

A57 LINK ROADS TR010034

**SUBMISSION FOR CLARIFICATION FOLLOWING
ISSUE SPECIFIC HEARING 3, 5th/6th APRIL 2022**

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for

CPRE Peak District and South Yorkshire Branch

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DEADLINE 8 – 13 April 2022

Item 2 (d) and (e) Data collected during Covid pandemic

In response to question Item 2d the applicant replied no data had been collected during the Covid pandemic restrictions had been used in the traffic modelling (ISH3 Transcript, Day 1, Session 1, 33.46). As a result the next question 2(e) asking ‘what influence if any this would have on the outputs from the model’ was ignored. Both these questions need to be revisited in the light of what the DCO documents show.

The application for the DCO was presented in July 2021. According to the Institute for Government analysis ‘Timeline of UK Government Corona virus lockdown and measures, March 2020 to December 2021’, Covid 19 restrictions were in effect from 26 March 2020 when lockdown measures legally came into force to the end of December 2021. The stay at home order was in place until 29th March 2021.

The Case for the Scheme [REP2-016], paras 4.35-4.36, states further data collection was gathered in 2020/21 and lists what was collected - ATC, CTC, queue and signal data, manual surveys, turning counts and TomTom observed journey times. This data was to expand the VISSIM, to verify vehicle volumes on the A57 and to validate the expanded network. The ES Ch.5 Air Quality [REP3-015] para 5.3.2 states that since the consultation in Nov-Dec 2020, ‘*the Scheme specific traffic model has been revised and updated traffic data has been made available for the air quality assessment*’. These statements clearly indicate that data collected during 2020/2021 was used in the traffic modelling. The discrepancy between what was said at ISH3 in answer to question 2d and what appears in the DCO supporting documents needs explaining. As new data was collected during the lockdown period the influence on the model outputs must be clarified. It should be of serious concern that yet another piece of evidence challenges any remaining confidence that can be placed in the transport model for the scheme. Cumulatively all the challenges lead to the conclusion that a full independent assessment of the scheme must be made by a traffic modelling professional before an informed recommendation can be made about the impacts of the scheme on both the transport networks and the environment.

Item 2, Policy and public transport, questions l) m) n) and o).

This part of the discussion concerned whether the scheme supports the national and GM policies for mode switch and how sustainable transport was modelled for the scheme. The scale of this impact was not set out in the documentation submitted by NH and data had to be obtained from them and analysed to quantify this as much as possible. There has been no response offered by NH on the

quantified estimates of the negative impacts submitted by CPRE, on either the trips or costs. This key data was not available to the local authorities or the public prior to the detailed trip and cost matrices being supplied at our request.

In assessing the impact on the relevant policies, the assumptions made about future levels of walking, cycling and public transport are essential. Back in July 2021, when we did not know the limitations of the modelling, we set out the following request in writing in relation to the appraisal:

“How was walking and cycling included?
How was public transport included?
What are the forecasts or assumptions for the local modelled area for:
Public transport (today – 2025 – 2040)
Cycling (today – 2025 – 2040)
Walking (today – 2025 – 2040)”

The answer to the first question was, as expected, walking and cycling have not been included. On the second, we finally discovered on 5th April that only rail use by people living in car owning households has been included and this only at regional level (we will make a separate submission on this extremely serious issue).

On the questions for the levels of sustainable travel in the three time periods no information, other than for 2025 rail users as above, has been supplied. What little data there is suggests that the levels of use do not reflect the new programmes (not just policies) being funded by national and local government. Thus the baseline forecast for the scheme does not reflect these programmes and the mode switch which they are predicted to create.

It also means that no public transport validation can be carried out, since most of the trips are missing.

This information (or lack of it) is not explicit in the documentation submitted by the Applicant. We have been in touch with the local authorities again to emphasise the importance of this information and seek their views as we agreed at the hearing.

On the issue of whether TfGM actively supports the scheme or simply acknowledges it, TfGM have not been available at the hearings to be asked about the impact on their plans nor had the detailed information before now. However, the key question here is whether TfGM would spend the amount of money allocated to this scheme on an alternative package or proceeding with the scheme as proposed.

Item 2, p) Asymmetry of traffic flows

We want to clarify what was said at the hearing since we could not do so fully at the time. First the public transport (now known to be rail only) flows supplied to CPRE were for 24 hours – in other words the asymmetry is not between morning and evening peak as appeared to be suggested by NH. Some asymmetry is common but this is very unusual, extending to 70%. There is some asymmetry in the highway flows also, but far less at around 10%. No detailed explanation has been offered by NH.

Item 2, s) SoCG

CPRE confirms its intention of working with NH to provide an SoCG. Some of the material above should be covered but the wording on “public transport” suggested by CPRE to NH on 16th March is clearly obsolete following the announcement that only a limited amount of rail travel is included.

Item 2, ee) to hh) Highway safety in the PDNP

For clarification, some of the detrimental safety impacts are due to the transfer of traffic from safer routes (e.g. the motorway route between Sheffield and Manchester) to less safe routes through the National Park. The disbenefit of the additional distance is more than compensated for by avoidance of the higher accident rates.

Item 2, ii) and jj) Assessment of Alternatives

It is clear that no further assessment of alternatives has been undertaken since 2015. We have criticised its validity in itself, but it is now completely out of date and can no longer be relied upon. There are 4 key reasons for this:

- 1 The Green Book recommends that the Strategic Case is revisited at each Business Case stage. This has not been done and therefore guidance has not been followed.
- 2 The practical necessity for this guidance is shown by the fact that there is no reflection of the new national and local Government objectives put in place since 2014. Updated objectives would have to reflect the TDP and TfGM 50-50.
- 3 Some objectives not related directly to these new policies do appear to have been changed by NH, for example the links between Manchester and Sheffield, and the safety objective was dropped from the 2020 consultation and does not appear in the DCO.
- 4 The initial assessment that, for example, the impact on safety was beneficial but now appears to be adverse means the Strategic Case assessment should be updated to reflect such changes.

We also referred to the Stonehenge Case, para 262, in support of reviewing the options appraisal. We had referred to the case in our written representation REP2-069 but unfortunately the link to it was redacted. It can be found here: <https://www.judiciary.uk/wp-content/uploads/2021/07/Save-Stonehenge-v-SST-judgment.pdf> or by searching for R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport [2021] EWHC 2161 (Admin). *Case No: CO/4844/2020* in the High Court of Justice, Queen's Bench Division. The brief summary of the impact of the judgement on the proposed development given at ISH3 (see below) can be found in full in REP2-069 2.1.16.

Even if a full options appraisal has been carried out for the purposes of including it in the RIS there may be several reasons, as outlined by the Stonehenge case judgement, why further consideration of options is required:

(i) It may not have involved all the considerations which are required to be taken into account under the development consent process. During the 26 years of development of options NH has focused only on upgrading the A628 corridor through the Park, which is contrary to NPSNN, NPPF, Defra's National Park circular and the PDNPA's Core Strategy.

(ii) There may have been a change in circumstances since that exercise was carried out. There have been far reaching changes since 2015 as follows:

- Climate emergency declared May 2019 by UK Government;
- Climate Change Act 2008 amended in June 2019 to reach Net Zero emissions by 2050 in June 2019;
- Covid-19 pandemic (March 2020 and ongoing) which radically altered travelling patterns, and increased homeworking and virtual meetings for businesses;

- Review of Treasury Green Book, 25 November 2020, which provides the framework to evaluate the value of new infrastructure;
- Radical national and regional targets to cut urban traffic and increase walking and cycling to 50% by 2030 in DfT's Decarbonising Transport and by 2040 in Greater Manchester's Right Choice policy, both published in 2021.

(iii) The options testing for a RIS may rely upon a judgement by National Highways which undermines reliance upon that exercise and NPSNN 4.27. A lorry ban coupled with sustainable transport measures and technological improvements was never fully tested and rejected prematurely. Our alternative package demonstrates that implementation of such measures would have far-reaching benefits, would avoid the adverse consequences this scheme would bring on the Park, and would prove less costly.

(iv) Updating of the appraisal is expected. RIS1 2015-2020 para 2.12¹ expects the appraisal of schemes to be updated as schemes develop, As does the Treasury Green Book in November 2020. NH has said the options appraisal has not been updated and it hasn't been. REP7-025 9.69.8, page 10. Schemes are listed in RIS on the assumption that they can 'secure the necessary planning consents.' But as RIS 2 makes clear 'Nothing in the RIS interferes with the normal planning consent process.'

Item 6, a) to i) Climate Change

CPRE has made a number of submissions to the DCO but during the session it was clear that NH were calling in aid the IEMA document "Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2nd edition (February 2022)". For example, in relation to the key issue of significance, on page 24 it states that:

"GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit; as such any GHG emissions or reductions from a project might be considered to be significant"

"A project that follows a 'business-as-usual' or 'do minimum' approach and is not compatible with the UK's net zero trajectory, or accepted aligned practice or area based transition targets, results in a significant adverse effect."

"The crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050."

This is the point – the forecast used by NH is based on business as usual, specifically in relation to Greater Manchester traffic using the road, and will not meet the required trajectory. This did not seem to have been fully included in the EIA. CPRE has made this point several times and IEMA clearly supports it.

In addition the IEMA document on page 23 supports the idea that effects which would jeopardise actions to reduce carbon emissions must be reported:

"EIA for any proposed project must therefore give proportionate consideration to whether and how that project will contribute to or jeopardise the achievement of these targets."

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411417/ris-economic-analysis.pdf

Our case is that it creates jeopardy to the TfGM carbon reduction programme, to the Government's TDP urban programme and, given the data available, we have measured it.

Finally, IEMA recognises the point made by CPRE at Deadline 7 that emissions now have a far greater impact than distant future emissions, for example we should use tonne years before 2050, not tonnes. IEMA addresses this on page 24 stating that:

"GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit; as such any GHG emissions or reductions from a project might be considered to be significant".

Item 8 Other Matters - Statement of Common Ground (SoCG) between NH and TfGM REP2-019

In row 10.15 the final engagement listed is a 12 Jan 2022 'email detailing additional strategic points that TfGM would like to discuss as part of the ongoing discussions.' At ISH3 we requested that this email be made available to the Examination. The Statement of Common Ground between National Highways and TfGM indicates intermittent engagement since July 2016, the majority of which were emails concerned with local junction and bus stop arrangements. In the context of the failure of the traffic modelling to accurately reflect the impact on Greater Manchester and the failure of the scheme to support the goals of the Greater Manchester Transport Strategy Right Mix policy it appears important to understand what strategic points TfGM is making. As we agreed at ISH3, we have contacted Greater Manchester to clarify their position in light of the new evidence.