A57 LINK ROADS TR010034

CPRE Peak District and South Yorkshire Branch
Unique Reference: 20029243

Response to
REP6-017 - NATIONAL HIGHWAYS' RESPONSE TO SECOND WRITTEN QUESTIONS

for

DEADLINE 7 - 23rd March 2022

QUESTIONS ON TRANSPORT NETWORKS AND TRAFFIC

Q3.1 There is uncertainty at this time resulting from the introduction of electric (or other alternative power trains) for vehicles, possible levels of autonomy for vehicles, the future introduction of policies intended to restrain the use of the private car and encourage transference to more sustainable modes, volatility in fuel prices, changes to working practices and other factors. These have potential to affect forecast traffic growth.

a) What level of confidence can now be placed on the traffic modelling?

b) What impact would this have for the case for the scheme?

i. Despite continuing to claim high confidence in the traffic modelling, National Highways has failed to explain the spurious results in traffic flows. We and others (including the PDNPA) continue to find the data that has been used to feed the traffic model incomprehensible; the refinement of the model specifically to avoid the air pollution within Glossop and Tintwistle has been explained away by increasing the sectoral analysis when this has nothing to do with it.

ii. NH responded in Q3.1 '*Due to the uncertainty in forecasting, DfT's Transport Analysis Guidance (TAG) requires sensitivity tests to be undertaken for high and low traffic growth assumptions when developing the case for a scheme to ensure that all schemes deliver value for money should the central or core traffic growth forecast prove to be inaccurate. These sensitivity tests have been undertaken for the Scheme and have demonstrated that it will deliver user benefits and value for money. Thus, the case for the Scheme remains strong, under both the low and high growth scenarios, with the Benefit to Cost Ratio (BCR) being 19% better for the high growth scenario and a 17% worse for the low growth scenario, compared to the core scenario.*'

iii. After adjusting for the up to date values of carbon and using the low forecast, it is clear that the BCR for the scheme falls overall and does not change in the way presented

originally. Our original submission contained a table showing this which has not been challenged by NH. The 17% and 19% are thus no longer valid. The Central BCR is now 1.33 not 1.45. The Low traffic High carbon price results in a BCR of 0.94, a reduction of 29%. The Low traffic central Carbon value is 1.08, a reduction of 19%. While this shows the weakness of the value for money using the NH approach, neither of these address the Strategic Case issue of how the scheme fits within the overall policy of reducing carbon. This is under active discussion by DfT at the moment.

iv. We now understand that a further lower traffic growth scenario is being tested. No details of this have been provided despite our requests. If it is lower than the previous "Low" which it most likely will be, the BCR will fall further.

v. '*The latest version of NTEM does not include a specific generalised allowance for transfer of journeys to more sustainable transport modes. This is because it is a national and local Government policy aspiration that is not currently backed up by firm strategies or comprehensive and coordinated schemes'* (See NH's answer to next question 3.3). Therefore the low growth scenario cannot reflect the future of the programmes in place to achieve 50% of all trips to be made by active travel (Government 2030) 50% by active travel and public transport (GMCA by 2038). The Examination needs to see the full results for the low growth scenario; the details of the DfT sensitivity test should be released to the Examination and interested parties, including the re-estimated BCRs.

vi. Although switching to electric vehicles is essential it will not be sufficient. A1.3.9 of DfT's TAG data book shows that in 2050 37% of vehicle km would be petrol fuelled, 19% of vehicle km would be diesel fuelled and 44% of vehicle km would be electric powered. The Government target relies on a level of demand management as set out in the CCC budget and our original submission. This is because the majority of the mileage over the next decade and beyond will still be fossil fuelled. Some of this will be by people choosing not to travel (working from home or doing zoom meetings), or travelling less far (going to local shop rather than out of town) and some by shifting to public transport, walking or cycling. This would mean some reallocation of road space to bus/cycle lanes or disincentives to drive – road pricing, workplace parking levies, higher car parking fees.

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Q3.3 There are aspirations, both at local and national level, to transfer journeys to more sustainable transport modes.

a) Is this reflected within the model?

b) If so, what assumptions and allowances have been made to reflect this?

c) If not, should it be?

i. Aspirations to make travel more sustainable have in the last few years begun to be translated into policies and programmes. These include the Decarbonisation Strategy and its associated spending programmes. What has not yet happened is to directly connect the different groups of polices into a coherent whole. For example, the legally binding targets for overall carbon reduction require traffic growth to be slowed and possibly reversed. This is currently reflected in the use of traffic forecasting "scenarios" and the uncertainty tool kit. The issue of whether some policies are now running counter to others needs careful

consideration. In areas such as Greater Manchester it is unthinkable that the transport authority would spend its budget on making road travel faster while trying to attract people to walking, cycling and public transport. This scheme is not proposed by TfGM nor does it have their active support. It is because in this case the scheme is being viewed as part of the strategic road network, and thus completely isolated from the policies which apply in Greater Manchester. It is not TfGM's money and if it were given to them it is unthinkable that they would spend it on this scheme instead of sustainable alternatives.

ii. The model therefore has excluded most of Greater Manchester from the Area of Detailed Modelling, we now know that there is hardly any public transport in the model or the forecasts underlying it and it has never included walking or cycling.

iii. It is essential that the transfer of journeys to more sustainable transport modes are reflected in the assessment of the scheme. NH admits that '*The latest version of NTEM does not include a specific generalised allowance for transfer of journeys to more sustainable transport modes. This is because it is a national and local Government policy aspiration that is not currently backed up by firm strategies or comprehensive and coordinated schemes'.* This is simply incorrect. The Government has pledged money directly for sustainable transport and TfGM has specific plans to make change which it has modelled and published. NH claim that the scheme accounts for certain or near certain public transport schemes. But it does not – it does not account for the Government and GMCA policy of 50% of trips by active travel and/or public transport. We have not been supplied with the NH view of future public transport, despite our requests. Most independent observers would surely be forced to assume it is because it would reveal the assumption of failure in Government and TfGM policies for sustainable travel.

iv. NH then states that bus patronage is in decline and bus services are in decline due to this and funding cuts. The decline in bus services has to be a temporary phenomenon if we are to travel sustainably. If we are to take the current state of transport into account then traffic flows by car have only returned to 90% of what they were pre-pandemic. In the short term people may be more resistant to using public transport but in the longer term we should remember that the 2018 annual RAC Report on Motoring found that 59% of drivers would use their car less if public transport improved, compared to just 11% who wouldn't.

v. How could this failure be addressed? We have made submissions about this previously but the issue can be summarised as follows. All the trip matrices, which are the basis for the modelling, are produced for future years using growth factors. There is some extra traffic from developments as they come on stream. In the case of programmes for sustainable travel, these can be assumed to slow down growth or negate it. There is an extensive programme in place and being delivered by TfGM. Thus it would be possible to adjust the growth factors, and thus the matrix, fairly straightforwardly and transparently. This could be run as an option without the road scheme. The problem comes in introducing the A57 scheme and assessing its impact on sustainable modes. The model can show the extent of the increased attractiveness of driving – it is overwhelmingly the amount drivers would save in terms of time. We have, using the material extracted from NH, separated out the driver savings which would have a negative impact on the TfGM programme and presented it to the Examination.

vi. However, at the detailed level of which bus routes would suffer lower patronage, or which present or future walking or cycling trips would move to car, the model is simply not capable of doing this. This does not mean it can or should be ignored.

vii. Finally it is important to emphasise that NH have had to take an extreme position to justify their omission of the TfGM sustainable travel programme. They say, in response 9.63 that "the Scheme is not located in the vicinity of a group of towns and villages that are currently as well served by public transport as larger towns and cities".

viii. This exemplifies the problem that NH refuse to see this scheme in its true context. In reality it is physically almost entirely within the Greater Manchester area and most of its traffic (84%) appears to be related to that area. It is also clearly "in the vicinity" of a National Park with its additional environmental sensitivities. Its appraisal respects neither its negative impact on TfGM (and Government) ambitions for sustainable transport to the West, nor its failure to protect and improve the National Park.

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Q 3.4 There are concerns, expressed by CPRE Peak District and South Yorkshire Branch in [REP5-029 paragraphs 160 and 170] and elsewhere, that public transport and active travel modes have been under-represented in the model.

- **a) Please provide comments on the issues raised.**
- **b) If these modes have been under-represented, what effect would this have on the case for the scheme?**
- **c) Do the local highway authorities have any comments in regard to this issue?**

i. NH responded - *a) See response to WQ2 3.3 above. Consequently, the modelling of the Scheme has not under-represented public transport and active travel modes.*
b) The number of bus passenger, pedestrian and cycle trips across the modelled road network will be very small compared to the number of vehicle driver and passenger trips. Consequently, even if public transport and active travel modes have been under-represented in the model, which is not the case, then it would be unlikely to have a material impact on the assessment of the Scheme or the case for it.

ii. In its response (above) NH is completely ignoring the Government's Decarbonising Transport plan and its Net Zero Strategy. Public transport and active travel modes are grossly under-represented for the future. After finally receiving some limited public transport data it is clear that most of the public transport trips in the area are not in the model. The number of bus passengers, pedestrian and cycle trips on the road network are currently small but both Government and GMCA want to see a major increase such that 50% of journeys are by active travel (Government by 2030) and 50% by sustainable means by 2038 in the case of GMCA. As the modelling of the scheme extends from 2025 to 2040 these policy impacts should be included in the modelling. We have shown the value for money of including some of these policies when we presented the BCR for the alternatives (REP4-016). NH has not supplied sufficient data for us to complete this exercise. If these policy outcomes were included in the model, the value for money of the scheme would reduce

substantially, and the costs of overcoming its adverse impacts on travelling sustainably would not be incurred.

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Q3.6 Various routes have been identified onto which trips may divert to avoid delays and minimise journey times or costs as perceived by drivers. These trips pass through Tintwistle, Hollingsworth and Glossop, as well as other settlements, and may have adverse impact on relevant environmental topics. Please confirm whether, or not, the worst-case scenario for diverted trips, with maximum estimated flow, has been considered when assessing the impact of such diversions.

i. NH responded – '*The traffic modelling used for the assessment of the Scheme provides the best indication of how future traffic demand will use the road network in response to changes in the operation of the modelled road network due to the Scheme compared to without it, whilst accounting for forecast traffic growth and other committed future modifications to the road network. For the routing of traffic across the modelled road network to significantly alter from that forecast by the traffic modelling, physical measures or schemes would need to be introduced onto the road network, such as changes in speed limits, traffic calming measures, additional traffic signals, etc., that would cause drivers to choose alternative competing routes. Any such proposed modifications to the road network would be outside of the Scheme and subject to an impact assessment prior to their implementation that would need to consider the diversionary impact of the physical measures or schemes on traffic and the consequential environmental effects. Consequently, the forecast traffic flows across the modelled road network are considered to represent a reasonable and appropriate worst-case scenario of the traffic impacts of the Scheme*.'

ii. We do not know the worst case scenario for a number of reasons. The 2015 baseline traffic flow data used to inform the model preceded the modelled flows by a decade, despite guidance that the assessment of baseline traffic flows should be as near to the current flows as possible. Consequently the traffic data used appears to be low compared with actual traffic flows in 2019. The increases in traffic on residential streets in Glossopdale and the consequent impacts on road safety and increased crashes, on community severance, on noise and air pollution, have not been assessed. Without such information it will be difficult for the ExA to determine the planning balance.

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Q3.7 Confidence limits for traffic flows on links within the National Park (A628).

i. We support the PDNPA's dissatisfaction with the Applicant's explanation regarding confidence in traffic increase figures / screening out of effects on the A628T [REP3-028]. We too have no confidence in the screening out figures for the A628T. As we showed in REP2-069, in REP3-031 and REP5-029, and as Daniel Wimberley as shown in REP6-034 the results of the traffic modelling appear spurious on several roads when compared with observed flows in 2015.

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Q3.9 In their written submission, including, amongst others, [REP4-016] CPRE Peak District and South Yorkshire Branch propose an alternative scheme to the proposal for car-free low carbon travel for Longdendale and Glossop.

a) Has this alternative, or any of the various constituent measures, been considered previously?
b) If so, what were your conclusions?
c) Please provide a response to the issues raised.
d) Do you consider that the proposal provides an alternative solution which would satisfy the same aims of the scheme, provide the same, or improved, benefits and is deliverable?

i. NH responded - *a) Alternatives to the proposed Scheme that have previously been considered and rejected are presented in Chapter 3 of the Environmental Statement (REP2-005). Sustainable transport measures were considered as one of the alternative options and rejected. b) The reasoning for rejection was that this alternative did not address the identified problems or the route objectives. Moreover, although considered feasible with challenge, current congestion and capacity issues experienced on the route results in a significant challenge in terms of delivering sustainable transport improvements, particularly for improvements relating to bus services. It was also decided introduction of larger scale interventions would enable the provision of complementary public transport measures.*

ii. We have shown elsewhere REP2-069 that the scheme was not properly considered and prematurely rejected. We note that the PDNPA appears to share our concerns about the failure to properly examine alternatives. In REP6-038 in response to Q3.2 the NPA states ' *We are also concerned that the applicant does not appear to have undertaken a thorough assessment of alternatives to the scheme, that are not based around increasing road capacity'.* What sustainable transport measures were tested has never been revealed. In 2015 the implementation of our proposals may have appeared challenging but technology has developed and enabled remote HGV control systems (as in London) and traffic management.

iii. CPRE has clearly identified the problems and shown how the proposal would address them specifically – it is a solution tailor-made for the regional and local situation, prepared by a professional transport planner, Keith Buchan of MTRU. It also takes into account and respects (i) the geography and strong protection of the National Park, which the 2015 Feasibility Study failed to do and therefore the current scheme also fails to do; (ii) the current and future national and regional transport policy landscape; (iii) the urgent need to address climate emissions.

iv. The scheme fails to meet its own objectives as we showed in REP5-028 pp2-4. The main cause of congestion is the HGVs. Once these are removed the road space would be demand managed to encourage people to choose alternatives to the car. NH also claim that large scale interventions would enable provision of complementary public transport provision. First there is no complementary public transport provision. Second we have shown that by increasing road capacity and therefore car dependency there are substantial costs incurred in encouraging public transport use. The costs of our proposal £10m provide high value for money and substantially greater social and environmental benefits. For those reasons the proposals should be implemented and seen to fail before any increase in road capacity is provided.

v. NH also refers in its answer to its response to para 3.2.8 in REP2-069. '*The Scheme includes signalisation of the M67 roundabout; traffic calming on the de-trunked section of the A57 (that will also provide public realm improvements); and substantial enhancements for pedestrian, cyclists and equestrians. Furthermore, it does not preclude the potential future introduction of the other proposed interventions listed by CPRE outside of the Scheme should it be demonstrated that they provide adequate benefits for users and could be funded.'*

vi. The A5 Link Roads scheme does not provide substantial enhancements for pedestrian, cyclists and equestrians. It provides a bridleway alongside the single carriageway and for a short stretch of the dual carriageway, and reinstates continuity for all the PRoW that are truncated by the scheme. Once the road capacity is increased, the effectiveness of our proposed interventions, if introduced, would be undermined by the scheme's encouragement of car dependency. One of these is the use of "walk with traffic" schemes designed to avoid delay to motorised traffic. These deter pedestrians and the long wait times can cause people to try and cross against the traffic signal cycle.

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Q3.10 In their Local Impact Report [REP2-045], Derbyshire County Council identify concerns regarding future capacity at the junction of A57 Brookfield / Shaw Lane / Dinting Vale North and that this will result in local delays.
a) Has any specific analysis of the operation of this junction been undertaken?
b) Should the specific mitigation be provided to address any resultant additional?
c) Has any potential mitigation been considered?
d) If so, how would this be secured?
e) Would an increase in junction capacity it this junction affect any driver-perceived attractiveness of the Shaw Lane / Dinting Road route for drivers?
f) If so, what would be the resulting effect?
g) Would any additional diversion of traffic require additional mitigation?

i. In its response NH indicates that it does not consider any further mitigation at this junction is required to realise the benefits of the scheme, except for the traffic signal optimisation which is already included in the modelling. It states that this junction should be considered for operational improvements and it will liaise with DCC to investigate viable alternative solutions. It then makes the following response to e and g above advising that revised traffic modelling would need to be undertaken if the capacity at this junction increased through proposed physical change.

'e) An increase in the capacity at this junction would probably have an impact on the assignment of traffic across the modelled road network, including potentially on Dinting Road and Shaw Lane. Revised traffic modelling would need to be undertaken to determine the likely redistribution of traffic if capacity at this junction was to be increased through any proposed physical changes to the junction layout.
f) See response to e) above.
g) The diversionary traffic effects of changes in the capacity at this junction would need to be assessed based on the outputs of revised traffic modelling to understand whether any additional mitigation would be required'.

ii. The proposed revised traffic modelling should be done now. The adverse impacts of increased traffic and rat running on residential streets in Glossop has been established through the Examination as a direct result of the scheme. Changing capacity at the Shaw Lane/A57 junction could lead to even more traffic diverting and rat running on both Dinting Road and Cemetery Road/Hadfield Road, and would lead to increased risk of road crashes, and increased road danger, and air and noise pollution.

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Q3.11 & Q3.12 Average speed cameras on the Snake Pass and A628T

i. We are opposed to this measure and strongly support the PDNPA's policy based approach. It would be contrary to the first National Park Statutory purpose to conserve and enhance the natural beauty wildlife, and harm the special qualities for which the Park is strongly protected.

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Q3.13 car parking at the top of the Snake Pass

i. We are opposed to this measure and strongly support the PDNPA's policy based approach. It would be contrary to the first National Park Statutory purpose to conserve and enhance the natural beauty, wildlife and cultural heritage, and harm the special qualities for which the Park is strongly protected.

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Q3.14 Concerns have been raised regarding increases to traffic flows through Bamford and the National Park [REP2-060 and REP5-027].

a) Please respond to the issues raised, including: -

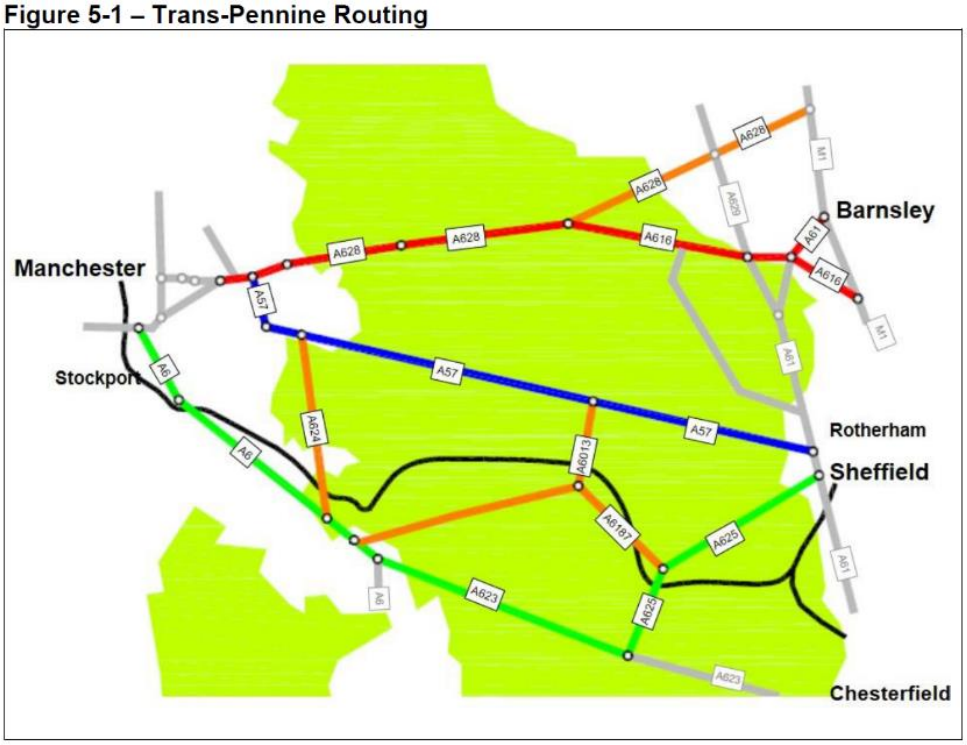
- **Changes to link flows; and**
- **Highway safety.**

b) Should any mitigation measures be provided to address the issues raised?

c) If so, how would these be secured?

i. In its response to Q3.14 NH quoted modelled traffic flow changes of -1% in 2025 and +1% in 2040 through Bamford and dismissed the changes as broadly neutral. However other relevant evidence challenges this result. In the 2015 Trans-Pennine Routes Feasibility Study the A6013 was included as a strategic route and shown on Figure 5-1 below. In response to the ExA's question about where traffic reroutes from to increase traffic on the Snake Pass by 38%, NH made the following response: *it is not possible to identify precisely where the increase in traffic has rerouted from compared to the Do-minimum scenario. This is because the algorithms all work with aggregate trip volumes, within which all travellers are homogenous. Nonetheless, interpreting plots from the traffic model showing the changes in traffic flow, and further link-specific analysis, indicates that the increase in traffic on the A57 Snake Road/Pass due to the Scheme is primarily because of traffic transferring from the A6/A623 route to the south (c. 50-55%), particularly for journeys between Sheffield and Manchester Airport, and from the M62 to the north (c. 20-25%). The rest of the increase (c. 20-30%) is rerouting from a variety of other alternative routes.*

Figure 5-1 – Trans-Pennine Routing



ii. NH has identified within the limits of the modelling that 50-55% of journeys causing increased flows on the Snake Pass would have transferred from the A623/A6 and are journeys between Sheffield and Manchester. However 20-30% of traffic would divert from a variety of routes. What is not clear is how many journeys are rerouting onto the A57 from Chesterfield or further south, to travel to northeast Manchester e.g. to the Trafford centre. These journeys would use the A623/A625/A6187/A6013/A57 and pass through Bamford on the A6013.

iii. The increase on the Snake Pass with scheme is 1,450 AADT. Taking only 20-30% of the diversionary traffic would be 250-435 AADT. NH does not give us the AADT on the A6103 but DfT's CP 57726 shows that manual counts across the previous decade have been between 5,200 and 5,400 AADT (this accords with the figure given in the 2015 Feasibility Study). An increase of 435 is an 8% increase in traffic on the A6103 through Bamford. These flows may appear small but in the village of Bamford they would have a substantial impact, increasing congestion and the risk of road crashes. The diversion of journeys from the southeast would also impact negatively on other villages along the route (using the A619 from Chesterfield the villages would be Baslow, Curbar, Froggatt, Grindleford and Hathersage; from further south other villages would increase this list). The scheme is having widespread and unacceptable impacts on the PDNP which are contrary to its statutory purposes, and should be rejected.

Q3.17 Bus journey times

i. The fact that the Glossop-Hadfield bus shows no change to journey times with the scheme questions the accuracy of these results. DCC have shown in their LIR that journey times within Glossop would increase, yet this bus journey time stays unchanged. What the bus times show overall is that the scheme does not benefit Glossop - the 237 journey between Ashton and Glossop, key for many resident who are employed in Ashton or Stalybridge,

takes several minutes longer and the 341 from Glossop to Hyde sees no time saving benefits. Those reliant on the bus (50% of households in Gamesley; 30% of households in Tameside) would be disadvantaged by the scheme.

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Q3.18 There are aspirations, both at local and national level, to transfer journeys to more sustainable transport modes.
a) Do you consider that sufficient consideration been given during the assessment of the effects of the scheme to Public Transport networks?
b) Is the design flexible enough to provide for any future increase in public transport usage and associated infrastructure?

i. DCC and TMBC have both answered yes to question 3.18a). We disagree. The answer should be no. The GMCA Right Choice policy, part of the TfGM Transport Strategy 2040, has been ignored. By 2038 it requires 50% of all trips to be made by active travel and public transport. Furthermore, the highway authorities are not considering those households with no access to a car.

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QUESTIONS ON PDNP

Q4.2 Peak District National Park Authority [REP4-012] said that the assessment methodology does not allow for an adequate judgement to be made regarding potential effects of the Proposed Development on the statutory purposes of the Peak District National Park - to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks'.) as defined by the Environment Act 1995. Do the Applicant and Natural England consider that sufficient regard has been given to the statutory purposes of Peak District National Park, consistent with s62 of the Environment Act 1995? Please provide reasoning.

i. In response to this question Natural England (REP6-029) has provided a clear statement that for the purposes of the Environment Act 1995 NPPF 2021 paras 176 and 177, which gives the highest status of protection for the landscape and scenic beauty of the AONBs and the National Parks, should take precedence in assessing landscape and visual amenity impacts. In that context, and as we showed in REP4-015 pp7-10, NH has failed to take full and proper account of National Park statutory purposes. It has failed to understand that enhancement is part of the first purpose and that the second purpose is about promotion to increase not only enjoyment but also understanding.

ii. The natural beauty, wildlife and cultural heritage must not only be conserved, it must also be enhanced. Instead NH is allowing traffic generated by its scheme to impact adversely on the first purpose. It is clear that the traffic on both the A628T and A57 is trans-Pennine through traffic. In other words the increased traffic is not about increased visitation, which is not one of CPRE's concerns, but about increased traffic on road corridors within the National Park between South Yorkshire and Greater Manchester. There is nothing in the second purpose that supports such a function. The second purpose is concerned with promotion that must encompass both understanding and enjoyment of the special qualities for which the National Park is designated. 'Understanding' covers a substantial breadth and

depth. It would include in the current circumstances increasing the understanding by the public of the impacts of the climate and nature crises, and how they could when they come to enjoy the Park take measures to help address these crises – travel sustainably by active travel (quite possible as the PDNP is on the doorstep of many towns and villages surrounding it) or public transport. Today many visitors understand the impact of a visit and many try to arrive by bus or train. The second purpose makes no mention of how the Park is to be promoted except that its enjoyment is qualified by understanding, and the first purpose must also be fulfilled. NH also refers to the National Park Authority's duty to seek to foster the economic and social well-being of local communities within the Park. The Government's National Park circular para 29 (2010) states that promoting public understanding and enjoyment of the special qualities should lie at the very heart of developing a strong economy and sustaining thriving local communities.

iii. NH appears to be arguing that through traffic should be allowed as there should be no restriction on it based on the Sandford principle. The second purpose is not about allowing unrestricted traffic. It makes no mention of it. It is not about allowing anything – it is about promoting the Parks.

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Q4.3 Please could the Applicant signpost the consideration given to NPSNN Paragraphs 5.150, 5.152 and 5.154 in its application and summarise its reasoning and conclusions regarding:
a) The "great weight" to be given to conserving landscape, scenic beauty? How is the "great weight" considered in the assessment of indirect effects and their significance?
b) The need to plan the Strategic Road Network to encourage routes that avoid National Parks?
c) The duty to have regard to the purposes of Peak District National Park, with the aim of avoiding compromising the purposes of designation and the need for the Proposed Development to be designed sensitively given the various siting, operational, and other relevant constraints.

i. NH has dismissed paragraph NPSNN 5.150 based on the grounds that the scheme does not propose development within the PDNP. We rebutted NH's approach to this issue in REP4-015. The whole of paragraph 176 in NPPF 2021 must apply to all impacts, direct or indirect, on National Parks. All public bodies, including local planning authorities and the Planning Inspectorate, have a duty to take account of the potential effect of their decisions and activities on National Parks, **including activities undertaken outside National Park boundaries which may affect land within them**. Both Defra's and Natural England's guidance[1] make it clear that this duty applies to all decisions and activities that may affect land within an AONB or National Park and not just to those that relate to planning, countryside and related environmental issues. In this case road construction falls outside the PDNP but within the setting of the Park, and the traffic generated by the scheme impacts on land within the Park. Therefore the scheme should be rejected on the grounds of the harm it would do to National Park statutory purposes.

[1] England's statutory landscape designations: a practical guide to your duty of regard - Guidance for relevant authorities whose activities affect Areas of Outstanding Natural Beauty, National Parks and the Norfolk and Suffolk Broads, Natural England, 2010

ii. NH has dismissed paragraph NPSNN 5.152 based on the grounds that this paragraph applies to road building within a National Park (which the scheme avoids). However the final sentence of 5.152 is clear – Planning of the SRN should avoid National Parks. This sentence in NPSNN has interpreted the 2010 Government circular on National Parks which states:

85. Improvements of main routes through the Parks are governed largely by considerations outside those relating to the Park area itself. However, there is a strong presumption against any significant road widening or the building of new roads through a Park, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. ***Any investment in trunk roads*** *should be directed to developing routes for long distance traffic which avoid the Parks.*

iii. Therefore paragraph 5.152 applies to this scheme, which should be rejected for that reason.

iv. There is also clear evidence that the planning of the scheme impacted on the Park, contrary to NPSNN 5-152. According to ES Ch. 1-4 Introductory chapters, Table 3-3, the assessment of the A57 Link Roads was as follows: '*On its own did not satisfy the criteria in terms of impacts on the key problems and objectives and the impact on the remaining key problems and objectives was deemed to be marginal. Had the potential to offer further additional benefits across the Trans-Pennine routes when packaged with one of the four main options.*' Table 3-4 shows these four options, one of which is the Mottram-Hollingworth-Tintwistle bypass which impacts directly on the PDNP.

v. We agree with NH that paragraph 5.154 applies to the scheme. We showed in REP2-069 that the assessment of the landscape setting of the PDNP was flawed and that the impact of the scheme was incorrectly assessed. NPSNN 5.154 requires the applicant *'to avoid compromising the purposes of designation*'; this has not been achieved. As we have shown in response to NH's response to Q5.1 below the Greater Manchester Landscape Character and Sensitivity Assessment emphasises the importance of the PDNP setting and its high sensitivity to development. Where the scheme would cross the River Etherow, the wet nature of the soils limits the opportunity for road building (Dark Peak Western Fringe LCA page 13).

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Q4.4 Please could the Applicant signpost the consideration given to NPPF Paragraphs 176 and 185 in its application and summarise its reasoning and conclusions regarding:
a) The "great weight" to be given to conserving and enhancing landscape, scenic beauty, wildlife, and cultural heritage in National Parks? How is the "great weight" considered in the assessment of indirect effects and their significance? What enhancement measures have been identified and how are they secured by the dDCO or other means?
b) How the Proposed Development has been sensitively located to avoid or minimise adverse impacts on the National Park?
c) How the Proposed Development has been designed to avoid or minimise adverse impacts on the National Park?

i. In its response to this question NH claims that NPPF paras 176 and 185 do not apply to this scheme. This is incorrect. Both paragraphs apply. We showed in REP4-016 how NPPF para 176 applied. We now extend our arguments and apply them to NPPF para 185.

ii. NH quotes NPPF Para 5 in support of its arguments but that is not the only relevant quotation as to the relevance of NPPF. The paragraphs in NPSNN under the title of *'Consistency of NPS with the National Planning Policy Framework'* 1.17-1.20 are more revealing and in effect stronger.

1.17 The overall strategic aims of the National Planning Policy Framework(NPPF) and the NPS are consistent, however, the two have differing but equally important roles to play.

1.18 The NPPF provides a framework upon which local authorities can construct local plans to bring forward developments, and the NPPF would be a material consideration in planning decisions for such developments under the Town and Country Planning Act 1990. An important function of the NPPF is to embed the principles of sustainable development within local plans prepared under it. ***The NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project.***

1.19 However, the NPPF makes clear that it is not intended to contain specific policies for NSIPs where quite particular considerations can apply. The National Networks NPS will assume that function and ***provide transport policy*** *which will guide individual development brought under it.*

1.20 In addition, the NPS provides guidance and imposes requirements on matters such as good scheme design, as well as the treatment of environmental impacts. So, both documents seek to achieve sustainable development and recognise that different approaches and measures will be necessary to achieve this.

iii. From the above we can conclude the following.

1. NPPF is considered to be an important and relevant consideration in decisions on NSIPs.
2. NPPF is 'relevant' to this NSIP as the scheme impacts on a National Park.
3. The 'great weight' sentence can be found in both NPPF and NPSNN (5.150), and thus avoids any confusion as to specific policies that might be dismissed under the remit of para 1.19 above.
4. The NPSNN focus is on transport policy, and NPSNN 5.152 develops this theme. It is specific that planning of the SRN should avoid the National Parks, which this scheme fails to do as we have shown in response to Q4.2 above.
5. NPSNN para 1.20 refers to the treatment of environmental impacts. As both NPSNN and NPPF share the same wording with respect to National Parks the treatment of environmental impacts on the Parks under either policy regime should be identical. Hence there is no danger of an error of law in applying the 'great weight' policy.
6. The shared overarching goal is achieving sustainable development which would not be achieved by this scheme, whether tested against NPSNN or NPPF.

iv. Turning now to NH's response that NPPF paras 176 and 185 do not apply to the scheme and that any differences in approach between NPPF and NPSNN must be deliberate.

NPPF para 176

v. The rest of para 176 after the first 'great weight' sentence states:

'*The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads*[59]*.The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*.'

vi. The second sentence expands on the first 'great weight' sentence and should be read with it. The third sentence of para 176 then identifies the approach towards development within the designated area and its setting.

vii. In NPSNN 5.150 one sentence follows the 'great weight' first sentence:
'Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions.' Para 5.152 then extends 5.150 *'There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the Strategic Road Network should encourage routes that avoid National Parks, the Broads and Areas of Outstanding Natural Beauty'.*

viii. The reference to the statutory purposes is equally strong as it is a legal obligation to achieve them. In addition para 5.152 extends NPPF 176 about development, requiring NH to think ahead and avoid planning routes through designated areas.

NPPF para 185

ix. This states: *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

x. Para 185 b) refers to tranquil areas prized for recreation and amenity values and c) refers to intrinsically dark landscapes and nature conservation. National Parks fit this description and should be protected from all the adverse impacts to which para 185 refers.

xi. Clearly NPPF is an important and relevant consideration. Both paras 176 and 185 apply to this scheme but NH has yet to assess the scheme within that context.

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Q4.5 Indirect effects in the vicinity of routes through the PDNP except for the Snake Pass.
i. We support the PDNPA's assertion in response to this question. As we showed in REP2-069 the indirect effects of increased traffic flow have not been adequately considered by the applicant's assessment on any route. By their own methodology (LA107 Landscape & Visual effects), landscape and visual receptor sensitivity is classed as 'very high'. Given the 'very high' sensitivity of the receptors, even minor or negligible magnitudes of adverse effect have the potential to result in significant effects.

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Q 4.6 PDNPA considers slight effects could be material to decision making. NH disagrees. We support the PDNPA's view that the effects of the traffic generated by the scheme are a material consideration for decision making.

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Q4.7 Peak District National Park Authority [REP4-012] said that the effects arising from an increase in traffic should not be described as "no change". It questioned the consideration given to the impact on tranquillity and on the perceptions of tranquillity from increases in traffic.

The Applicant [REP4-008 Item 4t] has described the process by which the indirect effects of traffic were assessed, which involved the assessor applying the % change difference in traffic data and numbers to the receptor experience on site.
a) Given the "great weight" and protection afforded by the NPSNN and NPPF, would it be proportionate for the assessment to provide more quantification for the assessment, including hourly increases in traffic, increases in noise and any potential increases in car parking? Please provide reasoning.
b) Please could the Applicant quantify hourly increases in traffic, increases in noise and any potential increases in car parking? Could that quantification then be used to update the assessment in terms of the perception of changes in noise, landscape and visual impact, tranquillity, dark skies, and other relevant considerations?

Peak District National Park Authority [REP4-012] has raised concerns regarding the consideration of tranquillity, including in relation to light from windscreens/ bodywork, litter, exhaust fumes and noise channelling through valley?
c) Please could the Applicant and Natural England comment?

i. The NH response is replicated below

b) The forecast hourly traffic flows in 2025 on the A57 and A628 through the Peak District National Park (PDNP)in 2025 for the Do-minimum and Do-something scenarios is presented in the table below.

Road	Scenario	AM peak hour	Inter-peak hour	PM peak hour
A57 Snake Road/Pass	2025 Do-minimum	205	251	245
	2025 Do-something	247	383	298
	2025 Difference	**42**	**132**	**53**
	2025 % Difference	**20.5%**	**52.6%**	**21.6%**
A628 Tintwistle to B6105	2025 Do-minimum	1,112	1,082	945
	2025 Do-something	1,165	1,189	1,019
	2025 Difference	**53**	**107**	**74**
	2025 % Difference	**4.8%**	**9.9%**	**7.8%**
A628 A6024 to A616	2025 Do-minimum	1,285	1,194	1,127
	2025 Do-something	1,319	1,298	1,189
	2025 Difference	**34**	**104**	**62**
	2025 % Difference	**2.6%**	**8.7%**	**5.5%**

The Scheme improves journey times for traffic travelling between Sheffield and Manchester across the PDNP. In doing so the Scheme is forecast to increase the amount of traffic using both the A57 and A628 through the PDNP due to some rerouting of traffic from alternative competing routes. However, these increases in traffic flow are not anticipated to result in any corresponding growth in the demand for car parking within the PDNP. This is because the Scheme does not improve access to the PDNP such that it would materially alter the numbers of visitors to the PDNP travelling by car.

ii. The impact of hourly traffic flows on the Snake Pass is most revealing. NH's new figures show that there would a 52% increase in traffic between the morning and evening peak, the time when most people are out enjoying the Park, walking or cycling. This means that the accident risk would be highest at the time of greatest visits. This also means that increases in noise, loss of tranquillity, and adverse impacts on landscape and visual amenity, and on public enjoyment are worsened by bunching of flows between the morning and evening peaks. Although the increases on the A628T through the Park are less dramatic the same arguments would apply. These impacts are wholly unacceptable and are further evidence of the significance of the effects of the traffic generated by the scheme.

iii. We note that Natural England defers to (supports) the PDNPA stance on this issue. '*Whilst Natural England concurs that the consideration of tranquillity is a consideration as part of a Landscapes Characteristics and Visual Characteristics, we would defer to the Peak District National Park Authority in the specifics due to local knowledge and local landscape expertise in assessing tranquillity within the Peak District National Park and which abides by the National Park Management Plan.'*

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QUESTIONS ON LANDSCAPE AND GREEN BELT

Q5.1 Please could the Applicant provide an explanation of the differences between the documents used to establish the baseline and the more recent Landscape Character Assessment prepared for Places for Everyone Joint DPD, and confirm any implications for

the conclusions of the Landscape and Visual Impact assessment and update ES Chapter 7 [REP2-007] accordingly?

i. NH has not answered this question; it has referred only to the methodology of the assessment, not to the implications for the conclusions of the LVIA. We would agree that key characteristics of the landscape and the geographical footprint are similar to the other Landscape Character Assessments used.

ii. The key differences between the Greater Manchester Landscape Character and Sensitivity Assessment (GMLCSA) that accompanies the *Places for Everyone* Joint Plan (August 2018) and the other LCAs are as follows. GMLCSA takes a 'Tameside' view of the landscapes. It has been prepared more recently (2018) within the context of the climate and nature crises, and the increasing need to conserve spaces that provide green space and tranquillity for people's wellbeing. Its conclusions as to sensitivity and importance of features and character reflects those priorities.

iii. GMLCSA finds that all three pastures are pockets of relative tranquillity and remoteness with strong visual and character connections to the upland edge of Greater Manchester and the Pennines beyond. The landscape's role here is as an immediate rural hinterland and backdrop to the adjacent urban areas but it is also the setting to the Peak District National Park. Here it is important to '*Ensure any new development does not adversely affect the special qualities of the Peak District National Park, including its beautiful views, sense of tranquillity and dark night skies, and the vital benefits that flow beyond its boundary'* (GMLCSA page 89).

iv. GMLCSA considers both Mottram Pastures (Open Moorlands and Enclosed upland Fringes Dark Peak) and the Etherow Valley (incised River Valley LCT) are of 'high sensitivity' to commercial/ industrial development. The scheme would destroy the field layout on Mottram Pasture that is still recognisable on the tithe map circa 1850, a feature GMLCSA (pp71-77) considers important to conserve. The single carriageway would cut across the east facing slopes above the River Etherow floodplain rising to Mottram. GMLCSA considers this prominent ridge line of high sensitivity to any scale or type of development. It is a distinctive landmark from long distances and functions as an undeveloped skyline above the lower-lying urban areas set within the distant moorlands of the South Pennines and Peak District National Park (GMLCSA page 76). The River Etherow has a high scenic value with pockets of tranquillity and seclusion and a '*strong sense of time depth and traditional rural qualities in an urban context'* that are important to protect (GMLCSA pages 59 & 63).

V. GMLCSA considers Harrop Edge Valley Pasture (Pennine Foothills Dark Peak LCT) is of moderate to high sensitivity to commercial/industrial development. Any such development should avoid Mottram Hill; protect the setting of historic landmarks such as the Grade II* church at Mottram and the wider LCT's important relative sense of tranquillity and remoteness; and ensure any new development does not adversely affect the special qualities of the Peak District National Park.

vi. In conclusion, GMLCSA provides more up-to-date analysis of the sensitivity and priorities for these landscapes. Therefore the impact of the scheme must be considered within the context of the GMLCSA.

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Q5.3 Night time views from B6105

i. Despite both DCC and PDNPA explaining the value of a night time view of the scheme from this point, NH is still refusing to undertake it. We agree that a night time view from this location would identify the effectiveness of the screening of the scheme and its lighting, and the ExA should insist that it is undertaken. It is not a question of how light or dark the location of the viewpoint is but how prominent the scheme would be at night from this viewpoint. In the map of tranquillity provided, NH have not given the scale of brightness. This can be found in REP4-015 on page 11 and show the location lies in a very low brightness area of 1-2 NanoWatts/cm^2/sr (range >32 brightest; <0.25 darkest).

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Q5.4 Modelled levels and limits of deviation

i. We note TMBC's comments on this which indicates the impacts on landscape and visual receptors are not yet resolved. This would have implications for the impact of the scheme on the openness of the Green Belt.

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Q5.11 Openness of the Green Belt

Please could the Applicant clarify in greater detail, having regard to the spatial and visual components of openness, why the elevated sections of carriageway, cuttings, false cuttings, embankments, bunds, structures, and signage would not affect openness?

- **Which consideration has been given to receptors near those receptors?**
- **Have any of the viewpoints have been prepared to show visual links between the wider green belt and how the Proposed Development would affect visual openness?**
- **What are the spatial and visual effects on the Green Belt?**
- **Would there be an effect on the openness of the Green Belt?**
- **Would there be material harm to openness?**

i. NH continues to maintain the scheme has no impact on the openness of the Green Belt. It uses 22 viewpoints taken from Appendix 7.1 which it claims '*specifically mention open views/openness'*. This is grossly misleading. A search of document Appendix 7.1 with the word 'open' leads to 68 occurrences, the majority of which (42) refer to the word 'opening' (year of the scheme). Of the remaining times that the word 'open' appears it refers to opening up views which increase the visibility of the scheme. There is not one reference to openness. Hence the evidence they quote is actually showing the harm the scheme would do to the openness of the Green Belt. Furthermore the openness of the Green Belt can be appreciated from many more receptors than the 22 NH has chosen to quote. From all of them the openness of the Green Belt would be harmed.

ii. None of the viewpoints (VPs) referred to in answer to Q5.11 support NH's claim of no impact on the openness of the Green Belt. VP4 has limited views of the scheme from Roe Cross Road that avoid the view looking west along the dual carriageway; VP5 along Old Hall Lane is an enclosed view looking south down the lane which lies outside the Green Belt and has limited views of the Green Belt as the lane is sunk below the higher level of Mottram

Pasture; VP7 is of the hedge on Mottram Moor which would be removed and expose the new junction; VP8 from Warhill shows the dual and single carriageways and the Mottram Moor new junction, and the profound impact the scheme would have on openness; VP13 is looking straight at the hedge alongside the A57 which would be removed to allow construction and views of the single carriageway ascending towards Mottram. None of these VPs support NH's claims of no harm to openness.

iii. Of those VPs that have photomontages with the scheme in place, none reflect the traffic flows that would accompany the infrastructure. The dual carriageway would be carrying 30,100 vehicles over 12 hours, with 9% HGVs. The single carriageway would be carrying 21,000 vehicles over 12 hours with 5% HGVs. The table below shows that no HGVs and only one or two cars were placed in the photomontages for the scheme.

Photomontage VP number	Year of view post opening	Number of cars and HGVs visible on scheme in VP
1 – looking east from M67 J4	1	3 cars on roundabout; no cars or HGVs on dual carriageway
	15	2 cars on roundabout; no cars or HGVs on dual carriageway
4 – looking north on Roe Cross Road	1	1 car on dual carriageway
	15	No cars or HGVs on dual carriageway
8 – looking east from Warhill	1 and 15	No cars or HGVs on dual or single carriageway, or at new junction on Mottram Moor
14 – looking north from Pennine Bridleway	1 and 15	No cars or HGVs on single carriageway
16 – looking south from PROW below Harrop Edge	1	2 cars on dual carriageway
	15	1 car on dual carriageway
17 – looking north from Melandra	1	No cars or HGVs on single carriageway
	15	No cars or HGVs on single carriageway

iv. What should have been shown in terms of traffic on these photomontages? The photomontage from VP16 shows the full length of the dual carriageway between the underpass and the M67 J4 roundabout, a distance of 900m. Assuming vehicles would be travelling at an average speed of 50mph (80kph) one would expect to see 28 vehicles of which 3 would be HGVs. However, during peak hours average speeds may only be 30mph (48kph) when one would see 47 vehicles, including 4 HGVs, on this stretch of the dual carriageway. From VP17, assuming vehicles are travelling at 30mph (48kph) and one can see ~550m of the proposed development, one would expect to see 20 vehicles, including 1HGV, on this stretch of the single carriageway. These estimates are averages. They do not present the impact of vehicle movement.

v. NH has produced no evidence to show that openness of the Green Belt is not harmed. We continue to maintain that the scheme is inappropriate development in the Green Belt, the

openness of which would be harmed by the infrastructure and by its associated road furniture and traffic.

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QUESTIONS ON CLIMATE CHANGE

i. We submitted a summary a paper on the scheme's carbon emissions in REP4-031. This outlined what carbon should be counted and costed; what the real 'do minimum' for the scheme should be; the cost of undermining Government and local policy, as this scheme does; the significance of the scheme's carbon emissions and the de minimis approach. NH responded to REP4-031 in REP6-019. We have responded separately to REP6-019 for Deadline 7.

ii. In REP5-029 pp5-6 we anticipated NH's response to ISH2 Item c) and d) Cumulative Carbon Assessment and set out what we would expect to see for any new assessment. REP5-026 NH's response to ISH2 Item c) and d) Cumulative Carbon Assessment does not meet the standards we consider necessary for the participants in the DCO, statutory or otherwise, to have all the relevant material available to them. In REP6-033 we set out our response to both NH's response to ISH2 Item 6C & 6D – Carbon, and to the ExA's Written Questions 2 – Question 8.2. We await NH's response to REP6-033 before responding fully on the climate effects. We emphasise that the Examination has been presented only with a few headline results of the DfT sensitivity test and not with the nature of the test or the actual assessment. Much of this is available as part of the model run and full details must be supplied.

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Q8.2 In Issue Specific Hearing 2 [EV-015 Item 6c] the ExA requested that the Applicant provide its assessment of the cumulative effects of Greenhouse Gas emissions from the Proposed Development with other existing and / or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy (RIS) 1 and RIS 2 at a national level). The Applicant [REP5-026] responded at Deadline 5. Please could the local authorities comment on the Applicant's response? Has appropriate consideration been given to local policies and local or regional carbon budgets?

i. No, NH has not given appropriate consideration to national, regional and regional policies or carbon budgets. We agree with TMBC in its response to this question[2].

ii. In conformity with Section 5.29 of its Licence, National Highways is directed by the Secretary of State to have due regard to relevant Government policy. NH has ignored the UK's Net Zero Strategy 2021 which is the delivery mechanism (or policy document) for net-zero and the budgets under the Climate Change Act 2008. The CCCA 2008 s.13 places a duty on the Secretary of State to prepare proposals and policies for meeting carbon budgets. CCA

[2] 8.2 TMBC – The applicant defers all carbon emission requirements to a national level without reference to reginal and local targets. Whilst these targets are not set locally through law they reflect the lead of central Government and the national targets which are locally derived from BEIS data and the recognition of the time frame in which we are all collaborating to achieve net zero

2008 s.14 under the title Duty to report on proposals and policies for meeting carbon budgets provides some detail.

(1)As soon as is reasonably practicable after making an order setting the carbon budget for a budgetary period, the Secretary of State must lay before Parliament a report setting out proposals and policies for meeting the carbon budgets for the current and future budgetary periods up to and including that period.
(2)The report must, in particular, set out—
(a)the Secretary of State's current proposals and policies under section 13, and
(b)the time-scales over which those proposals and policies are expected to take effect.
(3)The report must explain how the proposals and policies set out in the report affect different sectors of the economy.
(4)The report must outline the implications of the proposals and policies as regards the crediting of carbon units to the net UK carbon account for each budgetary period covered by the report.

iii. The UK's Net Zero Strategy states in the Executive Summary; '*This document sets out clear policies and proposals for keeping us on track for our coming carbon budgets, our ambitious Nationally Determined Contribution (NDC), and then sets out our vision for a decarbonised economy in 2050*'. Therefore this document fulfils the CCA 2008 and is the valid legitimate document against which the scheme should be assessed. Figure 21 in the Strategy has a trajectory for carbon reduction from transport and there are modal targets. The scheme's effects on climate should be tested against this trajectory.

iv. As we argued in REP2-069 paras 4.4.28-4.4.34 and in REP3-031 paras 63-64, the scheme can and must be assessed against regional and local carbon budgets. Although the CCA 2008 does not impose a legal duty to set carbon budgets at a smaller scale than those set out nationally i.e. regional or local budgets are not required, the Government has allocated the UK carbon budget amongst local authority areas. '*In September 2019, local carbon budgets were made available at district, borough and unitary authority level relative to existing practices in their respective areas. Budgets have been aggregated to produce a carbon budget for the Derbyshire County Council administrative area as well. The carbon budget for High Peak is notably higher than the other local authorities primarily due to the location of two carbon intensive cement plants at Hope and Tunstead. The UK carbon budget is further apportioned to local authority areas, although the budgets are not solely the local authority's responsibility. The recommended budgets reflect the actual emissions from industry and commerce, transport and domestic sectors with a suggested periodic reduction and also take account of any emissions, or emissions savings, from land use, land use change and forestry. Budgets reflect a local authority's areas' particular profile and are consistent with each area's ability to make a fair contribution to the Paris Agreement*[3]'. Thus local and regional budgets within the context of the national budget exist and the scheme should be assessed against those budgets, as required by NPSNN and the Environmental Regulations.

[3] Derbyshire and Derby Minerals Local Plan Towards a Minerals Local Plan: Winter 2021/2022 Consultation Proposed Draft Plan Background Paper Climate Change December 2021 Para 4.1 Climate background paper

Q8.5 The Applicant [REP2-021 Q8.1d and REP4-008 Item 6g] refers to the case of R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited(2021) EWHC 2095 (Admin). The Applicant suggests that the carbon emissions from the Proposed Development should not be considered significant if the assessment is to be consistent with that judgement. Please could the local authorities and Interested Parties comment?

i. The applicant considers the judgement on the 'TAN case' still stands. We disagree. The evidence from the TAN case has been surpassed by the publication of two documents – the DfT Transport Decarbonisation Plan and the UK's Net Zero Strategy. The TAN case hearing was held on 29th and 30th June 2021 and the judgement was handed down on 26th July 2021. The DfT Decarbonisation Plan was published on 14th July 2021, presents a trajectory for reduction of transport's emissions and assigns savings to be made by each mode with a total saving of between 1,307MtCO2 and 1,797MtCO2.

Mode	Savings MtCO2e between 2020 and 2050
Increasing walking and cycling	1-6
Zero buses and coaches	35-37
Decarbonising rail	21-22
Zero emissions fleet cars & vans	620-850
Maritime decarbonisation	180-230
Aviation	250-430
Zero emissions freight	200-220

ii. The UK's Net Zero Strategy Nov 2021, page 154, sets a trajectory for reducing transport's carbon emissions (Figure 21) and targets for each sector including transport. '*Based on our whole system modelling, by 2050, total transport emissions, including international aviation and shipping, could need to drop by 76-86% compared to 2019, down to 23- 40MtCO2e. In the interim, to meet our NDC and CB6 targets, we expect they could fall by 22-33% by 2030 and 46-59% by 2035, compared to 2019 levels. These figures are based on an indicative transport sector pathway contributing to the whole-economy net zero and interim targets. Our potential pathway also indicates residual emissions from domestic transport could need to fall by around 34-45% by 2030 and 65-76% by 2035, relative to 2019 levels (see figure 21). We anticipate that international aviation and shipping emissions could need to fall by up to 12% by 2035, relative to 2019 levels (see figure 22)'.*

iii. The A57 Link Roads carbon emissions must now be assessed against the trajectory for carbon reduction, Figure 21 in the UK Net Zero Strategy.

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QUESTIONS ON THE WATER ENVIRONMENT

Q11.1-11.7

i. We have two concerns with NH's approach towards the water environment; (a) postponement of key information to the detailed design stage, outwith the DCO examination and (b) the application of the Exception Test.

(a) Postponement of key information

According to the latest tracked version of the flood risk assessment (FRA) NH appears to be postponing the results of the updated FRA required by the Environment Agency (EA) until the detailed design stage. NH's answer to Q11.5 appears to confirm that the update to the FRA would not be available to the Examination. This means that IPs would not have a chance to see or comment on the information. Rather than withholding information, NH should be '*ensuring that essential information is available to affected and interested parties'* in an open and transparent way, in line with NH's own licence para 5.19. It is also required to ensure compliance with the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters 1998, particularly Article 6 Public Participation in Decisions on Specific Activities. This would apply to other elements of the water environment which are also delayed in being fully assessed.

NPSNN 5.96 supports our view that the information should be supplied. If the EA has concerns about the proposal on flood risk grounds (as it does here) these should be satisfied *'preferably before the application for development consent is submitted.'* The latest climate change allowances for flood risk were published in July 2021, so NH had 4 months before the Examination started in which to update the FRA. The updated FRA must be made available to the Examination.

(b) Application of the Exception Test

'*The proposed footprint of the embanked road alignment at Woolley Bridge Junction sits within Flood Zone 3 with a resultant loss of floodplain volume of approximately 1600m3'* (Flood Risk Assessment 4.6.11). '*The Scheme is defined as "Essential Infrastructure" and parts of the Scheme lie in Flood Zones 2 and 3 but are considered to be an acceptable development within these flood zones'* (Flood Risk Assessment 5.1.3).

As the project would lie in Flood Zones 2 and 3, with medium and high probability of river flooding, NPSNN 5.105 would apply. '*If there is no reasonably available site in Flood Zones 1 or 2, then national networks infrastructure projects can be located in Flood Zone 3, subject to the Exception Test*'. The Exception Test is spelt out in NPSNN para 5.108 and a scheme has to pass both elements of this:

- It must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk; and
- A FRA must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

NPSNN 5.98 states that where flood risk is a factor in determining an application for development consent – as it is for this scheme - the Secretary of State should be satisfied

that the application is supported by an FRA, the sequential test has been applied and if necessary the Exception Test. We can find no reference to either test in ES Ch 13 or the FRA.

The project would not provide wider sustainability benefits to the community that outweigh the flood risk. It benefits a number of households adjacent to the bypassed A57T and Woolley Lane but imposes profound negative impacts of increased congestion, pollution and road crashes in Glossopdale. The increased traffic would impact negatively on the public realm and people's use of it. The increased climate emissions would make it more difficult for HPBC to achieve its goal of Net Zero carbon by 2030. The scheme would harm the openness of the Green Belt and local landscapes with loss of tranquillity, a valuable resource for the community. The impacts on the Peak District National Park are unsustainable. The failure to provide wider sustainability benefits means the scheme should not be consented for development.