, which is a scheme only, or the scheme in isolation, it's soulless. In terms of the EIA, regulation sort of terminology. Now, if you go through the three columns across, you see 35,007, that's the 177 172. That's the sort of equivalent for 2044. So you've got 15 years in the tree, and we're going table 724. Below this, we're going for a assessment against six carbon budget. That's what the applicant saying. So you can sort of skip on to that now. And actually, is it on the next page to the table split over the pages? But essentially, what you have to do with those two numbers that 2920 44 member is you have to get out the numbers to the six carbon budget, which is yours 2033 to 37.

37:00

Dr. Boswell? I just I just have to come in here in that Yeah, absolutely. This this in this particular scenario, and this particular event, this is quite difficult to to follow. Okay, this is if this is in your relevant representation, where you were saying points one to four

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min, well, the relevant representation ones limited to 500 words. So I just basically said to put this in your written representation, cumulative assessment, I'm now explaining why there isn't, and I will explain this in the written representation at D one,

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I think that if I could just hold you there a moment, yeah, it would appear to us that that is probably the best way to actually start out this discussion. Because then we can take time as a panel in terms of looking through the progression that you're actually talking about. Now, we can manage that. If I could just continue, thank you, we could match that up with what the applicant is saying. And thereby we can actually see the difference between you. And that is the important point that we need to get to. So it would seem to me at this present time that at this level of detail, the best thing would be to put in a written representation, so that we can actually match it up with what the applicant has saying to it. Now, in terms of you'll have heard me mentioned post hearing notes, that would mean that at the same time

coming into the application, I've got the post hearing notes that I've already requested this afternoon. And I've also got your written representation. And by that we stand the best chance of noticing any default of picking up differences between the two approaches. Now to us, that would sound like the best way to proceed with this particular matter. I could, I could sit here for however long and look through these documents with you and make notes. But that might not actually be the best way to understand what these differences are.

38:57

Okay. Thank you. I appreciate that.

39:01

Can I just just on that then, is there anything briefly that you'd wish to say about the first bullet point under these climate effects?

39:08

Yes, there are. There is more now try not to get into detail like that. I understand what you said about that. I mean, I think that first of all, I sort of state that categorically cumulative carbon assessment has not been attempted. And I want to make the point that this is not a merits argument. It's not a sort of technical merits argument where I'm saying on cumulative assessment has been done, but I don't agree with how the way it's been done. What I'm saying is it has not been done. And I didn't write that categorically clear.

39:47

But I just say, possible Could I just told you there a moment. It's those kinds of statements that I'm interested so that we as a panel can get that level of overview of where you are standing and your principles. points. Yeah. So if that is your principal point to come out of bullet point, one, that accumulative carbon assessment has not been attempted. And I have that on the recording. And I've also made made a note of it. If they if I can see that then as your primary point of view, like I then got your written representation to support that. That gives us as a panel the best way of taking this forward.

40:23

Yeah, I fully agree. Good.

40:26

Thank you. Thank you very much. So in the basis of that agreement, is there anything else that you would wish to say on bullet point, one, before we move on to a high level? It's a very high level, yes. But that gives us the, if I could just continue, that gives us the introduction to the subject. And that means that when your written representation comes in, we can actually see where we need to go with that in terms of your key thoughts.

40:52

Yeah, I understand that. And that's really what I wanted to try and achieve. I approached it slightly differently. But so in terms of what I've just said, the cumulative assessment has not been attempt. I need to also say that that is unlawful with the the 2017 regulations, the EIA regulations, right. And

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again, I've got that later. Right. I've got that now as an additional point. Was there a third point that you want

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is? Well, a third point, just to note on what Dr. Robin Robertson said that I don't actually agree with his interpretation of the IEMA document that I picked up this thing, where it said survivor is sort of saying don't do cumulative was more or less how he felt. And I couldn't find it, but I found other things which I will put in the written represent.

41:49

Thank you. So I've now got that as my I've got that now is my third point. Thank you.

41:55

Okay. A fourth point. Is that the IEMA guidance that basically asks for two things. One, is that the main one is it, it asks for contextualization of a greenhouse gas assessment in order to change the significance assessment, which is what we're looking at second. So it asks for contextualization. And that is done, first, by the comparison with national budgets, which is what we've seen.

42:36

Yeah. Okay.

42:39

So that is only a starting place. Yep.

42:42

What was the second item from the IEMA? Guide?

42:44

The second item is that it says in order to provide that contextualization a local, regional and sectoral assessment should be carried out as well.

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Right now, that is the sectoral assessment that you were talking about a couple of minutes ago. And that's why I was particularly interested in getting the structure of what your concerns are, so that when your written representation comes in, we can understand that against the structure that you've given us in this hearing this afternoon. And that's the way we would wish to take that forward. So there was no was there anything else that you wish to add in terms of bullet point, one, in terms of the high level that we're talking about at the moment?

43:26

Well, it's not just sector, it's local and regional.

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I've have written that down as well. Yes. And of course, it's recording. Yeah.

43:33

I mean, the the other thing I would say is when you look at that, and I put this in the written representation, that the the applicant is taking the very opposite, opposite approach to what is set out in the IEMA guidance,

43:47

that is an IEMA guidance point as well. Yeah, right. Yeah. Okay. Do you have anything else?

43:53

Well, the, what I also had was Why is all this important? Right. And it is important, because of the very thing you were talking about the significant thresholds and how do we assess significance, that without doing a the cumulative assessment, which hasn't been done, neither local and regional, which hasn't been done, yet, you have missing information, and you're therefore not able to do the significance assessment in any meaningful way in any scientific way, quite frankly. And as far as regulation 21 of the so

44:36

we're just getting into detail now. But what you're actually showing me there is that you're showing me the reason behind reasoning behind your statement, that the assessment of significance hasn't been meaningful. Yep. Okay, right. We've got I've now got I don't want to confuse things too much on that because I've got now got a reflection of what you're going to be putting into us. Is that anything else that you would wish to say? Well,

44:59

the Yeah, the thought the final thing that's really is the final thing that, you know, the Secretary of State has got to be satisfied that the material provided by the applicant in the EES is sufficient to it for him to reach the reason conclusion on significance. And with that, without that missing data without that missing methodology, that is

45:21

not possible, I could understand where you're going to on that. Yes, right. Okay. Thank you very much for that, because that has given us the structure of what you are saying, we then have the documents to be able to trace that back to the detail behind the supporting evidence, if you like behind those statements. And that will give us a very good overview of where you're coming from, because quite a lot was said in terms of that I will now have to turn to Mr. Rowan of the applicant side or to get his I don't really expect a response to that this afternoon. But obviously, we would, I would have to give him the opportunity to respond to that. So I'll just do that. Now. Mr. Owen, was there anything that you wish to respond to in terms of that, bearing in mind that Dr. Boswell is putting in a deadline, one written representation? And we have the structure of that from what's just been said?

46:18

So Robbie, over the applicants, I think we would prefer to wait to receive that considered, and then we respond. So that

46:25

means that we get a response to that at deadline one. So Dr. Boswell, that actually means that as I had said before, the two documents will come before us at the same time. We've got your structure from what you've said this afternoon, and mentally now I can follow through where you're actually coming from and the points that build that up into your concluding statement about the Secretary of State. Does that I believe that completes our business in terms of bullet point one on this item in the agenda? Thank

46:54

you. Yeah, yeah. Check that the post hearing note, you want that deadline? One as well? Do you not before? Is that right?

47:02

Post hearing notes. I'm just looking at my panel members members now. The post clearing notes. I understand that deadline one.

47:10

They're not on the timetable, I believe, actually, because I looked yesterday.

47:14

Right. At that point, they are they are deadline one. Yeah, I'm sorry. I've been so engrossed in what you've been saying. I've lost the timetable, in my mind.

47:23

So if I could just inject I think I think so. That is my understanding in terms of timing. Thank you very much. But we can certainly in our in our post hearing note, respond to the issues that Dr. Basu has been saying so far as we understand them to be right. Obviously, when we then see what he sends in, we may have a further response to make, but unless Mr. Robertson feels otherwise I suggest we deal with it on that basis. Okay, so

47:46

just on that, Dr. Boswell, what has actually happened there? We've asked for post hearing notes this afternoon, but there will be a deadline, one response to what's been said as well. So we then get that at the same time. Mr. Robertson, was there anything else from from you on this particular first bullet point?

48:08

Nothing for me, I think, no, nothing, nothing more for me at this point.

48:12

Thank you. right onto bullet point to then which specifically refers to the constant context of the change from 100% to 8%. In terms of the material, requiring stabilisation, and the additional lime is there anything that you would wish to say in terms of that?

48:37

Sir, asking me

48:40

Oh, I'm sorry, Mr. Rowan. I thought that is what I want. Sorry. Did I say boss world? Right. Okay. Mr. Rowe in my apologies. Well, I have the bullet point was addressed to the applicant. Mr. Evans, thank you for drawing my attention to that. I should have said, Mr. Irwin,

48:55

that that's a quarter. Right. So we can certainly address this very briefly. And I'll ask Mr. Robertson to do so.

49:01

Thank you. Thank you very much. Mr. Robertson.

49:04

Yes, thank you, Mr. Robertson, for the applicant. We made a correction to our calculation process, as we were preparing the environmental statement, because we identified and acknowledged an error had been made in the calculations in the preliminary environmental impact report. I will try and give some brief background to this. One of the methods apologies, let me let me start again,

49:42

Mr. Robertson, you're just just breaking up. So if you could start again please. I will start

49:46

again. During the design and construction of highways projects, often it is found that there are soils which are insufficiently stable on which construction can take place. And various methods are used to stabilise those soils so as to make them appropriate for construction. And one of the methods that is used is to add lime to the soil in order to make it more keys of an appropriate for construction. The calculation of embodied carbon that we make, as part of the assessment process uses an industry standard calculation tool. And within that, it asks for us to provide an estimate of the quantities of lime, which are going to be used in error. For preparation of the pier, we identified the quantity of soil that we expected would need treatment. And we entered into our calculator that full volume equivalent of lime, no lime is a particularly carbon intensive material. But what we had managed to do was we had effectively modelled a 100% replacement of inappropriate soil with lime. The actual data which lime is used, is much smaller than that. Typically, it can be 123 4%.

51:38

Mr. Robertson, I think I think actually, you've just answered the bullet point question the the error and I can understand then the change from 100 to 8%. Just a justification, a brief justification of the 8% figure.

51:53

Yes, we have a couple of reference sources that we looked at to find an appropriate assumption to use one of them is the

52:05

are these examination documents?

52:07

They are not examination documents, they are industry reference documents I can provide details to subsequently was that the best way of doing it?

52:17

Right on this particular point? I mean, the error has been has been drawn to our attention. Now, I don't think it was mentioned as a specific error previously. If there's just something brief that I can be given in terms of the justification of the 8% figure, the reason it's flagged up is the large difference between 100% and 8%. And you've effectively explained what that is, if we could just have something brief in terms of the 8%. And I'm getting nods nods from your side, Mr. Owens, that would actually deal with bullet point two, as far as I'm concerned. Thank you. Mr. Boswell? I just wanted to come back to you for a moment.

52:56

Yes, sir.

52:57

I'm still here. Right. Good. Good. I mentioned you talked about your relevant representation. And I'd say that we do now have in the examination library and applicants response to relevant representations. And that's actually referenced PDL 10102, Pdl, 013. You have looked at those. Right. Okay. So that might give you an indication of how the applicant has responded to your relevant representation so far. And that would allow them you to look at that before you put your written representation in.

53:36

Yeah, I had looked at those actually.

53:38

Right. Okay. That's good.

53:40

It was the right points not answered.

53:43

Yeah. Yeah. Right. Okay. So you get the opportunity to maintain that position in your written representation and to expand it, as we've talked about this afternoon. So did you have any Did you have any points on I'm conscious that you're also talking? You're also representing Ms. Wilshire and Ms. Ms. Lush, I think in turn, right. Right. Was there anything else that you wish to add? Any comments on bullet point two on the agenda, this limestone 1.2? No, thank you. What I've what I'd like to do then, is to move on to the third bullet point in this particular agenda item 3.4, which concerns the project carbon strategy and from the applicant, Mr. Rowe in the current status of that document, and also some indication of how it was about developing the future in terms of its scope, and timescales is growing. Thank you,

54:46

sir. Carrie Wally, to my left. We'll deal with this briefly. Thank you.

54:53

Thank you, Carrie. Well, on behalf of the applicant, I think the main point I wanted to make was the the To the point in the agenda notes that it's referenced in the statement of reasons and looks to understand its current status. What I wanted to highlight to the examining authority is that the current strategy is also a commitment in the environmental management plan. So there is a specific commitment. And of course, that's Document Output. Oh, one nine. So this specific commitment is commitment, reference, MW, C, I 01. And, of course, I won't read out to you, you can look at yourself, but effectively, that commits there's a carbon strategy must be developed in detail and subjected to stakeholder consultation before any parts of the project can stand out. And it sets out the content of what needs to be in that

55:39

call. Right. So that gives me the current status. That gives me an indication at this stage of the scope of that strategy. In terms of the future development, when will it start to be developed? Or does it exist in a draft form at the moment somewhere?

55:58

So I can confirm that this document is a document that the contractors are tasked with preparing, and I'm aware that they have commenced operation of that. And that's that's informing a lot of their thinking at the moment in terms of their planning of the detailed design and construction, and what I might invite. If you want any further detail, my colleague, Monica might be able to add a little bit more about the current status of exactly how far they've got with that, because I'm aware that she's in greatly

56:20

if I could just stick with you for the moment, Mr. Owen, if that's if that's okay. The in terms of the examination period, then our six month examination period, do you think we're likely to get anything from the applicant in respect of that carbon strategy? Right, I can see you're not there. So I'm happy to be transferred over?

56:40

Yeah. Can I hand over to my colleague, Michael, please?

56:45

I'm Monica Corso, Greg Hayes, I work for national highways. Yes, we can confirm that the delivery partner, so our contractors are already working on it. And the intention is to have it completed before the end of the examination.

56:58

Right. And so Mr. Owen, then I would be looking for some indication of when that would be provided to the examination, then in terms of, for instance, just a timescale in terms of which month it might come through, or a deadline or whatever.

57:15

So I think the best thing would be for us to deal with that in the post hearing notes and give you a timescale as to what we think we will be able to share with you in relation to the emerging carbon strategy and when within the examination period. Thank you.

57:33

Right, just looking around for any other, Dr. Martin?

57:38

Yes, so I'm not a climate scientist. But I understand that the estimated amount of carbon during construction will be half a million tonnes and government policy is that by 2030, total carbon emissions should be 2 million tonnes per annum. So it does sound like the project is forecast to have a very high carbon emissions content. And I would be grateful some comments on that, because obviously, very serious matter in the middle of climate emergency.

58:17

Thank you, Dr. Martin. Just just before I ask the applicant to respond on on that. I believe that in the you might recall me saying A to B, a couple of times in terms of the reports that have been put to us. And the I think this may relate to some of the ATB steps that I have asked to be explained. But Mr. Owen, is there anything that you wish to respond to at that at the moment on that?

58:45

I don't believe so. So, I mean, Mr. Robertson, did you? Did you pick up what Dr. Martin was saying? Is there anything you want to say immediate in response?

58:59

I don't, sorry. Mr. Robinson, on behalf of the applicant, I don't think there's anything specific. I want to respond on now. I think it's possibly something we could pick up. Missed on in the post hearing notes if that's okay. Yes.

59:17

Mr. Owen, if I could just speak to Mr. Robertson, Miss Smith, Mr. Robertson, does this relate to these we discussed a to be mechanisms twice previously, does this relate to one of those ATB mechanisms? In getting the figures from one part of the reports to the to the other how that is done?

59:37

I think I think it does. Right, I think I we need to be clear for what values we are talking about because I believe from what I heard there, possibly the reference was the wrong order of magnitude for the carbon budget. So I'd like to Okay, back to the recording before we before we respond. On that point and

1:00:00

Friday, no, no, I'm not asking for a response. It was just a question for my own personal information if you'd like so that I can try to understand how this is all structured? And you've answered that. Thank you very much. Right. Dr. Martin, you'll have heard from that exchange that that's how it will be dealt with. And I believe it was almost touched on in my A to B points earlier. Thank you. Right. Was there anything else on bullet point three? Looking around? Thank you. Bullet point six then sorry, bullet point for this basically will related to tabled to in the mitigation shedule. And I believe there was some incorrect references in there. Am I correct in that?

1:00:48

Is Carrie Wally on behalf of the applicant? Yes, we we've noted the discrepancies that you've highlighted so and we thank the examining authority for highlighting those. It's a typographical error due to like change in numbering. So all of the references are actually one, one section out. So references, for example, sections. Seven point 9.77 point 9.9. should read seven point 10.77. Yes. And same for 10 to 11. So if I can suggest that we submit a revised document with the post hearing notes that correct. So those references to make sure all of those are correct for everyone.

1:01:20

Thank you. Thank you. Was there anything else on my bullet point for? Thank you. Right, if I could just return to you briefly. Dr. Boswell?

1:01:38

Yes, I'm here.

1:01:39

Thank you. So I believe that earlier, we talked about the structure, we've got a clear summary of where you are coming from and your very, very high level, I accept thought processes in this, which will allow us to understand the written representation that comes in, I've given you the response that you've already seen to your relevant representation that will allow us then follow the following that written representation to take this matter forward. Was there anything else that you wish to say before I, I complete this agenda item? 3.4. But I would say that, I wouldn't want to, I've got it in my mind at the moment. I've obviously got the recording. I've wouldn't want to confuse it too much by going into detail.

1:02:25

No, I don't think I have anything more to say. I can see where how the written representation will sort of unfold. And I hope that will be illuminating. So that can Okay, Chief something towards that.

1:02:40

Right. Thank you very much for your contribution. Was there anything else from anybody else on agenda item 3.4. Just looking around at the tables, just looking around in the room and just looking for any hands raised on the screen? I can't see anything was there anything else from the for that any of the members of the panel wish to introduce under this item? Right. So that completes agenda item 3.4. We would like to take a short break just to consider the timings in the remainder of the afternoon you'll recall that we we thought of which items could be done in terms of post hearing notes. So

1:03:25

right okay, the time is now five o'clock. adjourn the hearing to be resumed at five past five. That's five past five. Thank you