



## Hearing Transcript

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<b>Hearing:</b>	Issue Specific Hearing 2 (ISH2) – Session 4
<b>Date:</b>	27 November 2024

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# TRANSCRIPT\_M60SIMISTERISLAND\_ISH2\_SESSION4\_26112024

Wed, Nov 27, 2024 6:14PM • 1:11:25

00:05

Okay, welcome back, everyone. It's the time is 10 to 10 to four, and it's time for this hearing to resume. And just and this can I just check first is the live stream recording. It is. Thank you. Just before we continue with Agenda Item 8.3 we've been having a bit of a think about about the timescales. I just want to check with the Hilary family which agenda items of the remaining agenda items you wishing to speak to. I know there's biodiversity. Is there anything else that you're wishing to speak on as well? You want to see landscaping visual as well? Okay? Because what we were wondering whether to do biodiversity after this agenda item and then finish for the day and come back with climate change and landscape visual tomorrow. But if you're, if you're coming back tomorrow, anyway, if you're wanting to speak on landscaping visual, then we will probably just carry on with with how we are. Okay, thank you for that clarification. Okay, so Agenda Item 8.3, which is the implications of the increases and decreases in predicted nitrogen dioxide at individual receptors and the overall impacts on the Air Quality Management Area. And firstly, can I just ask the applicant to explain how the human health receptor locations that you've modeled for nitrogen dioxide in in your assessment, how they've been arrived at. So what, what? How did you determine all of those receptor locations when you've when you've done your assessment?

01:58

Is it worth putting up figure five point 10. I

02:03

think it is yes. I think that would be very helpful Yes,

02:12

in a similar way to what described before about the affected road network. We use that to define our study area and and and and so that has been used to define the roads that are affected, which should show up when the figures loaded. And then we look at receptors within 200 meters and basically choose the worst case one. So the ones that are the closest to the effective roads. However, and you probably can't see it on the sheet one, because this was just giving you the whole so in this case, the affected road network goes further along the M 60 towards, sort of like the M 61 interchange, and also, sort of like down through Oldham and Thames and Thames side, and it also goes along the M 62 through Rochdale towards Milton Road. So that's our affected road network. And if we maybe move on to I think it might be if you can just scroll down to the next couple of sheets. See the sheet two or sheet three? I

03:43

So, well, we've basically, we can't, obviously zoom, or it isn't zooming on my screen into the following sheets, because each of the right we have sheet two. Can you? So this, it's, I think it's starting at the end, near the interchange with the M 61 so you can see that we're basically, if we zoom in a little bit more,

04:10

we've taken here. We've taken residential receptors that the closest to the sort of like the affected road network. Can you go on to the next sheet? Please do

04:26

so this one is probably of more interest to most people. So here you can see that we've modeled quite a lot of receptors. Again, worst case locations, the ones that are closest to the affected road network, which are the purple roads the other we also include other modeled roads, because we want to make sure that we include everything that's going to be influencing those receptors. Additionally, though, because we knew that the north section the north of junction 18 and 17 in Whitefield, the a 56 we knew it was a problem, so we In addition, even though it's not part of the affected road network, we modeled receptors along the a 56 there to see what the impact will be there too. The following sheets also show the various receptors and the locations, and again, similar to what I described before for construction, you can see that there is a range of different impacts. Most are imperceptible, and further you get away from the scheme, and also sort of like when you're away from the affected road network, so say, like on the northern part of the a 56 most North that's that's imperceptible, which sort of almost explains, I suppose, why we have this affected road network. So we're looking at changes in traffic that could cause changes in air pollution levels. And then when you don't have those changes in traffic, you're not going to get the change in air pollution levels. So again, you can see that sort of like most of the receptors are sort of fairly acceptable, but you do have some locations where it's improving. And between junction 17 and 18, the reason for that improvement is primarily due to reduced congestion. So you do still have an increase in traffic along these sections, but you've got a quite significant reduction in congestion so that it's more free flow, which is reducing the air pollution levels. And then I think, I imagine some people might be interested in semester. So is it worth maybe that? I think that might be on the next sheet. Yeah. So again, you can see that it's, it's generally increased improving around semester. You've got, sort of like the green dots, which are so sort of like these are the, sort of like the key residential locations that are close to the affected road network. And the reason for that improvement there is because you've got a lot of traffic being taken off the slip road that comes off the roundabout that goes on to the sort of like southbound M 60. So that traffic is now being taken off much earlier, and it's going on to the northern loop and round and joining the M 66 before it becomes the M 60. So it's been taken off the slip road, which is moving the traffic away from the houses that are showing green in semester. So that sort of explains some of the key, sort of like changes we can if we want to go back to sheet then the these are changes in no two concentrations, so we go back to sheet one, just to sort of like get the full extent, and pretty much everywhere else, it's, it's, it's, it's imperceptible the change, which is why you can see lots of yellow circles. Um, so I guess, do you have any further questions on that?

08:22

No, I think that that sets a really good summary of and helpful summaries to how you've you've identified the receptor locations, and gone a little bit further as well in terms of explaining how you've come to some of the assessment findings that that you have. So I'm just, I'm just checking whether you've answered some of my questions that I was doing. So I don't ask you the same thing you've just you've just said. So going back to the construction receptors, and during construction your the ES chapter five shows that there would be a reduction in nitrogen dioxide concentrations at 317 human health receptors, of which modeled reductions were deemed to be small, 77 receptors, and the remaining that would be imperceptible. And can you just explain in simple terms how the construction period is predicted to largely result in reductions of nitrogen dioxide in comparison to a do nothing situation?

09:42

I information. I think I have actually previously answered that in the previous question, but

09:48

effectively, the dive, the different diversions of the traffic within the modeling, yeah,

09:52

it's Yeah, so you have reduced traffic on the sort of like the strategic. Of the motorways, because it's been, it's been diverted off, but it's been diluted across many different roads rather than all going on one. So you get a, sort of, like a significant reduction that leads to reductions in air pollution levels on the, sort of like the M 60 part of the motorway network. And I think a bit of the M 62 I've not got the figure in front of me, and then, but then the the where, where the traffic actually goes to is, is diluted across many different roads. So it's not, it's not actually triggering a substantial level of difference in traffic that would make a difference to air quality. I'm not probably the best person to speak about traffic modeling, but that's, that's what it shows.

10:47

I think that that's fine for the purposes of air quality. That just, that just explains the context. Thank you for that, and for the operational period you've, whilst you've not predicted any exceedances in limit values. Your assessment findings have predicted that a total of 368 out of the 557 receptors are predicted to see increases in nitrogen dioxide as a result of the scheme during the operation. And does the fact that 368 receptors receiving an increase in nitrogen dioxide levels constitute a negative impact that would weigh against the proposal, irrespective of the fact that no exceedances in limit values are predicted. No

11:34

dmrb, lo 105, is quite clear on how you assess significance. And the only receptors that come into the the calculation of whether something is significant or not are the ones that are exceeding so it's summarized quite well in I suppose, if you go to table to 5.26 in the main air quality chapter, which is AP zero, 44 I think,

12:18

yes, that's Correct. Just checking I've got the right thing, and there's a table which would be quite useful to maybe if we could show it.

12:36

Yeah, thanks. Great. So here you have a summary of those, these, these, the receptors that are considered in whether a scheme is, well, yeah, whether a scheme is under la 105, is considered significant or not. So you've got the ones where it's the worsening of an air quality objective, and you've got the ones where you've got an improvement of an air quality objective. So the only ones where there's an exceedance are the ones where there's an improvement everything else, whether Even where there is an increase, it's not considered as part of the assessment of whether there is a significant effect.

13:20

Okay, so that does that. That's for identifying significant effects. But when we're looking at overall picture of this, there are receptors that are going to be experiencing increases in in nitrogen dioxide levels, but irrespective to the fact that they might not be exceeding limits. Is it still a negative of the scheme that those receptors are still going to experience increases in nitrogen dioxide levels rather than decreases?

13:49

Well, they're willing, yeah, there are the locations that will link which will experience increases in nitrogen dioxide levels, but because it's not above or at the legal or the legal limit value, or for or the equality objective, then it's not considered as part of it's it's not meant to be considered. It doesn't affect the you know, the significance. Do

14:26

in terms of the overall implications on the Air Quality Management area where you've got all of these increases, does the differences where you've got these 300 of receptors that not 368 receptors experiencing an increase. Does that cumulatively have any impact on, potentially on the Air Quality Management area, or does that is that not the case?

14:52

No. So an Air Quality Management Area is a declared violent local authority or a group of local authorities the case? Is with the Greater Manchester one where there are exceedances of the air quality objective. And it's then state, then kept in place until it can be proven that there is definitely no there are no exceedances within that Air Quality Management area, or it might be reduced the Air Quality Management Area. So as we're not contributing to any air quality exceedances. We're not causing the air quality management area to be in existence for longer than it needs to be, and we're not really contributing to that Air Quality Management area as such.

15:47

Okay, thank you for your explanation there. That's all the questions that I had on this particular part of the agenda. Does anybody want to raise any questions on what they've heard? I Okay, I don't see any hands up, so thank you. I'll now move on to 8.4 which is the need for any future monitoring or mitigation

measures during the operational phase. So the statement of common ground between the council and the applicant, in reference for highlights that there is currently a disagreement as to whether any future air quality monitoring monitoring, particularly in respect of diffusion tube monitoring, should take place. Can the council elaborate further on why you consider this is required?

16:36

Yes. Thanks. Piers Riley Smith for the council, and if I may, I'll take that and I may look to Miss Jones, if necessary to add to the point. So Madam, there are, I think, four points of context which leads to why the council say that operational monitoring should be carried out by national highways. The first point is that national highways themselves have a requirement to meet limit values. The second point of context, and this is referenced in the statement of common ground area of disagreement, national highways are relying upon the benefit of an improvement in air quality. The third point of context is that I think it's right to say, and I think national highways would agree that the data that arises from monitoring is relevant to both national highways, and, as we heard from Miss Jones, the council in understanding air quality, so the data was used by both parties as it were. And the fourth point of context is as we heard. It's actually referenced already in our statement of common ground, but we heard from the friends of Carrington Moss, this is a real concern to residents about the lack of operational monitoring to understand, in fact, well, what are the impacts of this scheme going to be in that context? In the context of those four points, it is appropriate and it is right that the operation monitoring is carried out. Additional monitoring is carried out by national highways. And I'm, I'm going to use a loaded term, which I say doesn't quite apply this situation, but I think illustrates it's a planning term, national highways, who are the agent of change in this situation by bringing forward the scheme, they are the ones who should be shouldering that requirement to understand the additional impact, and I think it was, and to understand both how it relates to their own obligations and requirements, and also, of course, to validate the improvements they're relying upon. I thought it was particularly useful and telling Sir Madam, you may recall in the discussion under 8.1 there was a question about, well, what monitoring stations are you relying upon? Is it purely berries? Is it Manchester, Greater Manchester? Is it transport? And I think it was noted, and I think it's table 1.5 I think it was noted that, actually there are five, I think scheme specific, diffusion tubes, the national highways have had installed to understand as it were, the baseline at this point. And I think that illustrates the importance of having, as it were, additional monitoring stations to understand or national highways have used it to understand the impact and the baseline, understand the impact of the scheme going forward, and to model it so that shows why additional monitoring tubes are acquired here, and it also rephrases Almost the point that's made in the statement of common ground by the Council, which is the council didn't understand why it was viewed as to be so onerous. Well, in fact, as we understand it, the. Monitoring tubes that are already there, so it's just a question of not removing them and providing that data to allow the council to then, of course, use it as Miss Jones, I think, very fairly said. Of course, it does have some relevance to our local targets as well, but it's this joint relevance, and who should bear that burden, and that's in that scenario. So, I hope, as an initial sort of scene setting that assists with understanding the council's rationale, if you need any more, as it were, detail, I'm sure Miss Jens can assist. But does that assist at least setting out the council's initial

20:32

it does provide more context to what's in your Statement of common ground, yes. And in terms of monitoring exceedances within the strategic node network, or the human and ecological adjacent. Is it the human and ecological receptors that you would be seeking for? Is it just human receptors?

20:55

Rebecca Jones, way Council, it was the human health receptors that we were particularly interested

21:02

in. Yeah. Okay, thank you. I think that's a discussion going forward, and I know I've read national highways response to the statement of common ground, and in your response, you've referred to the post opening project evaluation process, which is undertaken all major road schemes once it's been operational for one year and five years post opening. Can you explain further how this process works?

21:37

Hazel peace, for the applicants, I can explain it in the comments. Context of air quality. So if there is the potential for exceedances or specific I suppose, yeah, exceedance of either air quality objectives or limit values, then mitigation may be included in the sort of like the post mitigation monitoring plan. However, what normally happens is, because air pollution levels can vary on a year by year basis, to monitor just for a specific point in space would require quite a lot of statistical analysis to then sort of like say whether there was whether it was a direct impact of the scheme or not, because you've got all sorts of other variables coming into play, the weather and various other things. So what tends to happen, unless you're actually looking to see whether it's an exceedance, as I said, is that the traffic data is monitored, and then it's looked at whether that would result in a change in emissions. So that is then used to then calculate whether that would result in a change of emissions, whether it would be an increase and decrease. And that is, can be used to assess whether the as part of the monitoring plan, whether it's the scheme has been sort of like successful, say, in this context of reducing air pollution concentrations, but it wouldn't normally entail actual monitoring unless there was that they needed to make sure there was no exceedances. And as the monitoring data that I think we discussed in 8.1 shows that at the moment that there are, there aren't really any exceedances, apart from on the northern section of the a 56 in the vicinity of the scheme.

23:41

Okay, so if you do your post opening project evaluation process and you come across any exceedances, what? What measures would national highways have to take to do that? I

24:03

if, if there were exceedances, then

24:05

well so if a post opening project evaluation process came across any exceedances in limit values, what measures would national highways undertake to ensure that those exceedances would not exist. What measures could national highways actually do?

24:26

I guess they could look at mitigation, but I would have to go back and talk to people at national highways to confirm.

24:37

Okay. I'll turn to the council. You've you've heard the response. There is anything you want to come back and whether that, whether this post project evaluation process actually satisfies what you're asking for.

24:58

Here's Wally Smith for the. Council, and again, I may hand on to miss Jens, if needs beyond this, it doesn't address the concern. And the reason it doesn't address the concern is I think we've understood it correctly, and I think we have what is done is as it were, a modeling calculus to traffic flow figures to as it were, extrapolate and understand what effect that could be having on the air quality given all of the points of context I outlined. That's why the council feel it's justified to actually have, as it were, that real world data, rather than a modeled and calculated something from another data set. We appreciate, we recognize anything we dispute? No, we don't dispute that. The environmental statement shows there's not going to be a significant effect. And that's, I know, one of the rationale given, but because of those four points of context outlined, it goes beyond that, and especially as we're hearing, apparently, there are these scheme specific diffusion tubes currently in place. So it's actually a question of, is it where we're moving

26:06

them and just on those diffusion tubes that are in place? So that are they automatic ones that are monitoring levels on a time basis, or are they annual ones? I think that was that might have been answered before, but just to read recap, can the applicant explain whether it's the scheme diffusion tubes that are installed or they automatic ones, or were they just a snapshot in time? I

26:44

A Hazel piece of the applicant. Generally speaking, diffusion tubes are just they are tubes that are literally tied to a lamppost. They're not or some other, something else that's handy to tie to. They are not automatic. They have to be put up and taken down by a person. You don't just leave them in place so they're not there now. They're quite labor intensive,

27:18

okay? Thank you for that. And are you look is the council looking for an actual automatic station that's monitoring levels on a on a 24 hour basis, or or something less than that? Rebecca Jonesbury,

27:34

Council, no. The reason why we've asked for diffusion tubes is because they're they're low cost, obviously, an automatic station would be better, but the cost of installing one, and where You would put it would be prohibitive. I think I

28:03



just trying to move this, this forward, and this, this, this impasse. Forward. Are you looking for something that's secured on the face of the draft development consent order that would actually have a monitoring scheme? And if so, how would you envisage that this would work.

28:25

Says piers Riley Smith for the council, I think, if we may, because I do know the high level answer, which is, we would be looking for something to secure this in terms of the mechanism for doing so, it may be appropriate that we respond to that in in writing, if we may, to ensure that we've we provide you with the most complete answer, but, but the high level answer is yes, that is something we'd be looking

28:49

for. The applicant got any comments that it wants to make on this particular point, and thank

28:55

you, Sir Richard Thompson, on behalf of the applicant, so only to say that I think in order to progress matters. Obviously, I've made a note of the four points that were set out by the council, but my general understanding is from the debate that we've had today, and that's been already provided in writing, there's no issue between the applicant or the council in terms of the approach that's taken, terms of calculating the air quality, that there's no issue, I don't believe, in terms of the fact that there aren't exceedances, and there's no issue in terms of there being a general in terms of a grading or a line, an improvement in air quality, that's what's expected, that the only difference is that we say, because of those things, and because there is this improvement, it doesn't meet the thresholds for acquiring future monitoring, whereas the council would like to see some future monitoring to endorse a positive result. Result, rather than a situation where you require monitoring, which is to confirm that there isn't a negative result, if you like, but that, that's the summary I can sort of provide now, and I think it's best if we then take that away and articulate that perhaps more fully, and address the in particular, the four points that you've just had put to you in writing, because I think that's going to be the best way to assist you on that point.

30:30

Yes, I think so. Because I think what we would also need to understand is if, if some if a monitoring scheme was to be installed, we want to also see the likelihoods of success, and also how, if there are any exceeds, is how such a scheme could could actually work. So any requirement that could be put forward is actually enforceable. And so we would want to see, you know, some evidence of that, as to how that would work. So I think what we'll do at this moment in time is we will leave it there, and we'll see the responses that come that come forward, and we will push for deadline for because obviously we've got written questions next month, and we would want to try and include written questions on this potentially of to whatever information that we receive. But before I move on, I do want to see if any to go to friends of Carrington Moss who have got their hands up online, and obviously you've made a point about monitoring before. So would you like to make any comments based on what you've just heard? Yes,

31:42

thank you. Just a couple of quick points. Residents would also like to see monitoring equipment in place. It's not just the Council, and the cost of installing such equipment in the context of the overall costs of the scheme would be negligible and could be implemented in various places. And I say that as a person who has been responsible for changing diffusion tubes on a monthly basis in several locations. But the key point I wanted to make is that Defra are preparing guidance for applicants and planning authorities to demonstrate that they have appropriately considered PM<sub>2.5</sub> targets, And perhaps it would be worth understanding how the applicant and bury council would consider that they comply with that guidance. Thank you.

32:55

Okay, thank you. Does

32:58

anybody else got any more comments that they want to raise on this agenda item. Don't think there is okay, well, we'll look forward to seeing the submissions on that deadline for and see how that could be taken forward or not. So we'll move on to Agenda Item nine now, which is climate change. And I think this will be the last item that we do today before we finish for the day, and we'll resume with biodiversity tomorrow. So we'll crack on with climate change and resilience. And firstly, I just want the applicant to set out its approach to the assessment of greenhouse gas emissions in the environmental statement during construction operations and with a summary, really, of how you've arrived at the figures within The assessment.

33:58

Sam Pollard, on behalf of the applicant, I was the climate lead for the scheme. So yeah, we were interested in changing emissions of greenhouse gasses and their potential impact on climate. And when we're referring to greenhouse gasses, different gasses have different impacts on climate so we tend to refer to the equivalent amount of carbon dioxide, and so carbon is often the term that's used for greenhouse gasses. So climate change act 2008 set a legally binding target for the UK to cut carbon emissions to net zero by 2050 and it also requires the UK government set carbon budgets over five year periods. Six of these carbon budgets have been set to date, and it's the fourth, fifth and sixth carbon budgets which are relevant. To this scheme. So the approach we've taken has followed the guidance that set out in dmr, la 114, climate standard, and is in line with the national networks national policy statement, the 2015, version, which states that applicants should provide evidence of the carbon impacts of the project and an assessment against the government's carbon budgets. So to do this, we've estimated carbon emissions associated with the construction and operational maintenance of the scheme, including construction related activities, materials and their transport to site. We've also estimated emissions associated with changes in land use and forestry as a result of the scheme, as well as changes in road user emissions once the scheme is in operation, and carbon emissions associated with operational energy consumption from lighting, for example, we've also estimated equivalent emissions for their baseline scenario without the scheme in place. So they're referred to as the do minimum scenario. To calculate these emissions, we've used a number of industry recognized tools. So these include the National Highways carbon tool, which is used to estimate construction and operational maintenance emissions. We've used speed band emission factors, which are derived from defra's emission factors toolkit, to estimate changes in operational road user emissions. And we've

used the woodland carbon code calculation spreadsheet to estimate carbon sequestration in Woodland. So what we've done is we've worked out the net change in carbon emissions as a result of the schemes. That's do something emissions, take away, do minimum emissions, and then we've compared these changes to the UK carbon budgets. I think it's important to note there's no set significant thresholds for carbons. There's no absolute change or relative change in emissions that could be considered significant. So we've therefore used our professional judgment to assess whether the changes in carbon emissions as a result of the scheme could affect the ability of the UK Government to meet its carbon reduction targets, and would therefore potentially be significant. So the assessment results are summarized in table 14.24, of chapter 14. That's app 053, and here we present the changes in emissions as a result of the scheme as a percentage of the relevant carbon budgets. And this shows that construction the scheme is estimated to contribute naught point naught, naught 2% of the fourth carbon budget and naught point naught, naught 1% of the fifth carbon budget. And during operation, the scheme is estimated to contribute approximately naught point naught, naught 1% of the fifth carbon budget and naught point naught, naught 2% of the six carbon budget. So we consider that the magnitude of this impact is so small that it wouldn't have a material impact on the ability of the UK Government to meet the carbon reduction targets and its carbon budget, sorry, and therefore the effect would not be significant, just very quickly, I'll talk about how We've considered cumulative impacts. Our assessment of impacts is inherently cumulative, and this is for a number of reasons that we set out in chapter 14. But in summary, it includes the proposed scheme and other locally committed transport schemes and developments within the traffic model on which our calculations for changes in road user emissions are based the carbon budgets that we've compared against are themselves cumulative, because they represent emissions from a range of sources across the entire UK economy. And we've also compared total emissions as a result of the scheme changes in emissions as a result of the scheme in the context of of these carbon budgets.

39:33

Thank you for that. That summary just, could you just outline the approach that you you did to assessing scope one, two and three emissions in the assessment.

39:47

Yeah. So within our assessment, we've considered life cycle emissions. So if we look at table 14.9 Of the environmental statement,

40:03

we just, we'll Try and get that displayed. I think, yeah,

40:51

uh, yeah, that's great. Thank you. So yeah, we the dmr guidance requires us to look at emissions over the life cycle of the project. So here we've got the construction phase emissions. So we've got emissions associated with the product stage. So this is carbon which is embodied in the construction materials. So this includes emissions associated with raw material extraction, the transport of those raw materials to the production facility and then energy required to to manufacture those materials. We've also included emissions associated with transport of those materials to site. We've then included emissions associated with construction activities on site, so fuel and electrics to use by plot on and

machinery. We've also considered emissions associated with employees traveling to and from site, and if we just go down a little bit, sorry, yeah. Thank you. We've considered the treatment and disposal of waste materials that are generated during construction and their transport. We've considered the impact of changes in land use as a result of disturbances of carbon stores like soil and peat soils, as well as losses to woodland. And also we've considered changes in road user emissions during the construction phase. And then if we carry down to table 4.10 this is the same summary for the operational phase. So we've got emissions associated with materials required to maintain the scheme over a 60 year period, which we've assumed to be the operational lifetime of the scheme, including the transport of those materials to site, and We've also considered any construction processes associated with that maintenance as well as ongoing land use changes over the operational lifetime of of the scheme. So we've considered, yeah, all of the sizable sources in emissions and as well, yeah, thank you, changes in road user emissions during the operation of the scheme. So the idea is that, yeah, we've considered all of the relevant emission sources over the construction operational lifetime of the scheme,

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and they're direct and indirect sources.

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Yes, exactly. Yeah.

43:41

Okay, thank you. Just on the the issue of significance, and you said it was stuck to professional judgment. How do you how, what would be a significant threshold in terms of emissions, obviously, with the figures that you've quoted, nought point, nought, nought two for the fifth budget, and what generally would would be a significance. And how could that be determined? If it's just, if it down to professional judgment?

44:13

Yeah, that's that's a very good question. I mean, the IEMA, there is Institute of Environmental Management and assessment guidance, which provides guidance on evaluating the significance of change in greenhouse gas emissions, and that talks about, for the largest schemes, a change of 5% of national carbon budgets as potentially being significant. But you know, that's that's a large change as to what could be significant. I don't really know, but all I can say is that, in my professional judgment, the changes as a result of this scheme are so small as to as to not be significant. I.

45:12

Okay, thank you. And I think in respect of recent or judgment, I think it's my understanding that the applicant is responding at deadline. But we asked a question in XQ one about two of the recent court decisions, and I think I'm right, that you're responding at deadline for on that. Is that still the case, that you can provide a response at that deadline because you said you were reviewing the emissions that you in the assessment you've undertaken in light of those judgments, and are you still on course to be able to provide that for deadline for

45:49

Thank you, Sir Richard, on behalf of the applicant, apologies, I couldn't see my light on my microphone for a moment there. Yes, sir, that's still our expectation that we'll be providing that update a deadline for, obviously, not far away now. But if anything had shifted with that, we will still put in an update at deadline for

46:10

brilliant thank you very much. Does anybody have I've that's my final questions on 9.1 does anybody have any points they'd like to make on

46:20

what they've just heard?

46:22

No. Okay, so moving on to 9.2 and that's the importance and relevance of meeting local carbon budgets or slash climate emergency declarations. So there's a number of submissions from interested parties that we've seen. They've referred to local carbon targets and measures such as the Greater Manchester 2038, Net Zero target, and the council's response to our written question that was CC, 1.2 has provided a table comparing the carbon budget of the scheme to the berry carbon budget estimated by the Tyndall center, and It's an in your response to question. CC, 1.3 it stated the council agrees with the ES findings, sorry, the environmental statement findings, but the scheme should be compared with local emissions rather than national emissions to assess whether it has a significant impact. Can I just ask the council to explain further its reasons for the scheme to be compared with local emission budgets rather than the national emissions to assess whether it has a significant impact.

47:28

Yes, of course. Riley Smith for the council, I'll take an initial I'll give an initial overview on this, and if necessary, I've got the officer here can expand upon it. So if I may adopt a similar approach as to the monitoring point which is set out, what the council say are the two relevant points of context for why they say it's appropriate to look at the local circumstances, and they've already been touched upon in your introduction to this. The first local context point is that very have declared a climate emergency in 2019 and the second point of context is the berry, alongside the nine other Greater Manchester, authorities have committed to be carbon neutral by 2038 That is, of course, 12 years earlier than the national target. So there are local circumstances which are relevant to this, which are not reflected in using a national budget. And then the question becomes, well, if that is our position, where do we point you so and madam to, as it were, the relevant figure to use. And that is where, in the response to CC, dot 1.2, reference has been made to where the Tyndall Center have created, have set out what is a very what is a local recommended carbon budget? It is, of course, inherently by the fact of the scope of it smaller than the national budget. But we say it is the more relevant one, or maybe not more it is relevant to look at. We don't, as our response sets out dispute any of the analysis that's within the environmental statement. But we say consideration on a local perspective to a local budget is an important additional point. That's the that's the overarching point. I do have the officer here if you've got any more specific questions in relation, particularly to the Tyndall center, etc, but I hope that assists, Sir,

49:43

do you? Are you saying that the local budget should be considered rather than national budget, or the national budget should be considered primarily with the local budget an important, relevant consideration. It.

49:59

It's both together, I think is the point. I don't think it would be the council's position to say one has primacy over the other. It's that they are two considerations that need to be borne in mind when coming to an overall conclusion as to the significance of the effect. Although it is the council's position that on either analysis, it would still not be significant. But it is important to analyze them both.

50:26

Okay, can you give me a bit more information of what the Tyndall center budget figures are, how they're calculated, and if you could explain that, please?

50:37

Jamie Ross Thompson for bury Council. I mean, I'm not an expert on what the tinder zone does, but they, they've, it's my understanding that these figures are based on the national budgets anyway, and they extrapolate that down to the council level. And also sort of takes into consideration, I believe that we have a an earlier carbon neutral target

51:07

in terms of the car these local targets that are budgets that has been in you've got the very Metropolitan Borough Council area. The scheme is obviously quite close to Rochdale and Manchester. So if you're to consider your budgets as well, would it also have to be the case that you'd have to consider those as well, to give some context to it, because obviously that's your areas more tight, tightly tree graphically constrained. So you've got the scheme that is also close to other local authority areas. So how, how would that work, in terms of how you could, meaningly assess against those, those budgets as well,

51:58

James J Ross, Stevenson, Berry Council, yeah. I mean, that's a good question, and it's a difficult thing to do. I can, I can see a scenario where you do include maybe the most, the closest budgets, because the Tyndall center will do that for each of the GM and local authorities. But I suppose that might be for the applicant to show. And also, I suppose the point is, is just to say that compared, it's much Well, in my opinion, it's much better to compare with a sort of a local area, rather than a national, national budget, which which basically shows the emissions to be insignificant. What we're trying to say is because maybe they might not meet that level of significance, but they are important and should be considered okay. Could

52:48

you point me to some like a policy, either within the National Planning statement or your own joint the places for everyone plan that could direct us in a position that would support what you're asking for,

53:14

I think so we'd like to go and put that into writing, if we can.

53:19

Yeah, that's absolutely fine. Well, we'll add that as an action point. Okay, I'll turn to the applicant. You've obviously heard what the council had to say. I'm aware of your comments on, I think it's page 21 in response to rep 2008, where you've responded to bury Council's response. I appreciate you've not responded yet in writing to the comments by the Council for their responses to written questions, but given what you've just heard and like to give you the opportunity to respond,

53:56

Thank you, Sir Richard, turning on behalf of the applicant, provide initial response, and then see if Mr. Polive wants to supplement with anything. I don't wish to rehearse what we've already said in writing, and you wouldn't thank me for doing that. But essentially, I think that the points emerging today are just to flag are firstly in relation to the sort of assessment that bury it, include in terms of its assessment of the total carbon numbers against its local report, notwithstanding what I'm about to say, which is, we think that's the incorrect approach, but in relation to those numbers as well, that there's a difficulty with that, insofar as they've taken the total carbon emissions for the scheme, and Mr. Polo was just taking you through the table a moment ago. And those total emissions include matters that would create sort of carbon and greenhouse gasses that are outside of Berry's area, such as maybe transport of materials to site electricity during the operation. Phase. So we think there needs to be a note of caution in relation to that submission that's been put before you, because Put very simply or overly simplified, there's a danger of comparing apples with pears. So in terms of, then, how you go around assessing the carbon emissions, the only, the only statutory targets are the carbon budgets that Mr. Pollard had just referred to, the targets set at a national level and for the UK as a whole. This is an approach that that's not new to national highways, nor to the to the examining authority we've referred to the case law already. So I won't go into that, unless you want me to other than say there was the case of Boswell that endorsed the approach that national highways has taken previously and is adopting here. That was in that case indeed endorsed the approach of the Goza case, which confirmed that the on the basis of current policy and law, is permissible for a decision maker to look at the scale of carbon emissions relative to a national target. So it's a perfectly proper approach to take. The council doesn't have a difference with us on that. In fact, you know, in their response, they acknowledged it was a sound approach. Sound approach. It's just that, obviously they're, they're trying to draw attention to local targets. In this particular instance, there are no sectoral targets for transport, nor any statutory targets set at a sub, sub national level, for geographic scale. We we'd say that that there's a reason for that, and that's because, actually, when you when you look at the IEMA guidance, even that guidance recognizes that there are several limitations to considering targets at a local scale, including the fact that greenhouse gas emissions are not geographically constrained. And so a geographic budget that then tried to look at sort of a local level is not very meaningful. That same as words not not mine, and therefore it's it's also unclear whether an emerging local authority or regional budget would add up coherently to the to the national target, and in some ways, that fed into the point you were just asking about. Do you consider burying isolation, or do you have to consider it with with other local targets? I think there's so there is that danger there, and then I suppose the only other point is with you referred to the commitment that's been made, signed up by Berry and Greater Manchester for them to be

carbon neutral, sort of at an earlier date, and that's their driver. I mean, the authorities fairly accepted that that doesn't have a statutory basis and doesn't form part of the development plan against which planning decisions must be assessed. So in summary, there's no difference between the applicant and the council. In terms of the applicant's methodology, the council is the same. It says it's it's sound. It's only that they seek to draw your attention to local targets. But for the reasons I've just just outlined. We say that the proper approach is to consider it against the statutory national targets. That's what we've done previously. It's been endorsed by case law, and that's what we've done here.

58:35

Okay, Keith, for that, would you like to find some comments on that, please?

58:39

Yes, thank you, sir. Pierre Smith Council, just, just a very brief comment, I think that's broadly a fair summary of the position and the amount of agreement and where this point goes. It's it's not as it were, attacking the methodology. It's more just seeking to expand this into what we say as a relevant consideration. Just the point on Boswell, if I may, given that case has been cited, just important to bear in mind. And so if I may, I'll give you two paragraph references within it, Boswell was expressly not a challenge to the choice of the national carbon budget as a appropriate comparator. That said expressly at paragraph 48 of Boswell and the Court of Appeal and the second point. And again, I don't think there's disagreement on this, but just to just, just to make it clear, what Boswell confirms, that paragraph 53 is that these are matters which are issues of fact and evaluation, rather than hard edged points of law, I think is the terminology used. The simple point being, it's a matter for the examiner's judgment on the facts. There's nothing that says they can't take it into account or that they must. It's a matter of judgment, and that's what we're seeking for the examining authority to do. So I hope that I don't think there'll be much disagreement on on the case law on that, but I. Thought important to illustrate where the case law goes in terms of this particular point.

1:00:08

Thank you for your submission. The applicant got anything you'd initially respond on that.

1:00:13

So if I may, Regent learning, on behalf of the applicant, I hear what's said about the case law. I just want to put down a mark of it. Actually, I will want to just check that, because my recollection, my then a friend, is actually referring to the Court of Appeal case, but Boswell was considering the High Court first, and I believe, but I will check this and put it to you in writing to make sure I've got the point, correctly, is that there were two points of challenge taken, one related to the cumulative effects, one related to whether it's appropriate to consider local and Yeah, sort of rather than national targets. But then only the cumulative effect was taken onto the court of appeal, and then ultimately that was also then an appeal, further appeal was large, to take it to the Supreme Court, and then that was where the judge failed, and that was the end of the process. But I've checked that point so that you can have it factually and correctly stated,

1:01:12



yeah, if, if you two parties want to provide their comments in writing on that, and obviously, then we will consider those, those points. So we'll do a joint action point. I think for that one, I think that's the fairest thing. And then you can both, if you wish, to the deadline, five submission, if you wanted to make any comments. I think that probably the best way to deal with that. Okay, has anybody got any there's anybody else who wants to make any comments on on this point before we move on to climate change resilience? No, I don't see any. So I'll move on. And I don't have a huge amount of questions for this really, what all I'd like to I've seen the mitigation measures that are proposed in that set out in in the climate change chapter as well, and also the register of environment and action commitments. But what I would quite like just a summary on is, is the local G is, is there any local geographical constraints that have been particularly adopted in the measures for climate change resilience in the design. And I appreciate we heard this morning that there's been a 30 the design, for example, has tried to achieve a plus 30% trying to account for climate change. But has there been any local geographical reasons and constraints in your climate change resilient measures that you've incorporated into this scheme.

1:02:54

Sam Pollard for the applicant, so we've identified potential future changes in climate. To do that, we've used the UK CPA team projections, and they're the latest UK climate projections available, and we've used the projections for the they're provided on a grid square basis across the country, and we've used the projections for the grid square in which the scheme sits. So in that way, we've used the climate projections which are most relevant to the scheme, and that's what's informed our assessment. And those projections show that it's potentially there'll be substantial increases in summer temperatures and winter precipitation. So that could mean that over the lifetime of the scheme, you could get events like hot spells, heat waves, dry spells, droughts occurring more frequently. So yeah, that's what we did for our assessment. We use those projections to identify potential impacts in conjunction with designers and relevant discipline specialists, we considered what measures were embedded within the scheme design that would reduce those impacts, and then we assessed the residual likelihood and consequence of those impacts, taking into account of those measures. So we followed the approach set out in dmr. La, 114, as you've talked about. You know, in particular relevant is the drainage allowances, which are based on the Environment Agency guidance, which are specific to the area in which the scheme is located, and further details of that. Is provided in Appendix 13.7, the drainage strategy at 1222, but other than that, I don't think there are any specific vulnerabilities that we've identified to the scheme based on its location. They're more general impacts based on future climate projections. Again,

1:05:28

thank you for that explanation. I think what we're seeing is whether you've how, how far have you gone in making sure that this scheme is as climate resilient as possible? And have you gone further than what's actually required in policy or guidance, or have you only stuck to what's in what the policy and guidance requires you to do? Have you, have you gone any further than that?

1:05:55

No, we have yet followed required guidance and standards. There aren't any measures that we've implemented that go above and beyond that. Yeah, so I think we've done what we've needed to do, and

that the residual impacts are not significant, and therefore that we've we've not any required, any potential in we've not identified any potential enhancements beyond beyond that. Okay,

1:06:30

given that we've saw an observed on our site inspections that the sections of the motorway between junction 17 and 18, particularly as you're approaching the the sinister Island interchange, if you're heading east, appears to be elevated above residential properties. Would it, in order to account for any potential climate change, and you've used a 30% would it have been better to try and go for a bit more higher standard than just the 30% and the reason I say that is just could there be an issue in future where, if you've got the motorway that is at a higher level to residential properties, obviously, that rainfall would have to go somewhere, and the drainage apparatus that you'll be installing will only be able to accommodate a sufficient amount, and then there could be a potential concern that that surface water could have to go somewhere else. In that sense, would it be better? Would it have been better for you to go further in this particular scheme to show that you've done everything you can to make sure that this is as resilient as possible to climate change.

1:07:46

So, yeah, I'm a, I'm a climate specialist. I think in terms of, yeah, climate change allowances for drainage design and things like that, we'd need to get our drainage experts to reply on that. But I think we did. We did undertake a sensitivity test that considered a 40% uplift in rainfall intensities. So we did check the design against that. But as I said, I think we could probably provide a fuller response in writing subsequent to this hearing,

1:08:22

I think that would be useful if you could also reference or provide a copy of that sensitivity test. And I think that that would, we would find that quite useful. Does the council wish to raise any comments on this? And particularly, obviously these, we've referred some local circumstances. There is there anything that that you want to raise on this, and whether you feel the applicant has gone, could go further Council?

1:08:56

No. Thanks.

1:08:57

Okay. Thanks very much for that. So that's all the questions that I had on on climate change resilience. Is there anybody else who'd like to make any points on this item? Okay, I don't see any hands up, so we'll move on to 9.4 and Miss Holmes is going to ask a couple of questions on this.

1:09:20

Thank you. I am conscious of the time. This will be brief, I promise. I just have one clarification question, and we thought it kind of fitted in nicely because we were talking about drains and flooding. So listen to the council please. In Esq one, we had question our dwe 1.1 and we asked if you were aware of any flooding issues that's been reported to occur in the field adjacent to perathon Road. In your response, that was rep 3031, the council stated that it is understood that flooding issues in this

area relate to blockages nearer the road. I'd just like some more information about what you understand is the cause of that flooding. I.

1:10:01

Andy Southgate for Bayer Council, the only reported incidents we had in that particular area, which is local to pond four, I think, on the design, were related to a blockage of a COVID that runs under the road near pound farm. We've not had any reported flood in that area for at least 10 years, so we weren't overly concerned by the area to give it special treatment. I think the design of the scheme upon four mirrors mimics what the existing natural flow paths are.

1:10:38

Okay. Thank you for clarification on that. Does the applicant want to add anything about the potential flooding issue at this point? Andy Pearson,

1:10:47

we have the applicant not at this point. No. Love you.

1:10:50

That's great. Thank you for the clarification on that. Okay, so look, we're going to finish here for the day and continue this tomorrow with Agenda Item 10 tomorrow morning for those of you proposing to attend virtually tomorrow, the joining conference is at 9:30am and for those of you proposing to attend in person, the event will be held in this room, which will be accessible from 9:30am The time is now one minute past five, and This hearing is adjourned until 10am tomorrow morning. Thank you. Applause.