

A57 Link Roads TRO10034 - Deadline 3, 26th January 2022
Written representation from Anthony Rae - unique reference: 20029740

In preparing this submission I have reviewed the National Highways response to ExA questions 8.1, 8.3, 8.4, 8.5, 8.13 and 8.14 in 9.7 *Applicant's response to Examining Authority's First Written Questions*; and also the submission of CPRE thereon and the various documents this cites.

Within NH 9.7 I note the following (the relevant clauses are highlighted):

- 'National Highways' position is that, in accordance with the NN NPS, only a comparison with national carbon reduction budgets is relevant. Other carbon budgets, for example Local Carbon Budgets as defined by local or regional, are not defined in the relevant NN NPS, nor in the Climate Change Act or any dependent legislation. These are not therefore considered to have legal force when it comes to examining the suitability of the Scheme for its impact on ability to reduce carbon emissions.' *response to 8.1 c*

- 'The approach taken in Chapter 14 of the ES (REP1-019) is in line with DMRB LA 114 which, in context with the NN NPS paragraph 5.18 states it is considered unlikely that projects will in isolation conclude significant effects on climate and that *'the assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets'*. The NN NPS therefore requires assessment against national carbon targets, and the only legislated targets are the carbon budgets. It should also be noted that there are no sectoral targets, for example for transport, that are legislated for and one sector may be balanced against another in the economy, so assessment against sectoral or sub national / local targets is outside targets that are legislated for.' 8.3 a

- 'the increase in GHG emissions associated with the Scheme is not a reason to refuse development consent. The increase would have no material impact on the ability of the UK Government to meet its carbon reduction targets and so the proposed development does not give rise to any conflict with paragraph 5.18 of the NN NPS.' 8.4

- '... the High Court concluded that the total amount of carbon emissions from the schemes listed in RIS2 programme is *de minimis* in the context of appropriate comparators for assessing the effect on climate change objectives. Since that is the conclusion reached in relation to all schemes within RIS 2, National Highways considers that the methodology is not flawed, and the Scheme can be seen as a small part of an overall programme which is *de minimis* in terms of its impact upon carbon reduction commitments.' 8.5

- 'National Highways do not consider GHG emissions from the Scheme alone, or on a cumulative basis, will have a significant effect on the UK's ability to comply with its carbon budgets. Based on these conclusions, the consideration of cumulative impacts across the RIS is therefore a matter of the UK Government. 8.4

I believe that the effect of these statements taken together, namely that:

- the purposes, intentions and impacts of local or regional carbon budgets are set aside, thus undermining their implementation.

- with more than half the 60 year period towards the net zero target already having been passed, it is argued that it is still possible for transport emissions – still at approximately the 1990 baseline level in pre-Covid 2019 - to potentially increase because this can be compensated for by reductions in other sectors.

- even an acknowledged increase in emissions for an individual scheme (rather than e.g an insufficiency in the amount of reduction) is not regarded as a defect.

- not just the particular A57 scheme but all the schemes listed within RIS2 are regarded as having a *de minimis* effect; and that

- responsibility for the cumulative emissions impact of all road infrastructure schemes is regarded as a responsibility not of national highways as scheme promoter and implementer, but instead the government.

... then with all these kinds of constraints upon legitimate argument or grounds for objection, it is difficult to see how the impact of new road infrastructure on the future quantity of road vehicle emissions, as influenced by the volume of traffic induced by that infrastructure, can be considered at all for the purposes of decision-making.

In which case, without any kind of procedural constraint or disincentive, this would have the perverse consequence of encouraging further and additional provision of road capacity, which would be likely to increase volumes of road traffic, which would in turn be likely to increase the volume of carbon emissions generated and measured on an annual basis, particularly in the 2020s when the percentage share of electric vehicles will still be limited.. This would be contrary to the emissions reduction pathway of the governments Net Zero strategy And its Transport Decarbonisation Plan. It would also lead to the undermining or contradicting of transport decarbonisation plans being developed by other public authorities.

Anthony Rae
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