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00:11

Good afternoon, everybody. It's now quarter to two. And we'll resume the hearing. I believe the council are being chased for whether they are but so just before lunch, Mr. Owens, you stated you'd confirm a number of matters to us regarding the reduction of additional cross section joins, particularly when you'd be able to do them by also the additional or supplementary information regarding mitigation planning at Kirby Thor. And the information regarding Mr. walnut and Dr. Leeming at Cisco schedule Park So had you have any updates on those please?

01:02

Thank you, Sir Robin for the applicant national highways limited. Yes, I can come back on both those matters before I do. Maybe just very briefly, provided an initial response. We will obviously deal with this as I said in our post hearing note, but in relation to the point made shortly before lunch by Dr. Leeming on on on planting issues. Miss Simon's can very quickly give a reference though which might assist dot dot leaving in the meantime.

01:36

There are assignments. So, the dots Leeming stated that the species list in the lamp was all broadleaf planting species. That species list actually relates to landscape integration planting only and doesn't refer to the ecology mitigation areas in paragraph b 110, seven which is just underneath the table. Basically, our approach is that all of the UK habitat types that we have recommended, provided in a map in the lamp and it states that the specification for those should be followed and a detailed planting specification will be specifically raised for those and that includes habitats including Scots Pine woodland lowland, mixed deciduous woodland, which includes conifers, and conifer woodland itself. There's also a paragraph of B 121 29, which is specifically about red squirrel and lists out kind of species including Scots Pine cos compaign, lodgepole pine, Douglas fir, Norway spruce, and states that 50 to 60% of any forest in a red squirrel area should be able to produce should be consisting of conifers of seed bearing age. So there is there are allowances for that in the lamp.

02:59

Simon's Thank you. As we've said previously, this will obviously be followed up in the post hearing note, but just in respect of what you said, Dr. limi, that's a very initial response from the applicant having having looked at it over lunchtime, and then a follow response to what you said earlier on in the hearing. Welcome back at deadline five, which is in two weeks time. Thank you. Mr. Chairman. Thank you.

03:27

Thank you very much. The second item in relation to the additional cross sections requested and the mitigation planting additional information. We can certainly confirm that all of that can be provided at

deadline five alongside our post hearing note, but we wanted just to be absolutely sure that we've got the right positions for the line level cross section. So we have done a little sketch which we'd like to put up on the screen just so you can confirm or otherwise that we got it right. This Mr. Kerr is very keen that this should be agreed now so that we don't go off and do something. That's not what is required. So perhaps we can have this put on the screen.

04:18

Good afternoon, Paul Carey on behalf of the applicant. So in respect to the four sections that we talked about, I'll describe them, we'll zoom in, so that we these are often done Fairview it as point of origin at the bottom of the picture there. The one north easterly takes us down green line, I believe that was the intent of the first section and the westerly along the line of priests lane again from Dunnville view. May I inquire, sir, was that way we sort of the field guides, moreover, when we were looking westwards? Sorry.

04:59

The second one And if you're like the one pointing up the plan, yes, we were, were we not in the high point of Dunfield view?

05:08

Yes. The absolute position may take maybe with variable intent. The intent is from where we were smoking,

05:13

where you're standing. That's the view. Pastor school on on the right hand side,

05:19

looking down the lane was referenced by Mrs. England. Okay, so that's one and two from don't forget sorry.

05:38

There was a second

06:00

No, we're happy with those.

06:02

Like, should I move on to the second two, then if we can jump down to screens? Please, please, Adam, we will come back to the moving on

06:19

come back to this one in a moment server, then this one. So there we go. So this is I believe, at about the end. ACCC is looking at along the line of the lane towards Mrs. Nixon's property. Okay, and have a good backup, please add them to number four that was suggested by the Kirby Thor parish council.

This is from the properties looking through the junction picking up the slip road, the main line and the slit road on the on the opposite side.

06:46

That's what I understood it to be. But at this point, it might check. Yep. Yeah, that's good.

06:51

Thank you for so for the time.

06:56

Yes, and thank you very much for going to produce those and by deadline five. So with that in mind, then we'll we'll carry on with the agenda. Others?

07:08

So thank you, Robert. There was a final matter. Thank you. But following the comments made by Mr. Walton, under item 2.5. And the suggestion that he's put forward on behalf of Dr. Leeming for an alternative mitigation planning area in place of 0102 Dash 01 Dash 34. A brief discussion did take place with Mr. Walton over the lunch adjournment. And this is something that we need to take away and consider. It's not just a matter of alternative location for the planting, but also whether the planting in that alternative location would serve the same function, same purpose. So we need to consider that. So we will do that. And obviously included in our post hearing note, because you asked us as one of the 11 areas to deal with that. Anyway. So we will, then we will cover that in the post hearing note. Thank you.

08:11

Sir. Yes, we did have a discussion at lunchtime. We failed to understand why when you raised the question on this matter, at lv 1.2, that the answer was not adequate at the time or indeed we there was no consultation with us following that question into dealing this matter. And we're therefore at this stage of the examination. Some months from that point, and we haven't got an answer. We await what they say. But we have to say to you at this point, that there has been inadequate consultation on the matter.

08:50

You have understood, Mr. Walton, and you've made that point very clear. I no doubt the outcome or post hearing note will will address anything like that. Okay, thank you very much, then let's proceed more with the agenda. We'll go to item now. 3.3. Mr. Roscoe

09:09

agenda item 3.3, then, which is to the NSA wishes to better understand the difference between the EFB landscape integration and EFD nature conservation classifications on the environmental mitigation maps, in terms of their their overall functions, and also a discussion about whether they're mutually exclusive or whether there's overlap in function and whether they are now entirely properly described on the mitigation maps or could be taken in either way if you like. So, Mr. Owen, I don't know who would respond to that on your part.

09:49

Thank you. So Robbie, the applicant that's for Mrs. Holly to deal with these issues. Molly. Thank you.

09:55

Hi. Yes, yes, Carrie Wally environment lead for the applicant and So start with the weather function has come from they are defined within the design manual for roads and bridges. And ultimately, the purpose of those function codes is to aid national highways management of those parcels of land when it comes into management after the after the scheme has been implemented. And so the standard approach is to assign a primary function code to them, which ultimately links to the management and the main driver for the management. So taking the two codes that you've referenced in the question EFB is the code for landscape integration. And this can be types of planting, it can be landscape features, or landform appropriate for the landscape character type, but the primary function of those is for landscape integration or landscape and visual screening. Efd is the code for Nature Conservation and Biodiversity. And this will include planting for habitat, it will be habitat creation, habitat protection, protection for protected species. So the primary function, there is nature conservation. And it is very correct to say they are not mutually exclusive. And certainly the approach we've taken on this highway scheme, which is a standard approach on all highway schemes is to try and integrate the habitats as much as we can. So we try to maximize the efficiency of the land we take by providing both landscape and biodiversity function where we can overlap. And similarly, where it's purely for one function, we would then make sure that the other one isn't compromised by putting in that place. So so it is safe to say that they're not mutually exclusive. What is recorded on the plans is the primary function, the primary driver for it, but it is correct to say that there will be and it's not just those two function codes, there are actually seven, eight function codes. And so there may be multiple function codes for each plot parcel, I

11:44

think we've we've picked these because they do excuse me occupy certain areas on the mitigation maps, and they're quite prolific, and they're also offline in certain places, or appeared appear to be in terms of the mitigation maps. So in terms of the I called it before, a like for like replacement. I know it's not but that's a general description of it. The efdss They would go into a certain calculation, if you like, or they were they would come from it from a certain calculation, and they would run through the biodiversity matrices type thing that was the table of the ES, et cetera, et cetera. Absolutely. So that's, that's those, there would be an overlap than what you've said before with the landscape. But that would be possibly be it'd be a plus, if you like, on top of that, maybe, but is it is it those those figures, the EFD areas that are the only ones that have gone into the matrix choices, if you'd like if I can call it that?

12:45

Back in a moment on that one, yeah.

12:57

If I could, I'm going to ask Sarah Simon's to speak on that maybe because he's has more familiarity with the actual tool that's been used.

13:03

Okay, the silence. I don't want to get into too much detail, I want to stick with the higher level principles under consideration here. And I can possibly feel another post hearing note coming on in terms of this subject to cover it in a little bit more detail. But the silence,

13:21

and it was just to clarify that all habitat baseline, and all habitat creation, are included in the biodiversity tool, which enables the landscape planting to count towards essential mitigation for the losses of habitat. So the areas of EFD are really left aware where that ratio is so high that we need even more habitat than is required for landscape integration and highways boundary, then they're separate, and they've got their primary function of nature conservation.

13:55

So what you're telling me there is that there is indeed another overlap in terms of what actually goes into the biodiversity matrices, because you've, you've within those, you've used certain landscape areas as a, an EF D effectively, yes. Right. Okay. So in terms of the EF B's, then the landscape integration. Are any of those included in a like for like replacement situation? Or are they purely done with the location in mind and the impact landscape and visual visual impact situation if you like, in terms of your EF Emmys?

14:43

I'm not sure what you mean by like,

14:44

a lake. Right. Right.

14:46

To the habitat replacement obligation,

14:48

right. I don't think I was quite clear enough on that. Now. In terms of the landscape integration areas, you've got offline plots, which are actually labeled up as EFB and you've got, for instance, areas, which are just shown as being returned to open grassland. Okay, so now, if they're open grassland at the moment, and they're going to be open grassland in the future, what is the landscape integration impact of that?

15:18

And well, the landscape integration impact was it will be restored to how it is now. So that's where that's the primary function. But it doesn't have a replacement habitat function, mainly because it's agricultural land, it's low value or low value grassland. And it will just be replaced like for like the loss of that doesn't have an impact on biodiversity. So every single habitat within the wetland boundary is included in the biodiversity calculator, including hardstanding. Agricultural, so it's all included, but only certain habitats value need the replacement ratio,

15:53

right? Yes. That way, you've got the darker green on the mitigation or the the mid green on the mitigation wraps under EFB. And that is effectively blocks which appear to be offline, then how are they contributing to landscape integration? How are they contributing to landscape integration, because you've disturbed them as part of the works and you're putting them back in there was a little bit the same as your utility diversion in the triangular plot that we talked about before? Or is the some reason why you want to maintain control of that area into the future, to keep it as open grassland because it fits in with your landscape aspirations on the project as a whole.

16:37

The former, it's like, it's coded as landscape integration, because if that land retain stays in the management of national highways, from their operational functional point of view, they will manage it as landscape integration. But that is purely because it is a replacement habitat. It's been disturbed, it's been replaced back to the grassland that it was previously. Because that fits with the landscape. It's not it doesn't have a function in terms of the integration of the road with the landscape.

17:02

So it's effectively controlling the reinstatement, effectively controlling the mistake is absolutely that. And that's why it's the former, and not the latter. Exactly. Right. But there are certain of those areas, which are outside construction compounds, possibly. And there are certain areas that that seem to be because it's been included in the mitigation maps. Is it really mitigation?

17:31

Mitigation for the disturbance of the land for whatever purpose, it's being used from a construction point of view, but it's not mitigation from a landscaping impact assessment, visual impact point of view.

17:39

I'm not playing on words here. But isn't that I suppose I am. Isn't that restoration? Not mitigation? Potentially, yes. Mitigation is to balance out of harm. Yeah. Like, I know, you've got compensation as a different side thing to that, but Right. Okay. So there are elements on the mitigation map, which maybe should be restoration and not mitigation? I don't know. Okay, okay. But then I'm conscious that you've used those in your bio diversity things. So maybe they've, that your function. And that means that they do biodiversity as well as landscape and so therefore, they should be mitigation. I'd like this particular area, I do want to talk amongst yourselves.

18:48

Can I just say before you come back, I don't really want to get into too much detail on this. And I think it would be useful if you're able to, to provide a post hearing note, but keep it and I can see nods on your side, keep it quite simple. In terms of the overall aspects of it.

19:05

That's exactly what I'm going to say we'll come back and get easy to explain and write the post hearing that,

19:11

okay, right. But you can see that you can see where we are coming from in terms of that. And its implications in terms of, you know, the the order land and the other implications and all the rest of it. Okay. Thank you. I don't think we as a panel had anything else on agenda item 3.3. So what I'm doing now, I'm just briefly looking around the room to see if there's a hand raised and I can see Mrs. Nicholson. I can't see any hands raised online. So this is Nicholson,

19:39

and Nicholson. It's a general point on biodiversity. I'm just asking for clarification on whether the applicant has no fixed the lantic that they need for biodiversity mitigation. And if they have if they've also fixed the type of mitigation, speaking as a landowner, and I don't I don't think Malone. He remains and has been unclear is it no fixed? The amount and the type of mitigation?

20:09

Thank you, Mr. Chairman.

20:13

I think I'll defer to my colleagues down down the line, if possible on that, because I'm not briefed on the answer. I

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think what Mr. Nicholson is referring to is the detailed design that is being undertaken in terms of confirming exactly what mitigation is required and needed where. And so that is, that's a process that is ongoing. It's ongoing as part of the process of, of highways development. And the exact mitigation required depends entirely on the detailed design of the actual scheme itself. So that's underway, but now it is not yet in a state where it is completely fixed.

20:52

Nicholson, you've

20:52

heard the response. Pretty refer to this and your representations previously, so I can understand the the difference in the position to the two parties now. So was there anything else in particular that you wanted to know, it's

21:06

just a rather underwhelming response? Thank you.

21:11

Was there anything else on agenda item 3.3. Just looking around quickly, can't see anything raised. Dr. Martin,

21:18

thank you really quickly, on biodiversity. I did point out at this site inspection. You know, there were areas where birds nested that would rare birds that will be impacted. And I can't find any reference to

loss of biodiversity in this area around the language, the language area Broomberg. area. And it just seems to me that the surveys have been done according to certain models or sampling. But there must, you know, there must be huge areas of biodiversity that aren't actually covered by this documentation. And I just welcome some feedback on that as a lay person.

21:57

Right. Okay. Thank you. Throw in. My thought is that that might be something which is covered in that I called it I asked that it be kept as simple as possible, could be covered within the post hearing note on this situation regarding landscape and biodiversity matters.

22:19

Is that I think that's a very good suggestion. Thank you. We're happy to do that. And also, if I can indicate just response to Mr. Dickerson that we did, of course, discuss yesterday in general terms, the transition from outline, to detailed design, or plumber design to detail design, rather. And we will make sure that the post hearing note from yesterday, does cover, amongst other things, the issue of mitigation land and why that is not in can't be at this stage fixed and why that is a perfectly normal feature of highway.

22:56

Thank you. I'm conscious that there are overlaps between yesterday and today. But I'm hoping that you'll be able to find a way through to respond to the individual items. Just give me a moment.

23:13

Right, thank you very much. That's completes agenda item 3.3. On to section four on the agenda then, which is climate effects, and agenda item 4.1. XA wishes to better understand the linkage between traffic reductions or increases. And these being included within the final greenhouse gas estimation. Those are the words of the applicant in terms of the document that's referenced there. There is also a supplementary agenda item 4.2, which goes on to more strategic routes, and almost references, the intermediates and external simulation areas in the model. What I'm actually looking at in terms of VAT is the an extract from rep two double 03 That, you know, obviously, and the fact that you've got purple, blue and green on those on those particular patterns, but everywhere within the green has a road link within it. So it's that kind of thing that we're dealing with in this particular section. So I wonder if Mr. Owen we could take first of all, the first agenda item in this particular section, which is 4.1. And it's an explanation of and these are your words, these are the applicants words now, how these travel reductions are increased increases have been included within the fine hub as the final greenhouse gas estimation. So if we just take 4.1 first and then build to the wider area, if you like.

24:51

So thank you. Again, Carrie Wally is going to deal with this issue. This is Wally. Thank you.

24:57

Thank you. Yes, I will do as you say It may be that I answered both questions in one the same explanation. And so I think, or talk specifically about increases and reductions, if I just briefly describe the sources of data that go into the greenhouse gas emissions in the area covered by the modeling

that's included in the calculation. So the greenhouse gas emissions calculations are based on outputs from the traffic model, and the traffic models or strategic model. And it models is an assessment of the change in traffic behavior, due to the presence of the project across effectively the whole the north of England includes whole the UK, but it's more accurate. And obviously, most of the effects are seen in the north of England. So it is a strategic model that covers a very wide area.

25:38

And so that basically covers the green area, everything out to the outermost limit to the green area in terms of the conversations that we're having at the moment. He does, absolutely,

25:45

yes. So that the traffic model, there's two main impacts that arise from the project that the models are designed the traffic models, it's actually two models that fit together that are designed to capture. The first is the impact that the project leads people to change the destination or the mode or the frequency of their trip. It's known as a demand response. An example of this is so for example, someone living in Darlington might normally go to York to do their shopping, and they might choose to go to Penrith to do their shopping because of the presence of the scheme and the fact it's a reliable, like a reliable route. The second is the route choice changes, I think the question refers to more which is the reassignment of traffic, it comes both probably but the route choice change, which is where someone who's making a trip from A to B might choose to still go from A to B, but using the AES 66 as their route rather than using an alternative route as their route.

26:35

But in terms of the greenhouse gas emission, then don't they actually result in the same thing?
Absolutely traffic

26:41

model, and both are included in the greenhouse gas emissions model. Yeah, so. So that's the point I was trying to make exactly is that the traffic model includes both of those changes in behavior, whether it's a new trip generated or whether or changing trip or the same trip taken by a different journey.

26:55

So that's the demand response. And also any trip reassigning the

26:59

trip reassignments. Absolutely. That's all included in the base traffic model that the data that the calculation is based on. So we note that item four Oh 4.1 refers to the affected route network. And I thought it might be worth just explain the difference between the affected route network and the traffic reliability area, which is two different areas.

27:19

Right. Okay. If I can just sort of try to reduce this a little bit. In terms of the affected route network. That's obviously the purple area. And I was no sorry. That's that's the the routes the routes, which is shown on the individual plans in document app zero 16. Live? Yeah, obviously, the purple links, I got

my purples mixed up, then the purple links. Yes. Great. The purple area, then is your traffic the liability area?

27:46

Yes. And just to complete clarity, effectively, the traffic reliability area is the total area covered by any of the different affected route networks because the affected route networks are defined for noise for air quality for climate on different screening criteria, they add together the traffic reliability area. So the clarity I wanted to give here is that the greenhouse gas assessment has used all of the links within the traffic reliability area. And in fact, we would like to highlight actually that we wish to make a correction. And we submitted our in our response to the examining authorities first written questions c e 1.5. At rep 4011. Our response refers inadvertently on page 13, to the affected route network, when actually it should have refreshments, the traffic reliability area. So we will correct this in the post hearing submission. And we'll submit a corrected response there. Okay. So apologies if that's caused any confusion, right? So the traffic or liability area is the area then where it is defined in a way by screening criteria effectively, that is where we see the most change. So greenhouse gas emissions calculation includes all of the links in that area, whether we see an increase or a decrease.

28:54

But I'm older for a moment, please. Dr. Boswell, I can see that you've got a hand raised here. What I'd like to do at the moment, because it's an area that the panel are interested in, in terms of the various representations that are being made, including your own, and thank you for those helpful representations. Following the first hearing that we actually had and the ones you've made before that it's important that we as an examining authority, can understand where the applicant is coming from on this, and then we can actually see if we can follow follow this through, first of all with the applicant, and then I would come to you then, for anything that you may or you may wish to say on this particular subject, it just helps us understand what is going on.

29:35

Absolutely, yes. Why I wasn't intending an interrupt. It was a sort of pre-emptive right. To come in at the end.

29:44

Please keep your hand up then. Yeah. Okay. Thank you very much. This is wanting.

29:49

So, as I said, I think the greenhouse gas emissions calculation utilizes every link within the traffic reliability area, whether it's an increase or a decrease. So take us back to the wider area that the traffic modeling covers, we see like I said, we see this just eject

30:07

I could I just come in and ask I mean, back to our demand response and trip reassignments, then those two minimum do something comparisons would include demand responses and trip reassignments. Within

30:23

the TRL. They didn't tear, right? Absolutely, yes. Okay.

30:27

And so that would mean then that a certain amount of those greenhouse gas emissions might occur in any event, because those aren't new journeys.

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Absolutely. Now, where those alternative journeys would have been within the TRA that is accounted for. So if on a local basis, if someone took a local would normally take a local route route and instead took the a 66, then the reduction on the local route is included in the traffic modeling as well as the increase on the A 66. Right. Okay, if it's a more strategic route, and I take you here to then the ones referenced in 4.2, some of those routes sit outside the traffic reliability area. So the greenhouse gas emissions calculation accounts for the increase on the a 66, it accounts for all increases on the AC HD six, because the whole of the ACC six is in the traffic reliability area. So no matter where in the country, that route might have happened elsewhere, or the demand might have happened elsewhere, the increased that the fact that they're traveling on the A 66 is included within our greenhouse gas emissions calculation. If their journey alternative journey would have happened outside the traffic or liability area, so for example, on the a 69, or, or, for example, the example I gave from Darlington to York rather than Darlington to Penrith, that notion of that journey that is outside of what if I can

31:43

just hold you there for a moment? I don't quite want to go there yet. Because I want to finish off in terms of thoughts on the these intermediate areas, because you've described now that the the TRA actually is that's what the greenhouse gas assessment is based on. And you've described the the pluses and minuses and that they're taken into account, if we can sort of work outwards, if that's okay. And if we can use the the intermediate simulation areas, next, rather than jumping straight to the A 69. And the A 65. Stroke a 59. Okay. Just last six months.

32:38

Okay, sorry, I just wanted to double check something there. So the intermediate areas, effectively, the changes on those links are below the screening criteria for any affected route network. So what we're seeing there is a de minimis change. So it's a very small change. So that's why it's not included in the traffic reliability area. So any changes on those roads would not be included in the greenhouse gas emissions calculations?

33:00

Right. So what is the function of those if though all those changes are de minimis in the intermediate area? What is the function of having the intermediate area in the first place?

33:12

I pass to services and, of course,

33:19

Matthew Senate from Arup, on behalf of the applicant, the purpose of the intermediate area is to improve the accuracy of the model within the traffic reliability area. So the modeling, in order to produce the most accurate model, you can in the area that you're interested in, you need to have a good representation of the alternative routes. And so and so it's sort of a bit like a bit like peeling layers of an onion, you know, you to get to the good middle, but you've got various different bits on the outside. So each with diminishing levels of detail.

34:06

I've only just thought of the word I was thinking of the word I was going to use for this, then you'll probably sort of frown on my face. It's it's almost like a verification exercise. I use that not at a traffic event. Yes. Les sense. Yes,

34:21

the verification exercise. So we concentrate on the validation, validation that within the traffic model within the purple area. Yeah, and where we, where we put our most effort into getting the correct numbers. But to get the correct numbers in there. You need to look at the areas wider because that is where traffic could alternatively route. And then so and that's in the intermediate area, but then indeed, to in order to get the intermediate area accurate. You've then got to look at the external area as well. Yes. Continuing the same increasing level of detail. Yep. Yep.

35:04

So coming back to that. So that's an under understanding then of the intermediate, and the external simulation areas and the purpose of them in terms of the validation or the verification. And you mentioned then, as the setup, then the the de minimis and the fact that when you actually get out into the blue or green areas, it's de minimis. I would just like to explore that. But just before I do understand that, Mr. Humphrey has a question for you. So the summary,

35:43

just in fairly simplistic terms, the sort of sensitivity area, presumably, all the links in there are modelled? And whereas individually, they're de minimis, presumably, there is a number attached to that, you know, the gross amount. So how is that just not accounted for? Whether it's minus or plus or what? And?

36:12

Absolutely, I suggest, in anticipation of this question, we've been wondering how best to answer this. And I suggest that we submit some further information in post hearing, simply because, in order to explain how, how that assessment arises, and essentially, all of the large increases, as Miss Wally mentioned, all of the large increases tend to occur in the TRA, and there are many individual, but very small increases, as decreases, sorry, that occur outside of the TRA that the assessment doesn't account for. And therefore the assessment, in my view is very precautionary. Yeah,

37:11

that's, I think, what we were wanting to understand, because I accept their de minimis, and it might be very small on all the links, but a model will know. Yep. How many is in total? Yes.

37:27

Right. So we've effectively started on the de minimis bit. Yes, yes. And so effectively coming back to the greenhouse gas model, then, from what you've said, if those small de minimis is add up to something, then that is the precautionary approach that you've taken? And are you looking at? Is it Are you able to look at figures in terms of the extent of that precautionary or some kind of level of some kind of indication of how precautionary the approach is, following what we've just discussed?

38:04

Absolutely. And we will be able to come back, I think as soon as I said, we'll have to come back with some further information on this, we've we've done a few calculations to help inform this, which can show that and we'll share that in a post hearing. Now, I think the

38:14

fact that you said calculations means that something may be there in terms of the the amount, which might actually affect the greenhouse gas calculation.

38:31

So I think we'll take a step back just in terms of clarity. So as I said, the traffic modeling accounts for all of the changes. So the traffic model on the app of the model accounts for every single change that's in there, the greenhouse gas emissions has accounted for, we've been through and tested all of this, that accounts for all of the increases, because all of the increases are seen on the A 66, this has moved on top traffic on to the A 66. So we see the increase on the ICT sector and therefore all of that included in the greenhouse gas emissions. What will what might not be these very small incremental decreases. So I think that's the point that Matthew that was sent it was making about it being conservative is that we may not have accounted for all of the all of the decreases that were happening on other roads. And therefore, we are overestimating the potential greenhouse gas emissions from the ACC six because it doesn't account for the decreases. And we have a very high level of confidence that that is the case that we're over accounting for it and being very conservative, as opposed to there being any increases elsewhere that we might have missed. Not good. But we can put some information together around the changes in traffic and the percentage change in traffic concert on Rick's outside of the ACC six around those decreases, if that helps to illustrate that.

39:35

Just one point on that. You said if you put together all the traffic decreases. I'm not predicting what your model says. But it might be and I don't know where some cases where does de minimis traffic increases? They will be taken account of in all

39:49

absolutely yeah, absolutely. Yeah, they're all included in the model.

39:54

I think the point is that you you have said previously that it is a conservative estimate. That's the point that we're trying to explore. Well, you know, what do you mean? Do you mean why? And so you've said

now effectively from your position, why you believe it is, but effectively what the posterior note would be to back up what you're saying, in your particular view? In your opposition? Yeah. So if we go now to table 723, then I mean, would this act and just wondering whether that would make a difference, for instance, to table setting 23. If, if these type of sorry, where I'm looking now is document, AP dash, zero 50. And it's the environmental statement, chapters, Chapter Seven climate. And I think this just happens to be the one that I've got in front of me, and it relates to another point that I've got to ask about, but it might actually change something in terms of that this talks about emissions. And it talks about the do minimum and the DO SOMETHING scenarios over a period of time. And so from from what you're saying is the conservative proportionally approach has been applied to these figures. And if you look at how conservative or how precautionary that is, then that might have an effect on these figures.

41:25

That it might have, I think, the key point to reiterate is that the changes seen outside the traffic reliability area are relatively small, and I appreciate it humans, if point that they add up, we wouldn't anticipate it to make a significant change in the greenhouse gas emissions calculations. And that is why a screened out of the of the emissions calculation. So I mean, that's something again, we can respond to in the in the post hearing.

41:49

Right. And so, in terms of post hearing notes, it would be useful to have a post hearing note on that subject to, to cover to combine possibly both the oral submissions that I've that we've heard, plus the additional information that you may be able to give, just again, looking at the the progression of that the the rolling of that rolling on of that to the 60 year period. And what is actually modeled there now, if you look at the difference column in that particular table, the difference is shown as something of the order of 39,000 tonnes of co2 equivalent in 2029, and then you've got a figure, similar ish figure for 2024 2044. And then you've got the totals over 2029 to 2089, which is the 60 year. While I am I am aware that you haven't had these particular references before. And so this is something that you may well need to come back to us on. But the point is that if you divide the total by 60, to get an annual co2 equivalent, you get to something of 34,000, you get to a similar level of emissions all the way through that 60 year period. Does that mean that your modeling has been based on am vehicles being emitting the same over that period? Because I've also heard you say in certain representations, that your modeling has accounted for their call improvements over a period of time, and I'm not sure how the two things equate, if you like, your, your emissions don't seem to be varying on an annual basis very much over that 60 year period. And yet on the other hand, you're saying, well, we've taken into account a certain future scenario. Is there anything you can give us on that now and to follow up with a note?

44:13

Yes, indeed, Mathewson, it's for the applicant. There's a number of different factors at play, but essentially, we model 2029 The opening year we also model 2040 for the design year, there is there a different traffic conditions in those two years to account for so different demand and different different vehicle kilometers traveled, but then indeed, there we use the emissions factor Toolkit, which has which has projections of how well within the model. So to start within the traffic model itself. There are there are two shouldn't say on how many vehicles or what the vehicle fleet makeup will be. And indeed,

within the emissions factors toolkit, there's this forecasts on how efficient vehicles will become in future. Off the top, I'm not sure at what point the emission factor toolkit, I don't know what its horizon year is, it's perhaps it could be something like 2030, or it could be 2040, or something like that. But from from 20, from the horizon from the final year within the toolkit, you then just assume a flatline, you don't assume any improvements beyond its horizon year. So in which case, that is also a precautionary assessment. So, but but the assessment is designed to consider every year from the opening year to the 60th year, individually, and the assumptions that are made for each year are covered in guide or by guidance. And we will have to go over exactly what that is, and provide a graph of emissions over each year and explain why the emissions do or don't change in which direction the line is going in a post hearing notes for your clarification.

46:30

So what effectively you're saying to us is that the impact if the effect of the toolkit has actually happened, really, possibly before you get to 2029? Anyway, possible that in fact, that's actually there in the in the 39,000 difference that I'm looking at in the table? Yes. And that's why this extension that that horizon has been passed, and it's pretty much unknown when you get over the hill because they arise has disappeared.

47:00

And indeed, web tag is tagged transport analysis guidance. The DFT guidance is deliberately precautionary in this regard as well, it isn't, you know, it doesn't, for instance, take into account the transport, decarbonisation plan that the DFT has, has issued. So

47:22

I think I've seen that in response to one of our questions, it was almost getting back from the responses to our questions, which are a little bit higher level than just following it a little bit more in terms of practical thinking. Right. Okay. Just give me a moment.

47:58

Right, okay, Mr. Sinnett, then, was there anything else you wanted to say on this particular subject? I saw a couple of minor conversations going on in there. If there's anything else you want to say on this particular subject. Right. Okay. So out of it, then we've got

48:20

we've got the two post hearing notes, one on the de minimis situation, and one on the 60 years, and the the toolkit, you may wish to combine them up to you as to how you think that is better presented. And if you think that there's additional information that we haven't had before that might be useful to us, then then please extend those. Right. Thank you. Dr. Boswell?

48:52

Afternoon,

48:53

good afternoon, right. So you've you've obviously seen all the representations so far and and you've responded in terms of representations yourself? You've obviously heard what's just been discussed? What what did you particularly want to speak on?

49:10

Okay. I liked it note may make two points on the discussion just made. And if I can sort of start on where you're talking about the traffic reliability area in the study model. Um, I wonder, please, if we could go back to a pp 27237. That's the combined modeling and appraisal report.

49:48

Right, Mr. Boswell? I wonder if I could just start off by by going from this at the top if you like. So, yeah, sure. What are your two you said there were two points. Okay. Yeah, if we could just identify those First of all, because obviously I have two ways of dealing with this, it's quite, it's quite difficult to follow it, as I've said before, if it's all in a hearing, so we have to sort of work out how best we can take the information in if you like.

50:16

Okay. Yeah, absolutely. Yeah. I mean, I'm sorry, if I was drilling in really, I mean, the first point on traffic reliability area, is that we were just talking about, you know, whatever emissions, they may be there, and we're looking at the intermediate area outside and so on. And that was very useful discussion. I wanted to look in to the traffic reliability, or about whether actually all the emissions are actually being captured from that. The applicant was saying that they they are just now. Yeah, but I'm not sure that they are. And I think this is something's might be drawn out. Also, in the post hearing note, if they have a response to what I'm what I was hoping to sort of show.

51:09

Right. Okay, so what what makes you think that they aren't all included in the traffic reliability area? Okay.

51:20

Well, the OSI and higher level

51:23

as you as you

51:26

drill in properly to show that

51:29

we make an Can I just say that we might have to drill in through a note, rather than be able to take it all in, in the hearing, but we'll see how it goes.

51:38

Okay. Well, the premise of what you're saying is the the traffic reliability error in the command modeling and appraisal report on page 60, section 4.5, it actually defines scoping criteria for which network links go into that traffic reliability area. So, there are actually conditions set on the links which go in to the TRA. And under Section 4.5, those are defined for noise under the DMR, b I, a 111. And the defined for air quality under the DMR BL a 105. And you you have criteria, such as if there's an increase of 200 trips in HDTV flows, then link would be included or not for the air quality. What I wanted to do such such you shall show you where it says that. Now, I think that the applicant is using the same criteria for the greenhouse gas study area, but that's what we need to resolve.

53:08

Right? Okay, if I could, if I could just hold you there so that we can actually monitor the points that you're making. So we've got, we've got a point there in terms of the inclusion of routes in the the parameters, if you like for noise and air quality are constraining the use of those roots in terms of the greenhouse gas assessment. If I could just deal with that one briefly. First, if I'm able to, I mean, we might at some stage have to go have to go to notes. But if we can pick them off individually. That's right. So this is Wally, then is that something that you can respond to briefly now?

53:42

Absolutely, yes. Like Dr. Oz was correct in his identification of the criteria in the in the coma report. And so there are a set of screening criteria for greenhouse gas emissions. And if you're basing your assessments on the affected route network, those criteria are applied. And we have decided on the scheme to be precautionary, to base the greenhouse gas emissions assessment on the traffic reliability area. And the reason why they're not listed as part of how we define that is because actually, the air quality criteria are more precautionary than the greenhouse gas emissions criteria. So we have done a sensitivity check and gone back and double checked against the greenhouse gas criteria. And there are no additional links that would be within the traffic reliability area that are not already captured under the air quality, affected route network. And so we've not specified effectively now with climate because we've not used it, we've used the traffic reliability area, which is a wider area, so picks up a greater

54:34

rights, which Okay, and so in your oral summary of this particular hearing that we will exactly know that we'll go through that. So in terms of that particular point, then Dr. Boswell, I'm now aware of your position on this and the applicants position on this. If you wish to come back at deadline five then then please please do so. What was the next issue that you particularly had?

54:57

What's that? Sorry, I'm still not clear sorry on that. point,

55:00

I don't think there's I don't think Dr. Boswell that we're I'm, well, from my point of view, I'm not going to be clear, during this hearing, I'm going to need to get further information from parties, we're going to have to get further information from these parties to be able to judge the relative positions. And the point of this particular section of the hearing is for us to be as clear as we can on the positions of the

relative party. So I've actually obviously got the recording of how you put that, and you may wish to put a note in and I've got the recording of what was said from from the applicant.

55:35

Okay. I am concerned that the response from the applicant didn't fully answer the question I was sort of asking through you, so to speak,

55:47

right.

55:50

In the the applicant said that there were greenhouse gas criteria now says understand it, those are going to be put into the note. Yes. Also sensitivity tests. Yes. If there are greenhouse gas criteria that suggests that there is some scoping out of links, it's just not the same as for the air quality via la 105. And I accept. Right. Right. But it but the point I'm making, I suppose is that there are still links being selected out. And I think the we need to see the sensitivity testing, though, that may prove and it comes back to what so I don't know his name. But the other inspector asked about, you know, whether there's there's network links. I mean, this is an intermediate area he was talking about wherever there's no, Link, you're talking about Mr. Humphrey. Now? Sorry, Mr. Humphrey. We're not being included? This is the same question, but on the TRA itself on the purple area. Right. So

57:07

your your concern, then is that there are still links, there are still links, if I can summarize, there are still links in your belief that may not be included. And that's your, your concern that in some way through this process? They may have been screened out.

57:22

Yeah, I think we Okay, with details of that, please.

57:26

Right. It's it's important that we that we try to get it to that kind of level of, of items, if you like. Yeah. So that was that one. You said you had another point? Yeah.

57:36

The second one was on the question about 60 year projection. Yep. And really some clarification on that. But I believe that the horizon Europe as it was put, for the EFT version 11 is 2050. Right, understanding is that it models electrification of the fleet, and other factors, hydrogen or whatever, up to 2050? Yeah, so I think that makes that actually the discussion, which was had about well, has the has all taken effect before 2020 2029? That's right. is slightly sort of incorrect on that basis.

58:29

Okay, I must, I must accept that. That was partly due to me actually trying to understand it, and to put a visualization on it, of it coming to the horizon 2020 30. And then the horizon being unknown after that, but that will become clearer in the second of the post hearing notes that that have been offered as to

how that graph actually looks in real life. Absolutely. Yeah. Right. Okay. And Okay. Was there anything else on the 60 year matter?

58:57

Yes. I mean, I think that the the 34,000 tonnes of emissions in 2044. On the the figure 723. Yeah, is an issue that that that is just differential emissions, the increase the increment from the scheme, and that's six years before net zero. And that has all this electrification accounted. So I think, to sort of lodge that, if you'd like that level, real world picture on that data, I perfect. I completely accept that after 2044 or 2050 that the data is sort of flatlined, because I know that what's done in all these environmental statements, and that is over precautionary, not just precautionary, it's just an accurate modeling. And but I think there's there's another issue which comes in didn't hear you can't just keep making the precautionary argument. On the bait, oh, we've got precautionary data. But it's sort of because it's basically an accurate data. And you do actually have to really look at what the scale of the emissions are in 2040. Because that's the Our target is, is Net Zero 2050. And

1:00:21

so those that's that's coming back to points that you've previously made, so yes, yeah, absolutely. Okay. Yeah. Right. So that was the 60 year projection. Yeah. section then. Was there anything else that you wanted to raise? Yeah,

1:00:36

very brief, just just as not too full points for two micro points. Okay. One was a de minimis. I'll wait to see what the note comes back with. But I just launched that in a pre application, or sorry, a pre implementation situation. I don't believe that de minimis can be appropriately applied. And I will explain that in my self. Thank you. And just to sort of finalize on on some procedure, actually, that I know, I know that you want to talk about the pads, and so on, but I'm also sort of keen not to do staccato, sort of responses on responses on responses. I'm still waiting for the applicants response to my deadline, Sree, which they've deferred. So I was just going to suggest that it would seem to me then that the first opportunity, I would have to reply on sort of a lot of issues, and that would be including the rep. Four Oh, 14, which is the responses to questions. Yeah. It's better to sort of take them in the whole round do staccato responses. And to sort of come in at deadline five, if those deadlines six, if the applicant responds to the deadline five, I'd sort of check that made sense from your perspective.

1:02:09

Right. Okay. From what you said makes sense from our perspective. I'm just looking across at Mr. On or Mr. Sennett? Mrs. Wally?

1:02:32

Robbie over the applicants, I think we will, as be made clear, putting a detailed post hearing submission on this overall subject. We will include in that response to those points raised by Dr. Boswell that we think need a response. We obviously, as with all aspects of the examination, consider carefully what we do need to respond to what I'm what I'm saying is that we may not include in our post hearing submission, a response to everything that Dr. Boswell's written deadline three, because I suspect we might take the view that not a word needs a response. Right. So I wouldn't, I wouldn't want Dr. Boswell

to think that he's going to receive a completely comprehensive response from us to everything he said, because that might not be the case.

1:03:24

The purpose of this, as I've said previously, is for the examining authority to be as understanding as they can be of the parties positions. And so if the response that you give at deadline five doesn't you don't respond to certain points in deadline in this doctor boss was deadline three submission, then if that could be identified in some way identified in terms of the sections of that response that you've you've dealt with and sections that you haven't dealt with, you'll have to obviously choose how you do that yourselves. But if it could be if it could be clear on which which elements you are responding to, and then there may be elements that you have decided, or your own reasons not to respond to. But it was just clarity in terms of that point. So that so that the examination is aware of the points that you've addressed and the points that you haven't addressed for whatever reason.

1:04:23

So thank you, that's very helpful. And we can certainly indicate in a way that we will work out what we think is most helpful to you. how we've approached it,

1:04:33

and quite okay, thank you. Dr. Boswell, then that, that I think responds in a way to what you were talking about, about this staccato approach of, of tooing and froing on this and trying to give us as the examining authority, the best picture of both positions, if you like, was there anything else that you wished to raise?

1:04:55

No, that no, that's absolute. Right. Okay. Thank you.

1:04:58

Thank you. Thank you very much. Can I Thank you as well for your contributions to the examination. So far in terms of the written representations that you've that you put in and write and keep.

1:05:13

Right? We'd gone from agenda item 4.1. And we'd sort of morphed a little bit into agenda item 4.2. But just in terms of agenda item 4.1, just looking around to see if anybody else wishes to say anything on that don't see any hands raised, don't see any hands raised on line, I see one hand raised, and I just

1:05:39

particle shock. Thank you. I'm Kate Walsh off a friend to the Lake District. I'm actually wanting to respond to the applicants response to my responses to the consultation, basically, where they're saying that because the emissions from this road are not significant on a national basis, that therefore they don't count towards the climate change commitments for the UK for England. Now, one of the things I'd like to say is their local, national and international commitments to reduce carbon emissions and to address the climate crisis. The Committee on climate change, told the Department of Transport in 2021 that decisions on investments in roads should be contingent on analysis, justifying how they contribute

to the UK is pathway to net zero. The analysis should demonstrate that the proposals will not lead to increases in overall emissions. Now, this road is going to lead to increases in overall emissions. It may not be significant according to the way that national highways and its parking for transport calculated but there will be 2,000,002 point 6 million extra tons because this road is being constructed. I'd also like to put it in a Cumbria context. Now I've been told by the applicant that local context doesn't count. But I still want to put it Friends of the Lake District along with Cumbria county council Eden District Council Cumbria tourism Cumbria, local enterprise Council, the national parks, community groups and businesses are all members of zero carb and Cumbria. Zero carb and Cumbria is looking to get to the county to net zero by 2037. If we have to increase these in carbon emissions in the county, that is going to come with the A 66. We are not going to make that target. It's all very well saying oh yes, well, we can meet net zero just by saying it you can't you actually have to do something about it. And building this road is going to increase Cumbria's carbon emissions, we will not make zero carbon by 2037. There is currently a climate emergency. We've seen that in Cumbria, we've had storm or wind, we've had storm Desmond, the damage has been enormous. And I just wanted to make it clear that there doesn't appear to be anyone else here actually saying these things. It is the elephant in the room, climate change is happening. And it is damaging, Cumbria, it's damaging. UK it's damaging the rest of the world. So essentially, what I want to know is why didn't national highways not consider the impending private climate crisis to be their problem? Why do they think that building new roads which increased greenhouse gas emissions is just a matter of business as usual, and actually doesn't have an impact? It will have an impact. And that needs to be accepted, just come out and say it's a building this road is going to cause climate change. But actually, we don't care. So that's essentially the point I'd quite like to make.

1:08:32

Right. Thank you for that. The as I said before, the purpose of these sections of the hearing is to find out and to explore the positions of the parties involved. It's it's not necessarily to get agreement between parties or even responses to questions, but it's to get an understanding of the various parties positions. And your and our understanding of your position is clear. And what you've just said to us is clear. If there's anything that Mr. Owen or the applicant, or the applicant would wish to come on to add to what they've already said in terms of their representations or this afternoon, then the opportunity is there. If we don't hear anything, then we've clearly got those two positions in front of us, Mr. Owen.

1:09:19

So thank you, we will reflect on what Dr. Wilshaw has just said, I believe that we've made opposition there already in the written submissions to the examination on the issues that Dr. Bush was raised, but as I say we're affecting Latin and include in the post hearing note, anything that we think is necessary, by way of response.

1:09:41

And Kim. Right, just looking around the room in terms of any other indicate I know I've got one on the screen. Yes. So just looking around the room, first of all, Dr. Martin,

1:09:52

I'd like to thank Dr. Welsh writer what she said yeah, but I also had some queries on in an interview at your level, which is coming back to the language Broomberg situation, I have relevant climate change. I've searched these documents to try and find information about how issues around air quality and noise have been addressed, and mentioned biodiversity. And I can't find them, which indicates the difficulty of the public actually negotiating these documents, I will be addressing these more detailed queries to the applicant. But I do hope I got it, I'll get a response because I have already asked for information on noise several times in person and in writing. So thank you for taking the question.

1:10:42

And I've also got Councillor Richard Bell. Virtual with a hand raised.

1:10:51

Thank you chair. I seem to be my camera seems to be off, but I'm here. I just want to sort of make a little comment on on climate change emissions, as well. I'm not an expert in this view. But I would say that what are the benefits from a counter Durban North Yorkshire point of view is the reduction in the significant and consistent jams that one gets particularly on Friday goes around the border area around the main skill farm area. It's a complex issue, I would point out as electrification, happens of motorcars, and indeed commercial vehicles. And given the timescales of construction of this dealing, I don't think a simplistic sort of analysis that better roads equals more traffic, which may have been the case 10 years ago, is necessarily accurate now, not at an area of my expertise. But I would just like to put that on the record. And we consider it to actually be an environmental improvement in terms of traffic flow in our area.

1:11:57

Thank you. Right. Thank you, Councillor Bell? Australian, was there anything you wish to come back on before we finish with that particular agenda item? No, thank you, sir. Thank you. So that then completes agenda item 4.1. In terms of agenda item 4.2. The strategic traffic reassignments from the A 69, a 59, a 65. We've almost dealt with that, I think in terms of going through, and we've naturally expanded into the external stimulation area because of what we've talked about in the intermediate area. So if there is anything, obviously, you can put it in the post hearing notes that you're the posterior notes would cover both of those things. So I didn't have anything else on climate effects. Just looking around the room quickly. And looking online, I don't see any hands raised. So what I want to do now is to move on to Section Five of the agenda, which is flooding and drainage. This particular item item 5.1. This particular item focuses on scheme. Oh six, it seems to us as a panel, that that is the most complex of the schemes in terms of flood risk, wanted to find out first in terms of from the applicant in terms of how and where the relative level approach could be used. But what I've wanted to first check is, excuse me, our understanding of the difference between level four level but compensation work, if you like, and also relative level approach. And is that volume for volume effectively. So wanted to a relatively simple explanation of that as a starting point from the applicant. And overall in this section. It's starting off with the applicant, but then I would wish to come to the Environment Agency or their position in terms of agenda item 5.2. So just to start off with that first Mr. Ryan,

1:14:01

Rubio and for the applicant. Thank you, sir. I'm going to ask Mr. Paul Carey, to respond to that. We also have available online Mr. Kevin Crooks, on technical issues. You heard from Mr. Crooks in the last hearing. So Mr. Carey, would you like to give response to the issue and thank you.

1:14:22

Good afternoon, Paul Carey for the applicant and I will endeavor to provide the high level answer should we need the detailed answer that's where Mr. Crooks will step in. So you're absolutely right. So in terms of the position we find ourselves in scheme six is that it is the most complex of the areas of the route. We've adopted a hierarchical approach of full compensation, level four level initially. Moving on to relative level four level and then finally volume four volume. So scheme six is a predominantly volume for volume. It's a very complex interaction between the scheme and the floodplain, the topography and the limit Patients are constrained to the area. More back is the most critical area, which uses us as a non standard volume per volume. And we've achieved that by

1:15:14

care if I could just hold you there. What I was looking for First of all, because it's it's important that we understand if you like. So the if you can start off with the differences then between level four level, relative level and volume for volume, very simplistically,

1:15:34

so it's absolutely poor care if it's a level four level is whereby we replace areas of the floodplain that are taken by the road with appropriate places that are at the same level in in adjacent locations or that okay. relative level of level I, Mister Mr. Crooks, if you're on the line, please can I defer to you in that one? And Mr. Crooks?

1:16:00

Yes, I'm here. My name is Kevin, half of the applicant. So relative level for level is where we lose an area of floodplain in one location, we don't have this space, there'll be other constraints in place what prevents us from replacing it in a local to that, that area, so we might provide it either further upstream or downstream. And that is based on the actual topographical levels and that area.

1:16:34

Does that mean if it's if it's replaced upstream, upstream or downstream, that's why it's not level four level. That's why it's relative because it would actually provide be provided at a different level, but to reduce the overall to manage the

1:16:47

relative in terms of depths of the depths of the flood storage provided would be the same, but it would be at a different topographical level above Yes, datum ordnance datum.

1:17:00

And then volume for volume place,

1:17:01

volume for volume is more based on the return periods, especially in particular, for scheme six. So we've we've run different return periods within the flood models to give us volumes of at each level. So for them wanting to year storm, there's a volume for the difference between wanting to and wanting 10 year there's a volume, etc, all the way up to the 100 plus climate change. We can't replicate that within the space that we've got available to you to site constraint. So we we've put that in the nearest place available, it's just a different way of calculating.

1:17:39

So in in practical terms, is there any difference between relative level and volume for volume? Just the way it's calculated is mining is simply a modeling difference if you like. And so when I said, are they the same? They are the same, really in terms of the high level of detail that we're talking about this afternoon,

1:18:01

in high level, the SN

1:18:03

Thank you. So as to carry then we you'd started then to talk now that we've got those particular points in mind you started then to talk about I think it was more back first of all. And I should say that I think I did actually, in the agenda item, we did actually put that the explanation could be delivered in terms of rep four dash zero 11, Appendix B, which is the plan that shows the blue blood compensation areas if I can call them that across scheme, six. So that's what I've got in front of me. And it was just really, the agenda item was just really an explanation of the ESA wishes to better understand for scheme, six, how and where the relative level approach could be used.

1:19:02

So would it be helpful to have us drawing on screen you take a moment or are you happy to talk to it in

1:19:08

the moment because I've got it in front of me. And it's the one that was referenced in the agenda item. It's up to you as to whether you wish to, to share it or not.

1:19:25

Or work on sharing it in the background. So but if for expediency Yeah, it's probably helpful. Probably invite Mr. Crooks to go into the detail, Kevin, if you wouldn't mind.

1:19:35

Right? Not it's not really detail. It's it's more to understand it's almost the functions of the different areas that are actually shown on the set of plans that I just referenced.

1:19:48

Mr. Crooks

1:19:51

could I bring in my colleague who actually helped deal with the flood modeling on this one to help explain Please Mr. John Wilcock

1:20:04

and speaking for the applicant, okay, yep, we got it upon on screen I can not I can walk you through it

1:20:18

so I believe the plan is loading.

1:20:20

Right. Okay during Rolla bind, right, okay. Just give us a moment

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all right, brilliant. Okay, so the blue hatched areas on the plan, where we're planning on putting a floodplain compensation area. So this area, we're going to lower existing ground levels down to provide additional volume to store flood water. So Kevin,

1:21:10

Mr. Wilcock, if I could just hold you there, because you're actually on sheet three there. And that is actually flood compensation areas on sheet, two relatively small ones near the wall crop. West junction is called that near dike, look, cottage. But there's two larger ones, the eastern most, one of which is shown on sheet three that you're showing like that's the one. So if you could start off with the two because those are all volume for volume? It's called. And the question is basically, how do the volume for volume compensation areas? Because they're almost a little bit out of the natural progression of these things? How would they actually work in the proposals as they as they exist in the flood modeling at the moment. So really, I'm talking about those two hatched areas, blue hatched areas to the right hand side of that particular plan that's on the screen now, first of all,

1:22:22

so these two areas here will be terms of some extra landscaping done to reduce the levels down, therefore increasing the volume of floodplain that's available during a flood event. Right, so the sub base modeling here will show that these areas will fill up, in essence, during the start of a flood event. And therefore any increases of flood flows down script downstream will be mitigated.

1:22:53

So if I was to take a cross section across those two flood compensation areas across to the back, then that would be a cross that cross section that would be level four level compensation at that point, but then in the in terms of the flood modeling, it would be because it's volume for volume, it would mean that sort of you know what the difference is actually felt elsewhere in the model.

1:23:16

Yeah, so you take a looking at that cross section, you'll be able to see a reduction in land level. So you're replacing that last volume taken up by the new embankment upstream of where it's

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possible. Yes, yeah. Yes. So that geographical movement is from the embankment that's actually just below it to where the

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it's important to make sure that our floodplain compensation is where possible, we provide that upstream. So the effect is mitigated prior to the actual impact being felt.

1:23:42

Fair enough, on now to sheet three, which is the next one down.

1:23:53

That's the one. And then we can effectively see the easternmost one that we've just been talking about the left hand side of that plan. And we've got the two unusually shaped ones, just to the west of the junction, how those operate, and the purpose of those please.

1:24:12

So the two to the west of the plan that's currently on screen is very similar to the two we've just looked at doing a very similar thing that are lower in ground levels down in order to replace lost volume. The more complicated one is the

1:24:28

hold on hold on those that that we've talked about? Because those are the ones that are effectively in the river valley, they are almost in a wider floodplain, if you like, but just just at a different individual location. Are there would there be likely to be any control structures involved in those or would it simply be a level four level at that particular point?

1:24:52

Not on the two on the eastern side of that? That plan that's on screen,

1:24:57

okay. Okay. And then Then we get on to the two smaller ones then which are up at the top to the northeast of the main part of the junction then

1:25:13

Mr. Wilcock Yes, sorry, the larger area you're talking about now in the center of the screen.

1:25:22

Right. I think we're getting a little bit confused.

1:25:24

The largest make sure I'm talking about the same place as you. Yes. Right. Okay.

1:25:28

When we've been talking about we've been talking about the if you consider the plan that's on the screen now, the blue hatched area furthest to the left is one that we talked about previously. We're talking about the back the two areas that we've just in the areas slightly left of center of that plan, just to the west of the junction. I've my understanding was that we've just spoken about those because those operate on the same principle as the embankment land taken floodplain that we've just talked about on the previous sheet.

1:25:58

Apologies, yes, I thought you're talking about the ones to the far the far eastern side. Right. So Nettie, the largest talking about now I'm talking about the ones to the Far East. Okay, so the the ones in the center, they're the largest hatched polygons, you can see, those are those are the most complicated ones. So this is where we're writing about floodplain compensation for more back. And this is the one that is very much volume for volumes, and we're looking at replacing the volumes loss in each return period. Now, this is a much more complex area. So this is you're quite right. In terms of there'll be structures involved here. As you can see, on the the edge of that on the eastern sort of edge of that there's an embankment which we're proposing to build there, that will impound the water coming from upstream. That in turn, will restrict flows downstream into all cops and the main aim of this exercise is effectively to make sure that we don't increase flood risk downstream for walk up in terms of the flows that are passed forward.

1:26:58

So how would the control structures actually operate in terms of those large blue hatched areas?

1:27:03

So that is yet yet to be determined in terms of detailed design, but at the minute what is represented in the model is just a small opening in the embankment you can sort of see it there in the center of the where the watercourses throttles the flow and prevents large blood flows from going downstream keeping flows backwards and artificially increasing that level behind the embankment. So is

1:27:29

the embankment also shown in blue hatching? Or is the embankment the white line between the two areas of blue hatching on the eastern edge? Yes, yeah. The embankment is the white line between the two areas of blue hatching.

1:27:45

So the embankment is the blue, the blue curved line on the far the far right hand side of those big hatched polygons. Okay, so the, the white light line. So there isn't a control structure, so to speak, and the model is to speak is just left open, but it's a restriction in the flow weights. So that's, that prevents water from flowing downstream. It holds it back artificially behind that embankment.

1:28:12

Thank you. And then going then to the two smaller areas, which are to the northeast of the junction itself still on sheet three?

1:28:23

Yes, so these ones are apologies, these are ones that I thought you were mentioning before. So this operates very similar to the first ones we talked about, and just a reduction in in ground levels that would no structures are and backwards.

1:28:36

Right. Okay. So what we can do now we can see the differences in the potential functional operation of these various areas. And you've also explained in high level terms, their their purpose, if you like, so, thank you. For that. You're just give me a moment.

1:29:05

Right, so thank you for actually running through those. What I would wish to do now.

1:29:15

Mr. Wilcock, Mr. Croxon. Mr.

1:29:17

Carey, is there anything else that you would want to add on to anything that's just been said in terms of the practical operation of the that risk mitigation work in this area? Now? I

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think if that constitutes a high level review, certain No,

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it does. Thank you. And then in terms of the Environment Agency, I'd just like to start to bring you in in terms of this point. Obviously, Mr. Carter, were aware that there are still at this point, possibly although we are beyond the end of February now, there's possibly still differences between yourselves and the applicant in terms of the modeling work. Is there anything in particular that you have difficulty with in terms of what's been explained at the level of detail that it's been explained this afternoon? And what is the purpose of all this is to try to, for us to get an indication of what types of differences there are between the parties at this stage of the examination. And we've already said, we're halfway through the examination now. And so this is one of the ways that we can try to explore the differences. Are there any differences between you in terms of what's just been explained this afternoon?

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Philip Carter environment, and in terms of the principles that have been discussed, we are we understand those, that's what we that they are accepted principles. And the issue that we have is that they are based on hydraulic modeling, which is still under review at this time. So while they may well be acceptable as a solution, at this time, until we have the outputs from that model review of scheme, six, we don't know if that model is fit for purpose. Until we have that information up front, the Model Review? Yeah, we can't confirm to yourselves that the solution presented is is appropriate.

1:31:31

Right. Okay. So we're almost coming on to sort of a line between, we're starting to overlap into agenda item 5.2. Now, in terms of the baseline model, and the hydraulic model that you were talking of, then there was information that that was passed, and it was anticipated. I think there was some from memory, there was some significant activity by the end of last month, in terms of meetings or a timeline that we had been on a date that we had been given that it was anticipated that a meeting would have taken place by the end of February. Can you fill me on any detail on that

1:32:12

meetings have taken place with applicants, engagement has continued, and the model review process has taken more time than we would have perhaps anticipated? There have been issues with illness, unfortunately. So the outputs are expected next week, hopefully, when we have those, we will then be in a position to come back to the applicant to advise them accordingly. And we will know with how far yeah, there is between us.

1:32:47

That's the thing that we wish to focus on. I mean, it seems to be focusing around scheme, sex being one of the most difficult ones, as has been explained to us already. And what is the gap between the parties on that? We're conscious, of course. And I think it might have been said already today that there's been no movement on the pads since the start of the examination in terms of what we've actually seen. And I mean, and Mr. Newman is involved in this conversation as well. And are we are we at a stage where the ESA has to seriously consider that the lack of agreement with the environmental agency might be an outcome of the examination? I mean, that's why we're having these discussions, because, you know, we, we might just be left with this at the end of the examination. Mr. Owen, is there anything on that

1:33:32

Rubio and for the applicant? Well, so I would hope not. The information I have is that working collaboratively with the Environment Agency, national highways is developing a program to ensure as best I can be assured that the model will be reviewed and signed off by deadline eighth 16th of May and the latest. As I say, this is a review of the baseline models being undertaken by a third party on behalf of the Environment Agency. It's not it's not Not A Review, the applicant is doing that just to be clear on that. It's been something that the agency has been undertaking or arranging to undertaken on its behalf. And we've been obviously taking part in that process in terms of resolving queries and engaging as you just heard, but I know a lot of effort has been made to make sure this is not going to be a problem. Can't can't obviously give you 100%. Now certainty, but I'm not understanding from those working on this. Mr. Crooks in particular that this is thought to be an emerging problem quite the opposite.

1:34:52

Right. So Miss Carter, then you've you've heard the deadline eight which is coming up to the end of the examination. And that may well create difficulties for us in terms of reporting, because effectively, we'll have to report that we don't have the agreement with the Environment Agency.

1:35:12

That it carting around our agency. Understand that we are. So it's just been stated, We are continuing to work collaboratively collaboratively with the applicant to try and get this particular scheme over the line in relation to scheme 0102 and 0405. While the modeling has, again, the modeling hasn't been signed off, but we do not have an issue with those schemes, you're satisfied that there will be a solution to those schemes. So it is just scheme six. So every effort will now be put in trying to get a scheme six addressed and resolved sometime in advance for the 16th. Ideally. What Yeah, until we have the output, stated, and so we have comments from a from the third party reviewer. We don't yet know how big the gap is.

1:36:12

So but the third, the third party review has just been you haven't said it. Australian said it is that a third party reviewer on behalf of the Environment Agency who is reviewing what has been put in so far to you from that chapter ends? Yes. And is it likely that the applicant as yes, if that review has a certain outcome that may be returned to the applicant for further work to be done or whatever? Who knows what will actually happen? But is there the possibility that that single review exercise, if you like, might result in the agreement of the Environment Agency? Or do you see further stages in terms of review after review? I know it's just an opinion. It's my opinion. I have to watch your face as well.

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My opinion is that there is likely to be a solution. Without when we get to that solution, I can't tell you how we're going to that's going to be as I've said we are the employment agency will put every effort into trying to resolve this and working with third party reviewer and the applicant in a way that ensures that we have the information that we need to be able to advise you as to the impact of scheme six. And yeah, that's right. Opposition. Okay.

1:37:38

Okay. In terms of the satisfactory management of fluvial flood risk, if I can put it like that we all know what we're talking about. Does the Environment Agency need this positive review to be able to make that statement in respect of scheme six.

1:38:02

In relation to scheme six, given the sensitivities, yes, it does.

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Yes. Right. Okay. So that is the scenario that we as an examining authority might be faced with that the Environment Agency isn't a position to say that fluvial flood risks on scheme six can be satisfactorily managed.

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In a very unlikely scenario, potentially, yes. Right.

1:38:27

Okay. So, in terms of that, then we spoke about it yesterday, we spoke about safety nets, if you like in terms of other ways of, of any agreements that the parties can make between themselves. Is there any

progress on Is there anything on safety nets that could be done in terms of joint statements in terms of parts of the statement of common ground or whatever? Is there another way of looking at how the parties can explain their positions in this respect? If the environmental agency can't say that reveal flood risks can be satisfactorily managed? Is there any other way of controlling this situation? I'm not asking for a response. Now. I'm just putting it out to give his gut. And I'm just putting out to the two parties involved. That the same way as we talked about yesterday, in terms of I think it was the public trustee, then you know, is that is that something that can be done on a similar line, but to have the environment agency's positive response in terms of what we've talked about this afternoon is, is an important matter. Just give me a moment.

1:39:58

Right, I think in terms of the panel, I hope that our views have been clear to both parties and various routes that might be possible in terms of this particular situation. And so that's all that we have to say. In terms of this particular matter as a panel, I think, Australian, was there anything that you wanted to say on behalf of the applicant? Just to finish off this before I go across to miss Horne, who's had a hand up now for a while?

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I don't believe so. Okay, other than to say that we will also be prioritizing efforts on this, and that will the agency and we're grateful to Mr. Carter and his colleagues for what they're doing to deal with us?

1:40:44

Yeah, okay. Yeah, I'm grateful for your attendance this afternoon, Mr. Carter, and your and your team as well. Thank you. Right, Miss Horne, then you've had your hand raised for a while. I'm sorry, I should have said this before that I did with you at some point. But if you'd like to speak now,

1:40:59

that's fine. Just a point of clarification on those storage areas to the west of the walk up junction. You talk about a structure being there. And there's an embankment. From a practical point of view, obviously, in the plans, it looks like it's going to be returned back as open grassland. In terms of using it for agriculture purposes, is it going to be returned as it is with a, you know, is it a dip in it or what? How actually, is it going to be returned?

1:41:34

Right, thank you, Mr. Owen. Is that response a general response that can be given by your side at the moment with any qualifications that you need to put with it?

1:41:43

I, myself couldn't come into that Mr. Carey may be able to give an answer or otherwise we may have to take it away and do this in the post hearing mode.

1:41:52

Okay. Scary.

1:41:54

Yeah. Poor carry on behalf of the applicant. I agree. I think a posterior note would be the right way forward here. Obviously, the resolution of the way forward the arrow principle, yes, but obviously, the detailed modeling Mr. Collins is referenced and the need to check and confirm means that we need to understand the outcome of that first. But principally, yes, the intention here is to return. However, we need to understand that modeling output first, and but we will cover that in a posterior note. So in relation to the question asked,

1:42:26

thank you very much.

1:42:28

And what also, if I may, just announced a slightly different scheme, the flood zone at Bo's opposite Stonebridge farm, perhaps you could just give me a bit of detail on that happy in a post near and how to note if it helps.

1:42:46

This row and Mr. Carey, could that be added on to the post hearing note? Thank you very much. Yes, sir. Right, that was we've really dealt with agenda items 5.1 5.2. Now I think just looking around the room to see if there are any hands raised can't see any and can't see any hands raised online either. That takes us to item the start of item six on the agenda. It's now 330. It will be our intention to take the afternoon adjournment now.

1:43:19

So if there isn't anything to raise us to raise before we go to the tell the during the hearing to be resumed at a cost of four that's a quarter to four. Thank you