

TR010034 – A57 Link Roads, DEADLINE 1 SUBMISSION

Daniel Wimberley, Wednesday, 1 December 2021

examination submission ID : 6509, updated version, Friday 2 December

HIGHWAYS ENGLAND’S CONSULTATION - CRITIQUE & SUGGESTED ACTIONS

NOTES

1 I shall use “Highways England” and not “National Highways” throughout as that was the name of the agency proposing this scheme.

2 Abbreviations used in this document are as follows:

BCR	Benefit Cost Ratio
CC	Community Consultation
CC2020	Community Consultation for the A57 Link Roads scheme run by H.E. from 5 November to 17 December 2020
DCC	Derbyshire County Council
EiP	Examination in Public
ExA	Examining Authority
HPBC	High Peak Borough Council
H.E.	Highways England
PINS	Planning Inspectorate

4 Documents referred to in this document, are as follows:

AoCR	Adequacy of Consultation Report from HPBC and DCC. Library ref: AoC-003
CB	Consultation Brochure – the principle document at the CC 2020. Library ref: it is the first document in the Compendium of Consultation materials: APP-047
CftS	Case for the Scheme Library ref: APP-182
HECR1	H.E. Consultation Report v1 (cut-down version for consultees “Winter 2020”) Sorry, I cannot see a Library ref for this.
HECR2	H.E. Consultation Report v2 (full version for ExA) Library Ref: APP-026
SOCC	Statement of Community Consultation 2020

1. INTRODUCTION

“There’s no more time to hang back or sit on the fence or argue amongst ourselves. This is a challenge of our collective lifetimes. The existential threat, threat to human existence as we know

it, and every day we delay, the cost of inaction increases. So let this be the moment that we answer history's call here in Glasgow."

Joe Biden, at opening session of COP26

I put this quote at the top, because I feel the need to put what follows into context, the heaps of dry as dust words, painstakingly establishing the correctness of my belief that ‘what is going on here – the consultation and the approach being taken by H.E. – was and is just not right.’

We need to bear in mind all the time, at this EiP, the urgency and the all-encompassing scale of the challenge we are facing.

> > > > > > > > > > < < < < < < < < < <

This document “Highways England’s consultation - Critique & Suggested Actions” is my submission for Deadline 1. It is my response to the ExA’s request, made at the First Open Floor Hearing on 18th November 2021, to provide specific details to support my claim that H.E. had failed to give vital information to the public at the time of CC2020 and that this failure was in breach of the Nolan Principles, and of their own SOCC.

CONTENTS

This document is structured in four Parts as follows.

PART 1 is about the community consultation run by H.E. from November to December 2020.

First I focus on the issues around information being withheld by the applicant:

- The vital information which was not made available to consultees at the CC stage
- the effects which the withholding of this information had on those being consulted
- The request of the ExA for “very very specific examples” of information being withheld

Secondly, I describe how H.E. “steered” the consultation *away* from the over-arching questions of the aims of, possible alternatives to, and the desirability of, the scheme and *towards* detailed matters of design and the changes which had been made to the scheme layout since the previous consultation.

Thirdly I describe the use made by H.E. of the “results of the consultation” to purportedly show widespread “support for the scheme.” In the light of what I lay out in the first two sections of this Part, is it possible for this claim to have any validity at all?

PART 2 focusses on H.E.’s approach to providing information when consultees ask for it.

First, I describe my attempts to obtain traffic data

Second I describe my attempts to obtain details of the number of properties affected positively or negatively by the scheme.

Third I describe my attempts to obtain the cost of the scheme

PART 3 looks at the Nolan Principles and the SOCC and whether or not the applicant complied with these.

First I set out the Nolan Principles, their applicability to H.E. and the case for my belief that the applicant failed to comply with them;

Secondly I set out the relevant parts of the SOCC and the case for my belief that the applicant failed to comply with them;

Thirdly I describe and explore what are the implications of these failures.

PART 4 is concerned with actions the ExA might take in the light of the statements made in this document.

First I summarise my findings;

Secondly, I set out possible Questions which the ExA might put to the applicant to confirm or otherwise the truth of the assertions made here and thereby move these matters along towards some kind of resolution.

PART 1 - THE COMMUNITY CONSULTATION 2020: INFORMATION WITHHELD AND GENERAL APPROACH TAKEN BY H.E.

THE MISSING INFORMATION

H.E. did not provide any information about traffic flows.

There were no maps or tables showing existing flows, either on the main roads or the secondary roads onto which the principal traffic diverts. Likewise there were no maps or tables showing predicted flows. In the absence of such information how could any comparisons be made by consultees? How could we know what the effect of the scheme on our area would be, the likely changes in the traffic nuisances which we ¹ suffer from?

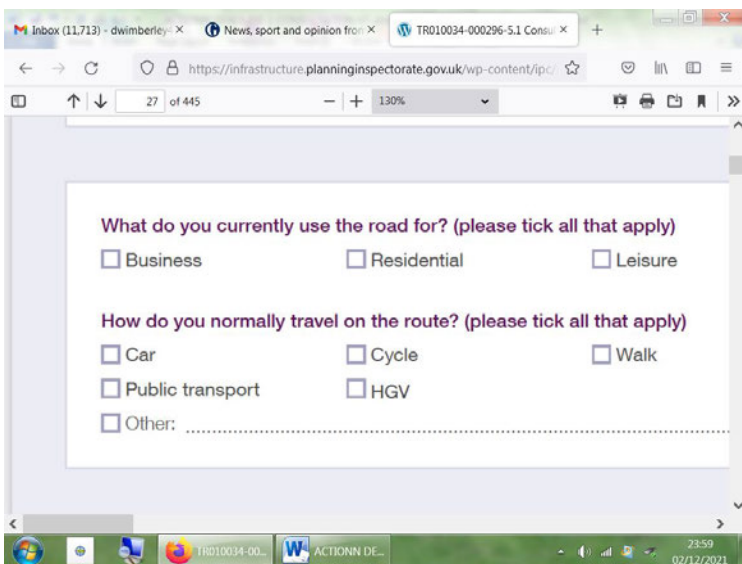
¹ I use “we” advisedly, even though I do not live in the local area. NPS-NN specifically mentions the effects of schemes beyond their immediate catchment.

Nor did the applicant provide any information whatsoever about how the traffic predictions were arrived at, factors considered, values given to these factors, caveats which apply. It was no doubt felt to be unnecessary because no traffic data was provided!

H.E. did not provide any information about how many streets or properties would experience reduced traffic nuisances and how many streets or properties would experience increased traffic nuisances.

I would assume that give or take some technical adjustments, this data would very closely correlate with the information about traffic. It is the result of the traffic, it is the traffic seen as a pile of unwanted nuisances and so is even more pertinent to the concerns of residents than the somewhat abstract sounding “level of traffic flows”.

Note that it is the quantity and the location of these nuisances which they did not tell the public about. And this lack of concern for network effects is revealed, unconsciously, I would suggest, in the online “Public Consultation Response Form (Library Ref App-047 page 27), whose very first question is reproduced below – sorry it could not be copied in the normal way:



The screenshot shows a web browser window with the URL <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/>. The page displays a public consultation form with the following questions and options:

What do you currently use the road for? (please tick all that apply)

- Business
- Residential
- Leisure

How do you normally travel on the route? (please tick all that apply)

- Car
- Cycle
- Walk
- Public transport
- HGV
- Other:

I hardly need to remind the ExA of how much this matters, of the fact that noise, pollution, anxiety and stress, vibration have direct and frequently severe impacts on physical and mental health, up to and including premature death. And together with severance and visual intrusion, they have a huge impact on overall well-being. It is bordering on scandalous that this information was withheld from the public. This is what local gains (or losses) would be mainly about, and it has a clear bearing on the public’s view of the scheme – whether it is “worth it” or not; whether it is the best solution, or not.

H.E. information about the cost of the scheme was not available to most consultees.

To find the cost of this scheme I looked at the website. Cost is a basic piece of information but it was not easily accessible – no top-level tab led to it, and it was missing from the most important document in the consultation process, namely the Consultation Brochure.²

There was another way that this information might have reached the public. The SOCC says, on page 3 (Library ref: APP-043):

“The following mitigation efforts have been prepared to reduce these concerns (i.e. that many groups in society, which are listed, could find it hard to participate in the consultation), as far as possible:

- Frequently Asked Questions available online and **sent out with the consultation materials**” *(part of a whole set of bullets; my emphasis)*

According to the CPRE’s submission to the PINS the FAQ’s were NOT included in the materials sent out. I go into this and other matters concerning the applicant’s non-compliance with the SOCC at paragraph 3 on page 5.

Without the cost of the scheme being provided, a trigger is missing which might prompt the question in the minds of consultees – ‘now, that is a lot of money – I wonder what else we could have in the area for that?’ In other words cost points to the question of alternatives to the scheme. ‘Are there other solutions, which we are not being asked about, which could solve the problems as well as or better than the scheme we are being offered and at less cost and disruption?’

Asking for the missing information during and after the close of the consultation

I did try to get the vital information listed above - traffic data, data on nuisances on properties, and the cost - from the applicant. My experiences were revealing of the general approach of H.E. in this matter, and are described below in PART 2 beginning on page 12. What this section shows is that at the point of public consultation, vital information was simply not available.

Other missing information

² In the end I discovered (I think someone told me) that it was on the website – on page 3 of the FAQ’s a link to which was halfway down a long list of consultation materials. So Just now I checked up. The FAQ’s were not on the consultation page for the A57 [REDACTED] when I accessed it at 03/12/2021 00:32, but they were linked to in the consultation tab on the A57 page of the National Highways site [REDACTED] when I accessed it 2 minutes later. Maybe it was a matter of which website you went through which determined whether or not you had a chance of finding the cost.

What I said above remains true: that no top-level tab led to it on either website and it was missing from the most important document in the consultation process, namely the Consultation Brochure.

H.E. did not mention the fact in the CB that the land across which the new scheme is proposed to run is designated Green Belt. As with the issue of cost, stating this openly would act as a trigger in people's minds. 'Oh, Green belt, is it? Maybe I need a bit of that. Even if I don't have a dog, maybe I'll miss the open grassy space when it is gone. How much does that matter to me? How much does that matter to people I know? etc. etc.'

The non-mentioning of the phrase "Green Belt" in the CB is all of a piece with the non-availability of the information about traffic, nuisance and cost. It seems to me there is a pattern.

More important is the fact that H.E. did not provide any evidence to support their claims about economic growth and its relationship to roads. And yet this is a vital argument in the case for the scheme.³

People are losing a lot, their homes, their open landscape views, their showground (so I gather); and perhaps also the living conditions on the street where they live and in the streets which they use every day may get substantially worse than now. They are also losing that underestimated public good which is stability, things not changing all the time at the whim of distant forces. We do have a need for a certain amount of settledness.

There is an awful lot of loss which I have just listed there, and the economic argument is pretty well at the heart of the case, such as it is, for this road scheme. It is also an essential element of the BCR calculations.

So surely there should be evidence, if only a brief outline of the economic argument for this scheme, and the references which support that claim. But there was none.

WHY DO I CALL THIS INFORMATION "VITAL"?

Without the information discussed above, the public has no way of coming to any informed conclusions about the scheme. The most basic level of scrutiny cannot be carried out. The claims made by H.E. can't be stood up, or challenged.

Here are some examples of how this works in practice from their Consultation Brochure, the principal document in the whole consultation:

"The scheme will:

- **Reduce noise levels and pollution for neighbouring properties** - by reducing the amount of traffic from the existing A57 through Mottram in Longdendale
(this is part of a set of four bullets)

CB page 8 in the original, page 9 in the Library version

There is no way of checking this statement in the absence of the relevant data.⁴

³ I am not sure if they have provided any evidence even now. If so I have not come across it yet. But there certainly was nothing provided for the public at CC2020.

⁴ and in fact it is quite hard to construe what it means.

Another example:

“Much of this heavy traffic travels along local roads, which disrupts the lives of communities, and makes it difficult and potentially unsafe for pedestrians to cross the roads. These issues will only get worse with time if significant improvements aren’t made.

CB page 3 in the original, page 4 in the Library version, para. 5

The implication of this statement (I say “implication” because no specific claim is made at all) is that if the scheme is built then issues of severance and general disturbance caused by traffic will get better. Again, there is no way of checking this statement in the absence of the relevant data.

Another example:

“At Highways England, our mission is to connect the country. We believe that connecting people and communities creates jobs and social opportunities and helps business and the economy thrive”

CB page 3 in the original, page 4 in the Library version, para.1

These are the opening words in the Consultation Brochure. This statement cannot be scrutinised as to whether or not it might be true for this scheme as there is no relevant data or argument in support of these assertions. Admittedly it is cast as a “belief” . . .

And . . .

“ we’ve developed a project to improve journeys between Manchester and Sheffield, as this route currently suffers from heavy congestion which creates unreliable journeys. **This restricts potential economic growth, as the delivery of goods to businesses is often delayed and the route is not ideal for commuters, which limits employment opportunities.**”

CB page 3 in the original, page 4 in the Library version, para.4 (my emphasis)

The highlighted words are this time not a belief, but stated as a network of facts about this scheme, which is a positive. The connections between the facts and the facts themselves are questionable and invite scrutiny and challenge but again where is any supporting evidence, or links to where such evidence might be found?

THE EFFECT ON CONSULTEES OF INFORMATION NOT BEING MADE AVAILABLE

This is largely covered in the preceding paragraphs. Consultees could not know the effects of the scheme on the whole area, on the likely traffic situation for example on their children’s route to school, they could not know which properties would suffer increases in traffic nuisances and which would be blessed with reductions. And without any traffic data, and some awareness of the underlying methods used to derive those predictions, they could not properly understand or scrutinise the proposal at all, neither the overall scheme nor specific changes such as removing the Roe Cross junction.

Looked at the other way round, if consultees had had the current and the predicted traffic flows then they could have seen how much things would improve or get worse.as regards traffic nuisances on specific streets and places. Assuming that there are more people winning than losing, they could have compared this to the cost of the scheme, assuming they had that as well! If there are more losers than winners then that can be ADDED to the cost of the scheme.

Then they could have weighed up the nuisances Profit and Loss with the claimed benefits of the scheme in terms of reduced delays for motorists, and effects on economic growth, and weigh up the evidence or references which H.E. would have provided to support those claims.

Making the balance between the economic benefits claimed for this scheme and the potential loss and damage locally is perhaps the key question but consultees are not helped in making this judgement. They have to make do with what is in their heads already.

THE REQUEST OF THE EXA FOR “VERY SPECIFIC EXAMPLES” OF INFORMATION BEING WITHHELD

The ExA asked me to provide specific examples of the failure to provide information. I cannot prove a negative, and yet both the absence of traffic data and the absence of information about properties and/or streets affected were total at CC2020. This information is indeed completely absent. I even tried by email, and drew a blank (see below in PART 2 beginning on page 12.

I am strengthened in my belief by two facts. One is that several members of the public criticised the lack of this same information ⁵ and the other is that the AoCR of HPBC and DCC echoed my concerns exactly. Here is what they say:

“Furthermore , again (from the context, this means ‘just as in 2018,’ when the 2 Councils said the same thing) insufficient information was published with the consultation in 2020 to enable the Councils and the local community to determine the likely impacts of the scheme. Accordingly, as in 2018, HPBC and DCC submitted a holding objection to the scheme on this basis.”

extract from joint AoCR letter from HPBC and DCC, dated 6 July 2021 Library Ref; AoC-003

I invite the ExA to take a moment to let those few simple words to sink in – “insufficient information was published with the consultation in 2020 to enable the Councils and the local community to determine the likely impacts of the scheme.” – and see just how *extra-ordinary* they are. Just 25 words, and yet what they say is that this consultation was not fit for purpose.

What I must ask the ExA to do as a first step is to ask the applicant to confirm that what I say about the withholding of this vital information is true, or if not, then ask the applicant to provide evidence that this information was available to consultees and exactly where it was to be found and how it

⁵ see Appendix Y (Library Ref: App-052), page 16 line1; page 20 last row; page 85, mentioning Glossop; page 113, row 2; page 122, mentioning Glossop and Hollingworth; page 191, second row from bottom; page 210, second row from bottom; and no doubt others.

was signposted on the scheme's websites. (I say websites, as there seem to be two – see footnote 2 on page 5)

HOW H.E. “STEERED” THE CONSULTATION

The consultation for the A57 Link Roads (Mottram bypass) scheme has steered consultees – local residents, the wider public, public bodies, and NGO's – away from the wider issues, and towards detailed matters such as alignment, engineering, design including standards, and identifying and reducing negative impacts. These detailed matters are all important, and must be part of any consultation, but not to the exclusion of the bigger issues.

This scheme, like any other infrastructure scheme, has very real costs. It consumes financial resources, manpower resources, both brain power and manual power, institutional capacity, land, and a share of the national carbon budget. And maybe others I have not thought of. These resources are not then available for use, at the same time, elsewhere.

There are competing priorities, rail vs road for example. There is no such thing as a free lunch. If this scheme is built, then old diesel busses which ply the streets of Manchester or Sheffield or Glossop, adding to air pollution and ill-health as they go, will not be replaced. Or maybe another bypass in another place, or a rail capacity enhancement or electrification scheme, will not get built. It is impossible to do everything, so choices have to be made.

It is part of the job of the consultation to help the right decisions to happen. It is in the public interest that these decisions are taken to maximise the benefit to the public. The Secretary of State (SoS) has to be in a position to see which schemes, in some definable way, offer better value. Going back one step, the ExA draws out the value of the scheme at the Examination in Public – does it solve real problems? Does it do what it does at a good price? In short, to what extent does the scheme make sense? – and then informs the SoS in their report.

Going back one more step, the consultation can only help the Inspector(s) if it has been well carried out and has fostered extensive well-informed input on issues around the key question of “to what extent does the scheme make sense?” and thus provides useful insights to the ExA.

I have described above the total absence of certain key information which has done the opposite of fostering the “extensive well-informed input” which I believe is desirable. But the consultation was also stymied by the applicant steering it in one particular direction, away from the general – aims, alternatives, value – and towards detailed points. I now demonstrate below that this was the case.

a) The consultation website

The consultation website [REDACTED] opened at the time with the following text: ⁶

⁶ This text is still to be seen there, after an update about the closing of the consultation.

“Overview

“We’re holding a public consultation **on our latest design** for the proposed A57 Link Roads.

“We would like to hear your views on our plans, **particularly on the changes to the designs** which have been made since our [last consultation in 2018](#).

“The consultation will run for 6 weeks, from **Thursday 5 November to Thursday 17 December**.

“Please view the consultation brochure and supporting information on this page for more details and follow the link below to complete a response form.” *(my highlighting)*

There was no hint there of anything to write to you about, or ask you about, except matters of “design” and “changes to the designs”. The page text continues:

“Why your opinion matters

“The feedback and comments you provide will help us to understand the local area better as well as the scheme benefits and any potential impacts.

“All responses received during the public consultation will be recorded and analysed. Where it is possible, **we will use your feedback to help develop the scheme design or to help identify ways to address concerns about the impacts of the scheme.**” *(my highlighting)*

Again we were told to address matters of detail and the questions around aims are nowhere.

There was no link given to the Consultation Brochure, and no information about Aims.

b) the Statement of Community Consultation (SoCC) (Library ref: APP-043)

The SoCC has more on the thinking behind the consultation. Here are some quotes from this document:

“The best time for you to have your say **to inform our final design for this scheme** is now by taking part in this consultation.”

SOCC Page 2, (my highlighting)

AND . . .

“This consultation will focus on changes to the A57 Link Roads scheme since the last public consultation in 2018:

- **Improvements to the design**
- **Extra information we now have about anticipated environmental impacts”**

Ibid, page 4 (my highlighting)

AND . . .

“Following the consultation in 2018, we’ve improved our designs taking these issues into account and we also have more information about key environmental impacts including air quality, noise

and traffic. **We'd like your views on these changes**, before we submit our DCO application to the Planning Inspectorate."

Ibid Page 5 (my highlighting)

HOW H.E. USED THE "RESULTS OF THE CONSULTATION" TO CLAIM WIDESPREAD "SUPPORT FOR THE SCHEME"

The results of the consultation were claimed by H.E. to show that there were "strong levels of support for our proposals and the updates we have made," which of course is a striking result, and one which might well influence, or if not influence, then reassure, an ExA. But as I have shown, the consultation was skewed by the lack of relevant and vital information, and by the systematic steering of the consultation by H.E.

Here is what H.E. wrote in HECR1 (I cannot find a Library Ref for this), the version of the Consultation Report written by H.E. for consultees.

"1.4.3 The feedback revealed strong levels of support for our proposals and the updates we have made. 66% of 1,462 feedback form respondents who answered the relevant question agreed with the overall proposals, with only 29% disagreeing."

The HECR1 goes on:

"A majority of respondents to each question on the feedback form also agreed with each of the updates discussed.

"Table 1.1: The table below shows the number of respondents **voting** favour of each update, by responding 'agree'"

(My highlighting)

It is remarkable that H.E. can claim any such thing. How did the "voters" know what they were voting for, when so much vital information had been withheld? I struggle to see what this "support" is based on. It cannot be based on the facts of the case, for example that a greater number of properties and streets will experience relief from traffic nuisances that the number which will experience increases, because there are no such facts on the table. So what is it based on?

One thing it is based on – and there may be others - is that is that the consultation was misleading.

MISLEADING INFORMATION GIVEN AT CONSULTATION STAGE

1 In the CB we read, in the nearest thing to a statement of the Aims of the scheme:

"The scheme will:

- **Reduce noise levels and pollution for neighbouring properties** - by reducing the amount of traffic from the existing A57 through Mottram in Longdendale."

CB page 8 (in the original) page 9 (in the Library version), Library Ref: APP-047)

Quickly read – and that is how most people will read the CB – the reader gets a nice positive impression of properties being relieved of noise and pollution. I was misled myself. I thought that H.E. had claimed what it was impossible to claim on the evidence of the CB, namely that noise and pollution levels would be reduced, full stop. In other words, that they would be reduced *in general*. So I went looking for the chapter and verse of this impossibility so as to put it in this document. And found that, no, it is the *neighbouring* properties which will be relieved. All 16 or 20 of them in Mottram in Longdendale.

2 OR we read, also in the CB:

“Much of this heavy traffic travels along local roads, which disrupts the lives of communities, and makes it difficult and potentially unsafe for pedestrians to cross the roads. These issues will only get worse with time if significant improvements aren’t made.”

CB page 3 (in the original) page 4 (in the Library version, APP-047)

The *implication* is that if the scheme is built then the situation will improve, for example it will be easier to cross the road, after all, if we do nothing then things will get worse. But that is all that it is – an implication. There is no guarantee that if we “do something” then the situation will get better!

So it is an evidence-free, and misleading, assertion. We know now that the modelling indicates that new traffic, particularly HGV’s iirc, will be attracted into the valley by this road improvement. (this is in the CftS or the TAR but no time to give exact place, sorry) Without the traffic predictions and a proper explanation this is PR not consultation.

In the circumstances, I think it is remarkable that as many as 29% expressed disapproval of the scheme given the absence of any encouragement to put one’s thinking cap on, the obvious conviction of the applicant, the complete lack of key information and the steer given to the consultation by the applicant.

PART 2 – H.E.’S APPROACH TO PROVIDING INFORMATION WHEN CONSULTEES ASK FOR IT

ATTEMPTS TO OBTAIN TRAFFIC DATA

ATTEMPTS TO OBTAIN DETAILS OF THE NUMBER OF PROPERTIES AFFECTED POSITIVELY OR NEGATIVELY BY THE SCHEME

ATTEMPTS TO OBTAIN THE COST OF THE SCHEME

I will approach all these three requests for information as one bundle – it is difficult to disentangle them in the email sequence.

I will outline the key points in the run of this document, and then list the detail in the form of an Appendix.

KEY POINTS CONCERNING THE SEARCH FOR INFORMATION DURING AND AFTER CC2020

Before and after the consultation closing date I tried to obtain from Highways England the traffic network data, both current, and as predicted under different scenarios, as well as the O&D (Origin and Destination) information which feeds into these predictions. I also asked for data on the number of properties which would experience reduced flows and properties which would experience increased flows. And I persisted with the question about the way the scheme cost was not visible to the public.

In summary, Highways England refused to provide the traffic network data, the O&D estimates and the number of properties. They told me that a Transport Assessment Report (TAR) would be part of their DCO application and that at that point they would “share everything we can.”

So, H.E. were telling me that the PINS would be shown enough workings and data at DCO application stage to understand the scheme, but consultees could not have any of this information. Why could the consultees not have this information at consultation stage?

The reasons given for refusing my requests were as follows: (all quotes are from emails sent by H.E.)

Traffic data

Here the reasons for refusal shifted. I have to say that I am always made suspicious when reasons given for a course of action such as this *move!*

At first the information was “still being finalised” – this was on December 15th 2020. *My comment: If H.E. had no version of their traffic network predictions, how could they design and propose a scheme?* Then the reason changed to commercial confidentiality! Here is text from an email sent on May 1st 2021:

““Unfortunately, the data you are asking for is not available in the format you request. While we have the figures, these would be hard to understand as a layman, as you observed. In addition, at this time the data is considered commercially sensitive, meaning we are unable to share this publicly at this time.”

O & D information

Dec 15th 2020: I was told how the patterns of travel were inferred and extrapolated from mobile phone data but no data was forthcoming

May 1st 2021: “this information (*namely, the actual results of their methods for estimating O&D’s on the basis of mobile phone data*) doesn’t exist in the format you request.”

AND . . .

“I would note that the ‘results’ would be the O&D matrices derived from the mobile phone data, which is (technical explanation follows . . .) . It is not viable or commercially appropriate to share the matrices.” *My comment: How “commercial confidentiality” can apply in this case is beyond me. I discuss this more fully in the Appendix.*

Number of properties affected

Dec 15th 2020: “This information is not available as we model to points along the route, rather than specific properties” *My comment: this answer serves to serve to obscure rather than illuminate the truth.*

Cost of the Scheme

15th December 2020: “This information - £228m – has been in the public domain for some time. It can be found on the scheme website.”

I pointed out that this did not answer my question which was to the effect of ‘where can the cost of the scheme be found on the website?’

May 1st 2021: “If you follow this link to the scheme webpage [A57 Link Roads - Highways England](#) or use a search engine, you will find the heading “Consultation 2020” some way down the page. Within here you can find our consultation materials, included a document called “A57 Link Roads FAQ”. You will find the reference to the cost of the scheme towards the bottom of the third page.” *My comment: This is as good as burying the information where it will not be found.*

To substantiate what I have said here, and to give the context, there is a fuller blow-by-blow account of these email exchanges in Appendix 1 Beyond that I am happy to forward the complete correspondence on all these matters, if needed.

PART 3 - THE NOLAN PRINCIPLES, THE SOCC AND THE APPLICANT’S COMPLIANCE WITH THESE

THE NOLAN PRINCIPLES

These principles, enunciated in 1995, are still very much alive. They have become an important part of the DNA of public life in this country and underpin the notions of public service and the public interest.

They have established a set of easily grasped and well thought-out standards which create right action in the public sphere. “*High standards and the values they enshrine are a public expectation and a public good in a civilised society*” as a former member of the CSPL put it in a speech.⁷

They are incorporated, or form the basis of, countless Codes of Conduct, including that of the PINS itself,⁸ as I am sure the ExA is aware! There is a standing committee, the “Committee on Standards in Public Life” (CSPL) which is the guardian of the flame so to speak, issues reports on

⁷ [REDACTED]

⁸ See here: [REDACTED] at section 2

issues arising from the Principles, and as recently as November this year applied, after consultation, an important update to Principle 7, on Leadership.

The applicability of the Principles is stated on the gov.uk website as follows:

“The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services”⁹

I take that to mean that H.E., a publicly owned company, formed to carry out government business, comes under Nolan. I return to this aspect of applicability later.

I will focus on just two of the Principles as being particularly relevant to what I have said in this document.¹⁰ These are Principles 4 and 5, which read as follows:

“Principle 4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.”

Information WAS withheld from the public, and thereby scrutiny WAS hampered.

H.E., as a government – owned company, clearly falls within the scope of application of the Nolan Principles of Public Life. ([REDACTED]

[REDACTED] They are therefore obliged to follow them.

HE’s not informing the public of the effect of the scheme on traffic nuisances, nor of the underlying traffic network predictions, is a clear breach of the Nolan Principles

¹⁰ Three other Principles also apply specifically, in my opinion, to H.E.s role in promoting this scheme. I will mention these in my main written representation.

IF NOT NOLAN THEN WHAT?

H.E. have certain standard replies to the points which consultees made in CC2020. This is inevitable when replying to so many comments from so many people. In response to criticisms made of their consultation we see this standard sentence in responses. *See Appendix Y (Library Ref: App-052)* :

“Consultation on the Scheme has been in line with official guidance.”¹¹

But we are not referred to what this guidance is. What guidance were H.E. following? There is no reference to guidance or guidelines in the SOCC, which is in itself a remarkable omission.¹²

THE SOCC

H.E. pledged to the public and to the local authorities how they would carry out the consultation. Here are the relevant passages (my highlights throughout):

First, the simple point about the cost of the scheme.

The SOCC says, on page 3 (Library ref: APP-043):

“The following mitigation efforts have been prepared to reduce these concerns (i.e. that many groups in society, which are listed, could find it hard to participate in the consultation), as far as possible:

- Frequently Asked Questions available online and **sent out with the consultation materials**” *(part of a whole set of bullets; my emphasis)*

If the FAQ’s had been sent out as stated in the SOCC, the public could have seen the cost of the scheme on page 3 of the FAQ’s. But because H.E. failed to do this, according to CPRE, the public were left in the dark about this crucial fact.

Secondly, the SOCC repeatedly emphasises environmental issues and states that the public will be informed about them.

*“Much of this heavy traffic travels along local roads, which disrupts the lives of communities, and makes it difficult and potentially unsafe for pedestrians to cross the roads. **These issues will only get worse with time** if significant improvements aren’t made.”*

SOCC Page 3

“This consultation will focus on changes to the A57 Link Roads scheme since the last public consultation in 2018:

- *Improvements to the design*
- ***Extra information we now have about anticipated environmental impact***”

SOCC page 4

¹¹ See for example page 122; 191; 210;

¹² Source: search on the phrase “guid”

“We are carrying out an Environmental Impact Assessment for the scheme and we’re publishing a Preliminary Environmental Information Report which will be made available online as part of the consultation material to assist well-informed responses to the consultation. There will also be specific questions referring to it in the feedback form.

The report will provide information about the potential environmental effects of the scheme, including updates on air quality and noise and the measures proposed to reduce those effects. Possible mitigation measures include replacement planting, archaeological works, mammal crossings, landform design and water treatment measures.”

SOCC page 4

Following the consultation in 2018, we’ve improved our designs taking these issues into account and we also have more information about key environmental impacts including air quality, noise and traffic. We’d like your views on these changes, before we submit our DCO application to the Planning Inspectorate.

SOCC page 5

This consultation - why and when

It is important to us that our consultation will:

- *Provide the opportunity for the community to give feedback on the latest design of the project*
- *Encourage the community to help shape our proposals to maximise local benefits and minimise any impacts*
- *Help local people understand the potential nature and local impact of our proposals*
- *Enable potential mitigation measures to be considered and, if appropriate, incorporated into the scheme design before an application is submitted*
- *Identify ways in which our proposals, without significant costs, support wider strategic or local objectives*

Your comments will help us achieve these objectives. We will listen to and consider everyone’s views before we submit our DCO application. This process is described below in the Next Steps section

SOCC page 6

The consultation will run from 5 November to 17 December 2020. During the consultation period, we will be consulting on the following particular elements of the scheme:

- *Our environmental assessment and our measures to minimise impacts on air quality and noise*
- *Removing the Roe Cross Road link, junction and roundabout from the scheme*
- *A new location and design for the Mottram Underpass*
- *Replacing the proposed roundabout at Mottram Moor Junction, with a signal-controlled junction*

(And further bullets re specific locations)

SOCC page 6

So the public will be able to “understand the potential nature and local impact of our proposals” because they will “have more information about key environmental impacts including air quality, noise and traffic.”

Well, there is no information on traffic, and no data that I can find in the CB on air quality and noise.

On page 9 of the CB we read;

“We’ve now updated our assessment and you can see the updates we have made (to air quality and noise) on page 18 of this brochure.”

So I go to page 18 (in fact it is page 19). There is no data at all. Only the sentence about Air Quality:

“Our assessment currently shows that there would not be any significant adverse effects from the scheme, for people, designated ecological sites, or in any of the AQMAs”

On page 20 we read about noise:

“Residents who live close to the existing route will likely hear noticeably less noise due to traffic being moved further away. People who live closer to the new route may experience a slight increase in noise levels”

Note how there is nothing at all about the wider road network. The focus here is on those living on the exact former route and the exact new route. Most of the people affected by this scheme **will not be in either category, but they will be affected.** The same blind spot is evident in the online form. (*see screenshot and commentary on page 4.*)

The CB does say that further information is available on the consultation website and gives a link. But how many people will go to the PEIR, which does look at the wider network, and we read:

“11.7 Summary

11.7.1 This chapter (about Noise) has identified the study areas, methodology, baseline conditions, and some potential impacts associated with the Scheme during construction and operational phases. Several mitigation measures have been discussed.

11.7.2 Preliminary noise contour plots have been generated to identify any potential issues arising from operational noise in both the opening and future year of the forthcoming ES assessment. The noise contour plots are based on data that will be revised prior to the ES assessment.

11.7.3 The preliminary noise contour plots show potential adverse significant impacts at a large number of noise sensitive dwellings in both the opening and future years. Reductions in road noise levels are anticipated on the bypassed routes in both the short and long-term.

11.7.4 The preliminary noise contour plots do not take into account either the natural topography of the area, cuttings and embankments designed as part of the Scheme, nor the vertical alignment of the existing roads or Scheme. As a result, it is considered that the ES assessment will yield

considerably fewer significant areas of adverse impacts in both the short and long-term than those shown in Volume 3 Figure 11.2 and 11.3.

11.7.5 This chapter provides the preliminary assessment for noise and vibration based on information available as of the end of September 2020. It identifies the study area, methodology, baseline conditions, and potential impacts associated with the Scheme during construction and operation. Where relevant it identifies measures recommended to mitigate any potentially significant adverse effects .”

PEIR Page 168 (PEIR is bundled into Library Ref: EPP-047) (my highlighting)

Clearly this is a somewhat different picture to that painted in the CB.

The larger overall problem is that H.E. talk about *process* and *measures*. ‘We have studied this, we have assessed that.’ ‘We will mitigate in such and such a way’ (e.g. by using low noise surfacing on the road surface). But there is no word on what interests the public – which is the outcome.

H.E. are obliged, perhaps legally as the SOCC is a document prescribed by statute (or regulations under a statute) to carry out the SOCC.

H.E.’s not informing the public of the effect of the scheme on traffic nuisances, nor of the underlying traffic network predictions, is a clear breach of the SOCC.

THE IMPLICATIONS OF THESE FAILURES OF COMPLIANCE WITH NOLAN AND THE SOCC

Nolan is non-statutory. But the Nolan Principles are of enormous significance as I have made clear, and if I am correct in saying that the Nolan Principles apply to H.E. then breaching them as clearly as H.E. appear to have done is a serious matter.

The SOCC is created under statute, it is designed to protect the integrity of the process. It is consulted on with the Local Authorities, and in this case they were unhappy at the way that H.E. refused to take a suggestion they made on board. They were also unhappy with the consultation itself, so unhappy that they lodged a holding objection.

If the consultation is as flawed as I have claimed it to be, then what value does the consultation report and any of its conclusions have, in particular the claim of considerable local support for the scheme?

PART 4 - ACTIONS WHICH THE EXA MIGHT TAKE IN THE LIGHT OF THIS DOCUMENT

This document points to a massive failing in the consultation carried out by the applicant in respect of the A57 Link Roads scheme. Missing information, a consultation “steered” in a certain direction, misleading phrasing in consultation documents all adds up to an opportunity missed.

It could have been a consultation, a proper consultation, backed by better information, where local residents and other concerned citizens and NGO’s collaborate with H.E. and other agencies to solve this traffic problem and make life better for all.

But we are faced with the need to tackle this situation. So **I request** the ExA to clarify the points I have made with the applicant by asking the following questions, and then we can see where that moves us to.

Requested Questions – could be added to the First round of questions

- 1 Can you confirm that no information regarding traffic flows, current or predicted, was made available to consultees?
- 2 Can you confirm that no information regarding the number of properties which would be predicted to experience greater traffic flows and the number which would be predicted to experience reduced flows if the scheme were to be built, was made available to consultees?
- 3 If any of the above information WAS available, please provide evidence of which parts of this information was available, where on the website it could be found and the signposting to it, and where it was in materials sent out to consultees.
- 4 If this information was NOT available, please say what the reasoning was behind withholding it and whether it was made available to other consultees, such as statutory bodies, Local Authorities etc.
- 5 Can the applicant comment on the accusation that they systematically steered the consultation away from the wider issues, such as aims, alternatives and need and towards detailed matters such as alignment, engineering, design including standards, identifying and reducing negative impacts and changes from 2018? If that is what they did, why did they do this?
- 6 Does the applicant accept that the Nolan Principles apply to him/her?
- 7 Does the applicant agree that their consultation does not comply with the Nolan principles? If not could they please comment?
- 8 Were the FAQ's included in the materials sent out, as per the SOCC?
- 9 Why did H.E. refuse email requests for traffic network data in December 2020 and subsequently?
- 10 When the H.E. wrote in responses to consultation submissions (see Appendix Y) "Consultation on the Scheme has been in line with official guidance" what guidance were they referring to?

APPENDIX 1

Being a blow by blow account of email exchanges between D. Wimberley requests for information from H.E.

Dec 3 (Thursday)

1. In my first (email) letter I asked for **full details of the current Traffic Network data**. I specified exactly what I expected, for example, my first sub-paragraph read as follows:

“How much traffic is there on each road in the network? Daily flows? Flows by hour? Flows broken into traffic types? All the above at different times of year? and at different days (weekend versus weekday)?”
2. I also asked for **the same details of their predictions**, with and without the bypass, for the Traffic Network, and of any Origin and Destination surveys carried out in the relevant area.
3. *Note: I did not explain why I wanted this information, but reckoned that they surely must understand how critical it is. It is essential for assessing the viability and suitability of the scheme (is this scheme about promoting Transpennine journeys, as it once was, and therefore is it adequate to take increasing flows? or is it about relieving traffic conditions locally?) and in assessing whether the promised improvements for local residents will indeed materialise.*
4. I asked for exact figures on **the number of properties** fronting onto the existing road in Mottram where living conditions will be “relieved” by the bypass, and then the same information for properties fronting onto the existing roads into the Peak District (the A 628 and the A57), situated “further along” those roads. *This is essential information in assessing key issues such as Air quality, and whether this scheme makes sense, especially when compared to alternative packages of improvements.*
5. I asked for exact figures on **the cost of the scheme**. I pointed out that this essential piece of information was nowhere visible on the website, and was not in the “Consultation Brochure”.
6.

In 4, 5 and 6, above I said I would be happy if they pointed me to where I could find out this information. I expected them to have documents containing the information which they could point me to quite easily.

Dec 3 – Highways England first reply

Highways England send automatic reply, telling me their target response time is 10 working days.

There follow 3 chasing emails with H.E.’s responses

Dec 15th 19.36 (Tuesday)

Highways England reply to my email of Dec 3rd.

In reply about current traffic data, I am referred to the Highways England website with data from traffic counters on it. I am told which Traffic models and which traffic assignment modelling procedures are used. **I am given no data, I am being expected to wade through raw data myself.**

In reply about predicted traffic, I am told: “This information is still being finalised, so we are unable to send it to you at this time.” So, how did they arrive at the road scheme we now see???

In reply about O&D surveys, I am told that “Origin and Destination patterns were established using mobile phone data as part of the original Trans Pennine South Regional Transport Model, collected and processed for a base year of 2015 covering a wide area,” and a bit more on how this is done. Again, **I am given no data.**

My comment is that these are NON-answers.

In reply about how many properties would be relieved and how many not, I am told “This information is not available as we model to points along the route, rather than specific properties”. This information is absolutely basic to understanding the worth of the scheme. They are telling me they do not have it?

Dec 16th 19.36 (Wednesday)

I thank Highways England for his answers. Then I restate my questions about the traffic data and the properties affected.

Dec 18th (Thursday)

I get the following reply:

.....

He tells me that “We will prepare a response to your questions below as soon as possible in the new year.” (*I do not know if the “questions below” refers to the new questions of December 10th, or the repeat questions of December 15th*)

January 2021

I continued to try to obtain from Highways England the traffic network data, both current, and as predicted under different scenarios, as well as the O&D (Origin and Destination) information which feeds into these predictions. I also persisted with other questions, in particular the scheme cost.

From here on the information is divided into its three branches

a) O&D information

In an email dated May 1 2021, Mr. Rawson, Regional Investment Programme (RIP) North Assistant Project Manager, said:

“As I noted in my previous response, **this information** (namely, the actual results of their methods for estimating O&D’s on the basis of mobile phone data) *doesn’t exist in the format you request.* The TAR (Transport Assessment Report) **will be published as part of our DCO application** and I hope that this will help to answer your questions.

..... (A note on the methodology employed to arrive at their results was here)

I would note that the 'results' would be the O&D matrices derived from the mobile phone data, which is contained within a matrix file within the model. This is then used by the model to assign trips to the network. The 'accuracy' of the model is determined by the calibration and validation of the base model. The base model needs to be calibrated and validated against observed data in adherence to TAG criteria. **It is not viable or commercially appropriate to share the matrices.**" (my highlighting)

MY COMMENT:

This is extraordinary on 2 counts.

The first count is that Highways England state that *"this information doesn't exist in the format you request. The TAR (Transport Assessment Report) will be published as part of our DCO application and I hope that this will help to answer your questions."*

So the Inspector(s) will be shown enough workings and data at DCO application stage to understand the scheme. And then and only then will consultees be able to review, critique and engage with this information.

But the effect of withholding this information at consultation stage was to render it impossible for consultees to come to informed views on whether the scheme will produce any benefits to them or to others more generally.

The second count is the reason given for refusing to make this information available at consultation stage, or indeed at any time before giving it to the Inspectorate.

We are told: *"It is not viable or commercially appropriate to share the matrices."* This is breathtaking. At a stroke, Highways England have put their calculations and with them the methodology on which those calculations are based, beyond challenge! But, the methodology itself could be faulty, or the way it is applied could be faulty. So we (the public, in all its many forms, from individual objectors to elected bodies like Councils) have good reason to want to see these estimates and test them.¹

¹ This is a real concern. Such calculations can and do go wrong, and should be checked. A famous example is the paper by two economists from Harvard Reinhart and Rogoff, whose 2010 paper "showed average real economic growth slows (a 0.1% decline) when a country's debt rises to more than 90% of gross domestic product (GDP)". "This 90% figure was employed repeatedly in political arguments over high-profile austerity measures." Indeed it was, and yet the calculations were plain wrong. A team from University of Massachusetts Amherst found three errors in the spreadsheet which led to the results. "The most serious was that, in their Excel spreadsheet, Reinhart and Rogoff **had not selected the entire row when averaging growth figures**: they **omitted data** from Australia, Austria, Belgium, Canada and Denmark.

"In other words, they had accidentally only included 15 of the 20 countries under analysis in their key calculation.

"When that error was corrected, the "0.1% decline" data became a 2.2% average increase in economic growth."

It should be noted that the actual final O&D estimates are themselves not based on observations but on extrapolations from a subset of travellers (smart-phone users with their geolocation switched on), so there is a lot of “methodology” involved to arrive at these “matrices” (estimates).

In placing their O&D estimates behind a cloak of “commercial appropriateness” Highways England have violated the basic principles both of science, where peer-review and challenge is how the truth is worked towards, and of democracy, which can only thrive in conditions of open discussion and debate.

b) Future predictions of traffic on the road network

On this it is a similar story. Mr. Rawson writes in that same email (of May 1, 2021):

*“Unfortunately, the data you are asking for is not available in the format you request. While we have the figures, these would be hard to understand as a layman, as you observed. In addition, at this time **the data is considered commercially sensitive**, meaning we are unable to share this publicly at this time. However, when we submit our DCO application, we will publish a Transport Assessment Report (TAR) to share everything we can, in a way that hopefully will be accessible to everyone who wants to understand how and why we have made the decisions we have about the A57 Link Roads Scheme in terms of traffic. We are aiming to submit our application later this month.”*

(My emphasis)

Exactly the same comments apply as above on the O&D information.

Firstly, **the Inspector(s) will be shown enough workings and data to understand the scheme. And then and only then will consultees be able to review, critique and engage with this information.**

So why was this information not available **at consultation stage**? The explanation offered by Highways England is simply not tenable.

And secondly, **Highways England has violated the basic principles both of science, where peer-review and challenge is how the truth is worked towards, and of democracy, which can only thrive in conditions of open discussion and debate.**

c) The cost of the scheme

After the consultation had closed I resumed my quest for the whereabouts of the scheme’s cost! I wrote on April 13th 2021:

“Question 7 – cost of the scheme

My question (3rd December) was *“Please can you let me know **where I can find** exact figures on **the cost of the scheme?**”*

So the key conclusion of a seminal paper, which has been widely quoted in political debates in North America, Europe Australia and elsewhere, was invalid.” (source: [The Reinhart-Rogoff error – or how not to Excel at economics \(theconversation.com\)](#))

Your reply of 15th December said: “This information - £228m – has been in the public domain for some time. It can be found on the scheme website.”

This is not an answer to my question. Where on the website was this figure to be found?”

The reply from H.E. came on May 1st:

Question 7 – cost of the scheme

“If you follow this link to the scheme webpage [A57 Link Roads - Highways England](#) or use a search engine, you will find the heading “Consultation 2020” some way down the page. Within here you can find our consultation materials, included a document called “A57 Link Roads FAQ”. You will find the reference to the cost of the scheme towards the bottom of the third page. If you haven’t looked at the FAQ before, you may find it interesting as it has the answers to a wide range of questions about the scheme.”

MY COMMENT

This is as good as burying the information where it will not be found.

I am happy to forward the complete correspondence on all these matters, if needed to verify what I say here.

APPENDIX 2

THE NOLAN PRINCIPLES ¹

As at December 2021

1.1 Selflessness

Holders of public office should act solely in terms of the public interest.

1.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

1.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

1.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

1.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

1.6 Honesty

Holders of public office should be truthful.

1.7 Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

¹ [REDACTED]

APPLICABILITY OF THE PRINCIPLES

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services ²