

**A57 Link Roads**

**TR010034**

**9.79 Applicant's comments on  
Deadline 8 submissions**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

April 2022

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

## A57 Link Roads Development Consent Order 202[x ]

---

### 9.79 Applicant's comments on Deadline 8 submissions

---

<b>Rule Number:</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010034
<b>Application Document Reference</b>	TR010034/EXAM/9.79
<b>Author:</b>	A57 Link Roads Project Team, National Highways and Atkins

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1.0	April 2022	Deadline 9

# Table of contents

1. Introduction	5
2. REP8-023 Derbyshire County Council - Written summary of oral submissions at Issue Specific Hearing 3	7
3. REP8-024 Derbyshire County Council - Written summary of oral submission at Issue Specific Hearing 4	9
4. REP8-025 High Peak Borough Council - Post-hearing submissions requested by the Examining Authority	10
5. REP8-026 Tim Nicholson on behalf of Peak District National Park Authority - Written summary of oral submission at Issue Specific Hearing 3	14
6. REP8-027 Tameside Metropolitan Borough Council - Post-hearing submissions requested by the Examining Authority	17
7. REP8-028 Anthony Rae - Written summaries of oral submissions at hearings in lieu of attendance and comments on the Proposed Development	22
8. REP8-029 Climate Emergency Policy and Planning - Written summary of oral submissions at Issue Specific Hearing 3	25
9. REP8-033 Keith Buchan on behalf of CPRE Peak District and South Yorkshire - Written summaries of oral submissions at hearings	36
10. REP8-034 CPRE Peak District and South Yorkshire Branch - Comments on submissions for Deadline 7	40
11. REP8-035 Daniel Wimberley - Comments on the Proposed Development	60
12. REP8-036 Daniel Wimberley - Comments on Deadline 5 Submission and comments on the Proposed Development	63
13. REP8-037 Environment Agency - Post-hearing submission requested by the Examining Authority and response to relevant submissions made by the Applicant	65
14. REP8-038 Jeff Brown - Comments on responses by the Applicant made at Deadline 7	77
15. REP8-039 Peter Simon - Comments on Issue Specific Hearing 3 and comments on the Proposed Development	78
16. REP8-040 Carole Hallam on behalf of Sharefirst My Journey to School - Comments on submissions for Deadline 7	81
17. REP8-041 Carole Hallam on behalf of Sharefirst My Journey to School - Written summary of oral submission at Issue Specific Hearing 3	83
18. REP8-042 Stephen Bagshaw - Written summary of oral submissions and comments from Deadline 7 submissions	84
19. REP8-045 Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch - Submission for clarification following Issue Specific Hearing 3	92

---

<b>Appendices</b>	<b>96</b>
<b>Appendix A. GHG Emissions Sensitivity Test Results</b>	<b>97</b>

# 1. Introduction

1.1.1. This document provides the comments of the applicant, National Highways, in response to the Submissions made at Deadline 8 as requested by the Examining Authority at Deadline 9 in its amended Rule 8 letter dated 11 April 2022. Comments have been provided on the following documents:

*REP8-023 Derbyshire County Council - Written summary of oral submissions at Issue Specific Hearing 3;*

*REP8-024 Derbyshire County Council - Written summary of oral submission at Issue Specific Hearing 4;*

*REP8-025 High Peak Borough Council - Post-hearing submissions requested by the Examining Authority;*

*REP8-026 Tim Nicholson on behalf of Peak District National Park Authority - Written summary of oral submission at Issue Specific Hearing 3;*

*REP8-027 Tameside Metropolitan Borough Council - Post-hearing submissions requested by the Examining Authority;*

*REP8-028 Anthony Rae - Written summaries of oral submissions at hearings in lieu of attendance and comments on the Proposed Development;*

*REP8-029 Climate Emergency Policy and Planning - Written summary of oral submissions at Issue Specific Hearing 3;*

*REP8-033 Keith Buchan on behalf of CPRE Peak District and South Yorkshire - Written summaries of oral submissions at hearings;*

*REP8-034 CPRE Peak District and South Yorkshire Branch - Comments on submissions for Deadline 7;*

*REP8-035 Daniel Wimberley - Comments on the Proposed Development;*

*REP8-036 Daniel Wimberley - Comments on Deadline 5 Submission and comments on the Proposed Development;*

*REP8-037 Environment Agency - Post-hearing submission requested by the Examining Authority and response to relevant submissions made by the Applicant;*

*REP8-038 Jeff Brown - Comments on responses by the Applicant made at Deadline 7;*

*REP8-039 Peter Simon - Comments on Issue Specific Hearing 3 and comments on the Proposed Development;*

*REP8-040 Carole Hallam on behalf of Sharefirst My Journey to School - Comments on submissions for Deadline 7;*

*REP8-041 Carole Hallam on behalf of Sharefirst My Journey to School - Written summary of oral submission at Issue Specific Hearing 3;*

*REP8-042 Stephen Bagshaw - Written summary of oral submissions and comments from Deadline 7 submissions; and*

*REP8-045 Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch - Submission for clarification following Issue Specific Hearing 3.*

- 
- 1.1.2. National Highways has sought to provide comments where it is helpful to the Examination to do so. National Highways has not responded to every submission for instance, because the submission was very short, or because it contained expressions of opinion without supporting evidence. Where National Highways has chosen not to comment this is not an indication National Highways agrees with the point or comment raised or opinion expressed

## 2. REP8-023 Derbyshire County Council - Written summary of oral submissions at Issue Specific Hearing 3

Response Reference	Agenda Item	IP Response	NH Response
9.79.1	<p><b>Mitigation</b> Tameside Metropolitan Borough Council [REP6-037] and Derbyshire County Council [REP6-026], High Peak Borough Council [REP6-027] and Warner Bower [REP4-028] have expressed concerns about the proposed mitigation planting. Concerns have included the planting and seed mixes and the consideration given to native species and Landscape Character. The Applicant [REP7-026] appears to suggest that these matters be resolved during detailed design.</p> <p>p)Please could the Applicant, Tameside Metropolitan Borough Council, Derbyshire County Council and, if appropriate, High Peak Borough Council, discuss the concerns and seek to agree any updates to the mitigation, including to the Outline Landscape and Ecological Management and Monitoring Plan [REP6-013]?</p>	<p>At the hearing session the County Council indicated that its officers had had discussions about this issue with the applicant as part of a wider discussion about the scheme and it had been agreed that a meeting between the applicant's Landscape Consultant and the County Council's Landscape Architect should be arranged to seek to resolve the outstanding differences of opinion on the proposed mitigation planting.</p> <p>Following the hearing session, a meeting took place on 8th April 2022 between the County Council's Landscape Architect and the applicant's Landscape Consultants to discuss the landscape elements of the Outline Landscape Management Plan (OLEMP) and the Design Approach Document. A summary note of the matters discussed and key points agreed is set out below:</p> <p><u>General</u> The aim of the meeting was to discuss the matters raised by DCC in order to agree a process; the OLEMP is indicative and further consultation and updates are still to be undertaken.</p> <p><u>OLEMP</u></p> <ol style="list-style-type: none"> <li>1. Landscape Management Objectives <ol style="list-style-type: none"> <li>a. Agreed that Section 5.1 will include/strengthen existing objectives relating to planting for visual screening and also integrating the Scheme into the landscape fabric. This will ensure a stronger landscape focus to better balance the ecological objectives.</li> </ol> </li> <li>2. Woodland Planting Mixes <ol style="list-style-type: none"> <li>a. Agreed that Table 6.6 on woodland mixes should be revisited to consider the Landscape Character of Derbyshire document which includes detail of planting mixes for trees and hedgerows. Noted that ash is no longer an option.</li> </ol> </li> <li>3. Individual Trees/Species Selection/Ornamentals <ol style="list-style-type: none"> <li>a. Table 6.18: Agreed that, while only a relatively small area of the Scheme/study area lies within DCC and that the DCC area may be considered more rural/less urban that areas closer to settlement, it is important to ensure it is clear there is a balance between the benefits of species diversity/ornamentals and the locally native species (the inclusion of more ornamental species may indeed be appropriate in certain locations, but the more</li> </ol> </li> </ol>	<p>National Highways met with DCC on 8 April, as stated, and confirm that the notes provided by DCC are accurate.</p> <p>The Outline LEMP was updated accordingly and re-submitted at Deadline 8 [REP8-014].</p> <p>Section 2 of the Design Approach Document has been updated to include Landscape Character of Derbyshire. This document can now be found as Annex C2 of the EMP (First iteration), which has been resubmitted at Deadline 9, i.e. it is no longer a standalone submission.</p>

Response Reference	Agenda Item	IP Response	NH Response
		<p>rural character is reflected in the planting of locally native species). Species diversity/ornamentals versus native trees is not necessarily an issue provided that schemes are appropriately designed, i.e. might be more appropriate for more visible trees to be generally consistent with the wider landscape character to allow for better scheme integration.</p> <p>4. Monitoring            a. Agreed that clarification is required on who will review the reports and undertake the annual inspections.</p> <p><u>Design Approach Document</u>            The design approach should reference the Landscape Character of Derbyshire, which includes detail of planting mixes and aligns with the Peak District National Park Landscape Strategy.</p>	



### 3. REP8-024 Derbyshire County Council - Written summary of oral submission at Issue Specific Hearing 4

Response Reference	Agenda Item	IP Response	NH Response
9.79.2	<p><b>Requirement 10 – Archaeological remains</b></p> <p>The Applicant has updated the dDCO [REP7-003] to add a requirement for any programme of archaeological reporting, post excavation and publication to be consulted on and / or agreed in writing.</p> <p>g)Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about Requirement 10?</p>	<p>Derbyshire County Council is satisfied that this matter could be secured within the scope of Requirement 10-1.</p> <p>The County Council has reviewed the wording that has been included in 10-1 and is generally happy with that wording.</p> <p>As noted in the County Council’s response to the Second Round of Written Questions, however, the County Council has suggested a minor addition to the wording to 10-1 to clarify that the requirement applies to pre-commencement works as well as commencement works, to address the concerns that the County Council highlighted at the last round of hearing sessions relating to Article 2.1 and the definition of ‘commence’.</p>	<p>The Applicant added sub-requirement 10(8) at Deadline 5 to address pre-commencement works in response the comments made by Derbyshire County Council [ref REP5-006]. Please also see National Highways’ response to the ExA’s schedule of changes to the draft Development Consent Order submitted alongside this document at Deadline 9.</p>

## 4. REP8-025 High Peak Borough Council - Post-hearing submissions requested by the Examining Authority

Response Reference	IP Issue	NH Response
9.79.3	<p><b>Specific Hearing 3</b></p> <p><u>Item 4 – Water Environment</u></p> <p>What are the implications of Natural England’s recent advice to HPBC regarding nutrient neutrality?</p> <p>On 16 March 2022, the Council received correspondence from Natural England and the Department for Levelling Up Housing and Communities (DLUHC) to outline that immediate action must be taken to address exceedances of phosphorus and/or nitrogen polluting protected sites under the Conservation of Habitats and Species Regulations 2017. Natural England stated that:</p> <p><i>“Natural England advises you, as the Competent Authority under the Habitats Regulations, to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.”</i></p> <p>However, the advice relates specifically to the Peak District Dales Special Area of Conservation (SAC) which consists of the catchment of the River Wye and tributaries between Buxton and Bakewell where exceedances of phosphorus levels has led to the site being classified as being in a “unfavourable condition”</p> <p>The A57 Link Roads scheme does not fall within the catchment which is approximately 12 miles to the south. A plan of the catchment is enclosed.</p> <p>As such, High Peak Borough Council does not believe that Natural England’s advice in relation to nutrient neutrality has any implications for the scheme. Natural England may wish to confirm this separately.</p>	National Highways has no comment to make.
9.79.4	<p><u>Item 5 – Air Quality</u></p> <p>Confirm outcomes of further discussions with DCC and NH on gradients and further consideration of traffic forecasts on Shaw Lane and Dinting Road and associated implications for the AQMA. Explore Geoff’s suggestion that NH identify the origin and destination of additional vehicles using Shaw Lane</p> <p>Update on the AQ discussions is attached.</p> <p>A further meeting regarding the traffic issues is scheduled for Tuesday 26th April.</p>	National Highways confirms that the summary of the discussions is up to date and does not have any further comments to add.

Response Reference	IP Issue	NH Response
9.79.5	<p><u>Item 7 – Other Environmental Matters</u></p> <p>v) Please could the local authorities and Peak District National Park Authority provide detailed comments on the Design Approach Document?</p> <p>Whilst the Design Approach Document sets out provisions for future engagement with the local authorities on design matters as part of consideration of the EMP, it is not clear at this stage how local design guidance will be taken into account.</p> <p>Reference is made to National Infrastructure Commission's Design Group principles, National Highways own "The Road to Good Design" guidance as well as DMBR standards. However, relevant local guidance should also be addressed. In High Peak, this should include the High Peak Design Guide SPD (adopted 2018). Whilst the SPD was not written specifically to inform major highway schemes, it does provide advice on matters such as materials and landscaping that may assist with the detail design of the A57 Link Roads scheme. This should be read in conjunction with the High Peak Landscape Character SPD (adopted 2006). Both documents are available online - <a href="https://www.highpeak.gov.uk/article/852/Supplementary-Planning-Documents-SPDs-and-design-guidance">https://www.highpeak.gov.uk/article/852/Supplementary-Planning-Documents-SPDs-and-design-guidance</a></p> <p>It is noted that the that preliminary design was considered by the Design Council in 2020 with favourable feedback being received.. However, the Design Approach Document does not make any commitment to further consideration by the Design Council. This may be necessary depending on the extent to which the detailed design evolves.</p>	<p>Section 2 of the Design Approach Document has been updated to include High Peak Landscape Character SPD (adopted 2006) and High Peak Landscape Character SPD (adopted 2006). This document can now be found as Annex C2 of the EMP (First iteration), which has been resubmitted at Deadline 9, i.e. it is no longer a standalone submission. It should be noted that the Examining Authority's schedule of changes to the Applicant's draft Development Consent Order (PD-016) includes a requirement for the detailed design to be submitted to the Design Council's Design Review Panel for consideration, therefore future consultation will be secured.</p>
9.79.6	<p>cc) Does High Peak Borough Council have any remaining concerns about baseline noise levels. Has enough detail been provided in the Noise and Vibration Management Plan [REP6-007]?</p> <p>In general the responses provided by the applicant (REP2-021) &amp; [REP6-007] confirm that baseline monitoring will be conducted in the vicinity of Wooley Bridge, and that the details of this will be discussed with HPBC in advance of planned updates to the construction noise assessment.</p> <p>Providing that these responses to the question are an enforceable commitment by the applicant to undertake the baseline monitoring, then we would have no further issues but it would be preferable that these commitments were included in the first stage Noise and Vibration plan within section 2.6.3 to ensure this is the case.</p>	<p>For clarification, Section 2.6.3 of the Outline NVMP (REP8-022) covers noise monitoring during construction works rather than revisions to baseline noise monitoring before works start. Woolley Bridge was selected as there is a risk of SOAEL being exceeded. The locations will be subject to agreement with the owners/occupiers of the properties and the appropriateness of leaving monitoring equipment unattended. The duration of monitoring will depend on the risk of exceedance of SOAEL and take account of any constraints the property owners/occupiers may have. No amendments to the Outline NVMP have been made, however the Detailed NVMP will set out the agreed monitoring requirements after consultation with the relevant authorities.</p>

Response Reference	IP Issue	NH Response
	<p>e.g. the inclusion of something like (REP6-007); As a minimum, <del>it is envisaged that</del> unattended continuous baseline noise monitoring will <del>would</del> be undertaken for one week at one location sited in the vicinity of 18 Woolley Close as this sensitive receptor was predicted higher construction noise levels than 54 Woolley Bridge.</p>	
9.79.7	<p>ii) Do the local authorities and Peak District National Park Authority consider that the Applicant's proposals would be likely to "... preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset ...", consistent with NPSNN Paragraph 5.137?</p> <p>It is noted that enhancement opportunities for the setting of the Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument will "be subject to successful applications" to National Highways' Environment and Wellbeing Designated Funds (EWDF).</p> <p>Clearly, there is no guarantee that the applications will be successful and therefore if opportunities for enhancement as envisaged by para. 5.137 of the NPSNN will be realised.</p> <p>Compliance with policy requirements should not be left uncertain.</p> <p>Furthermore, there does not appear to be any plans for similar consideration of the Tintwistle Conservation Area.</p>	<p>Whilst the Designated Funds projects at Mottram Conservation Area and Melandra Castle have been identified as a result of the assessment undertaken for the A57, the delivery and funding of these projects is separate to the DCO process. These works do not form part of the mitigation for the Scheme, and the assessment of the level of harm in the application does not include there being mitigation in the form of designated funds in place for enhancement.</p> <p>Enhancement of the Mottram in Longdendale Conservation Area will be delivered as a result of the substantial reduction in traffic levels along the existing A57, substantially reducing noise and visual intrusion from the movement of traffic, and improving the character and appearance of the conservation area along Mottram Moor and Hyde Road. Whilst changes to the setting of the conservation area would result from the presence of the new road, proposals for landscape planting have been developed to aid its integration into the surrounding landscape and reduce its visual impact as planting matures. Delivery of landscape planting will be secured as an integral part of the Outline Landscape and Ecological Management and Monitoring Plan [REP8-014] and as part of Requirement 5 in Schedule 2 of the draft Development Consent Order. Aspects of setting which positively contribute to the significance of the conservation area would continue to be understood, in line with the requirements of the NPSNN. These include the landmark role of the Church of St Michael and All Angels, which, with the exception of views from Mottram Moor and the Edge Lane area, will continue to be appreciable from the surrounding landscape, and characteristic views from the conservation area to the surrounding Pennine Hills, which would continue to be understood, anchoring the conservation area within the Pennine foothill landscape.</p> <p>In relation to Melandra Castle Roman fort, the cultural heritage chapter of the Environmental Statement (REP6-018) provides an assessment of potential worst-case impacts on Melandra Castle as result of the construction and operation of the Scheme. The assessment has been undertaken in accordance with current guidance and standards, and to meet the requirements of planning policy and guidance. The assessment identified less than substantial harm to Melandra Castle Roman fort. In accordance with the requirements of the NPS NN, these impacts have been minimised as far as possible through the design process and appropriate mitigation embedded into the design of the Scheme.</p> <p>As identified at paragraph 6.7.38 of the Environmental Statement (REP6-018), the very slight increase in traffic along the A628 resulting from operation of the Scheme would not result in any perceptible change to the character, appearance or noise environment of Tintwistle Conservation Area. Key attributes of setting which contribute to its significance, such as the long views from the conservation area to the surrounding landscape, would be preserved in their current condition, in accordance with the requirements of NPSNN Paragraph 5.137.</p>
9.79.8	<p>nn) Please would the Applicant, Derbyshire County Council and High Peak Borough Council provide details of what steps, if any, have been taken to secure such proposals, including funding, in association with the proposal?</p>	<p>National Highways notes the comments.</p>

Response Reference	IP Issue	NH Response
	<p>The masterplan is only in draft form. The Council will complete it once the implications of the A57 Link Roads scheme are fully understood. Costs for the delivery of identified measures and funding opportunities will then be explored with partners, including Derbyshire County Council. This may include a bid for National Highways Designated Funds to support improvements that are not necessary to mitigate the impacts of the A57 Link Roads scheme.</p>	

## 5. REP8-026 Tim Nicholson on behalf of Peak District National Park Authority - Written summary of oral submission at Issue Specific Hearing 3

Response Reference	IP Summary	NH Response
9.79.9	<p>The Applicant [REP6-017] then referred to Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority [2020] EWHC 2293 (Admin) (Stubbs) and said that it is only if the impact of the increase in visitation upon natural beauty, wildlife and cultural heritage cannot be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable or irreconcilable that section 11(2A) of the Environment Act 1995 falls to be applied.</p> <p><b>With reference to section 5(1) of the 1949 Act, please could Peak District National Park Authority comment on whether the Proposed Development would promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public? If it doesn't then what would be the implications for the application of section 11A of the 1949 Act and of Stubbs?</b></p> <p>With reference to section 5(1) of the 1949 Act, (and Sections 61 and 62 of the Environment Act, 1995) we confirm that we believe that the proposed development would not specifically promote opportunities for the understanding and enjoyment of the special qualities of the Peak District.</p> <p>To be clear, we confirm our belief that the indirect effects of this scheme expressly conflict with both statutory purposes, as set out in the National Parks and Access to the Countryside Act (1949) and restated within the Environment Act (1995): -</p> <p>To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks To promote opportunities for the public understanding and enjoyment of the special qualities of the Parks</p> <p>Section 11(A) of the 1949 Act and Section 62 of the Environment Act (1995) refer to the 'Sandford Principle' which states that where there is conflict between the two statutory purposes, the 'conservation' purpose should take precedence.</p> <p>Section 62 (2) of the Environment Act contains the following wording: -</p> <p><i>"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes" (of the National Park) "and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park"</i></p> <p>The latter part of Section 62 (2) comprises the 'Sandford Principle'. However, it is clear that the first part of the section does not mean that the requirement to have regard to National Park purposes is dependent on the Sandford principle being enacted. Rather, the Sandford principle determines the priority to be given to National Park purposes only where there is a conflict between them, otherwise they carry equal weight.</p>	<p>We agree that reference to the Sandford Principle is not relevant in this case. The PDNPA in earlier representations has suggested that the referenced legislation requires that great weight is to be given to conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. The PDNPA from their response is now aligned with the Applicant that "great weight" only applies where there is conflict between the two statutory purposes. Where there is a conflict, the 'conservation' purpose should take precedence.</p> <p>The Scheme is situated outside the National Park and does not represent development within the National Park. No works including mitigation works are proposed within the National Park. The Scheme is not aimed at promoting increased visitation, but an increase in potential visitation within the National Park is also not contrary to these objectives. Whilst the Scheme will result in a small incremental increase in traffic across the National Park, this is largely a consequence of secondary reassignment effects arising from the Scheme. It does not necessarily follow that the scheme would make the National Park a more attractive destination in itself.</p> <p>It is incorrect to refer to section 62(2) of the Environment Act 1985 as the PDNPA has done. Section 62(1) introduced a new section 11A into the National Parks and Access to the Countryside Act 1949 and it is Section 11A(2) which states:</p> <p><i>"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park."</i></p> <p>Section 11(A)(2) is relevant in the consideration of this DCO application. National Highways is required pursuant to Section 11A(2) of the Act in exercising or performing any functions in relation to, or so as to affect, land in a National Park, to have regard to the purposes specified in s5(1) of National Parks and Access to the Countryside Act 1949 i.e the purposes of: a) of conserving and enhancing the natural beauty, wildlife and cultural heritage; and b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public. Those purposes carry equal weight unless there is a conflict.</p> <p>National Highways' position is that, whilst there will be indirect effects on the National Park, these indirect effects are not significant and will not have an adverse effect on the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; nor on the promotion of opportunities for the understanding and enjoyment of the special qualities of those areas by the public.</p>

Response Reference	IP Summary	NH Response
	<p>Therefore, we believe that the applicant's reference the 'Sandford Principle' [REP6-017] entirely irrelevant to this case. The scheme under consideration is a highways scheme, with highways objectives; the scheme fulfils neither of the statutory National Park purposes and we believe that the indirect effects are detrimental to both of the Authority's statutory purposes. We do not believe that this is a scheme with the objective of 'promoting opportunities for the public understanding and enjoyment of the special qualities of the Park'. We also believe that the Applicant is fundamentally misunderstanding National Parks legislation and the Stubbs case by inferring that it is.</p> <p>However, we do believe that Section 62 (2) of the Environment Act is relevant in the consideration of this DCO application. Section 62 (2) clearly states; <i>"in exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes"</i> on the National Park. By not seeking to address the indirect impacts of the scheme on the National Park, we believe that National Highways are not in accordance with this directive.</p> <p>The development is focussed on achieving the relief of traffic congestion within the settlements of Mottram and Woolley Bridge. The effects of the scheme on the National Park are indirect, but are nonetheless clear from the traffic modelling provided to accompany the Environmental Statement.</p> <p>The implication of the traffic model is that strategic journeys are being redirected from the M62 onto the less suitable A628(T); and from other routes onto the A57 Snake Pass. These journeys are about connectivity rather than the enjoyment or understanding of the National Park. Whilst the driver and / or passengers making such journeys might enjoy the experience, that is not the prime purpose of their journey.</p> <p>An appropriate similar example would be where the M6 passes between the Lake District and Yorkshire Dales National Parks, a location often described as England's most scenic section of motorway. Is the journey visually pleasing to drivers; in many cases, yes of course it is. But the key point is, do the many drivers that use the route do so to derive enjoyment and understanding of either the Lake District or Yorkshire Dales National Parks at this location; probably not. Were a quicker alternative route available to motorists, it is likely that the majority would use it.</p> <p>In the case of the A57 Snake Pass, it is more likely that the growth in traffic will negatively affect the enjoyment of the area for those existing visitors seeking quiet enjoyment and active recreation either on the road or on the many footpaths and bridleways in close proximity to the road.</p> <p>The development may lead to road users experiencing the A628(T) Woodhead Pass or A57 Snake Pass for the first time, or as an alternative to other routes. It is also possible that they will choose to return to make leisure visits as a result of that experience. However, the development is unlikely to significantly promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.</p> <p>In this case the National Park Authority is concerned about the direct impacts of the indirect effect of the increase in cross-Park traffic on the A628(T) and the A57 Snake Pass on the</p>	

Response Reference	IP Summary	NH Response
	<p>special qualities of the National Park. We do not believe that the scheme directly benefits opportunities for understanding and enjoyment.</p> <p>Therefore, in our opinion, the Sandford principle in relation to the balance between National Park purposes does not apply in this context.</p>	
9.79.10	<p><b>b) With reference to Stubbs, please could Peak District National Park Authority comment on whether the proposed increase in visitation upon natural beauty, wildlife and cultural heritage could not be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable, or irreconcilable?</b></p> <p>There is a significant difference between the Stubbs case and the development which is subject to this Examination. In the Stubbs case the subject of appeal was on the requirement (or not) for the Lake District National Park Authority to bring forward a Traffic Regulation Order to control the recreational use of 'green lanes' by motor vehicles. It should be noted that in reality, these routes are not strictly 'green lanes' but are described by the Lake District National Park Authority as being 'stone-built roads'.</p> <p>In such cases, there is a balance to be struck between the two National Park purposes of conservation and enhancement and the promotion of opportunities for understanding and enjoyment. In this case, the Lake District National Park Authority took a decision that the 'recreational' use of 'green lanes' by off-road vehicles was, 'on balance' not in conflict with the Authority's first purpose. This decision was upheld at appeal.</p> <p>In the case of the development under consideration, there are clear differences:</p>	<p>As indicated during Issue Specific Hearing 3, National Highways purpose of highlighting the case of Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority [2020] EWHC 2293 (Admin) (Stubbs) was to highlight the fact that the legislation was being misapplied. From a statutory perspective there is not an automatic requirement under the Environment Act (which added Section 11A to the National Parks and Access to the Countryside Act 1949) to apply great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage.</p>



## 6. REP8-027 Tameside Metropolitan Borough Council - Post-hearing submissions requested by the Examining Authority

Response Reference	Question	IP Response	NH Response
9.79.11	<p><b>Other landscape and visual</b></p> <p><b>Carriageway levels, bunds and barriers</b> The Applicant [REP4-008 TR010034-001054-TR010034_9.51_Written_Summary_of_Applicants_case_at_ISH2_D4_160222.pdf (planninginspectorate.gov.uk) and REP6-017 HE551473-BBA-GEN-A57_AL_SCHEME-RP-ZM-000062 (planninginspectorate.gov.uk)] set out level differences of the proposed carriageway from existing ground level (up to 8m), the heights of bunds above proposed carriageway level (up to 5m) and that some embankments would be topped by 2.5m high environmental barriers. The Applicant [REP2-021 TR010034-000887-TR010034_9.7_Comments_on_ExA_Written Questions D2 140122.pdf (planninginspectorate.gov.uk)] initially said that the assessment did not take changes in existing ground levels into account and later [REP4-008 TR010034-001054-TR010034_9.51_Written_Summary_of_Applicants_case_at_ISH2_D4_160222.pdf (planninginspectorate.gov.uk) and REP6-017 HE551473-BBA-GEN-A57_AL_SCHEME-RP-ZM-000062 (planninginspectorate.gov.uk)] clarified that full consideration was given to Engineering Drawings and Sections and that section drawings were used by the assessor on site and, these, along with professional judgement were used to determine the magnitude of change and significance levels.</p> <p>n) Please could the Applicant provide a copy of the Engineering Drawings and Sections that were used at the time of the assessment of effects on landscape or visual receptors? Were the level differences of the proposed carriageway from existing ground level, the heights of bunds above proposed carriageway level and the environmental barriers considered as set out by the Applicant during the Examination?</p> <p>Tameside Metropolitan Borough Council [REP6-037 Table 2: Examining authority's general questions arising from the draft Development Consent Order (DCO) (planninginspectorate.gov.uk)] and Derbyshire County Council [REP6-026 TR010034-001142-Derbyshire County Council - responses to the ExA's Second Written Questions.pdf (planninginspectorate.gov.uk)] awaited further clarification from the Applicant.</p> <p>o) Please could Tameside Metropolitan Borough Council and Derbyshire County Council now comment on the implications of the level differences of the proposed carriageway from existing</p>	<p>o and p) A design review meeting is to be arranged with the Applicant's consultants. Access to the 3D model will be made available at this meeting. This will allow a greater understanding of levels, bunds and barriers.</p> <p>p) Greater Manchester Ecology Unit - As previous stated the grassland seed mixtures in the LEMP are not appropriate for Tameside and need to be changed. A meeting has been arranged to discuss and agree any updates to the mitigation, including to the Outline Landscape and Ecological Management and Monitoring Plan.</p> <p>r) A response to the updated LEMMP will be provided at Deadline 9.</p>	<p>o) The design review meeting was held between the Applicant and Tameside Metropolitan Borough Council on 12 April 2022. Tameside Metropolitan Borough Council now has access to the 3D design model and a detailed review of the proposals is underway.</p> <p>p) The Applicant submitted an updated LEMP at Deadline 8, following the meeting with Greater Manchester Ecology Unit.</p>

Response Reference	Question	IP Response	NH Response
	<p>ground level, the heights of bunds above proposed carriageway level and the environmental barriers for the assessment of effects on landscape or visual receptors? Are they satisfied that assessment reflects the size and nature of the features clarified by the Applicant during the Examination?</p> <p>Mitigation Tameside Metropolitan Borough Council [REP6-037 Table 2: Examining authority's general questions arising from the draft Development Consent Order (DCO) (planninginspectorate.gov.uk)] and Derbyshire County Council [REP6-026 TR010034-001142- Derbyshire County Council - responses to the ExA's Second Written Questions.pdf (planninginspectorate.gov.uk)], High Peak Borough Council [REP6-027 Table 2: Examining authority's general questions arising from the draft Development Consent Order (DCO) (planninginspectorate.gov.uk)] and Warner Bower [REP4- 028 TR010034-001022-Warner E Bower.pdf (planninginspectorate.gov.uk)] have expressed concerns about the proposed mitigation planting. Concerns have included the planting and seed mixes and the consideration given to native species and Landscape Character. The Applicant [REP7-026 TR010034-001208- TR010034_9.70_Comments on Deadline 6 responses_(1)_D7_230322.pdf (planninginspectorate.gov.uk)] appears to suggest that these matters be resolved during detailed design.</p> <p>p) Please could the Applicant, Tameside Metropolitan Borough Council, Derbyshire County Council and, if appropriate, High Peak Borough Council, discuss the concerns and seek to agree any updates to the mitigation, including to the Outline Landscape and Ecological Management and Monitoring Plan [REP6-013 TR010034-001169- TR010034_9.40_Outline_landscape_and_ecological_management_and_monitoring_plan_(3)_D6_160322.pdf (planninginspectorate.gov.uk)]?</p> <p>q) Please could the Applicant update the mitigation and submit it to the Examination for Deadline 8 (Wednesday 13 April 2022)?</p> <p>r) Please could Tameside Metropolitan Borough Council, Derbyshire County Council and High Peak Borough Council comment on the updates for Deadline 9 (Wednesday 27 April 2022)?</p>		
9.79.12	<p>Design</p> <p>Lighting The Applicant [REP6-017 Q5.10 HE551473-BBA-GEN-</p>	<p>t) TMBC require that the section of new highway to be adopted by TMBC (Woolley Bridge to Mottram Moor) be lit to appropriate lighting standards. The roads to which the new carriageway links are illuminated. The new highway will cater for cyclists, pedestrians and equestrian users.</p>	<p>The Examining Authority's schedule of changes to the Applicant's draft Development Consent Order (PD-016) includes a requirement for the detailed design to be submitted to the Design Council's Design Review Panel for consideration, therefore future consultation will be secured.</p>

Response Reference	Question	IP Response	NH Response
	<p>A57_AL_SCHEME-RP-ZM-000062 (planninginspectorate.gov.uk)] set out the consideration given to design options for street lighting. Tameside Metropolitan Borough Council [REP6-037 Q5.10 Table 2: Examining authority's general questions arising from the draft Development Consent Order (DCO) (planninginspectorate.gov.uk)] said that the link road to be adopted by it should incorporate street lighting with lighting levels lower than in more built up urban areas. Derbyshire County Council [REP6-026 Q5.10 TR010034-001142- Derbyshire County Council - responses to the ExA's Second Written Questions.pdf (planninginspectorate.gov.uk)] said that principles had been agreed and that detailed discussions were ongoing. It referred to a need to find a balance between operational and safety requirements and the desire to minimise visual impacts.</p> <p>Peak District National Park Authority [REP6-038 Q5.10 TR010034-001136- Peak District National Park Authority - responses to the ExA's Second Written Questions.pdf (planninginspectorate.gov.uk)] referred to the need to protect dark skies, mitigate effects to wildlife and protect night-time views.</p> <p>t) Please could the local authorities, Peak District National Park Authority and the Applicant provide an update on discussions? Are the necessary mitigation measures in place to ensure that an appropriate balance between operational and safety requirements and the desire to minimise visual impacts would be achieved? What lighting levels should be provided?</p> <p>Design Approach Document          The Applicant has submitted a Design Approach Document [REP7- 029 TR010034-001211-TR010034_9.73_Annex C.1 Design Approach Document_(1)_D7_230322.pdf (planninginspectorate.gov.uk)].</p> <p>u) Please could the local authorities and Peak District National Park Authority provide any initial comments?</p> <p><i>Should the document set out proposals for the provision of a Design Champion and a Design Review by the Design Council?</i></p> <p><i>Are there appropriate provisions for how the Applicant would work with the local authorities and other stakeholders?</i></p> <p><i>Has it given enough regard to how the detailed design would respond to Landscape / Townscape Character?</i></p>	<p>u) and v) TMBC acknowledges that there has already been a review of the scheme by the Design Council at an earlier stage. It would perhaps make sense to continue their involvement going forward.</p> <p>TMBC acknowledges that there is a commitment to consult on the EMP (second iteration) to which the design approach document will be appended. How the applicant will then work with the authority is not explicit, but the commitment is stated such that we are satisfied with the approach.</p> <p>The approach to landscape character is set out in the document. This along with the involvement of the Design Council and consultation with the relevant local planning authorities is sufficient to ensure that the scheme responds appropriately to landscape/townscape character in our view.</p> <p>There is detailed information and proposals for junctions/identified areas of the scheme in terms of signage, and lighting in particular, but little information in respect of the other issues such as hard landscaping, materials or barriers. There is, though, reference to meeting certain principles here and it is acknowledged that setting out specific design standards may not be appropriate at this time. Subject to meeting the consultation requirements above, TMBC is satisfied with the approach.</p>	

Response Reference	Question	IP Response	NH Response
	<p><i>Is enough detail provided on signage, street furniture, lighting, environmental barrier, structures and hard landscaping design and materials?</i></p> <p><i>Are there any other measures that should be included?</i></p> <p>v) Please could the local authorities and Peak District National Park Authority provide detailed comments on the Design Approach Document for Deadline 8 on Wednesday 13 April 2022</p>		

## 6.1. Appendix 1 Item 7 - OTHER ENVIRONMENTAL MATTERS

General

Outstanding responses to the Examining Authority's First Written Questions

The Outstanding Responses required as set out in ITEM 7 – Other Environmental Matters, Outstanding Responses in the list of questions for Issues Hearing 3 are set out below.

Response Reference	Question	IP Response	NH Response
9.79.13	<p>2.1            ES paragraph 1.3.10 sets out the Applicant's list of relevant adopted plans.</p> <p>a) Does this constitute the full list of development plans and policies relevant to the Proposed Development? Please explain their relevance.</p>	<p>a)</p> <p>It is considered that those identified within the ES at paragraph 1.3.10 in relation to Planning matters in Tameside are of most relevance. Although it is noted that policies which are identified principally relate to transport matters. Policies relating to Green Belt, landscape and the historic environment would also appear to be particularly pertinent and a management appraisal exists for the Conservation area of Mottram.</p> <p>[REDACTED]</p> <p>It is also noted that the matter of Places for Everyone and weight to be attributed to it is considered elsewhere within the ES and does not appear within the table and 1.3.10. Which would appear logical. As has consideration of the updated NPPF, given the table references 2019.</p> <p>The Council's Carbon and Environment Strategy 2021-26 can found at: [REDACTED]</p> <p>Our Carbon and Environment Strategy 2021-26 aims to create a collective responsibility for our borough's environment. It is important residents and business find the support they need from us to cut their carbon, which will help them offer support to their communities.</p> <p>The climate strategy, which takes its lead from Greater Manchester's five-year environment plan, breaks down the challenge facing Tameside into five main areas: greenspace and biodiversity; homes, buildings and workplaces; influencing other to cut emissions; reducing waste and procuring sustainably; travel and transport.</p>	<p>In addition to the policies identified in ES Paragraph 1.3.10 and also in the Case for the Scheme, the Applicant previously responded to Tameside MBC's LIR (REP3-019) which identified additional policies.</p> <p>The Mottram-in-Longdendale Conservation Area Appraisal and Management Proposals were considered in the ES.</p> <p>We note the aims of the Tameside Carbon and Environment Strategy 2021-26, which seem to be related mainly to actions that TMBC could take or measures they could implement (such as delivering a rapid transition of the Council's own fleet to electric). In line with these, we believe the Scheme will help to encourage walking and cycling across the borough through the provision of new pedestrian and cycle links.</p>

## 6.2. Issue Specific Hearing 4

Response Reference	Question	IP Response	NH Response
9.79.14	<p><b>Item 4 SCHEDULES 1 AND 2</b></p> <p><b>Requirement 4(2)(c) - second iteration EMP - Working hours</b></p> <p>The Applicant has added Requirement 4(2)(c)(x) to the dDCO [REP7-003 TR010034-001214-TR010034_3.1_draft DCO_(5)_D7_230322.pdf (planninginspectorate.gov.uk)] to require notification of activities outside normal working hours.</p> <p>c) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about dDCO provisions for working hours?</p>	<p>c) Out of hours working will need the approval of a TMBC EHO.</p> <p>There are a significant number of works that can be carried out with the stated working hours that could be disruptive, including deliveries. Notwithstanding the constraints identified at 4 (2)(iii) in particular, it would be preferable that 'normal' deliveries take place within or as close to the stated working hours, as this activity can be disruptive in terms of noise.</p> <p>The wording could be amended as follows:</p> <p>(c) require adherence to working hours of 07:30–18:00 Mondays to Fridays and 07:30–16:00 on Saturday, including deliveries other than those identified at (c)(iii) below, except for—</p> <p>(i) deliveries, movements to work, maintenance and general preparation works but not including running plant and machinery for a period of one hour either side of the above times;</p> <p>4 (2) (vi) refers to the removal of overhead power lines and where there are no new/unforeseen material impacts. It is not clear how is this to be assessed and who is to determine the position should this situation arise. This should be clarified.</p> <p>Meeting arranged to resolve this and any other planning related issues.</p>	<p>National Highways is content with the suggested changes to Requirement 4(2) identified in Examining Authority's schedule of changes to the draft Development Consent Order issued on 20 April 2022 (PD-016).</p>

## 7. REP8-028 Anthony Rae - Written summaries of oral submissions at hearings in lieu of attendance and comments on the Proposed Development

Response Reference	IP Issue	NH Response
9.79.15	<p>1. In this final submission I wish to return to the three themes which I have been setting out in previous representations, both during and preceding this examination: that</p> <p><i>the quantification of the schemes carbon impacts should not be the difference between DS minus DM (which, if I've understood this correctly, Dr Andrew Boswell is describing as the <b>solus</b> quantification) but rather the absolute and also cumulative change between 2025-2040.<sup>1</sup></i></p> <p><i>the test to be applied to the change in absolute emissions from the scheme (which it is accepted are upwards rather than downwards see footnote 1) should be compliance with and contributory to NZ targets, or not? This would follow the IEMA guidance: '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'.<sup>2</sup></i></p> <p><i>the guidance provided and the test set by NPS 5.16-18 is based on assertion<sup>3</sup> - rather than quantification, or evidence - and that therefore when the impacts of a particular scheme come to be considered by an ExA it is therefore essential for them to undertake a quantified assessment in the circumstances that they find at that time, which will include the current policy framework. In this connection I'm grateful to Dr Andrew Boswell for pointing, during ISH3 last week, to the precise wording of NPS footnote 69 (attached to 5.16), and to the reference in 5.18 to carbon 'targets' (rather than budgets), neither of which I had noted before.</i></p>	<p><b>Bullet 1</b> – All National Highways scheme assessments must be undertaken in accordance with DMRB LA 114, which states 'An assessment of project GHG emissions against UK government or Overseeing Organisation carbon budgets shall be undertaken and presented as follows: Net CO2 project GHG emissions (tCO2e) (Do something - Do minimum)'.</p> <p><b>Bullet 2</b> – Meeting the trajectory towards net zero is a balance that the UK government needs to set out. It is not possible for the applicant to provide this detail. Although there is uncertainty in how to get to net zero for road schemes, it should be noted that this remains the case for all transportation schemes, including rail, and sufficient decarbonisation is not just an issue for road schemes. In granting development consent for National Highways' M54 to M6 Link Road scheme on 21 April 2022, paragraph 35 of the Secretary of State's decision letter states:</p> <p><i>The Secretary of State does not consider that net zero means consent cannot be granted for development that will increase carbon emissions. The Secretary of State considers that, as set out in paragraph 5.18 of the NPSNN, it is necessary to continue to evaluate whether (amongst other things) the increase in carbon emissions resulting from the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets. As set out above, the carbon budgets should meet the goals of the Paris Agreement meaning a proposal which is compatible with the 2050 target and interim carbon budgets is consistent with the approach to addressing the severe adverse effects of climate change. The Secretary of State considers this aligns with the approach to significance set out in the most recent IEMA Guidance. The Secretary of State considers that the approach set out in the NPSNN continues to be relevant in light of international obligations and domestic obligations related to reducing carbon emissions that have come into force since the NPSNN was designated. The Secretary of State notes that the carbon budgets are economy-wide and not just targets in relation to transport. The scheme's contribution to overall carbon levels is very low and the Secretary of State agrees with the ExA that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.</i></p> <p>It should be noted that the M54 to M6 Link Road is comparable to the Scheme, in that the scheme's contribution to overall carbon levels being very low and that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.</p> <p><b>Bullet 3</b> – The Applicant agrees that the Net Zero Strategy is the most up-to-date successor document that sets out the latest policies for decarbonising all sectors of the UK economy to meet the net zero target by 2050, and as such the Scheme should be considered against this, in accordance with NPSNN paragraphs 5.16-5.18 (and footnote 69).</p>
9.79.16	<p>2. In relation to footnote 69 – 'The Carbon Plan – reducing greenhouse gas emissions (December 2011) and successor documents'- Dr Boswell points out that the climate policy framework referred to is 11 years old. So surely the ExA needs to make a judgement about whether it is appropriate in April 2022 to attach much weight, or alternatively significant qualification, to a framework that predates both the 2015 Paris Agreement and the adoption in 2019 of a Net Zero policy framework and targets. However, as Dr Boswell also pointed out, the NPS requires reference to 'successor documents' and frameworks, of which the most</p>	<p>NPSNN remains the relevant National Policy Statement for the Examining Authority to base a recommendation on, and the Secretary of State to base a decision on.</p> <p>The assessment reported in Chapter 14 of the ES (REP1-019) has considered net GHG emissions against the six legally binding carbon reduction targets. The Net Zero Strategy was published after the DCO was submitted, however the Applicant has submitted responses during the examination that demonstrates that the Scheme does comply with this policy, as it</p>

Response Reference	IP Issue	NH Response
	<p>recent and relevant must be the government's Net Zero Strategy (NZS) published in October 2021. In addition to NZS figure 21, which displays its emissions pathway for domestic transport (of which the overwhelming majority is from road mode), the NZS also includes a dataset which quantifies that pathway with annual emission tonnage numbers (see dataset<sup>4</sup> <i>tab3v transport, rows 43-44 titled 'NZS delivery pathway'</i>.) This therefore provides a precise quantification for the 'carbon reduction targets' referred to in NPS 5.18 which the government is required to meet.</p>	<p>will not affect the UK's ability to meet the Net Zero Strategy delivery pathway or the carbon reduction targets required by NPSNN paragraph 5.18.</p>
9.79.17	<p>3. As an example: the central estimate within that dataset for UK domestic transport emissions was: in 1990 128.6m tonnes; in (pre-Covid) 2019 122.3Mt; and with targets for 2030 of 73.7Mt (range 67.3-80.1Mt); and of 26.8Mt (range 19.7-34.0Mt) at the 2037 NDC date. From the 2019 level (which is only 5% below the Climate Change Act 1990 baseline), national policy as set out in the NZS requires that domestic transport emissions (almost entirely road vehicles) are reduced by 40% by 2030 and 78% by 2037. It therefore has to be incumbent on the applicant to at least explain their argument and analysis, with quantified evidence, as to how this scheme - in combination with all the other road infrastructure schemes within the RIS programme, where carbon impacts are all likely to be similar in terms how they will be generated - can be compliant with that target if it is increasing rather than reducing emissions. But the applicant hasn't done this and has simply reverted to reliance on the asserted de minimus position of NPS.</p>	<p>The M54 Link Road decision letter makes the following points at paragraphs 45 to 47:</p> <p><i>The Secretary of State considers that as there is no single prescribed approach to assessing the cumulative impacts of carbon emissions, there are a number of ways such an assessment can acceptably be undertaken and that this does not necessarily need to be done at RIS level. Furthermore, the Secretary of State considers that whilst an assessment at RIS level would provide a cumulative assessment of the RIS schemes that are planned or being delivered and the combined emissions from the RIS2 schemes are considered to be de minimis, it would not capture development in the surrounding area to the Proposed Development that could also have an impact. The Secretary of State also notes that the impact and effect of carbon emissions on climate change, unlike other EIA topics, is not limited to a specific geographical boundary and that the approach that needs to be taken to assess the cumulative impact of carbon emissions is different than for other EIA topics. Noting this and that there is no defined distance for assessing the impact of carbon emissions, the Secretary of State considers that the Applicant's approach to assessing the impact of the Proposed Development on carbon is acceptable as it takes into account the Proposed Development and all other developments likely to have an influence on the Proposed Development and on the area the Proposed Development is likely to influence. The Secretary of State considers that the assessment is proportionate and reasonable in relation to the information the Applicant would have access to to enable the impacts of carbon to be understood and accounted for in the decision-making process. The Secretary of State considers that the Applicant's approach overall, to both the assessments of the Proposed Development's impact on carbon emissions and its cumulative impact is adequate, as journeys will not begin and end within the Proposed Development's boundary.</i></p> <p><i>With regard to assessing the cumulative impact of the emissions on climate and the scale used in this assessment, the Applicant has set out that carbon budgets (which as set out above aim to limit the significant effects of climate change) are only set out at a national scale and that these are themselves cumulative as they are a sum of carbon emissions for a range of sectors. The Applicant considered that it was unable to produce a baseline at a local or regional scale and that there was therefore no reasonable basis upon which it can assess the effects of carbon emissions for anything other than at the national level. The Secretary of State accepts that the only statutory carbon targets are those at a national level and notes that neither the Applicant nor any other party has suggested that there are non-statutory carbon targets at any other level that may need to be considered.</i></p>

Response Reference	IP Issue	NH Response
		<p><i>As well as being a requirement of the NPSNN, the Secretary of State considers that assessing a scheme against the carbon budgets is an acceptable cumulative benchmark for the assessment for EIA purposes with regard to both construction and operation. This is because carbon budgets account for the cumulative emissions from a number of sectors and it is therefore appropriate to consider how the carbon emissions of the Proposed Development compare against this.</i></p> <p><i>Overall, the Secretary of State considers that the information provided by the Applicant with regard to the impact of the scheme on carbon emissions (including the cumulative effects of carbon emissions from the scheme with other existing and/or approved projects in relation to construction and operation) is sufficient to assess the effect of the development on climate matters and represents the information that the Applicant can reasonably be required to compile having regard to current knowledge.</i></p> <p>The Applicant considers this to be relevant to this DCO application as the Scheme is comparable to the M54 Link Road, and the approach to the assessment (including the cumulative assessment) is consistent.</p>
9.79.18	<p>4. Ultimately the point I want to make concerns whether the decision of the ExA relating to climate change impacts is <u>required</u> to be irrational, and also irresponsible, or alternatively rational and responsible, as could be independently judged. The components of an irrational and irresponsible decision include that: the test set by NPS 5.16-18 in December 2014, on the basis of a Carbon Plan produced in 2011, is apparently immutable and does not allow for taking account of subsequent developments, either in policy or climate science; is based on assertion without corroborating evidence; contains no requirement to test for dynamic and quantifiable elements which could demonstrate compatibility with other aspects of current policy; and where the test is designed such that in theory it cannot be failed<sup>5</sup>; and that - in relation to 'irresponsibility' - that it takes no account of the scheme's consequences in relation to designated carbon pathways and targets, or worsening climate change. The 2011 Carbon Plan stated that 'By 2030 we project that current policies could mean that transport emissions [defined as domestic transport] reduce to around 116 MtCO<sub>2</sub>e'. This would have involved a decrease of just 6Mt from the 2011 actual of 122Mt to be achieved over a period of 19 years, whereas the current requirement is for a reduction of 48.6Mt - from 122.3Mt to 73.7Mt - with only 8 years remaining to reach that goal. In 2022 we are clearly in a completely different set of circumstances compared to those envisaged in 2014 or 2011.</p>	<p>As previously stated, the NPSNN remains the relevant National Policy Statement, and the DCO application should be assessed against the Net Zero Strategy as this is the most up-to-date successor document.</p>
9.79.19	<p>5. Surely a decisionmaker should be both rational and responsible. Just 10 days ago, on publication of the IPCC AR6 Mitigation report, one of its lead authors said: 'I think the report tells us that we've reached the now-or-never point of limiting warming to 1.5C. We have to peak our greenhouse gas emissions before 2025 and after that, reduce them very rapidly'. The latter was defined as -43% by 2030 [at the global level]. Is it really possible for decision-makers - such as the ExA in the case of this particular scheme – to continue to trudge, step after step, towards the edge of the cliff simply because a test which had been 'set and sealed' in 2014 still instructs them to do so?</p>	<p>The M54 Road Link Decision Letter concludes at paragraph 54:</p> <p><i>Given that the scheme will increase carbon emissions, it is given negative weight in the planning balance. However, the Secretary of State considers that weight also needs to be given to the Transport Decarbonisation Plan that will mean operational emissions reduce over time and that in relation to climate change adaption the Proposed Development attracts positive weight in the planning balance.</i></p> <p>The Applicant considers this to be relevant to this DCO application as the Scheme is comparable to the M54 Road Link, and the approach to the assessment (including the cumulative assessment) is consistent.</p>



## **8. REP8-029 Climate Emergency Policy and Planning - Written summary of oral submissions at Issue Specific Hearing 3**

### **8.1. Introduction**

8.1.1. Summary of key points made by Interested Party: Paragraphs 1 – 3: Sets out what CEPP will comment on in this submission.

### **8.2. National Highways' response**

8.2.1. No response required

### **8.3. Lack of transparency of data and computer modelling –**

8.3.1. Summary of key points made by Interested Party: Paragraphs 4 – 11: CEPP identifies concerns about the lack of transparency regarding the information and data about the traffic models on which the operational carbon emissions assessment is based.

### **8.4. National Highways' response**

8.4.1. REP5-026 provided further data related to the operational carbon emissions assessment for the Scheme. This presents carbon emissions based on the Defra Emission Factor Toolkit (EFT) v11 (the ES assessment had used v10.1 which was the latest available at the time of the assessment) as well as a sensitivity test to provide upper and lower bounds of emissions under assumptions within the Transport Decarbonisation Plan (TDP). REP8-018 Appendix A provides details of the assumptions of this further assessment of carbon emissions. The year by year emissions based on the Defra EFT v11 were intended to be included in REP8-018 but have been omitted from the published version due to an editorial oversight. These have been provided in Appendix A of this document, submitted at Deadline 9.

8.4.2. The sensitivity test of upper and lower bounds of emissions under the TDP was undertaken by factoring emission calculations based on Defra EFT v11. No additional traffic modelling was undertaken for the emission calculations for the TDP sensitivity test. No further traffic modelling scenarios have been tested. The TDP sensitivity test calculation method is subject to approval by DfT. Once approved the year by year emissions for TDP sensitivity test can be published, however this may not be until after this DCO examination ends.

8.4.3. The Government “Algorithmic Transparency Standard” is noted, but transparency reporting standards are currently at pilot stage and has yet to become a requirement.

## **8.5. EIA Regulation 20**

- 8.5.1. Summary of key points made by Interested Party: Paragraphs 12 – 15: CEPP suggests that EIA Regulation 20 may be considered as an alternative to a Rule 17 letter.

## **8.6. National Highways' Response**

- 8.6.1. Regulation 20 is headed “Accepted application—effect of environmental statement being inadequate”. The effect of Regulation 20 is that the consideration of the application is suspended until the requirements of paragraph (3) and where appropriate, paragraph (4) are satisfied. There has been no suggestion by the ExA that the environmental statement is inadequate and National Highways does not agree that Regulation 20 is an appropriate alternative to the Rule 17 letter.

## **8.7. Updated IEMA guidance assessing greenhouse gas emissions and evaluating their significance**

- 8.7.1. Summary of key points made by Interested Party: Paragraphs 16 – 27: CEPP highlights several issues from the IEMA guidance that it considers as missing from the Applicant's ES.

## **8.8. National Highways' Response**

- 8.8.1. National Highways undertakes GHG assessments for its schemes in accordance with DMRB LA 114, and this is the primary methodology. The Applicant provided a response to the Examining Authority's question 8.3 (c) of the Second Written Questions (REP6-017) which specifically asked to comment on how significance is defined in the context of the guidance about how to define significance.
- 8.8.2. The ES chapter is not intended to be in accordance with IEMA guidance, which was not published at the time of the DCO submission and is not the methodology that National Highways currently adopts. It would not be possible to fully undertake a reassessment for emerging EIA methodologies retrospectively, as EIAs are an iterative process. The response to question 8.3(c) supplements the ES chapter for context rather than replaces it. Therefore the DMRB LA 114 assessment in Chapter 14 of the ES should still hold as the primary submission for this DCO.
- 8.8.3. In granting development consent for National Highways' M54 to M6 Link Road scheme on 21 April 2022, paragraph 35 of the Decision Letter makes reference to the IEMA guidance and states:

*‘The Secretary of State notes that the scheme will result in an increase in carbon emissions but that the view reached by the ExA is that it will not be so significant that it would materially impact on the ability of Government to meet its carbon reduction targets (ER 15.3.11). The Secretary of State does not consider that net zero means consent cannot be granted for development that will increase carbon emissions. The Secretary of State considers that, as set out in paragraph 5.18 of the NPSNN, it is necessary to continue to evaluate whether (amongst other things) the increase in carbon emissions*

*resulting from the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets. As set out above, the carbon budgets should meet the goals of the Paris Agreement meaning a proposal which is compatible with the 2050 target and interim carbon budgets is consistent with the approach to addressing the severe adverse effects of climate change. The Secretary of State considers this aligns with the approach to significance set out in the most recent IEMA Guidance. The Secretary of State considers that the approach set out in the NPSNN continues to be relevant in light of international obligations and domestic obligations related to reducing carbon emissions that have come into force since the NPSNN was designated. The Secretary of State notes that the carbon budgets are economy-wide and not just targets in relation to transport. The scheme's contribution to overall carbon levels is very low and the Secretary of State agrees with the ExA that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.'*

8.8.4. The Applicant considers this to be relevant to this DCO application as the Scheme is comparable to the M54 to M6 and the approach to the assessment (including the cumulative assessment) is consistent, including accounting for construction and operational greenhouse gases and making comparison to UK carbon budgets in line with the NSPNN. The conclusion of our assessment is that the Scheme's contribution to overall carbon levels is very low and that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.

## **8.9. Net zero strategy**

8.9.1. Summary of key points made by Interested Party: Paragraphs 28 – 39: CEPP provides further information on how they consider the Net Zero Strategy fits into the legal and policy framework.

## **8.10. National Highways' Response**

8.10.1. In accordance with DMRB LA 114, the assessment reported in Chapter 14 of the ES has made a comparison with UK legislated carbon budgets. The six carbon budgets are legally binding, the Net Zero Strategy (NZS) strategy sets out the plans and policies, e.g. by ending the sale of combustion-engine cars and vans by 2030. Without the plans and policies contained within it, the UK Government is unlikely to meet its sixth carbon budget for 2033-37.

8.10.2. It sets out target-compliant "indicative delivery pathways" for each sector until 2037. The indicative delivery pathway is designed according to "*our current understanding of each sector's potential, and a whole system view of where abatement is most effective*". These sectorial pathways are explicitly not intended to set sectorial targets. The NZS delivery pathway is based on emissions from domestic transport falling 65-76% by 2035, from 2019 levels, and anticipates some residual emissions from the sector even in 2050 that will have to be removed. The document states that most of the policies and funding schemes included in the strategy are already underway, this includes funding for buses, walking and cycling infrastructure. The most important strategy is a zero-emission vehicle mandate for carmakers and funds to support the electrification of UK vehicles and their supply chains.

8.10.3. The Transport Decarbonisation Plan (TDP) also commits to accelerating the rollout of electric vehicles and EV infrastructure such as charging points. In the TDP the Government is relying heavily on new fuels and technology to meet its ambition.

8.10.4. The Secretary of State's M54 Road Link Decision Letter makes the following points at paragraph 37, clarifying the relationship between UK carbon budgets, the Net Zero Strategy and the UK Nationally Determined Contribution:

*'With regard to the Paris Agreement, the UK announced its Nationally Determined Contribution ("NDC") in December 2020. NDCs are commitments made by the Parties (including the UK) under the Paris Agreement. Each Party's NDC shows how it intends to reduce its greenhouse gas emissions to meet the temperature goal of the Paris Agreement. The UK's NDC commits it to reduce net GHG emissions by at least 68% by 2030 compared to 1990. This represents an increase of ambition on the fifth carbon budget, which covers the period 2028-2032. The Net Zero Strategy: Build Back Greener, published by Government in October 2021, sets out how the UK will therefore need to overachieve on the fifth carbon budget to meet its international climate targets and stay on track for the sixth carbon budget. This strategy sets out the action Government will take to keep the UK on track for meeting the UK's carbon budgets and 2030 NDC and establishes the UK's longer-term pathway towards net zero by 2050. The Secretary of State is content that consenting the Proposed Development will not impact on the delivery of this strategy and will not lead to a breach of the UK's international obligations in relation to the Paris Agreement or any domestic enactments or duties.'*

8.10.5. The comparison against carbon budgets in the ES is appropriate as these are the only legislated carbon targets. The carbon budgets are supported by the policy commitments in the Net Zero Strategy which add further detail as to how the carbon budget and NDC will be achieved. However, the indicative pathways for sectors in the Net Zero Strategy are not targets. Neither Parliament nor Government has identified any sectoral targets for carbon reductions related to transport, or any other sector. There is no requirement in the Climate Change Act 2008, or in Government policy, for carbon emissions for all road transport to become net zero. This was explained in the R (Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin) ("the TAN case") in which Holgate J held that: "...there is no sectoral target for transport, or any other sector, and that emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of an economy-wide transition". There is still a need for 'fit-for-purpose' infrastructure that is designed with a sense of place, and encourages active travel, which is what the Scheme achieves. The Scheme also has a Carbon Management Strategy and associated Carbon Management Plan in place to cut carbon from the construction stage. In a statement released by transport secretary on 14 July 2021, when the TDP was published, he explained that the new plan "*is not about stopping people doing things: it's about doing the same things differently... We will still drive on improved roads, but increasingly in zero-emission cars*". The TDP intends to cut traffic growth through other measures, such as those to improve walking and cycling infrastructure and behavioural changes to facilitate a modal shift. The Applicant's response to question 8.8 of the Examining Authority's Second Written

Questions (REP6-017) provides examples of how the Scheme is aligned with this approach for the operational stage.

## **8.11. A57/REP5-026 – Request for further information from the applicant on the cumulative assessment of climate impacts**

- 8.11.1. Summary of key points made by Interested Party: Paragraphs 40 – 46: CEPP provides a summary of the document submitted by the Applicant at Deadline 5 (REP5-026) and explains that they believe the Applicant failed to provide the Examining Authority with the information requested.

## **8.12. National Highways' Response**

- 8.12.1. Firstly, to clarify, the title of document REP5-026 does include 'Cumulative Carbon Assessment'. It was included in the document title due to an administrative error and it is accepted that this is misleading. However, the document does, in part, refer to the approach to the cumulative effects assessment undertaken in the ES.
- 8.12.2. In paragraph 41, CEPP quite rightly point to a reference to Appendix A, which is missing. Again, this is an administrative error, it should have just been a reference to the Agenda for Issue Specific Hearing 2 (ISH2) - February 2022 (EV-015).
- 8.12.3. The information provided in REP5-026 is consistent with the response provided for National Highways' A38 Derby Junctions scheme.
- 8.12.4. There is no set methodology for cumulative effects assessments, however the Applicant maintains that the approach undertaken to assess the cumulative effects is proportionate and appropriate, it is consistent with other comparable DCO and EIA assessment, it is supported by PINS Advice Note 17 and DMRB LA 104, which support cumulative traffic assessments, and are approaches that are recognised as an industry standards.
- 8.12.5. The Secretary of State's M54 Road Link Decision Letter makes the following point at paragraph 45 and 46:

*'The Secretary of State considers that as there is no single prescribed approach to assessing the cumulative impacts of carbon emissions, there are a number of ways such an assessment can acceptably be undertaken and that this does not necessarily need to be done at RIS level. Furthermore, the Secretary of State considers that whilst an assessment at RIS level would provide a cumulative assessment of the RIS schemes that are planned or being delivered and the combined emissions from the RIS2 schemes are considered to be de minimis, it would not capture development in the surrounding area to the Proposed Development that could also have an impact. The Secretary of State also notes that the impact and effect of carbon emissions on climate change, unlike other EIA topics, is not limited to a specific geographical boundary and that the approach that needs to be taken to assess the cumulative impact of carbon emissions is different than for other EIA topics. Noting this and that there is no defined distance for assessing the impact of carbon emissions, the Secretary of State considers that the Applicant's approach to assessing the impact of the Proposed Development on carbon is acceptable as it takes into account the Proposed Development and all other developments likely to have an*

*influence on the Proposed Development and on the area the Proposed Development is likely to influence. The Secretary of State considers that the assessment is proportionate and reasonable in relation to the information the Applicant would have access to to enable the impacts of carbon to be understood and accounted for in the decision-making process. The Secretary of State considers that the Applicant's approach overall, to both the assessments of the Proposed Development's impact on carbon emissions and its cumulative impact is adequate, as journeys will not begin and end within the Proposed Development's boundary.'*

- *With regard to assessing the cumulative impact of the emissions on climate and the scale used in this assessment, the Applicant has set out that carbon budgets (which as set out above aim to limit the significant effects of climate change) are only set out at a national scale and that these are themselves cumulative as they are a sum of carbon emissions for a range of sectors. The Applicant considered that it was unable to produce a baseline at a local or regional scale and that there was therefore no reasonable basis upon which it can assess the effects of carbon emissions for anything other than at the national level. The Secretary of State accepts that the only statutory carbon targets are those at a national level and notes that neither the Applicant nor any other party has suggested that there are non-statutory carbon targets at any other level that may need to be considered.*

8.12.6. The further carbon emission calculations for the A57 Link Roads Scheme have been undertaken on the same basis as the A38 Derby Junction scheme. REP5-026 stated that the A57 Link Roads Scheme has used carbon emission factors based on Defra Emission Factor Toolkit (EFT) v11 for the further carbon calculations. It is confirmed that the Defra EFT v11 carbon emission factors are based on CO<sub>2</sub> equivalent (CO<sub>2</sub>e) emissions factors for the 2018 to 2050 published in July 2021. It is also confirmed that the Defra EFT v11 carbon emission factors includes non exhaust (CO<sub>2</sub>e) emissions associated with electricity generation required for the charging of batteries for plug-in electric vehicles. This accounts for charging emissions from battery electric cars, battery electric LGVs, plug-in hybrid cars and plug-in hybrid LGVs. explicitly stated within REP5-026 it is implicit from the use of Defra EFT v11 carbon emission factors. Full details of the methodology, datasets and assumptions of Defra EFT v11 are provided in the Defra Emissions Factors Toolkit v11.0 User Guide, November 2021<sup>1</sup>.

### **8.13. A57/REP5-029 – 0.52 Applicant's response to Issue Specific Hearing 2 Item 6 c) and d)**

8.13.1. Summary of key points made by Interested Party: Paragraphs 47 – 106: CEPP provides additional responses to each section of REP5-026, together with questions posed during Issue Specific Hearing 3.

---

<sup>1</sup> Defra Emissions Factors Toolkit v11.0 User Guide, November 2021. Available at: [REDACTED]

## 8.14. National Highways' Response

- 8.14.1. Please refer to the Applicant's response to paragraphs 40-46 in section 8.12 above.
- 8.14.2. With regard to the scenarios assessed for greenhouse gas emissions, the Applicant has set out in REP4-005 that the assessment provided is an appropriate assessment of cumulative effects in accordance with relevant guidance. The ES chapter is not intended to be in accordance with IEMA guide on Assessing Greenhouse Gas Emissions and Evaluating, which was not published at the time of the DCO submission and is not the methodology that National Highways currently adopts. However, the scenarios that have been assessed within the Applicant's assessment is considered to be in line with reporting set out within section 6.3 of the IEMA guidance (refer to the response to question 8.3(c) of the Applicant's responses to Examining Authority's Second Written Questions (REP6-017) for details).
- 8.14.3. Paragraph 97 poses 10 questions regarding the further assessment of carbon emissions. REP8-018 Appendix A provides details of the assumptions of the further assessment of carbon emissions. Responses specific to the 10 questions are provided below:

1) Does "TDP Sensitivity test" use the traffic model study area as a proxy geographical area? Response: As per the Environmental Statement Chapter 14 Climate and Case for the Scheme the TDP sensitivity test has been undertaken for the area of detail traffic modelling as shown in Figure 2-1 (labelled in the figure as ADM cordon) and Figure 4-8 (showing the road link network) of the A57 Economic Appraisal Package (REP2-090).

- 2) Sensitivity analysis is the study of how the uncertainty in the output of a mathematical or computer model can be understood and proportioned statistically to different sources of uncertainty in its inputs. How is this done in the TDP Sensitivity test? Response: The TDP sensitivity test carbon emissions have been calculated by factoring the carbon emissions calculated based on Defra EFT v11 to reflect the rate of improvement in emissions shown in Figure 2 of the TDP and includes upper bound and lower bound projections to show a range of outcome reflecting uncertainty.
- 3) How is the uncertainty of an input to the traffic modelling and carbon quantification reflected in the output of the TDP Sensitivity test? Examples are needed. Response: An upper and lower bound of carbon emissions is calculated to reflect the uncertainty in the carbon emissions for the TDP pathway.
- 4) What is meant by "applied" – literally what is being applied in paragraph quoted above (e.g.: A57/REP5-026/2.2.30)? Full details of data and algorithms should be supplied. Response: The TDP sensitivity test carbon emissions have been calculated by factoring the carbon emissions calculated based on Defra EFT v11 to reflect the rate of improvement in emissions shown in Figure 2 of the TDP. A factor is 'applied' to the carbon emissions calculated based on Defra EFT v11 for each year. Once the TDP sensitivity test calculation method for this interim approach has approval from DfT year by year emissions for

*TDP sensitivity test can be published, however this may not be until after this DCO examination ends.*

- *5) Is the TDP Sensitivity test being applied within the traffic model (ie is the new methodology integrated into the traffic model framework?), or is its being applied to the carbon quantification output from the traffic model as a post-processing step? Response: See response to question 2) No additional traffic modelling was undertaken for the emission calculations for the TDP sensitivity test. No further traffic modelling scenarios have been tested.*
- *6) Does the TDP Sensitivity test quantify the individual policies in the TDP within the study area, and if so, how? Response: See response to question 2).*
- *7) Does the TDP Sensitivity test quantify local transport policies, and if so, how? Response: See response to question 2).*
- *8) What work has been done to compare the assumptions in the TDP policies against the assumptions built into the traffic model for the scheme? Has this been quantified? Response: The assumptions within the TDP policies are not sufficiently detailed to allow a comparison to the traffic model assumptions at this stage.*
- *9) As the scheme was designed many years before the TDP was published, what work has been done to test the scheme objectives and assumptions against the TDP policies? Again, has the carbon quantification ramifications of this been determined? Response: The assumptions within the TDP policies are not sufficiently detailed to allow this to be undertaken at this stage.*
- *10) Is there double counting between Eft v11 and the TDP sensitivity test? This could be across all policies in the TDP, but the quantification of electric vehicle policy on carbon emissions would be the most obvious example. Response: There is not expected to have been double counting between the Defra EFT v11 and TDP sensitivity test. The TDP sensitivity test calculation reflects the impact of further policy measures on top of those assumed with in Defra EFT v11 (e.g. a more rapid transition to zero tailpipe emission vehicles under the TDP pathway).*

## **8.15. Issue Specific Hearings 3 Item 6 comments**

- 8.15.1. Summary of key points made by Interested Party: Paragraphs 107 – 123: CEPP have submitted responses that relate to the setting of, and securing, mitigation measures, and challenges whether these are adequate.

## **8.16. National Highways' Response**

- 8.16.1. The Applicant maintains its position on the mitigation measures that are embedded in the Scheme. As highlighted in the response to ISH3 Item 6(c):



*Achieving net zero by 2050 does require reductions from all sources, regardless of them being negligible or de minimis in isolation.*

*DMRB LA 114 is clear in stating at para 3.22 that 'Projects shall seek to minimise GHG emissions in all cases to contribute to the UK's target for net reduction in carbon emissions.'*

- 8.16.2. Mitigation measures reported in Chapter 14 of the ES have been considered against the carbon reduction hierarchy set out in DMRB LA 114: Avoid / Prevent, Reduce, Remediate.
- 8.16.3. Previous DCO examination responses by the Applicant have provided clarity on how the mitigation is committed, secured and will be implemented (for example, the response to question 8.6 to 8.8 of the Applicant's responses to Examining Authority's Second Written Questions (REP6-017)). These measures seek to ensure that the Scheme will not follow a 'business-as-usual' or 'do minimum' approach. Reliable monitoring of changes in greenhouse gas emissions due to the Scheme will be undertaken through:
- *assessing the Carbon Management Plan's performance will be undertaken through the commitment within the CMP to provide Carbon Management Reports*
  - *populating the Carbon Tool on a quarterly return basis through the construction process and during maintenance activities through the life of the Scheme as part of National Highways' existing reporting processes*
  - *the Post Opening Project Evaluation (POPE) process, as National Highways is required to undertake reviews on major road schemes to measure impact against forecast and includes reporting on the changes in greenhouse gases<sup>2</sup>.*
- 8.16.4. The Examining Authority's schedule of changes to the Applicant's draft Development Consent Order includes a carbon management requirement, and the Applicant has responded to the Examining Authority's questions and the comments from relevant authorities to provide the required detail so that an appropriate requirement could be included. This is to address concerns from local authorities and Interested Parties.

## **8.17. Issue Specific Hearing 3 Item 7 comments**

- 8.17.1. Summary of key points made by Interested Party: Paragraph 124: CEPP expands on comments made on Item 2 (l) to (m).

## **8.18. National Highways' Response**

- 8.18.1. Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (REP8-023), Item 2(l) and Item 6(a).

---

<sup>2</sup> The POPE evaluation provides an early mechanism to ensure the project is on track to deliver the anticipated benefits over the lifecycle of a project, which is typically 60 years after opening

## 8.19. Rule 17 Letter and EIA Regulation 20 implications

8.19.1. Summary of key points made by Interested Party: Paragraphs 125 – 126: CEPP identifies 7 items for further work and additions to the ES, numbered A-G.

## 8.20. National Highways' Response

8.20.1. With regard to the 7 items identified for further work, responses are given below:

- *A. Carbon quantification and assessment against national carbon reduction targets as required by NN NPS 5.18. Response: See section 8.10 above. The Applicant has also responded on this matter in REP8-019, 9.75.84 (Item 6 (g)).*
- *B. Cumulative carbon quantification and assessment compliant with the EIA Regulations. Response: See section 8.14 above. The Applicant has responded on this matter in their Written Summary of Issue Specific Hearing 3, 9.75.80 (Item 6(c)) (REP8-019).*
- *C. Assessment against local policy, and carbon budgets and targets. Response: See section 8.12 above. The Applicant has also responded on this matter in their Written Summary of Issue Specific Hearing 3, 9.75.78 (Item 6(a)) (REP8-019)*
- *D. Assessment against the science-based local authority area carbon budgets for the Tyndall Centre at the University of Manchester (SCATTER). Response: See section 8.14 above. The Applicant has also responded on this matter in their Written Summary of Issue Specific Hearing 3, 9.75.78 (Item 6(a)) (REP8-019)*
- *E. Full explanation of the “TDP Sensitivity test” methodology. Answers to my 10 questions on it above. A full assessment of the scheme using the data against the relevant carbon reduction targets and carbon budgets. Response: Answers to the 10 questions are provide in section 8.14 above.*
- *F, Full data and algorithmic transparency on the modelling behind the TDP policies and the NZS delivery pathways. Response: See section 8.4 above. REP8-018 Appendix A provides details of the assumptions of the further assessment of carbon emissions. The year by year emissions based on the Defra EFT v11 were intended to be included in REP8-018 but have been omitted from the published version. These have been provided in the Applicants comments on Deadline 8 submissions, Appendix A, submitted alongside Deadline 9. Once the TDP sensitivity test calculation method for the interim approach has approval from DfT year by year emissions for TDP sensitivity test can be published.*
- *G. Full data and algorithmic transparency with respect to the “TDP Sensitivity test”. Response: See section 8.4 above. Once the TDP sensitivity test calculation method for the interim approach has approval from DfT year by year emissions for TDP sensitivity test can be published.*

## **8.21. Conclusion**

- 8.21.1. Summary of key points made by Interested Party: Paragraphs 127 – 130:  
Concluding paragraphs

## **8.22. National Highways' Response**

- 8.22.1. No further response.

## 9. REP8-033 Keith Buchan on behalf of CPRE Peak District and South Yorkshire - Written summaries of oral submissions at hearings

Response Reference	IP Issue	NH Response
9.79.20	<p><i>Failure to update and reflect relevant guidance</i></p> <ol style="list-style-type: none"> <li>No further Strategic level assessment has been undertaken since 2015, despite the radical changes in Government policy, the legal status of the Climate Change Committee sixth budget, and the Green Book advice that it should be checked at each stage of the Business Case process</li> <li>The Uncertainty Log does not include a range of elements which are recommended by DfT guidance, in particular those relating to the forecasts; guidance in the DfT Uncertainty Toolkit has not been used</li> <li>A Business As Usual forecast has been used for the modelling and appraisal – this no longer reflects the reality of a net zero pathway for transport</li> </ol>	<ol style="list-style-type: none"> <li>Please see response on Green Book in the response to CPRE's Deadline 8 submission (REP8-034), item 9.69.8.</li> <li>The forecasts were developed in accordance with DfT TAG guidance (unit M4 'Forecasting and Uncertainty'), prior to the publication of the DfT Uncertainty Toolkit in May 2021. It is noted that the Uncertainty Toolkit is supplementary guidance and does not supersede unit M4 guidance. The development of the Uncertainty Log and resulting forecasts closely follows the guidance in TAG M4. The forecasts are therefore consistent with the spirit of the Uncertainty Toolkit in that they have facilitated assessments of the Scheme for scenarios in which exogenous factors have served to significantly increase or decrease forecast road traffic. These assessments have been presented alongside the 'Core' scenario.</li> <li>Further to the above and in line with TAG M4, the assessment of the Scheme is based on the current National Trip End Model/National Transport Model, which provide the most up to date set of Department for Transport traffic forecasts. No alternative recognised traffic forecasts are currently available. The Government's Transport Decarbonisation Plan postdates the development and assessment of the Scheme.</li> </ol>
9.79.21	<p><i>The importance of Greater Manchester's omission from the modelling and appraisal</i></p> <ol style="list-style-type: none"> <li>A majority of the trips in the area affected by the scheme (i.e. in the model trip matrices as supplied) are related to Greater Manchester (84% of commute and home based business) -</li> <li>A majority of the benefits to drivers, presented to the DCO, are received by journeys related to Greater Manchester, 60% for trips within the conurbation, 66% if trips to and from adjacent areas such as High Peak, Kirklees and Sheffield are also included</li> <li>However, the modelling of travel in Greater Manchester has no additional zones or road links added, and has largely used a fixed cost function and masking to limit traffic changes which would otherwise have occurred</li> </ol>	<ol style="list-style-type: none"> <li>National Highways does not recognise the 84% of commute and home-based business trips quoted and require further information on how this has been derived from the information supplied to Keith Buchan. As is discussed in more detail below, Greater Manchester has not been omitted from the detailed modelling as is suggested here. Only sections of the metropolitan county which would be significantly less affected by the scheme have had a fixed cost function applied in the model. Even these sections are not omitted from the model. In these areas the controlled approach of setting fixed costs has been applied to mitigate against possible impacts of model 'noise' in a highly detailed area of the city. Without taking this approach a disproportionate level of focus on the central Manchester area would be required, which would detract from the detailed assessment in areas more closely impacted by the scheme.</li> <li>The assessment of user benefits has used a geographic sector system for detailed analysis which is based on a disaggregation of the road network rather than on borough and county lines, so an exact fit is not possible to provide. However, based on a best fit using these sectors approximately 70-75% of benefits relate to trips to, from or within the Greater Manchester area, with 25-30% of the total benefit generated by trips entirely within Greater Manchester. However, due to the specification of these sectors, these figures include trips to and from Glossop, which is outside of Greater Manchester. It is therefore not unexpected that a large proportion of the benefit of the scheme should fall in this area, as much of the benefit will accrue to relatively local trips either starting or ending within the vicinity of Glossop, Mottram or elsewhere in Tameside.</li> <li>It should be understood that the fixed-cost-function approach to modelling has been applied only to areas outside of the core region of influence of the scheme, as represented in Figure 3-7 of the Transport Forecasting Package. This does not apply to the whole of the Greater Manchester area as has been suggested. The metropolitan boroughs of Tameside (except for</li> </ol>

Response Reference	IP Issue	NH Response
		<p>the small section to the west of the M60), Stockport and the majority of Oldham are within the area of detailed modelling and fixed costs do not apply in these areas.</p> <p>The Scheme is not anticipated to result in any significant rerouting or journey time changes for traffic within the City of Manchester, or other boroughs in the west and north of the conurbation where fixed costs have been applied. The journey time savings due to the Scheme for traffic with journeys originating or ending in Manchester are either as a direct result of use of the new link road or from reductions in traffic congestion and delay on the existing road network outside of Manchester due to the new link road. Consequently, it is appropriate and proportionate that Manchester has been included in the modelling for the Scheme at a lesser level of detail, than that within the Area of Detailed Modelling (ADM). Please also refer to National Highways' responses 3.1 &amp; 3.2 to the Examining Authority's First Written Questions [REP2-021].</p>
9.79.22	<p><i>Omission of walking, cycling and public transport from the modelling and appraisal</i></p> <p>7 Only a small amount of public transport use is included in the model, rail trips for which a car may be available, and appears to be modelled at a coarse regional level (NH have been emailed to clarify this). This was not disclosed by NH until the April 5th ISH despite constant reference to public transport as a whole in our emails and technical meetings</p> <p>8 There is no explicit modelling of walking or cycling in the model</p> <p>9 There is no account of the time or safety disbenefits of the proposed "walk with traffic" crossings of the new road layouts to pedestrians and cyclists – for example there will be no all red phase for them to cross the main part of the scheme at Mottram</p> <p>10 There is no traffic calming/road crossing/public realm strategy for either the existing or the new route</p>	<p>7. Please refer to Applicant's written Summary of Issue Specific Hearing 3 [9.75.14 - REP8-019].</p> <p>8. The number of trips in the traffic forecasts that are short enough to potentially transfer to walking or cycling represents a tiny proportion of the overall number of forecast trips. Therefore, any mode shift from car-based trips to walking or cycling will have an immaterial impact of the traffic forecast used for the assessment of the Scheme. Consequently, it is proportionate that walking and cycling have not been included in the modelling of the Scheme.</p> <p>9. The Scheme will deliver safety benefits for non-motorised users (NMUs) through additional signal-controlled pedestrian crossings, traffic calming, lower traffic speeds, and reduced traffic flows, especially HGVs, on the sections of the existing road network bypassed by the new link road, as well as from provision of new and improved segregated facilities incorporated into the Scheme. Journey times for NMUs are likely to also be improved for the same reasons. Nonetheless, any changes in NMU journey times are likely to be very small in comparison to the cumulative journey time changes for traffic and would therefore have an immaterial impact on the monetised benefits of the Scheme.</p> <p>10. There is a strategy for traffic calming and public realm improvements on the relevant sections of the existing road network bypassed by the new Link Road, the objectives of which are set out in Applicant's response to Examining Authority's First Written Questions [3.20 &amp; 3.21 - REP2-021] for the Traffic calming would not be appropriate on the new link road.</p>
9.79.23	<p><i>Omission of HGV analysis despite its major contribution to congestion and pollution</i></p> <p>11 Most of the HGV traffic through Longdendale is through traffic and is at the heaviest end of the weight spectrum (large articulated). NH do not have data allowing CPRE to fully analyse the mode switch which would be encouraged by our proposed HGV through traffic control, although accidents in the National Park would be reduced</p>	<p>11. Please refer to National Highways' comments on Relevant Representations [RR-0170-1 – REP1-042].</p>
9.79.24	<p><i>Failure to assess the carbon impacts of the scheme</i></p> <p>12 The carbon assessment seems to have changed significantly (using EFT v.11) but there is virtually no information about how that has been calculated or the status of the original assessment which used outdated carbon costs</p> <p>13 There may have been a sustainable scenario tested, as we have called for, but we have no idea of its results or how it was constructed, in particular whether it contains the lower traffic forecasts implicit in the Transport Decarbonisation Plan (TDP)</p>	<p>12. REP5-026 provided further data related to the operational carbon emissions assessment for the Scheme. This presents carbon emissions based on the Defra Emission Factor Toolkit (EFT) v11 (the ES assessment had used v10.1 which was the latest available at the time of the assessment) as well as a sensitivity test to provide upper and lower bounds of emissions under assumptions within the Transport Decarbonisation Plan (TDP). REP8-018 Appendix A provides details of the assumptions of this further assessment of carbon emissions. Appendix A to this document presents the year by year emissions based on the Defra EFT v11. The</p>

Response Reference	IP Issue	NH Response
	<p>14 The guidance in IEMA called in aid by NH has been misunderstood – it supports the argument that not reducing carbon, especially in the next few years, is a significant adverse impact.</p>	<p>TDP sensitivity test calculation method is subject to approval by DfT. Once approved the year by year emissions for TDP sensitivity test can be published.</p> <p>13. The sensitivity test of upper and lower bounds of emissions under the TDP was undertaken by factoring emissions calculations based on Defra EFT v11. No additional traffic modelling was undertaken for the emission calculations for the TDP sensitivity test. No further traffic modelling scenarios have been tested.</p> <p>14. The Applicant does not agree that the IEMA guidance has been misunderstood. The guidance provides nuanced levels of significance to support EIA assessments and the decision-making process, while still maintaining that all emissions contribute to climate change. It acknowledges that all projects will emit GHG emissions, and these will contribute to climate change. It therefore encourages projects to implement GHG mitigation measures at an early stage so that they can be maximised, which is what the Scheme has done. It states 'To meet the 2050 target and interim budgets, action is required to reduce GHG emissions from all sectors, including projects in the built and natural environment. 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'. It also states that '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 Scheme has taken action, it is not taking a business-as-usual approach, and proportionate consideration to mitigation has been demonstrated. Furthermore, the net GHG emissions are not significant and are small when compared to the UK carbon budgets, as over time it is the commitments within the TDP that will ensure that operational emissions are reduced.</p>
9.79.25	<p>In view of this we have undertaken further work:</p> <ol style="list-style-type: none"> <li>1 To engage with NH on technical issues: this has proved extremely difficult since NH have not allowed direct contact with their technical consultants who are undertaking the forecasting and modelling work</li> <li>2 To show that a sustainable package approach is possible including an HGV restriction (refined from 2015), the dispersal of the Mottram queue through linked traffic signals, additional crossings, bus priority and signalling existing junctions, new cycle and walking routes and public realm improvements to encourage footfall</li> <li>3 Using standard DfT methods to show that at least the walking and cycling parts of such a package would be strong value for money (high BCRs) and outperform the scheme</li> <li>4 To extract information from the model to assess the HGV restriction and the public transport proposals but sufficient data has not been supplied and it seems likely is beyond the scope of the model used by the Applicant</li> <li>5 To engage with the public and local authorities on alternatives through a web based consultation, emails and an open meeting with professional facilitation, and submitting the results to the DCO</li> <li>6 To analyse the data as it has been supplied in order to better understand the forecasting and modelling and reach the conclusions above. This was not possible at the time of the Applicant's submission due to the limited information and thus was not available to other DCO participants including statutory bodies.</li> </ol>	<ol style="list-style-type: none"> <li>1. National Highways has held several virtual meetings, attended by their technical consultants, with Keith Buchan.</li> <li>2. No response required.</li> <li>3. No response required.</li> <li>4. National Highways has supplied all requested information.</li> <li>5. No response required.</li> <li>6. National Highways has supplied additional information requested by Interested Parties as promptly as possible.</li> </ol>
9.79.26	<p>The additional work and the information leads us to the conclusion that the proposed scheme:</p> <ol style="list-style-type: none"> <li>1 Increases and maintains carbon emissions when policy and legal requirements are to reduce them</li> </ol>	<ol style="list-style-type: none"> <li>1. Please see the response to point 14 under the heading '<i>Failure to assess the carbon impacts of the scheme</i>' above.</li> </ol>

Response Reference	IP Issue	NH Response
	<p>2 Has been assessed using traffic forecasts which are incompatible with local and national Government policies and programmes</p> <p>3 Has failed to follow guidance in the Green Book on the Strategic Case and alternatives and on the Uncertainty Log for forecasting</p> <p>4 Is lower value for money when new carbon values are applied: the Applicant appears to still be using the old values for rebuttals</p> <p>5 Would be worse value for money if the traffic forecasts were lower: a “low growth” forecast has been undertaken but no forecasts have been used for the Economic Case which are compatible with the Transport Decarbonisation Plan</p> <p>6 Creates major severance for pedestrians and cyclists, particularly South of Mottram where the new junction has no single movement crossings (“all red”)</p> <p>7 Offers significant encouragement to substantial numbers of car journeys in areas which are the specific target for switching to sustainable travel in Government and TfGM policies and programmes</p>	<p>2. The assessment of the Scheme is based on the most up to date Department for Transport traffic forecasts. No alternative recognised traffic forecasts are currently available.</p> <p>3. Please see response on Green Book in the response to CPRE’s Deadline 8 submission (REP8-034), item 9.69.8.</p> <p>4. The impact on value for money of using the latest CO2e values, as set out in DfT’s November 2021 TAG Databook, has been communicated. These do result in a reduction to value for money, but not to an extent that the value for money categorisation would be affected.</p> <p>5. The Government’s Transport Decarbonisation Plan postdates the Scheme development and assessment.</p> <p>6. The Scheme substantially reduces severance through Mottram through the reduction of traffic, particularly HGVs on the section of the existing A57 that is bypassed by the New Link Road.</p> <p>7. The Scheme incorporates significant enhancements for non-motorised users that will encourage local journeys on foot and by cycle. In addition, the Scheme does not preclude the future introduction of improved public transport and several existing bus services will benefit from reduced traffic congestion and delay delivered by the Scheme. Consequently, the Scheme is compatible with Government and TfGM policies and programmes for switching to sustainable travel.</p>
9.79.27	<p>We also conclude that a package of measures, providing less traffic relief at Mottram, but benefits instead of disbenefits across the whole area, would also be compatible with local and national policies and programmes. While there is not sufficient data to cover the whole package, the walking and cycling elements are likely to be far better value for money using the DfT toolkit.</p> <p>For these reasons and the detailed evidence we have provided to the DCO we recommend that the scheme is refused permission.</p> <p>We will ask the Examination Panel to consider the issues raised by the extremely late disclosure of the facts about the extent to which public transport is omitted from the modelling in a separate written submission.</p>	<p>National Highways has provided the additional information requested by Interested Parties as promptly as possible.</p> <p>Regarding the inclusion of public transport in the modelling for the Scheme, please refer to Applicant's written Summary of Issue Specific Hearing 3 [9.75.14 - REP8-019].</p>

## 10. REP8-034 CPRE Peak District and South Yorkshire Branch - Comments on submissions for Deadline 7

Response Reference	IP Issue		NH Response
9.79.28	<b>CPRE PDSY REP5-028 in bold</b> <i>NH's response in REP7-025 in italics</i>	<b>Our rebuttal of REP7-025 NH's response to Deadline 7</b>	
9.79.29	<b>9.69.2 CPRE: Need for the scheme not established – our proposals would be more effective</b> <i>NH: Need for the Scheme has been firmly established. Please refer to National Highways' paragraph 2.1.12 in CPRE Peak District and South Yorkshire Written Representations (REP4-009) and response to the Examining Authority's Second Written Question 3.9 (REP6-017)</i>	The need for the scheme has not been established within the context of the climate emergency and legal carbon budgets, and of radical changes in national and regional transport policy to address the climate emergency, health and well-being, and levelling up.	The need for the scheme is set out in the Case for the Scheme (REP2-016). Please see National Highways' response to 9.69.24 below with respect to the Net Zero Strategy and the Transport Decarbonisation Plan. The Scheme will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets. Please also see the response to 9.69.9 below with respect to the climate emergency, health and well-being, and levelling up.
9.79.30	<b>9.69.3 CPRE: Scheme does not meet its objectives – no objective to support decarbonisation or GM Transport Strategy; essentially an urban scheme with most of trips outside ADM</b> <i>NH: Scheme objectives were set at the start of the preliminary design stage and have been carried through the project. The Transport Decarbonisation Plan was published after the application for the Development Consent Order had been made and it would not have been appropriate to change the objectives of the Scheme post submission. As set out in the Case for the Scheme (REP2-016) the Scheme has taken account of the Greater Manchester Transport Strategy.</i>  <i>Scheme will have significant impacts on both urban and rural travel, with local trips benefiting from significantly reduced congestion and longer distance trips being provided with the means to avoid lengthy diversions. The area referred is only partially controlled by the fixed cost function as indicated in the figure provided. The highlighted areas directly around the main area of influence of the scheme are contained within the area of detailed modelling. The area described contains 48% of the total scheme benefit and of this 59% lies entirely within the area of detailed modelling and so is not subject to the fixed cost function. Only 1.5% of the total benefit falls entirely within the area. It is not correct to say that use of the fixed cost function and masking result in an underestimate of impacts, as both of these methods are used to improve accuracy in respect to both positive and negative impacts of the modelling process without bias.</i>	<p>The Scheme was developed through the 2015 TransPennine Routes Feasibility Study. In 2015 its objectives covered connectivity, environment, society, capacity, resilience and safety. The objectives have not been amended to respond to legislation of policy changes.</p> <p>The scheme should have had a carbon reduction objective in 2015, given the importance of the Climate Change Act 2008 and the signing of the Paris Agreement in 2015. More recent events recognising that there is a climate emergency occurred at the national level in June 2019, with the amendment of the Climate Change Act to meet Net Zero GHG emissions by 2050, and with the relevant local and regional authorities declaring a climate emergency and expediting achievement of Net Zero to before 2040, occurred more than 16 months before the 2020 statutory consultation of the scheme was held.</p> <p>In addition the scheme does not reflect the profound changes in national, subnational and regional transport policy as follows, with 3 of the documents published before the Examination opened on 17 Nov 2021</p> <ul style="list-style-type: none"><li>• Gear change – a bold vision for walking and cycling 28 July 2020</li><li>• Bus Back Better 15 March 2021</li><li>• Decarbonising Transport A better greener Britain 14 July 2021</li><li>• UK Net Zero Strategy: Build Back Greener 19 Oct 2021</li></ul> <p>NH's licence requires <b>5.29 ... the Licence holder must comply with or have due regard to relevant Government policy, as advised by the Secretary of State, with full regard to any implications for the Licence holder's ability</b></p>	The objectives of the Scheme in the Case for the Scheme (REP2-016) remain valid and relevant and post date the Climate Change Act. There are appropriate mitigation measures secured in the DCO to ensure carbon emissions are kept as low as possible and that the scheme will not materially impact the Government's ability to meet its net zero targets. With regards to policy on walking and cycling National Highways has been liaising with the Local Authorities and local groups in the area of the scheme boundary in order to look to secure enhancements throughout the scheme to improve and provide additional facilities at signalised crossing points, providing new links to facilitate provisions for Walkers, Cyclist and Horse Riders. These discussions have centred on improving the existing local links and also new links being provided by the Greater Manchester Bee Lines active travel network strategy and to improve links to the Transpennine Trial (a National Cycle Network route). The conversations have centred on the local plans and policies to meet the needs of the people in the area. National Highways is looking to support and consult with the Local Authorities and local groups to identify further improvements beyond the scheme boundary, by seeking to secure funding via the Designated Funds route which will be pursued after any DCO consents are granted  With regards to buses, National Highways' aim is to maintain all the existing bus routes on existing roads as they already provide services to the areas within the Scheme area. The proposed new carriageways are not expected to be used by any services as the aim of the new roads is to provide alleviation of traffic congestion along the existing routes. Less traffic along the sections of the A57 Hyde Road, Mottram Moor



Response Reference	IP Issue		NH Response
		<p>to deliver the Road Investment Strategy (emphasis in the document).</p> <p><b>5.30</b> For the purposes of this section, "relevant Government policy" means all current policies which:</p> <p>a. Relate to the activities of the Licence holder, and</p> <p>b. Have been:</p> <p>i. Published in England by or on behalf of Her Majesty's Government, or</p> <p>ii. Indicated to the Licence holder by the Secretary of State.</p> <p><b>Must</b> is emphasised in the licence as a statutory direction so NH must comply with it. The scheme must therefore comply with all of the above 4 policy documents.</p> <p>Finally, the safety objective (reductions in the number of accidents and reductions in their impacts) which was included in the 2015 and 2018 consultations was removed from the 2020 consultation and the DCO application. This is unacceptable given the adverse impacts on safety on both the SRN and local roads.</p>	<p>and Woolley Lane will benefit bus reliability and speed, the details of stop provisions will be undertaken further with TfGM and DCC as part of detailed design, particularly as there are proposed changes to operation of the bus routes and infrastructure with TfGM taking greater ownership of this process.</p> <p>Information on how National Highways has taken account of the Transport Decarbonisation Plan (Decarbonising Transport A better greener Britain) and the UK Net Zero Strategy is set out in response to point 9.69.24 below.</p> <p>The 2017 consultation included the following objectives:</p> <p><i>Improve the resilience of the routes through reductions in the number of incidents and by the use of technology to advise drivers of incidents along the route;</i></p> <p><i>Reduce the number of accidents and improve overall safety on the route.</i></p> <p>However the 2017 consultation was on a package of measures as follows:</p> <p><i>Two options presented for the Mottram Moor and A57(T) to A57 Link Roads</i></p> <p><i>Two options presented for the dualling of the A61</i></p> <p><i>The proposal to create two sections of climbing lanes on the A628 between Tintwistle and Flouch</i></p> <p><i>A package of safety and technology measures including the introduction of speed limits and installation of enforcement cameras, the installation of variable message signs, and improved road surfaces and markings</i></p> <p>Following further consideration of potential solutions, the dualling of the A61 was separated from the A57 scheme and progressed separately, as was the package of safety and technology measures. The climbing lanes on the A628 between Tintwistle and Flouch were removed from consideration all together.</p> <p>As a result of this for the 2020 consultation the scheme objectives related to the safety and technology elements of the 2017 proposal were omitted from the 2020 consultation and from the scheme application as specific objectives.</p> <p>However, as set out in the Case for the Scheme (REP2-016), paragraph 8.1.1, the Scheme will support walkers, cyclist and</p>

Response Reference	IP Issue		NH Response
			horse rider safety in the local area as footways/cycleways and public rights of way are improved, alongside identified road crossings.
9.79.31	<p><b>9.69.4 CPRE: Scheme does not meet its objectives</b> NH responded only to JTs - Refer to National Highways response reference 9.54.64 in its comments on Keith Buchan on behalf of CPRE PDSY deadline 4 submission (REP5-022) regarding journey times improvements between Sheffield and Manchester delivered by the Scheme. It is not possible to quantify likely changes in journey time reliability due to the Scheme. However, it has been established that when a road network is operating close to or at capacity, then small increases in traffic demand will often cause exceedance in capacity which results in swift and exponential growth in traffic congestion and delay. Consequently, relatively small fluctuations in traffic demand on a road network operating close to or at capacity, such as along the A57 through Mottram, can significantly alter levels of traffic congestion and delay and thereby, result in poor journey time reliability. The Scheme will increase road capacity on the A57 between Hollingworth and the M67 to accommodate forecast traffic growth, with most of the road network in the vicinity of the Scheme forecast to operate within capacity. Consequently, the Scheme will make this section of road network less sensitive to congestion and delay from fluctuations in traffic demand and, therefore, it is anticipated to improve journey time reliability. Environmental effects are reported in full in the Environmental Statement, within Volume 6 of the DCO application documents. There are no reported significant adverse effects within the PDNP.</p>	<p>The increase in traffic to and from the motorway “wet end” at the M67 roundabout will result in changes in journey times outside the modelled area which we now know have been damped down by the use of masking, fixed costs networks and coarse zone/network in the area where they would mostly occur (Greater Manchester) – on the road network west of the M67 roundabout. With respect to journey times our challenge was about the failure to present journey times between destinations in central Manchester and central Sheffield. In its answer in LH column NH has jumped from ‘regarding journey time improvements’ to, in the next sentence, dealing with ‘journey time reliability’. NH therefore appears to be retracting its claim of journey time improvements and relying on journey time reliability. The connectivity objective in the 2015 TransPennine Routes Feasibility Study included ‘reduction in journey times and improved journey-time reliability’. The reference to ‘reduction in journey times’ was not included in the objectives for the 2018 and 2020 consultations or the DCO application. Instead the latest objectives are concerned only with journey time reliability, which is not the same as journey time reduction. The removal of ‘reduction in journey times’ from the connectivity objective suggests that further work post-EAST analysis NH found that journey times would not decrease. Until the full journey times between Manchester and Sheffield centres are presented NH’s claim of journey time improvements remains unsubstantiated.</p>	<p>Regarding modelled and assessment of changes in journey times due to the Scheme, please refer to: <i>National Highways’ comments on CPRE Peak District and South Yorkshire’s response to the Examining Authority’s First Written Questions 3.1 &amp; 3.2 (REP3-021, pg. 6);</i> <i>National Highways’ Written summary of the response to Issue Specific Hearing 2 item 3b &amp; 3c (REP4-008 pg. 15);</i> <i>National Highways’ comments on CPRE Peak District and South Yorkshire’s Written Representations (REP4-009, para 2.1.20)</i> <i>National Highways’ comments on Deadline 4 submissions (REP5-022 response reference 9.54.63 &amp; 9.54.64)</i> <i>National Highways’ comments on Deadline 5 responses (REP7-025 response reference 9.69.128)</i></p>
9.79.32	<p><b>9.69.5 CPRE: The Transport Assessment Report is too superficial to allow full comprehension of the traffic effects. TAR did not supply sufficient detail to assess and comprehend the traffic effects. Subsequent material has cast some light on the significance of this but it should have been in the documents originally submitted.</b></p> <p>NH: TAR was prepared to best practice standards; National Highways has provided further detailed information regarding the traffic modelling during the examination as and when requested by interested parties. It is not normal practice to submit all the detailed information relating to the traffic and economic analysis and modelling of a scheme due to the complexity and sheer volume of the data that underpins it, which cannot generally be understood and interpreted by</p>	<p>There is substantial evidence that not only has the TAR not followed best practice but it is also inappropriate for assessing an NSIP. Guidance on preparing a Transport Assessment (TA) is presented on the Government planning website Paragraph: 015 Reference ID: 42-015-20140306. The outstanding point made is that ‘<b>it is unlikely that a Transport Assessment or Statement in itself could fulfil the specific role required of a transport element of an Environmental Impact Assessment where this is required</b>’ (our emphasis). On those grounds alone, which comprehensively undermine the results of the scheme’s impact on the environment, the TAR fails to meet best practice and is not fit for purpose. As the scheme is an NSIP it clearly requires an appraisal proportionate to that scale of development, not a TA proportionate to local</p>	<p>National Highways is satisfied that the Transport Assessment Report (TAR) (APP-185) has been prepared in accordance with best practice and provides key information relevant to the assessment of the Scheme. Additional detailed information requested by Interested Parties on the traffic modelling and the assessment of the Scheme has been provided by National Highways during the DCO Examination. The TAR presents an assessment of the Scheme being examined, it does not present an assessment of alternatives previously considered, such as any alternative scheme to achieve mode shift from road to rail. Alternatives previously considered by National Highways and the justification for their rejection are set out in Chapter 3 of the Environmental Statement (REP2-005) and section 2 of the Case for the Scheme (REP2-016).</p>

Response Reference	IP Issue		NH Response
	<p><i>interested parties, unless they are specialists in the fields of traffic modelling and economic analysis.</i></p>	<p>development. The TAR also fails on a number of other points in the guidance including on collaborative development with local planning/transport authorities and communities, and on assessment of public transport, walking and cycling.</p> <p>We brought this to the attention of NH and the Examination in Sept 2021 RR-0485 when Keith Buchan stated <i>It is important to note that a WebTAG compliant appraisal may or may not have been completed – but it has not been supplied. The Transport Assessment (TA) is not the same as an Appraisal (we teach this to our entry level graduates) although the TA supplied appears to refer to one... My specific objection is that insufficient evidence has been presented to the DCO to test compliance with Government policy or guidance. From what has been submitted it would appear that it does not.</i></p> <p>This view has now been substantiated by Keith Buchan's work on our behalf. The Examination is now relying on evidence from the four documents supplied to us by NH and submitted by us to the Examination (REP2-090) and on other information extracted from NH by Keith Buchan. His work has clearly shown that the DCO documents supply insufficient evidence to test the scheme's compliance with policy and a failure of the modelling to demonstrate the full impacts of the scheme. As these results inform the ES the DCO should be halted. The full options appraisal should be reviewed. If, as a result, the scheme remains the best option, the scheme should be reassessed with modelling that encompasses Greater Manchester, a full appraisal available for public scrutiny and a proper ES based on traffic flows that represent the full impacts of the scheme .</p> <p>Finally the applicant has no idea who may be participating or responding when it presents its DCO application. In respect of transparency, full disclosure should follow the Aarhus principles, the Gunning principles<sup>1</sup> and the requirements of NH's licence:  <i>15.19 ...the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:</i>  <i>a. Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;</i>  <i>b. Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;</i></p>	

Response Reference	IP Issue		NH Response
		<p><i>c. Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.</i></p>	
9.79.33	<p><b>9.69.6 CPRE: Alternative measures that would address the problem without invasive road building were dismissed inappropriately... Scheme supplies higher benefits to road users therefore the greater the difficulty in persuading them to meet the DfT Decarbonisation Strategy targets. This is also the reason that modelling the road scheme with the Decarbonisation Strategy traffic reduction targets applied to the forecast but without any specific measures to achieve them would be completely misleading. This applies to the carbon assessment as well as traffic.</b></p> <p><i>NH: The Scheme does not undermine sustainable alternatives. The scheme provides comprehensive improvements for non-motorised user, does not overall disadvantage bus services and does not preclude future improvements to public transport. See National Highways' response 3.9. to the Examining Authority's Second Written Questions (REP6-017) regarding the sustainable transport alternative. Forecast traffic demand used for the assessment of the Scheme is based on The Department of Transport's (DfT) National Trip End Model (NTEM) which has not been updated to reflect the DfT's Decarbonisation Strategy as this was only published in July 2021. This is too recent to have been incorporated into NTEM and, thus, the assessment of the Scheme. It also postdates consideration of alternatives to the Scheme and selection of the preferred option.</i></p>	<p>As walking, cycling and public transport have been omitted from the modelling and appraisal NH's claim cannot be substantiated.</p> <ul style="list-style-type: none"> <li>• Only a small amount of public transport use is included in the model, rail trips for which a car may be available, and appears to be modelled at a coarse regional level (NH have been emailed to clarify this). This was not disclosed by NH until the April 5<sup>th</sup> ISH despite constant reference to public transport as a whole in our emails and technical meetings</li> <li>• There is no explicit modelling of walking or cycling in the model</li> <li>• There is no account of the time or safety disbenefits of the proposed "walk with traffic" crossings of the new road layouts to pedestrians and cyclists – for example there will be no all red phase for them to cross the main part of the scheme at Mottram</li> </ul> <p>There is no traffic calming/road crossing/public realm strategy for either the existing or the new route</p>	<p>Please refer to National Highways' written Summary of Issue Specific Hearing 3 (REP8-019 response reference 9.75.14).</p>
9.79.34	<p><b>9.69.7 CPRE: A lorry ban coupled with sustainable transport measures and technological improvements was never fully tested in 2015. The test was on an earlier version, it was undertaken against a set of out of date objectives, has no allowance for a variable goods matrix, and relies on administrative complexity to reject it. These issues have still not been addressed.</b></p> <p><i>NH: The evaluation of the Scheme alternatives was undertaken in compliance with DfT's TAG applicable at the time.</i></p>	<p>Despite inadequate testing, in the EAST assessment the HGV control system with complementary sustainable measures was equally as effective as the current scheme at solving the problems along the route and only slight less effective at meeting the objectives (2015 TransPennine Routes Feasibility Study Stage 2 Annexes, page 11 in pdf, row 5.1). Now with all the results before us the results of the EAST assessment on the A57 Link Roads remains highly questionable.</p>	<p>Please refer to National Highways' response to the Relevant Representations (REP1-042), response reference RR-0170-1.</p>
9.79.35	<p><b>9.69.8 CPRE: The strategic case has not been updated, as we pointed out in December 2020. The Treasury updated its Green Book in November 2020 which gave the applicant plenty of time for a review of the strategic case. The 2015 high level assessment of options was not repeated and this was confirmed by email. Since this</b></p>	<p>The Treasury Green Book Nov 2020 accompanying 'Guide to developing the Project Business Case' clearly defines that review of a project is required at both the Outline Business Case (OBC) and Full Business Case (FBC). Chapter 6 Planning the Scheme and Preparing the Outline Business Case, Step 4 (pages 43-44), is concerned with</p>	<p>The intention of the Treasury Green Book guidance referred to is that options considered at any stage of scheme development should be revisited and assessed in full at Full Business Case (FBC) stage. In line with Green Book guidance, National Highways governance requires approval of a FBC for the</p>

Response Reference	IP Issue		NH Response
	<p><b>is the key part of the Strategic Assessment, without this it cannot be claimed that the Strategic Case has been updated.</b></p> <p>NH: <i>The updated Green Book postdates consideration of alternatives to the Scheme and selection of the preferred option.</i></p>	<p>determining the potential VfM and includes Action 9, Revisit the Strategic Outline Case (SOC) and confirm the short-list.</p> <p>The document also requires review of the Full Business Case and of the options (Chapter 7 Step 8 Procuring the VfM). The case for change must be revisited because the rationale for the project may have altered since the OBC was approved. The options identified in the OBC economic case must also be confirmed as still valid and that their rankings remain the same. The purpose of this action is evidence that the preferred option remains the same as that identified at the OBC stage. Any new options must be clearly identified and any adjustments to existing options explained. <b>If any of the key assumptions have altered, the FBC must demonstrate that the recommended option continues to offer better public value than the other available options, including the 'do minimum' (if applicable)</b> (our emphasis)</p> <p>There are therefore substantial grounds for review of the alternatives and of the case for change.</p>	<p>investment decision to commence construction. This is necessarily after the acquisition of powers (whether through DCO or another route), as this process itself can lead to changes in scheme scope and may add additional requirements that would need to be reflected in an option appraisal for an FBC. Hence, information on the final commercial deal that the FBC reports, and the full details and costs of the option to be constructed cannot be made available until after the DCO in this case has been made.</p> <p>The proposed scheme has gone through a number of stages of option analysis, review and refinement, each of which have taken account of evolving transport conditions and requirements, and reported these in Outline Business Case (OBC) economic cases underpinned by Transport Appraisal Guidance. The Transport Assessment Report provides an overview of this process whereby:</p> <ul style="list-style-type: none"> <li>• A longlist of options was developed and a refinement process used to identify those options which best met the scheme objectives, with the findings of this assessments presented in 2015</li> <li>• A short-list was taken forward for further assessment through a value management workshop in 2017, leading to a selection of two options to take through to a consultation exercise, following which a preferred route announcement was made</li> <li>• Through ongoing consultation with stakeholders and two statutory consultations, additional updates to the scheme were made in 2018 and a third round of statutory consultation was undertaken in 2020 leading to the current scheme design, finalised post-consultation in 2021</li> <li>• This was fed into the latest revision of the Outline Business Case in Summer 2021, which is compatible with the information provided in the Transport Assessment submitted with the DCO</li> </ul> <p>The purpose of review is to either confirm that previous findings remain valid or to identify where new information is likely to result in changes to those findings. When the last review was undertaken design work had continued to refine the scheme to achieve a best fit based on the latest available information. At that time, the benefits of the preferred scheme had been improved, and costs maintained, while there were no changes that would have affected the performance of the rejected option B, which remained more expensive, would affect more properties and had been less popular at public consultation. Hence, it would not have been a good use of public money to change the preference, nor to undertake any further appraisal of it. Whilst certain key assumptions, such as the value of greenhouse gas emissions, have become more prominent,</p>

Response Reference	IP Issue		NH Response
			<p>these have always been an important part of the assessment, with workshops used as recommended in guidance to ensure all versions of the scheme beyond the initial option sifting process continue to be aligned with the wider strategic objectives.</p>
9.79.36	<p><b>9.69.9 CPRE: The nature of the problem has not been defined in the DCO documents. At the strategic level, a failure to identify and assess against key objectives such as carbon reduction, improving air quality and road safety means the problems cannot be identified correctly. A neutral or small negative is not good enough; there are clear policies to make progress on all of these and the Green Book comparison is with expenditure which would generate progress in achieving these objectives.</b></p> <p><i>NH: An assessment of the Scheme covering carbon reduction, air quality and road safety has been undertaken by National Highways, with the outcomes of these assessments being reported in the Environment Assessment (Chapter 14 Climate (REP1-019) and Chapter 5 Air quality (REP3-006) and the TAR (APP-185)).</i></p>	<p>NH have not addressed the issue of problem definition or the need to follow the pathways (i.e. neutral isn't good enough) set out for carbon reduction, health or levelling up.</p>	<p>National Highways maintains that the Environmental Statement has addressed all these issues in an appropriate and proportionate way. There are no predicted significant effects for carbon emissions, air quality or health, and the Scheme supports 'levelling up' policies.</p>
9.79.37	<p><b>9.69.10 CPRE: It's piecemeal development - NH's arguments in 2.1.8 and 2.1.9 do not address the point that this scheme is what remains of previous, larger scale proposals; the whole issue of piecemeal implementation disguising real strategic impacts was dealt with as far back as the 1980s and SACTRA. To avoid giving that impression, NH should present its plans for the entire route, in the context of the wider SRN, and present the impacts and how they would be addressed along the entire route.</b></p> <p><i>NH: National Highways' plans for the entire route are set out in the Route Investment Strategy (RIS) for the A57/A628 corridor. The proposed Scheme represents National Highways' current approach to implementing the plans for the corridor identified in the latest, second, RIS period.</i></p>	<p>The Transport Assessment Report para 1.4.5 sets the scene for development of the scheme, the context of which is shown within the wider corridor, confirming the piecemeal implementation. <i>'Historically numerous proposals have been considered to address longstanding connectivity and congestion issues in the local area and beyond. The development of the Scheme has been considered alongside wider plans to improve Trans-Pennine connectivity'</i>.</p> <p>The 2017 South Pennines Route Strategy (NH's licence para 5.13 has a strategic direction to prepare route strategies for the SRN in order to develop and maintain an appropriate evidence base on the state and performance of the network) and RIS 2 confirm the piecemeal nature of the development.</p> <p>(a) The 2017 South Pennines Route Strategy identifies improvements for the entire A57/A628/A616 corridor.</p> <p>(b) RIS2 2020-2025 page 116 includes the Trans-Pennine Tunnel Study – <i>Manchester and Sheffield are not connected directly by a high-quality road. Work during RIS1 has shown that traffic between the two cities is one fifth of that between Manchester and Leeds. However, the presence of the Peak District National Park means that any action to correct this must take full account of</i></p>	<p>Please refer to National Highways' comments on CPRE Peak District and South Yorkshire Written Representations (REP4-009 paragraphs 2.1.8 &amp; 2.1.9).</p>

Response Reference	IP Issue		NH Response
		<p><i>potential environmental consequences. We will work in partnership with Transport for the North, local highways and national park authorities to finalise whether high-quality but cost effective connections can provide an appropriate balance between the levelling up of the economy and the environmental impacts on a valued and protected landscape.</i></p> <p>As well as failing to meet the need for a corridor approach and taking a piecemeal approach, there are likely to be further proposals (road based or otherwise) coming forward for the route. Depending on their nature, this scheme may need a radical redesign and this is a further reason for a strategic approach.</p>	
9.79.38	<p><b>9.69.11 CPRE: Instead of following Government guidance (webTAG at the time) the scope of the trans-Pennine Feasibility Study addressed the symptoms not the problem. The geographical scope of the study interpreted trans-Pennine as ‘connectivity between Manchester and Sheffield’, with the M62 excluded. National Park statutory purposes and policy were misunderstood and incorrectly applied. Objection from PDNPA confirms this.</b></p> <p><i>NH: Please see National Highways response to Second Written Question 4.2 in National Highways’ response to Second Written Questions (page 32, REP6-017).</i></p>	<p>We await NH's response to the questions asked at ISH 3 before responding to this.</p>	<p>National Highways has no further comment to make.</p>
9.79.39	<p><b>9.69.12 CPRE: The webTAG guidance towards generating and sifting options was not followed, and the assessment of the sifted options was not robust – 2015 sift of options is out of date and scheme has not been reassessed against strategic objectives</b></p> <p><i>NH: See previous responses regarding the Scheme assessment and consideration of alternatives postdating the DfT’s Decarbonisation Strategy and updated Green Book.</i></p>	<p>Despite inadequate testing, in the EAST assessment the HGV control system with complementary sustainable measures was equally effective as the current scheme at solving the problems along the route and only slightly less effective at meeting the objectives. Now, with all the results before us, the results of the EAST assessment on the A57 Link Roads remains highly questionable.</p>	<p>Please refer to National Highways’ comments on Relevant Representations (RR-0170-1 – REP1-042).</p>
9.79.40	<p><b>9.69.13 CPRE: Car Free Low Carbon Travel for Longdendale and Glossopdale measures. CPRE [in response to NH’s REP4-009 that these measures could be introduced outside of the scheme]: The increase in road capacity would increase car dependency and undermine GM’s policy aims for 50% of journeys by active travel and public transport by 2040, with a 17% reduction in car trips. DfT’s decarbonisation plan also seeks 50% of urban trips by active travel by 2030. Our proposed measures are aligned with the GM policies. MTRU has shown the disbenefits and costs this would incur to GM for at least the next 30 years. The key point is that the encouragement of driving in urban areas</b></p>	<p>No evidence has been supplied of reductions in journey distance. ES Ch. 14, para 14.9.7 refers to increases, not decreases, in vehicle kilometres as the cause of increases in climate emissions.</p> <p>It is worth noting that total vehicle kilometres was one of the first pieces of information requested in March 2021 and has still not been supplied.</p>	<p>Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.6 &amp; 9.75.12 – REP8-019).</p>

Response Reference	IP Issue		NH Response
	<p><b>directly undermines the policies for reducing by switching to walk, cycle and public transport, as set out in the DfT Decarbonisation Strategy and citywide policies such as in TfGM and Sheffield.</b></p> <p><i>NH: Both the Greater Manchester policies and the DfT Decarbonisation Strategy do not necessarily rule out increasing road capacity where necessary to enable economic development. The scheme enables significant reductions in journey distance, with trips to and from Manchester, which currently divert as far away as the M62 to cross the Pennines, being given a much more direct option. In addition, traffic through Mottram will be diverted onto the new link road away from populated areas.</i></p>		
9.79.41	<p><b>9.69.14 CPRE: Omission of Greater Manchester and Sheffield conurbations from the Study area. The further work and ongoing data received reveals how far the scheme impacts lie in an area which is outside the Area of Detailed Modelling and therefore subject to major interventions to reduce the impact on traffic through masking and the fixed cost function (FCF). The zones and network were revised to give more detail in the immediate area of the scheme. Given its impacts are mainly in Manchester, even with the damping effects of masking and FCF, a similar approach should have been adopted in those areas.</b></p> <p><i>NH: National Highways, in consultation with the relevant stakeholders, did not identify a requirement to further refine the traffic model within Manchester. National Highways and the relevant highway authorities are satisfied that the level of detail in the traffic model is entirely appropriate for proportionate assessment of the impacts of the Scheme.</i></p>	<p>When scrutinised NH's response carries no weight. TfGM has not taken part in the Examination. Two local authorities and the PDNPA submitted holding objections in response to the 2020 consultation and the DCO application. The objections were based on lack of information about traffic and transport modelling which suggests much information was missing to them and, implicitly, TfGM regarding the traffic modelling.</p> <p>The Statement of Common Ground [SoCG REP2-019] between NH and TfGM substantiates this assertion. It indicates intermittent engagement between the two parties since July 2016, the majority of which was emails concerned with local junction layout and traffic control, and bus stop arrangements. With respect to traffic modelling, which is mentioned twice, the SoCG is clear that discussion only applies to the junctions – November 23 2020 'meeting with TfGM to discuss urban traffic control and traffic modelling <b>specifically</b> at Mottram Moor junction, Woolley Bridge junction and Gun Inn junction' (our emphasis) and on 30 November 2020 'to discuss urban traffic control and traffic modelling at the M47 J4 junction'. There is no reference to impacts on Greater Manchester west of the M67 J4 roundabout or of the wider traffic modelling.</p> <p>The failure of the traffic modelling to accurately reflect the scheme's impact on Greater Manchester and evidence of the scheme's failure to support the goals of the Greater Manchester Transport Strategy Right Mix policy have only emerged late in the Examination and only as a result of Keith Buchan's work. The Examination is not aware of TfGM's response to this late emerging evidence.</p>	<p>Discussions regarding the Scheme have been ongoing with TfGM during the examination. National Highways is concluding an update to the SoCG with TfGM which it anticipates will be submitted at deadline 10.</p>
9.79.42	<p><b>9.69.15 CPRE: Traffic model refinement - The TPU Stage 3 combined modelling and appraisal report indicates that model refinement took place to alter the distribution</b></p>	<p>When scrutinised NH's response carries no weight. TfGM has not taken part in the Examination. Two local authorities and the PDNPA submitted holding objections</p>	<p>Discussions regarding the Scheme have been ongoing with TfGM during the examination. National Highways is concluding</p>



Response Reference	IP Issue		NH Response
	<p><b>of traffic within Glossop, and through Tintwistle.</b>            NH REP4-009 responded: <i>The traffic modelling used to assess the Scheme is based on a refined and improved version of the Trans Pennine South Regional Model. The zoning covering Glossop within this model was previously treated at an aggregate level that was considered too coarse for adequate assessment of the Scheme. Consequently, the model was refined to ensure that the distribution of modelled trips better reflected the geographical spread of local housing and employment across Glossop by disaggregating the demand into more finely defined zones. The refinement of the traffic model therefore enabled a more accurate assessment to be undertaken of the likely forecast impact of the Scheme on traffic flows, including within Glossop and through Tintwistle.</i></p> <p><b>CPRE responded - The NH response essentially supports our comments made above in 9.69.14 (in bold) – it's just that such refinement was not made in the western approaches to the scheme.</b></p> <p><i>NH: National Highways, in consultation with the relevant stakeholders, did not identify a requirement to further refine the traffic model within Manchester. National Highways and the relevant highway authorities are satisfied that the level of detail in the traffic model is entirely appropriate for proportionate assessment of the impacts of the Scheme.</i></p>	<p>in response to the 2020 consultation and the DCO application. The objections were based on lack of information about traffic and transport modelling which suggests much information was missing to them and, implicitly, TfGM regarding the traffic modelling.</p> <p>The Statement of Common Ground [SoCG REP2-019] between NH and TfGM substantiates this assertion. It indicates intermittent engagement between the two parties since July 2016, the majority of which was emails concerned with local junction layout and traffic control, and bus stop arrangements. With respect to traffic modelling, which is mentioned twice, the SoCG is clear that discussion only applies to the junctions – November 23 2020 'meeting with TfGM to discuss urban traffic control and traffic modelling <b>specifically</b> at Mottram Moor junction, Woolley Bridge junction and Gun Inn junction' (our emphasis) and on 30 November 2020 'to discuss urban traffic control and traffic modelling at the M47 J4 junction'. There is no reference to impacts on Greater Manchester west of the M67 J4 roundabout or of the wider traffic modelling.</p> <p>The failure of the traffic modelling to accurately reflect the scheme's impact on Greater Manchester and evidence of the scheme's failure to support the goals of the Greater Manchester Transport Strategy Right Mix policy have only emerged late in the Examination and only as a result of Keith Buchan's work. The Examination is not aware of TfGM's response to this late emerging evidence.</p>	<p>an update to the SoCG with TfGM which it anticipates will be submitted at deadline 10.</p>
9.79.43	<p><b>9.69.16 CPRE 4.2.7: In the context of the above model refinement the traffic forecasting results on the A628T east of Tintwistle and on Glossop High Street appear perverse.</b>  <i>NH: The traffic modelling accurately forecasts changes in traffic flows due to the Scheme, including on the A628 east of Tintwistle and Glossop High Street.</i></p>	<p>This is a statement without evidence to substantiate it. We still have no explanation for the perverse traffic modelling results which we, Daniel Wimberley and others have made apparent. A number of the modelled flows are significantly lower than DfT counts. The latest perversity relates to the current traffic flows on the Snake Pass. DCC has a counter on the Pass and in its press release announcing reopening of the route post landslip, stated:</p> <p><i>'The 12 mile section of the A57, known as Snake Road is one of the highest roads in the Peak District and is used by more than 30,000 vehicles each week including 1,500 HGVs.'</i></p> <p>We understand these are average 7-day figures which gives 4,286 vehicles per day including 241 HGVs. These figures accord with DfT figures along the route. By contrast NH's modelled AADT figures for the Snake Pass in 2025 without the scheme are 3,050 with 1% HGVs. NH's modelled AADT flows are 29% lower than those recorded by DCC on its</p>	<p>Please refer to National Highways' comments on Deadline 5 response reference 9.69.114 (REP7-025). The baseline traffic model has been calibrated against recorded peak period traffic flows, not AADTs. The traffic modelling for the Scheme is undertaken for the AM, Inter and PM peak periods and is not based on AADTs which are estimated by factoring up the peak period flow outputs from the traffic model.</p>

Response Reference	IP Issue		NH Response
		counter. This requires an explanation and challenges the traffic modelling results.	
9.79.44	<p><b>9.69.17 CPRE comment 4.2.10: It appears that refinement of the traffic model could have altered the outcomes for the environmental statement accompanying the DCO application. The assumption that modelled traffic would follow new routes may be unrealistic.</b></p> <p><i>NH: 2.1.16 The environmental statement is based on the traffic modelling undertaken to assess the impact of the Scheme, which as stated above, was refined to provide a higher degree of accuracy within the Area of Detailed Modelling (ADM). Regarding the assumption that modelled traffic would follow new routes may be unrealistic, see National Highways' response to 4.2.7 above.</i></p>	<p>This is a statement without evidence to substantiate it. We still have no explanation for the perverse traffic modelling results which we, Daniel Wimberley and others have made apparent. A number of the modelled flows are significantly lower than DfT counts. The latest perversity relates to the current traffic flows on the Snake Pass. In its press release 28 March 2022 announcing reopening of the route post landslip, DCC stated:</p> <p><i>'The 12 mile section of the A57, known as Snake Road is one of the highest roads in the Peak District and is used by more than 30,000 vehicles each week including 1,500 HGVs'</i></p> <p>We understand that DCC has a counter on the Pass and these are average 7-day figures which gives 4,286 vehicles per day including 241 HGVs, which accord with DfT figures along the route. By contrast NH's modelled AADT figures for the Snake Pass in 2025 without the scheme are 3,050 with 1% HGVs. NH's modelled AADT flows are 29% lower than those recorded by DCC on its counter. This requires an explanation and challenges the traffic modelling results.</p>	See response to item 9.69.16 above.
9.79.45	<p><b>9.69.18 CPRE: No details of these schemes or developments are supplied or appended to the TAR. We asked to see the full details of the uncertainty log</b></p> <p><i>NH: The uncertainty log is included in Appendices B &amp; C of the Traffic Forecasting Report that has previously been provided by National Highways to CPRE. The list of reasonably foreseeable developments that have been included in the traffic forecasts for the optimistic scenario sensitivity testis provided in Appendix A to this submission.</i></p>	The uncertainty log has a whole section missing which was detailed in our previous submission (REP2-070, para 11 pp12-13) and reaffirmed in our ISH3 General Oral Submission by Keith Buchan, page 1. We think NH have not used the DfT Uncertainty toolkit and will ask for this to be recorded in the SoCG.	The forecasts were developed in accordance with DfT TAG guidance (unit M4 'Forecasting and Uncertainty'), prior to the publication of the DfT Uncertainty Toolkit in May 2021. It is noted that the Uncertainty Toolkit is supplementary guidance and does not supersede unit M4. The development of the Uncertainty Log and resulting forecasts closely follows the guidance in TAG M4. The forecasts are therefore consistent with the spirit of the Uncertainty Toolkit in that they have facilitated assessments of the scheme for scenarios in which exogenous factors have served to significantly increase or decrease forecast road traffic. These assessments have been presented alongside the 'Core' scenario.
9.79.46	<p><b>9.69.19 CPRE Comment: 4.2.18 Traffic Forecasts - The prediction of what would happen (the core scenario) without the scheme is based on forecasts from the DfT's National Trip End Model (NTEM). These take no account of the latest policies and programmes and thus overstate the rate of traffic growth.</b></p>	NH have used Business As Usual forecasts which ignore the urban nature of the traffic predicted to use the scheme. There appear to have been new modelling runs, possibly using lower growth compatible with the Decarbonisation Plan. Details of these forecasts have not been supplied despite our requests. They would alter the value for money for this scheme as well as carbon and should be made	The assessment of the Scheme is based on the most up to date Department for Transport traffic forecasts. No alternative recognised traffic forecasts are currently available. The Government's Transport Decarbonisation Plan postdates the development and assessment of the Scheme.

Response Reference	IP Issue		NH Response
	<p><i>NH: The high and low growth scenarios have been prepared fully in accordance with the Department for Transport's (DfT) Transport Analysis Guidance (TAG).</i></p>	<p>transparent. Further details are in REP4-016 pp6-7 and in REP4-031 para 1 pp2-6.</p>	
9.79.47	<p><b>9.69.20 CPRE Comment: 4.2.19 Journey times are misleading and inadequate CPRE did not and does not assume that the times are the basis for the economic appraisal. It is precisely because we did not think they represented the traffic impacts across the network that we asked for the information eventually supplied by NH's consultants. To highlight significant changes in specific journey times, as NH do in the TA, is misleading if these are not reflected in time savings as used for the appraisal. The new analysis of where the benefits actually occur confirms the CPRE view and justifies our data request.</b></p> <p><i>NH: The journey times presented in the Transport Assessment Report (TAR) (APP-185) are intended to give a high-level overview of the changes in journey times due to the Scheme on key strategic routes.</i></p>	<p>With respect to journey times our challenge was about the failure to present journey times between destinations in central Manchester and central Sheffield. In this answer, as in its answer to 9.69.4 above, NH appears to be retracting its claim of journey time improvements by stating these give a high level overview of the changes.</p> <p>The connectivity objective in the 2015 TransPennine Routes Feasibility Study included 'reduction in journey times and improved journey-time reliability'. The reference to 'reduction in journey times' was not included in the objectives for the 2018 and 2020 consultations or the DCO application. Instead the objectives are concerned only with journey time reliability, which is not the same as journey time reduction. The removal of 'reduction in journey times' from the connectivity objective suggests that further work post-EAST analysis NH found that journey times would not decrease. Until the full journey times between Manchester and Sheffield centres are presented NH's claim of journey time improvements remains unsubstantiated.</p>	<p>Forecast changes in journey times between Sheffield and Manchester due to the Scheme are provided in the Applicant's comment 9.54.64 to the Deadline 4 submissions (REP5-022).</p>
9.79.48	<p><b>Climate effects</b> <b>9.69.22 CPRE 3.6.2 The DfT have advised National Highways that a sensitivity test based on the impact of the policy measures set out in Transport Decarbonisation Plan (TDP) (July 2021) can now be undertaken for schemes. The results of this test along with the updated GH emissions based on EFTv11 has yet to be presented. It will be critical that we (and other IPs) understand what is being proposed and that all the equivalent information to that requested by us is made available in good time so that we can subject it to the appropriate level of scrutiny and produce a proper response. This would include the matrices for traffic, cost changes and public transport To be compatible with the DfT reduction to net zero, a full walking and cycling matrix would have to be included. This is because the reduction depends on a major increase in use of these modes through switching from car use and to a lesser extent to rail freight. If the carbon outputs and economics change substantially (which is highly likely) that would mean all the documents submitted at the beginning of the DCO process would be out of date. We would ask for an immediate dialogue with NH on this if they are proceeding</b></p>	<p>NH did not respond to this request. We have received no additional information regarding the analysis of the sensitivity test or the updated GHG emissions based on EFT v11 as requested through deadline 6 submission REP6-033 and at the ISH3.</p> <p>We repeat our request for information and support Dr Boswell's analysis of the situation regarding this new modelling and his proposal that the Examination should be suspended to allow the applicant to prepare an adequate ES.</p>	<p>REP5-026 provided further data related to the operational carbon emissions assessment for the Scheme. This presents carbon emissions based on the Defra Emission Factor Toolkit (EFT) v11 (the ES assessment had used v10.1 which was the latest available at the time of the assessment) as well as a sensitivity test to provide upper and lower bounds of emissions under assumptions within the Transport Decarbonisation Plan (TDP) for the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> carbon budget periods. REP8-018 Appendix A provides details of the assumptions of this further assessment of carbon emissions. The year by year emissions based on the Defra EFT v11 were intended to be included in REP8-018 but have been omitted from the published version. These have been provided in Appendix A, of this document, submitted at Deadline 9. The TDP sensitivity test calculation method is subject to approval by DfT. Once approved the year by year emissions for TDP sensitivity test can be published.</p>

Response Reference	IP Issue		NH Response
	<p>with such re-modelling and sufficient time to take into account for what would have to be a revised submission.</p>		
<p>9.79.49</p>	<p><b>9.69.23 CPRE: The Applicant noted that the method used for the calculations within 4.4.23(a) (page 46) of the Written Representation is not clear, and therefore cannot comment. We supplied the calculation showing that a 63.4% (ie the UK's Nationally Determined Contribution) by 2030 of the current carbon emissions ~ 723,156tCO2 would require a reduction in emissions of 458,481tCO2. Instead with the scheme they increase to 756,232tCO2.</b></p> <p>NH: When considering the impact of the Scheme on operational carbon emissions the Do-Minimum (DM [without Scheme]) data should be compared to the Do-Something (DS [with Scheme]) data for both the opening year (2025) and the design year (2040). Comparing DM and DS data for 2025: 737,485 and 742,808 tonnes carbon dioxide equivalent (tCO2e) for operational carbon emissions respectively, gives a rise of 5325 tCO2e, the equivalent of a 0.7% increase in emissions with the Scheme Comparing DM and DS data for 2040: 785,179 and 792,072 tCO2e for operational emissions respectively, gives a rise of 6893 tCO2e, the equivalent of a 0.9% increase in emissions with the Scheme.</p>	<p>We undertook a calculation to show how, even without the scheme, carbon emissions require radical reduction. NH has ignored this evidence.</p>	<p>In National Highways response “Comparing DM and DS data for 2025: 737,485 and 742,808 tonnes carbon dioxide equivalent (tCO2e) for operational carbon emissions respectively, gives a rise of 5325 tCO2e, the equivalent of a 0.7% increase in emissions with the Scheme Comparing DM and DS data for 2040: 785,179 and 792,072 tCO2e for operational emissions respectively, gives a rise of 6893 tCO2e, the equivalent of a 0.9% increase in emissions with the Scheme.” The carbon emissions quoted are from the Environmental Statement assessment which was based on Defra Emission Factors Toolkit (EFT) v10.1 (published in August 2020, the latest available at the time of the assessment). Defra EFT v10.1 only included emission factors to 2030 and the assumptions on the proportion of electric vehicles was based on Base 2019r vehicle fleet composition projections (rtp_fleet_projection_NAEI_2017_Base2019r_v1_1)<sup>3</sup>, which assumed that less than 10% of vehicles would be electric in 2030. The assessment under EFT v10.1 is now considered a worst case as emissions were held at 2030 values and there is now expected to be an acceleration in the proportion of electric vehicles in the fleet.</p> <p>Further carbon emission calculations have now been undertaken based on Defra EFT v11, which was published in November 2021. Defra EFT v11 is still based on the Base 2019r vehicle fleet composition projections within Eft 10.1 but emission factors have been extended out to 2050.</p> <p>The year by year carbon emissions based on the Defra EFT v11 were intended to be included in REP8-018 but have been omitted from the published version. These have been provided in Appendix A of this document submitted at Deadline 9. Based on the EFT v11 DM and DS data for 2025 is 745,225 and 750,606 tonnes carbon dioxide equivalent (tCO2e) respectively, and for 2040 DM and DS data for 2040 is 577,427 and 582,472 tCO2e respectively. While 2025 emissions are higher under EFT v11 compared to EFT 10.1 absolute carbon emissions reduce between 2025 and 2040. Emissions would further reduce in future years under the TDP sensitivity test. Once the TDP sensitivity test calculation method has approval from DfT year by year emissions for TDP sensitivity test can be published.</p>

<sup>3</sup> Available at [REDACTED]  
 Planning Inspectorate scheme reference: TR010034  
 Examination document reference: TR010034/EXAM/9.79

Response Reference	IP Issue		NH Response
9.79.50	<p><b>9.69.24 CPRE demonstrated the requirement for sectoral reductions in DfT Decarbonising Transport and the UK's Net Zero Strategy.</b></p> <p><i>NH REP4-009 replied that neither Parliament nor Government has identified any sectoral targets for carbon reductions related to transport, or any other sector. There is no requirement in the CCA 2008, or in Government policy, for carbon emissions for all road transport to become net zero. NH quotes R(Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin) ("the TAN case")</i></p> <p><i>NH: These are general sectorial targets and are not specific to the roads sector. Our approach compares an inherently cumulative assessment to national budgets, recognising, for example, that there are no legal duties for local authorities to achieve carbon budgets and there is no sectoral level target for transport, nor a baseline. Please refer to the Applicant's response to Issue Hearing 2 Item 6 c) and d) (REP5-026) for a fuller description of the methodology employed here.</i></p>	<p>NH's licence requires <b>5.29</b> ... <i>the Licence holder <b>must</b> comply with or have due regard to relevant Government policy, as advised by the Secretary of State, with full regard to any implications for the Licence holder's ability to deliver the Road Investment Strategy (emphasis in the document).</i></p> <p><b>5.30</b> <i>For the purposes of this section, "relevant Government policy" means all current policies which:</i></p> <ul style="list-style-type: none"> <li><i>a. Relate to the activities of the Licence holder, and</i></li> <li><i>b. Have been:</i> <ul style="list-style-type: none"> <li><i>i. Published in England by or on behalf of Her Majesty's Government, or</i></li> <li><i>Indicated to the Licence holder by the Secretary of State.</i></li> </ul> </li> </ul> <p><b>Must</b> is emphasised in the document as a statutory direction so NH must comply with it. The carbon emissions must be assessed against the sectorial targets in the UK Net Zero Strategy.</p>	<p>National Highways maintains that the Scheme does not affect the UK's delivery of the Net Zero Strategy and will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets, and therefore meets the requirements of the National Highways Licence.</p> <p>The Net Zero Strategy sets out target-compliant "indicative delivery pathways" for each sector until 2037. The indicative delivery pathway is designed according to "our current understanding of each sector's potential, and a whole system view of where abatement is most effective". It is a full cross-sector strategy that has implications for consumer behaviour around modal shift, which in turn is linked to incentives to encourage the use of cleaner transport modes. Policymakers need to facilitate incentive schemes to support the behavioural change required to reach the net-zero target, including regulations, pricing, subsidies and incentives (e.g. for electric vehicle purchase). There is still a need for 'fit-for-purpose' infrastructure that is designed with a sense of place, and encourages active travel, which is what the Scheme achieves. The Scheme also has a Carbon Management Strategy and associated Carbon Management Plan in place to cut carbon from the construction stage.</p> <p>In a statement released by Transport Secretary on 14 July 2021, when the Transport Decarbonisation Plan (TDP) was published, he explained that the new plan "<i>is not about stopping people doing things: it's about doing the same things differently... We will still drive on improved roads, but increasingly in zero-emission cars</i>". The TDP intends to cut traffic growth through other measures, such as those to improve walking and cycling infrastructure and behavioural changes to facilitate a modal shift. The Applicant's response to question 8.8 of the Examining Authority's Second Written Questions (REP6-017) provides examples of how the Scheme is aligned with this approach for the operational stage.</p> <p>In granting development consent for National Highways' M54 to M6 Link Road scheme on 21 April 2022, paragraph 35 of the Decision Letter states:</p> <p><i>'The Secretary of State notes that the scheme will result in an increase in carbon emissions but that the view reached by the ExA is that it will not be so significant that it would materially impact on the ability of Government to meet its carbon reduction targets (ER 15.3.11). The Secretary of State does not consider that net zero means consent cannot be granted for development that will increase carbon emissions. The Secretary of State considers that, as set out in paragraph 5.18 of the NPSNN, it is necessary to continue to evaluate whether (amongst other things) the increase in carbon emissions</i></p>

Response Reference	IP Issue		NH Response
			<p><i>resulting from the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets.'</i></p> <p>The Applicant considers this to be relevant the Scheme is comparable to the M54 to M6 Link Road as its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.</p>
9.79.51	<p><b>9.69.61 CPRE: Alerting the ExA to a delay in submitting our completed work on alternatives and carbon, which was contingent on getting the requested information from NH. A simplified version was agreed at NH's request so this is now a part of what was already less than requested. We consider impact on public transport and other sustainable modes, and how this has been modelled, as critical to assessment of this scheme. It will be even more important if the scheme is subject to new modelling using a forecast based on the DfT Decarbonisation Strategy, which now seems to be being proposed by NH (page 37, Item 6 of the Response to the ISH2). Despite pressing NH repeatedly on this public transport issue we have still not received the data we requested. This has inhibited our ability to make complete submissions within the timescales available, which otherwise we would. We do hope you would accept a late submission once we have the outstanding data and have analysed it.</b></p> <p><i>NH: As of 7 March 2022 the Applicant has provided all of the information requested from CPRE, with the exception of the External to External modelled Public Transport movements. This is because external to external modelled public transport demand is fixed, we can confirm the variable demand model does not modify these trip patterns and these values do not form any part of the appraisal for the A57 Scheme, this reasoning has also been conveyed to CPRE.</i></p>		<p>National Highways has no comment to make.</p>
9.79.52	<p><b>9.69.54-56 CPRE specified the further information required on the new modelling using EFTv 11 and on the carbon sensitivity test using the carbon reduction trajectory in the DfT's Decarbonising Transport</b></p> <p><i>NH: refers us to REP5-069</i></p>	<p>REP5-069 does not supply the essential additional information required by the Examination in order to be able to understand the analysis that has been undertaken, see REP5-029 and Dr. Andrew Boswell's Deadline 8 submission</p>	<p>REP5-026 provided further data related to the operational carbon emissions assessment for the Scheme (reference to REP5-069 appears to be a typographic error). This presents carbon emissions based on the Defra Emission Factor Toolkit (EFT) v11 (the ES assessment had used v10.1 which was the latest available at the time of the assessment) as well as a sensitivity test to provide upper and lower bounds of emissions under assumptions within the Transport Decarbonisation Plan (TDP) for 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> carbon budget periods. REP8-018 Appendix A provides details of the assumptions of this further assessment of carbon emissions. The year by year emissions based on the Defra EFT v11 were intended to be included in REP8-018 but have been omitted from the published version.</p>

Response Reference	IP Issue		NH Response
			<p>These have been provided in Appendix A of this document submitted at Deadline 9. The TDP sensitivity test calculation method is subject to approval by DfT. Once approved the year by year emissions for TDP sensitivity test can be published.</p>
	<p><b>NH response to REP4-050 Daniel Wimberley post hearing submission</b>            9.69.114 In its response to REP4-050 NH describe how the traffic model is calibrated against recorded traffic flows so that the modelled traffic flows match observed traffic flows within predefined acceptable margins of error. This is done to ensure that the baseline traffic model provides an accurate representation of the current traffic flows and the operation of the road network and can, thereby, be used as the foundation for developing the forecast year traffic models. NH claims that Webtris is a more accurate source of data than DfT traffic counts.</p>	<p>These arguments do not account for the spurious results of the traffic modelling. Webtris only supplies traffic flow data for the SRN, not for any of the local roads. On a number of local roads including several links on the A57 the modelled traffic flows do not reflect estimated or counted flows (see Table below). It is completely implausible for modelled traffic flows without the scheme in 2025 to be between 10% and 63% lower, or 30% to 271% higher, than the observed trend between 2015 and 2019 (see table below). The only information available to us is AADTs from DfT (NH only supplies AADT on 4 local roads in TAR Table 3.8, all of which are similar to the 2025 DM modelled flows). NH should supply the AADT for all these local roads between 2015 and 2019 in order for the Examination to be able to understand these discrepancies.</p>	<p>Please refer to National Highways' written Summary of Issue Specific Hearing 3 (9.75.9 – REP8-019) and National Highways' comments on Deadline 5 submissions response reference 9.69.114 (REP7-025).            The baseline traffic model has been calibrated against recorded peak period traffic flows, not AADTs. The recorded peak period traffic flows were obtained from a combination of Webtris data and specifically commissioned traffic surveys.</p>
9.79.53	<p><b>Green Belt</b>            - NH claim the scheme is local transport infrastructure (LTI) for two reasons – (a) the Case for the Scheme justifies it as an LTI; (b) the scheme is an LTI according to NPPF 150c.            The Case for the Scheme sets out the justification            There is no justification or reasoned argument for the scheme being LTI in the Case for the Scheme. Para 7.5.15 only states '<i>It is considered that the Scheme does not constitute inappropriate development as: It is a regional/local transport development, of approximately two miles, that cannot avoid a Green Belt location. The only way to avoid developing in the Green Belt would be to not progress the Scheme. The option assessment has demonstrated that there are no viable alternatives for the Scheme</i>            Scheme is LTI under NPPF 150c</p> <p>There is no definition in the NPPF of what constitutes 'local transport infrastructure' but NH uses three arguments to make its claim that it is; (i) Impact Assessment of NPPF 2012; (ii) scheme provides local benefits therefore it is LTI; (iii) legal case support.</p> <p><i>(i) Impact Assessment of NPPF 2012</i></p> <p>NH argues as follows. 'When introducing the reference to 'local transport infrastructure' into the NPPF 2012, the Secretary of State, in his Impact Assessment, recognised that as well as the park and ride schemes already (at the time) deemed to be appropriate, "<i>other local transport infrastructure schemes could be beneficial to communities in the Green Belt</i>". An exhaustive list was not given but examples included (but were not limited to) infrastructure to support more public transport, such as opening new routes. The Impact Assessment noted that "<i>the policy change would enable local infrastructure schemes to be considered in the Green Belt without damaging the principles or protections of the Green Belt.</i>"</p> <p>NH has omitted the context for its arguments. Through the 2012 Impact Assessment the Secretary of State was considering policy changes to the NPPF 2012 (now replaced by the</p>		<p>National Highways has set out its justification for why the Scheme is considered to be local transport infrastructure. We would note that in the case of the A38 Derby Junctions DCO, the Inspector there found in relation to that scheme that "<i>it would frustrate the aims of NPSNN policy on the importance of improving the SRN if the exception for local infrastructure provided by paragraph 146(c) of the NPPF did not also apply to this NSIP</i>".            We would highlight that nowhere in the NPPF is the definition of "local transport infrastructure" limited to "local transport measures that Councils could undertake" as asserted by CPRE.</p>

Response Reference	IP Issue		NH Response
	<p>2021 version), and made four changes ‘<i>in order to resolve technical issues relating to current policy</i>’. The Secretary of State’s explanation for all four policy changes was that current policy had ‘<i>made it difficult for councils to consider development opportunities that could bring social, economic and environmental benefits to their communities, even if they cause no harm to the purpose of the Green Belt.</i>’</p> <p>One of these four changes was ii. ‘<i>Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure,</i>’ the specific rationale for which was as follows.</p> <p><i>In current policy, park and ride schemes in the Green Belt are ‘not inappropriate development’ provided that certain criteria have been met. There are other local transport infrastructure schemes that could be beneficial to communities in the Green Belt. This includes, for example, infrastructure to support more public transport, such as opening new routes, providing bus shelters and small public transport interchanges. The policy change would enable local infrastructure schemes to be considered in the Green Belt without damaging the principles or protections of the Green Belt.</i></p> <p>What is notable is that the Secretary of State made <u>no</u> policy change to accommodate a new NSIP or strategic dual carriageway. The change is focused on local transport measures that Councils could undertake, not on a scheme imposed by national Government on the locality.</p>		
9.79.54	<p>(ii) <i>Scheme provides local benefits therefore it is LTI</i></p> <p>Based on the above passages from the NPPF 2012 Impact Assessment NH argues ‘<i>Whether the scheme delivers local public benefits can therefore be seen as an important aspect of whether it can be considered as local transport infrastructure</i>’. What is important here is <b>policy</b> in NPPF 2021, not an Impact Assessment of an outdated NPPF.</p> <p>NH’s claim that the scheme would support local benefits is a circular argument and is also not supported by the Impact Assessment, as we have shown above. As we show below the scheme objectives primarily relate to national objectives, and the local benefits are outweighed by the local disbenefits.</p>		National Highways maintains its position that the Scheme would deliver clear local benefits.
9.79.55	<ul style="list-style-type: none"> <li>• <i>Legal case support</i> <ul style="list-style-type: none"> <li>• The interpretation of the meaning of ‘local transport infrastructure’ has been considered by various Examiners and the Secretary of State. NH refers to the M1 Junction 10a Grade Separation (Luton) 2013 decision and to the A19 / A184 Testo’s Junction Alteration DCO to support its claim that the dual carriageway is local transport infrastructure. Neither of these judgements support NH’s claim.</li> <li>• The M1 Junction 10a Grade Separation (Luton) 2013 decision as quoted by NH stated that:               <p><i>“The scheme is an NSIP, but not all NSIPs necessarily have national significance in themselves. This scheme’s objectives are all local and the improvements must be undertaken at and around the existing junction which lies in the Green Belt. Consequently I regard the scheme as a prime example of local transport infrastructure and accordingly it would not be inappropriate in the Green Belt”.</i></p> </li> </ul> </li> </ul> <p>Unlike the M1 Junction 10a Grade Separation (Luton), ‘<i>The Scheme has been developed to improve journeys between Manchester and Sheffield</i>’ (REP2-016 Exec Summ p6, Purpose of the Scheme). The Case for the Scheme 3.1.1 makes this clear:</p>		National Highways maintains its position that the Scheme would deliver clear local benefits in addition to wider improvements.



Response Reference	IP Issue		NH Response
	<p><i>'The purpose of the Scheme (together with other proposed TPU works being advanced separately to this DCO) is to address longstanding issues of connectivity, congestion, reliability and safety of strategic Trans-Pennine routes between the M67 at Mottram in Longdendale and M1 Junction 36 and Junction 35A North of Sheffield'.</i></p> <ul style="list-style-type: none"> <li>•</li> <li>• The Scheme's objectives are primarily strategic, as follows.</li> <li>• The first objective is to improve connectivity between the Manchester and Sheffield city regions. It focuses on the SRN, on reducing congestion and improving the reliability of people's journeys <u>through</u> three villages – there is no objective to improve the traffic situation <u>for</u> the three villages, for Glossop or on other trans-Pennine routes which provide local connectivity.</li> <li>• The second objective is also strategic as it seeks to avoid unacceptable impacts on the natural environment and landscape in the PDNP, a national designation with a national community. It also has a local element to improve air quality and noise in certain areas (not specified as local) through reduced congestion and removal of traffic from residential areas.</li> <li>• The third objective again is strategic - to reconnect local communities along the Trans-             <ul style="list-style-type: none"> <li>• Pennine route, again with no locality specified. According to NH's Southern Pennines Route Strategy 2017, both text and diagrams, the trans-Pennine route runs between the east and west coasts, supporting pan-regional travel across the north of England. The route offers important gateway access, including major ports in Liverpool, Bootle, Birkenhead and Humber, and Manchester Airport. It is part of the SRN for which NH claims pan-regional importance.</li> </ul> </li> <li>• The fourth objective concerns capacity - By reducing delays and queues that occur during busy periods and improving the performance of junctions on the route. Again NH has avoided specifying a locality as the first objective is seeking improved connectivity between the Greater Manchester and South Yorkshire City Regions. Included within the scheme's traffic modelling are other changes along the route for which NH does not require development consent but that are key improvements for those making journeys on the trans-Pennine route - Safety and technology improvements and improvements to the A616/A61 Westwood roundabout. These specifically address the congestion on the eastern sections of the route as shown in the 2017 South Pennines Route Strategy.</li> </ul> <p>The majority of the objectives for the scheme are strategic, as they are intended to mesh with future improvements planned for whole of the trans-Pennine route. This has been the theme since the 2015 Transpennine Routes Feasibility and the imbalance between strategic and local is well shown in the Equality Impact Assessment para 1.3 [APP-057] where the limited local benefits are outlined. They are exaggerated - traffic is removed from only one main road in Mottram in Longdendale, on the north-south route through the village traffic increases; better conditions for pedestrians and cyclists are not created throughout Mottram in Longdendale, as traffic increases on the north south route; reduction of congestion and delays in the area would not apply to Glossopdale where congestion and delays would increase. In conclusion, the scheme's objectives are primarily strategic, not local, and local benefits are limited. Therefore this legal case does not support NH's arguments.</p> <p>The ExA for the A19 / A184 Testo's Junction Alteration DCO considered that <i>"the Development Plan proposal support provided for the Proposed Development through a site allocation establishes that it is 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'", and the Secretary of State agreed with this reasoning, finding that that scheme was "not an inappropriate development on Green Belt land for which a very special circumstances case would need to be considered"</i>. The case rests on the definition of local transport infrastructure which as we have shown</p>		

Response Reference	IP Issue		NH Response
	<p>above does not apply to the dual carriageway. The scheme has been promoted as an NSIP by NH and it fulfils the Planning Act 2008 requirements for a highway to be an NSIP<sup>2</sup>. The dual carriageway therefore remains inappropriate development, according to NPPF 150c.</p> <p>NH then concludes that the Scheme can be considered a local transport scheme under NPPF paragraph 150 (c). As we have shown above none of NH's arguments can be substantiated when scrutinised.</p>		
9.79.56	<p>9.69.26 Scheme conflicts with the purposes of the Green Belt</p> <p>NH focused on refuting our comment that the scheme will create a new logical boundary to the urban areas. In REP5-028 page 19 we quoted the response by IP Savills on behalf of Crossways Commercial Estate REP2-084 for a new sustainable urban extension (SUE) of 600- 700 houses between the single carriageway and Hollingworth/Mottram Moor, as a good example of potential infill.</p> <p>A good example of the impact of new National Highways' SRN infrastructure on the Green Belt is that of the M65<sup>3</sup>. Before the motorway was built, Blackburn with Darwen was encircled by Green Belt to contain development and prevent sprawl into the surrounding countryside. The potential erosion of Green Belt was raised by objectors at the inquiry but the Department of Transport responded, '<i>there was no reason to expect significant development along the axis of the motorway.</i>' However, the construction of the motorway caused modification to the Green Belt boundary, which was cut back to the line of the motorway north of Junction 5 at Guide; the section between the motorway and Blackburn is now business and industrial development and housing.</p>		<p>The release of Green Belt land around Blackburn would have been driven by particular local circumstances that are not relevant to the Scheme. They are likely to be complex and multifaceted, and we do not believe it is reasonable or justifiable to say, as CPRE assert, that "the construction of the motorway caused modification to the Green Belt boundary". With regard to the potential development site being promoted by Savills, we would also highlight that Tameside MBC, the local planning authority who would authorise any potential Green Belt release, said in their Deadline 8 Submission - post-hearing submissions requested by the Examining Authority (REP8-027) that "<i>the land is currently designated as Green Belt and there is not the intention by TMBC to amend this.</i>"</p>
9.79.57	<p>9.69.27 The scheme must be assessed against Green Belt policy not against land take</p> <p>NH claims that the scheme is compliant with Green Belt policy, quoting the response of two local authorities to ExA questions regarding Green Belt. We await the answer to the questions posed in ISH3.</p>		
9.79.58	<p>9.69.28 Adverse impact on Mottram Conservation Area</p> <p>NH concludes that 'On balance therefore, it is considered that while the Scheme would result in adverse effects on the conservation area in relation to its setting around Mottram Moor and views from Edge Lane, there would also be a beneficial effect on the appearance and character of the conservation area during operation brought about by the substantial reduction in traffic on the A57 and associated reductions in noise and visual intrusion within the conservation area'.</p> <p>We are pleased that NH agrees with our assessment about the adverse impacts of the scheme on the setting of Mottram Moor and views from Edge Lane. However we do not agree with the balance struck. First, the adverse impacts are greater than NH describes – the western half of the dual carriageway streaming with traffic would be unscreened in views from Harrop Edge and Edge Lane. Second, the benefits are less than NH describes as the adverse impacts on Mottram's distinctive character have been ignored. Although traffic reduces on the western end of the A57 Mottram Moor and on Hyde Road within the Conservation Area, it increases in other parts of the Conservation Area - on Market Street and Stalybridge Road which both experience greater adverse impacts than without the Scheme. The increase on Market Street with its village cross is particularly adverse. Hence the overall balance is negative, as we showed in REP2-069.</p>		<p>Please refer to National Highways' Comments on Deadline 5 responses (REP7-025).</p> <p>The impact of predicted changes in traffic levels throughout the conservation area have been fully considered in the assessment presented at paragraphs 6.7.27 – 6.7.32 of the Environmental Statement (REP6-018), and have informed the assessment of a permanent slight adverse effect on the conservation area.</p>
9.79.59	<p>9.69.29 Scheme harms openness of the Green Belt</p> <p>NH claims that the Environmental Masterplan Overview REP6-020 demonstrates the landscape fit balances openness and alignment with landscape character. It does not. The Masterplan is a single aerial photograph with the scheme superimposed on the ground. This view may show the spatial layout of the scheme in two dimensions within the locality but it does not address all the other fundamentals that have to be taken into account with respect to openness. According to Government planning guidance these include but are not limited to:</p> <ul style="list-style-type: none"> <li>• '<i>both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its</i></li> </ul>		<p>The Applicant has previously responded to the matters of openness in Green Belt in the Applicant's written Summary of Issue Specific Hearing 3 (REF8-019) in terms of both spatial and visual aspects.</p> <p>The duration of the development is set out during both construction and operation. Please refer to Chapter 2 of the ES (REF2-005).</p> <p>The provisions made for the land future use within the LMA boundary are set out in the landscape proposal drawings.</p>

Response Reference	IP Issue		NH Response
	<p><i>volume;</i></p> <ul style="list-style-type: none"> <li><i>the duration of the development, and its remediability – taking into account any</i></li> <li><i>provisions to return land to its original state or to an equivalent (or improved) state of openness; and</i></li> <li><i>the degree of activity likely to be generated, such as traffic generation.'</i></li> </ul> <p>The 3-D character of the scheme, the visual aspects of the scheme, the permanency of the scheme and the substantial traffic volumes it would carry have not been addressed by the Environmental Masterplan Overview. Therefore no new evidence has been provided to refute harm the scheme imposes on the openness of the Green Belt.</p> <p>9.69.30 No 'very special circumstances' exist to outweigh the harm</p> <p>We will respond to NH's and the local authorities' answers to the questions posed in ISH3 at the appropriate deadline.</p>		<p>Traffic generation and flow has been addressed previously. As set out in item 9.75.101 in the Applicant's written Summary of Issue Specific Hearing 3 (REP8-019) the landscape and visual assessment was informed by proposed 3D in the form of CAD drawings and landscape section drawings (as explained previously) as well as by the site visit assessment and, to a lesser extent, by photomontages.</p>

## **11. REP8-035 Daniel Wimberley - Comments on the Proposed Development**

### **11.1. Section 1 - The Consultation Report**

11.1.1. Summary of key points made by Interested Party: The consultation report should be ruled out of play on the basis that insufficient information on traffic impacts was provided to the public, especially on roads within Glossopdale.

### **11.2. National Highways' response**

11.2.1. National Highways is satisfied that the level of detail of the information provided during public consultation was proportional, appropriate, and sufficient for both the public and stakeholders to reach an informed view of the relative benefits and disbenefits of the Scheme.

### **11.3. Section 2 - The Transport Assessment Report (TAR)**

11.3.1. Summary of key points made by Interested Party: The TAR excludes key information and is not, therefore, fit for purpose.

### **11.4. National Highways' response**

11.4.1. National Highways is satisfied that the Transport Assessment Report (TAR) (APP-185) has been prepared in accordance with best practice and provides key information relevant to the assessment of the Scheme. Additional detailed information requested by Interested Parties on the traffic modelling and the assessment of the Scheme has been provided by National Highways during the dDCO examination.

11.4.2. The TAR presents an assessment of the Scheme being examined, it does not present an assessment of alternatives previously considered, such as any alternative scheme to achieve mode shift from road to rail. Alternatives previously considered by National Highways and the justification for their rejection are set out in Chapter 3 of the Environmental Statement (REP2-005).

### **11.5. Section 3 - The Carbon Assessment**

11.5.1. Summary of key points made by Interested Party: The carbon assessment should be undertaken to comply with applicable laws and regulations so that the Examining Authority and other stakeholders can arrive at an accurate overall evaluation of the Scheme.

### **11.6. National Highways' Response**

11.6.1. National Highways is satisfied that the carbon assessment reported in Chapter 14 of the ES is proportional and appropriate. It is in accordance with DMRB LA 114, which is widely used and acknowledged as an industry standard for EIA assessments.

11.6.2. In granting development consent for National Highways' M54 to M6 Link Road scheme on 21 April 2022, paragraph 35 of the Decision Letter states:

*The Secretary of State notes that the scheme will result in an increase in carbon emissions but that the view reached by the ExA is that it will not be so significant that it would materially impact on the ability of Government to meet its carbon reduction targets (ER 15.3.11). The Secretary of State does not consider that net zero means consent cannot be granted for development that will increase carbon emissions. The Secretary of State considers that, as set out in paragraph 5.18 of the NPSNN, it is necessary to continue to evaluate whether (amongst other things) the increase in carbon emissions resulting from the Proposed Development would have a material impact on the ability of Government to meet its carbon reduction targets. As set out above, the carbon budgets should meet the goals of the Paris Agreement meaning a proposal which is compatible with the 2050 target and interim carbon budgets is consistent with the approach to addressing the severe adverse effects of climate change. The Secretary of State considers this aligns with the approach to significance set out in the most recent IEMA Guidance. The Secretary of State considers that the approach set out in the NPSNN continues to be relevant in light of international obligations and domestic obligations related to reducing carbon emissions that have come into force since the NPSNN was designated. The Secretary of State notes that the carbon budgets are economy-wide and not just targets in relation to transport. The scheme's contribution to overall carbon levels is very low and the Secretary of State agrees with the ExA that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.*

11.6.3. Also, at paragraph 54 of the Decision Letter, the Secretary of State states:

*'Given that the scheme will increase carbon emissions, it is given negative weight in the planning balance. However, the Secretary of State considers that weight also needs to be given to the Transport Decarbonisation Plan that will mean operational emissions reduce over time and that in relation to climate change adaptation the Proposed Development attracts positive weight in the planning balance.'*

11.6.4. National Highways consider this to be relevant to this DCO application as the Scheme is comparable to the M54 to M6 and the approach to the assessment (including the cumulative assessment) is consistent, in that the scheme's contribution to overall carbon levels being very low and that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets.

11.6.5. Please refer to National Highways' response to 'Daniel Wimberley Deadline 8 Submission - Comments on the Proposed Development (REP8-035)', as similar comments were made in this submission, including the justification for only assessing the direct effects of GHG emissions.

11.6.6. Please also refer to the National Highways' Deadline 9 response to Climate Emergency Planning and Policy's (CEPP) Deadline 8 submission 'Deadline 8 Submission - Written summary of oral submissions at Issue Specific Hearing 3', which provides further clarification of the carbon assessment approach in relation to the EIA Regulations, the NPSNN and the Net Zero Strategy.

11.6.7. Please also refer to the National Highways' Deadline 9 response to CPRE Peak District and South Yorkshire Branch's Deadline 8 submission 'Comments on

*submissions for Deadline 7* (REP8-034), which provides details on how the Scheme meets the requirements of the National Highways Licence.

## **12. REP8-036 Daniel Wimberley - Comments on Deadline 5 Submission and comments on the Proposed Development**

### **12.1. Chapter 1 Introduction**

12.1.1. Summary of key points made by Interested Party: Introductory text.

### **12.2. National Highways' response**

12.2.1. No response required.

### **12.3. Chapter 2 The Context**

12.3.1. Summary of key points made by Interested Party: Mr Wimberley provides an overview of the Climate Emergency.

### **12.4. National Highways' response**

12.4.1. No response required.

### **12.5. Chapter 3 The Applicant's position on carbon**

12.5.1. Summary of key points made by Interested Party: Mr Wimberley argues the following:

*the NPSNN has been overtaken by events and there is a change in circumstances since it was published; and*

*climate change should be considered as one of the most important aspects of sustainability, which is a general duty of the National Highways Licence.*

12.5.2. In Section 3 of this chapter, Mr Wimberley also provides a critique of National Highways' response to Issue Hearing 2 Item 6 c) and d).

### **12.6. National Highways' Response**

12.6.1. NPSNN remains the relevant National Policy Statement for the Examining Authority to base a recommendation on, and the Secretary of State to base a decision on.

12.6.2. The assessment reported in Chapter 14 of the ES (REP1-019) has considered net greenhouse gas (GHG) emissions against the six legally binding carbon reduction targets. The Net Zero Strategy was published after the DCO was submitted, however National Highways has submitted responses during the examination that demonstrates that the Scheme does comply with this policy, as it will not affect the UK's ability to meet the Net Zero Strategy delivery pathway or the carbon reduction targets required by NPSNN paragraph 5.18.

12.6.3. Please also see the National Highways' Deadline 9 response to Climate Emergency Planning and Policy's (CEPP) Deadline 8 submission '*Deadline 8 Submission - Written summary of oral submissions at Issue Specific Hearing 3*',

which provides further clarification on the Applicant's response to Issue Specific Hearing 2 Item 6 c) and d) Cumulative Carbon Assessment (REP5-026), in line with the general comments that have been raised by Mr Wimberley.

## **12.7. Chapter 4 The Applicant's Carbon Assessment – is it acceptable for this EiP and if not what is to be done?**

- 12.7.1. Summary of key points made by Interested Party: Mr Wimberley provides a commentary on the Applicants written summary of the Issues Specific Hearing 2 (REP4-008), concluding that, in not assessing the indirect effects of GHG emissions, the ES does not comply with the EIA Regulations.

## **12.8. National Highways' Response**

- 12.8.1. National Highways do not have any additional comments to make and maintains that the DMRB LA 114 assessment is appropriate and proportionate.
- 12.8.2. Please refer to the National Highways' Deadline 9 response to Climate Emergency Planning and Policy's (CEPP) Deadline 8 submission '*Deadline 8 Submission - Written summary of oral submissions at Issue Specific Hearing 3*', which provides further clarification of the carbon assessment approach in relation to the EIA Regulations, the NPSNN and the Net Zero Strategy.
- 12.8.3. National Highways is satisfied that the assessment of the direct effects of GHG emissions (i.e. increasing the emission of GHGs into the atmosphere) is proportionate and appropriate. Furthermore, an EIA assessment of the indirect effects of GHG emissions (i.e. the climate responses to the increased atmospheric temperature) from any development (not just this one) is not possible, as the effects are global and not limited to a specific geographical boundary.

## **12.9. Chapter 4 Conclusion and Coda**

- 12.9.1. Summary of key points made by Interested Party: Concluding paragraphs.

## **12.10. National Highways' Response**

- 12.10.1. National Highways does not have any additional comments to make.



### 13. REP8-037 Environment Agency - Post-hearing submission requested by the Examining Authority and response to relevant submissions made by the Applicant

Response Reference	IP Issue	NH Response																						
9.79.60	<p>Item [1] - EA Response To ExA's Request For Written Statement(s) Relating To Issue Hearing 3, Agenda Item 4</p> <p><u>Item [1a]: EA Outstanding Examination Concerns - Resolution Pathway / Timeline</u></p> <p>As requested by the ExA, as part of conversations held during the Issues Specific Hearing 3, we have undertaken initial and direct engagement with the applicant's chosen environmental consultant (Atkins Limited) as part of seeking resolution and/or progression of the EA's outstanding concerns in relation to the topics of: a) flood risk modelling climate change update, b) groundwater/dewatering risk assessment.</p> <p>Further to initial phone conversations, seeking agreement of forward approach, we (the EA) have provided the applicant's project team (within email issued to Atkins 08/04/2022), with details of the EA's provisional availability for several associated meetings, for the awareness of the ExA these are as follows:</p> <table border="1"> <thead> <tr> <th>Meeting (A)</th> <th>EA Attendee emails</th> </tr> </thead> <tbody> <tr> <td>Flood Risk Modelling &amp; Flood Risk Assessment Update</td> <td>██████████ – Project Manager ██████████ – Flood Risk Officer Flood modeller – To be confirmed</td> </tr> <tr> <th>Provisional Date</th> <th>Time Options</th> </tr> <tr> <td>Tues 19<sup>th</sup> April</td> <td>Any time between 10:00-12:00 Any time between 13:00-16:00</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Meeting (B)</th> <th>EA Attendee emails</th> </tr> </thead> <tbody> <tr> <td>Ground / Dewatering Concerns</td> <td>██████████ – Project Manager ██████████ – Contaminated Land Specialist ██████████ – Groundwater Specialist ██████████ – IEP Specialist ██████████ – IEP Specialist ██████████ – Land &amp; Water Officer</td> </tr> <tr> <th>Provisional Date</th> <th>Time Options</th> </tr> <tr> <td>Wednesday 20<sup>th</sup> April</td> <td>No longer applicable</td> </tr> <tr> <td>Thursday 21<sup>st</sup> April</td> <td>09:00-10:30 15:00-16:30</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Meeting (C)</th> <th>EA Attendee emails</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Meeting (A)	EA Attendee emails	Flood Risk Modelling & Flood Risk Assessment Update	██████████ – Project Manager ██████████ – Flood Risk Officer Flood modeller – To be confirmed	Provisional Date	Time Options	Tues 19 <sup>th</sup> April	Any time between 10:00-12:00 Any time between 13:00-16:00	Meeting (B)	EA Attendee emails	Ground / Dewatering Concerns	██████████ – Project Manager ██████████ – Contaminated Land Specialist ██████████ – Groundwater Specialist ██████████ – IEP Specialist ██████████ – IEP Specialist ██████████ – Land & Water Officer	Provisional Date	Time Options	Wednesday 20 <sup>th</sup> April	No longer applicable	Thursday 21 <sup>st</sup> April	09:00-10:30 15:00-16:30	Meeting (C)	EA Attendee emails			<p>National Highways has engaged with the Environment Agency in line with the programme of meetings set out in the EA's response. Engagement between the two parties will continue through the examination and beyond into the Detailed Design stage, where required.</p>
Meeting (A)	EA Attendee emails																							
Flood Risk Modelling & Flood Risk Assessment Update	██████████ – Project Manager ██████████ – Flood Risk Officer Flood modeller – To be confirmed																							
Provisional Date	Time Options																							
Tues 19 <sup>th</sup> April	Any time between 10:00-12:00 Any time between 13:00-16:00																							
Meeting (B)	EA Attendee emails																							
Ground / Dewatering Concerns	██████████ – Project Manager ██████████ – Contaminated Land Specialist ██████████ – Groundwater Specialist ██████████ – IEP Specialist ██████████ – IEP Specialist ██████████ – Land & Water Officer																							
Provisional Date	Time Options																							
Wednesday 20 <sup>th</sup> April	No longer applicable																							
Thursday 21 <sup>st</sup> April	09:00-10:30 15:00-16:30																							
Meeting (C)	EA Attendee emails																							

Response Reference	IP Issue	NH Response								
	<table border="1" data-bbox="305 329 1160 600"> <tr> <td data-bbox="305 329 736 499">Statement of Common Ground (SOCG) Agreement (subject to outcome of meetings A &amp; B)</td> <td data-bbox="747 329 1160 499">[REDACTED] – Project Manager Wider additional attendees TBC</td> </tr> <tr> <td data-bbox="305 508 736 533"><b>Provisional Date</b></td> <td data-bbox="747 508 1160 533"><b>Time Options</b></td> </tr> <tr> <td data-bbox="305 541 736 567">Friday 22<sup>nd</sup></td> <td data-bbox="747 541 1160 567">11:00-12:30</td> </tr> <tr> <td></td> <td data-bbox="747 575 1160 600">15:00-15:30</td> </tr> </table> <p data-bbox="305 617 1525 821">The intended aim/outcome of the meetings A, B and C outlined above will be to provide clarity to the applicant's project team of the EA's concerns regarding current examination reporting / submissions. In turn, this should enable collective understanding and agreement of the forward actions which will need to be taken applicant (in connection with the ExA where relevant) to resolve the EA remaining concerns within the time constraints of the examination.</p> <p data-bbox="305 888 1501 1100">Further to the above (also detailed as part of the email correspondence provided to the Atkins on 08/04/2022), we have advised that dedicated EA resource to progress review of updated flood modelling will be secured in alignment with our understanding that this will be provided to the EA by the applicant's project team on the w/c 11<sup>th</sup> April 2022. At the time of writing this letter, we can confirm that this resource has now been obtained in anticipation of further updated flood modelling submission.</p>	Statement of Common Ground (SOCG) Agreement (subject to outcome of meetings A & B)	[REDACTED] – Project Manager Wider additional attendees TBC	<b>Provisional Date</b>	<b>Time Options</b>	Friday 22 <sup>nd</sup>	11:00-12:30		15:00-15:30	
Statement of Common Ground (SOCG) Agreement (subject to outcome of meetings A & B)	[REDACTED] – Project Manager Wider additional attendees TBC									
<b>Provisional Date</b>	<b>Time Options</b>									
Friday 22 <sup>nd</sup>	11:00-12:30									
	15:00-15:30									
9.79.61	<p data-bbox="305 1167 1513 1339">As the engagement work outlined above can be considered to outside of the formal DCO examination process, we have advised the applicant's chosen consultant (as part of the email correspondence aforementioned) that extension to our pre-existing <u>chargeable agreement</u> will be required to facilitate the external engagements noted and have provided a cost estimation for this activity.</p> <p data-bbox="305 1356 1501 1528">At the time of issuing this letter, we are awaiting confirmation from the applicant's consultant that our estimating costing for facilitating this further work is acceptable and have received initial further correspondence regarding preference for the meetings outline above, we are awaiting clarification on the timescales for submission of further updated flood modelling for review and anticipate this will be provided in due course.</p> <p data-bbox="305 1545 1537 1675">As noted during Issue Specific Hearing 3, it will not be possible to confirm and exact resolution pathway for outstanding EA concerns at this present time (as there is a significant number of variable / complexities). However, it is anticipated that the actions above should provide an appropriate forward solution.</p>	National Highways has no comment to make.								
9.79.62	<p data-bbox="305 1692 1412 1730"><u>Item [1b] – Development Consent Order, Schedule 2, Part 1 Requirements Wording</u></p> <p data-bbox="305 1793 1513 1898">As requested by the ExA, as part of conversations held during the Issues Specific Hearing 3, please detailed below our written response to the question(s) raised regarding the EA concerns the current wording of DCO Schedule 2, Part 1 Requirements, notably:</p>	The wording of the identified dDCO requirements were discussed during the suite of meetings held between the Applicant and the EA week commencing 18 April 2022. The Applicant has since updated the wording of Requirement 6 in the dDCO as discussed with the EA during these meetings. A copy of the updated wording for requirement 6 has also been provided to the EA so that they may confirm their approval. The Applicant has updated the documents supporting Requirements 4 and 9 to address comments made by the EA and in line with the discussions held in the meetings in the week commencing 18 April. The revised documents								

Response Reference	IP Issue	NH Response
	<ul style="list-style-type: none"> <li>▪ Requirement 4(1) – Second Iteration Environmental Management Plan (EMP)</li> <li>▪ Requirement 6(1) – Contaminated Land Assessment</li> <li>▪ Requirement 9(1) – Flood Risk Assessment</li> </ul> <p>As acknowledge during the discussions held for Issues Specific Hearing 3, Agenda Item 4, given the time remaining for the examination determination and the associated challenge of producing and gaining approval revised and/or additional reporting / modelling, it may prove necessary to seek to include additional and/or revised Grampian condition requirements within the Schedule 2 of the Development Consent Order for the A57.</p> <p>In instance(s) where a Grampian conditional approach is taken, we advise that it will be necessary to ensure a) where necessary, that sufficient baseline information/reporting is available to support the approach and b) that conditional wording for any submission requirements is clearly defined and in accordance with National Planning Policy Framework (NPPF) condition guidance.</p> <p>Where further condition submissions are dependent upon pre-defined 'baseline reporting' (e.g. the First Iteration of the Environmental Management Plan), we would advise in such instances that it will be necessary to ensure prior to examination DCO finalised such reporting is complete i.e. that there is no doubt over the scope of further submissions to be made (e.g. as part of the Second Iteration of the Environmental Management Plan).</p> <p>Further commentary on Requirements 4(1), 6(1) and 9(1) is provided under Item [2] below.</p> <p>For avoidance of doubt, we also acknowledge that there is requirement to consult the EA on Schedule 2 Requirement 8(1), to confirm, the wording of this requirement is welcomed, and we have no issues with the current wording proposed.</p>	<p>have been provided to the EA for approval and are expected to ensure no further revisions to Requirements 4 or 9 are required. Please all see the Applicant's responses to the ExA's schedule of changes to the dDCO submitted alongside this document at Deadline 9. The Applicant can confirm that the updated dDCO was submitted at Deadline 9.</p>
9.79.63	<p>Item [2] - EA Response / Review of Deadlines 3, 6 and 7 Formal Submissions</p> <p><u><a href="#">Deadline 3 [ REP-3-025]: TR010034/EXAM/9.43 – Hydrogeology Risk Assessment – A57 Link Roads Development Consent Order 2022</a></u></p> <p>As noted within previous EA examination correspondence and as part of oral representations made during Issue Specific Hearing 3, we advised that our Groundwater and Contaminated Land Team we would shortly be seeking to provide the applicant / ExA with technical commentary on the Hydrogeological Risk Assessment reporting (outlined in full above) submitted under examination Deadline 3. As advised and instructed, please find commentary for this report detailed below.</p> <p>Hydrogeological Risk AssessmentHydrogeological Risk Assessment</p>	<p>During the meeting held between the EA and the Applicant on 21 April 2022 the EA confirmed that, in addition to the high-level comments on the Hydrogeological Risk Assessment provided in this submission, they were preparing detailed technical comments for the applicant. The EA indicated that these comments should be available 2 weeks after the meeting.</p> <p>The Applicant has made a request to further engage the EA on the detailed comments however, the EA have advised that they do not have capacity at this stage to further engage.</p>
9.79.64	<p>The Hydrogeological Risk Assessment has been developed by the applicants' environmental consultants to support and enable an improvement understanding of the hydrogeological conditions that are present along the length of the proposed highway /link road development. Previously, we have been unable to progress review and validation of the conclusion of the Hydrogeological Risk Assessment as the associated reporting / data required to do so (supplementary 2021 ground investigation provided under Deadline 7) has been unavailable for our review / consideration.</p> <p>As listed under Item [2] above, a copy of the associated ground investigation (GI) reporting [REP-7-027] has now been provided by the applicant. However, as noted during representation made for Issue Specific Hearing 3, initial review by the EA of the GI identified</p>	<p>It is understood that a final version of the factual data report from the 2021 ground investigation has now been provided to the EA.</p> <p>The Applicant refers the EA to the 'Spatial extent and shape of the zone of influence' response to Item 4 of the Issue Specific Hearing 3 [REP8-019].</p>

Response Reference	IP Issue	NH Response
	<p>that the relevant associated data used to inform the report (e.g. borehole sampling logs) have at this present time been provisioned. At the time of writing this letter, we have yet to receive from the applicant / their chosen environmental consultant the missing associated information / data for the GI report (and also any other wider relevant investigation reporting – see noted under GI response below). Consequently, we advise that our present review / commentary of the Hydrogeological Risk Assessment has been limited.</p> <p>We acknowledge that a buffer zone (250 m) and Zol (Zone of Influence Zol: 0.5 km radius buffer around the DCO boundary for surface water and a 1 km radius buffer for groundwater) around the development have been calculated. However, we advised that, further to this, we have identified several geological units, associated aquifers and corresponding recharge zone (s) that extend far beyond the areas defined within the current buffer zone and Zol. The geological units/ aquifer(s) aforementioned are likely to support locally important groundwater resources, including but not necessarily limited to: boreholes, wells, springs, surface water features (ponds / lakes) and surface watercourses.</p> <p>Due to the potential for the interconnectivity of the scheme with the additional groundwater resources/features noted above, there is the possibility, unless robust assessment and/or mitigation measures/procedures are implemented, that the development could have (during and post-construction) a notable adverse impact on geographical areas which extend beyond the existing buffer zone and the Zol which has been established / defined. This potential for adverse impact is especially notable in relation to any scheme/development activities which involve the dewatering of below ground level cuttings, underpasses and/or other similar features.</p>	<p>Following the meeting with the EA on 21 April 2022, the Applicant is waiting to receive the EA's detailed technical comments on the Hydrogeological Risk Assessment.</p>
9.79.65	<p>Our holistic review of the Hydrogeological Risk Assessment and 2021 supplementary GI has identified a much more complicated situation (geographic conditions) than we first considered and then which is currently presented / detailed within the applicant's reporting. The Hydrogeological Risk Assessment provided has sought to establish a pre-construction baseline condition. However, as submitted, this (the Hydrogeological Risk Assessment) only provides a forward position for monitoring and assessment once the development is complete (as detailed under sub-section 4.8)- as part of a groundwater management strategy inferred to be secured through the REAC and EMP. In relation to this, we note that it not currently clearly stated within the Hydrogeological Risk Assessment how/where this groundwater management strategy would be provisioned for as part EMP submissions.</p>	<p>It was agreed during the meeting with the EA on 21 April 2022 that the detailed Dewatering Management Plan could address any potential limitations of the Hydrogeological Risk Assessment and will contain the detail for groundwater management and monitoring during the temporary and permanent dewatering operations. The scope of the Outline Dewatering Management Plan will be submitted for Deadline 9. This document was also issued to the EA on 27 April 2022 for comment/review.</p>
9.79.66	<p>The Hydrogeological Risk Assessment does not currently provide a position on / or assessment of the scheme's construction which will be essential to the progression of the development and understanding potential risk.</p> <p>We consider that the current decision for the Hydrogeological Risk Assessment not to include consideration to construction activity is a flawed approach to assessment and protection of the locally significant water resource environment. Unless further additional consideration and assessment is given to potential the adverse impact (and thus understanding of mitigation measures required), as raised within previous EA examination correspondence, there is the potential for a scenario in which unanticipated dewatering of the local aquifer could occur which, in turn, could lead to an abundance of shallow groundwater flow (both during and after construction).</p> <p>Whilst we acknowledge that there will be an intention to manage water during and post-construction (as noted under the several associated management plan requirements of the Environmental Management Plan / Schedule 2 4(1)), we would advise that without further</p>	<p>Following the meeting with the EA on 21 April 2022, the Applicant is waiting to receive the EA's detailed technical comments on the Hydrogeological Risk Assessment. These comments will inform ongoing discussions with the EA about further investigation and assessment that may be required.</p>

Response Reference	IP Issue	NH Response
	<p>initial assessment, to inform these activities (and confidence that this will be delivered) there is the possibility that any mitigations measures identified/ proposed will be insufficient and/or overwhelmed. In such an instance, this could lead to an uncontrolled discharge to surface waters and for which enforcement action may need to be taken.</p>	
9.79.67	<p>Given the nature of groundwater within the locality of the development, there is potential (the possibility also of sediment and surface contaminant entrainment notwithstanding) that any uncontrolled discharge will be of a chemical composition / concentration significant enough to cause adverse impact. Whilst some screening of groundwater quality against EQS appears to have taken place, we been unable to review the associated raw data results (as these have not been provided as part of the examination submissions), this data will be required for us to further assess potential risk.</p> <p>Additional to the above, without further assessment/ investigation (and where required mitigation) there also remains the potential risk that the proposed development and its construction (e.g. dewatering activities) could result in notable adverse alteration to current controlled water conditions/volume. A reduction in flows could amplify the adverse impacts of any uncontrolled uncontaminated discharge (reducing dilution factor). This potential impact (reduced dilution) could also potentially be unintentionally further augmented wider third-party activities e.g. if United Utilities applies for a drought permit for the Longdendale Reservoirs (linked to the River Etherow) this could reduce compensation flow discharged from the reservoirs (from 45.5 MI/d to either 22.5 MI/d or 15 MI/d) thereby amplifying the effect of any uncontrolled discharge.</p> <p>Regulation 33 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 places a duty on public bodies (including Highways England) to 'have regards to' relevant River Basin Management Plans (RBMPs). This means they must ensure they do not undertake (nor authorise) a project which may jeopardise the current status of a WFD element or cause its deterioration. Similarly, in accordance with the Environmental Permitting (England and Wales) Regulations 2016 (EPR), it must be ensured that any discharge to surface water or ground, not considered to constitute 'uncontaminated water', is governed by an appropriate exclusion, regulatory position statement (RPS) and/or environmental permit (EP).</p>	<p>As discussed in the meeting with the EA on the 21 April 2022 the final version of the Socotec factual report (including the raw groundwater quality results) has been issued to the EA for information</p> <p>Following the meeting with the EA on 21 April 2022, the Applicant is waiting to receive the EA's detailed technical comments on the Hydrogeological Risk Assessment. These comments will inform ongoing discussions with the EA about further investigation and assessment that maybe required.</p>
9.79.68	<p>In relation to the above, as noted with the Hydrogeological Risk Assessment and discussed during Issue Specific Hearing 3, we note and acknowledge that it will be the intention of the applicant to provide further assessment (and potentially investigation) as part of the EMP submissions secured under Schedule 2 4(1) as informed by the REAC. Further commentary on the EMP and REAC submissions is detailed below (see further Item [2] letter sections). However, to summarise our primary associated concern briefly, our review of the EMP has identified that limited and/or no detail of the further associated sub-management plans (e.g. the Dewatering Management Plan) has provided by the applicant (with it being stated within the EMP that these will be provided at the detailed design stage). In the present absence of this detail, we do not have sufficient confidence that further assessment and investigations needed to address the risk(s) outlined above will be provisioned for and that this will be fully secured through the requirement wording for Schedule 2 4(1) – as this states the second iteration of the EMP should be "substantially in accordance with the first iteration EMP".</p>	<p>It was agreed during the meeting with the EA on 21 April 2022 that the Dewatering Management Plan will contain the detail for groundwater management and monitoring during the temporary and permanent dewatering operations. A high level outline of the Dewatering Management Plan will be submitted for Deadline 9.</p>
9.79.69	<p>In virtue of the above and cognisant of the time remaining for the DCO examination, we recognise that it may not prove possible for possible for the applicant to address the limitations of the first iteration EMP (and gain necessary approvals) within the remaining timeframe. In anticipation for such a scenario, to address our concerns (as submitted) we</p>	<p>It was agreed during the meeting with the EA on 21 April 2022 that the reassurance required by the EA can be provided through an updated REAC and the submission of an outline Dewatering Management Plan for Deadline 9, avoiding the need for the inclusion of a Grampian requirement.</p>

Response Reference	IP Issue	NH Response
	<p>would be minded to advise to the ExA the potential inclusion of Grampian requirement (italics) to the effect of the below, thus ensuring that our concerns outlined above will be addressed: Prior to the commencement of development, a suitable hydrogeological risk assessment report shall be submitted to and approved in writing by the Secretary of State, following consultation with relevant authorities, including the Environment Agency, that addresses risks to the groundwater resources that may be impacted by the construction of the development covered by this development consent order. The report shall include the following components:</p> <ul style="list-style-type: none"> <li>• <i>Development of the pre-construction baseline conditions of all features identified during a comprehensive water features survey.</i></li> <li>• <i>Development of an adequate hydrogeological model for the area that has been identified as being affected by the construction of all elements of the highway development</i></li> <li>• <i>Development of suitable monitoring locations and parameters to be used for the duration of the construction of the highway development and will serve as monitoring points for the verification of a successful scheme.</i></li> <li>• <i>Development of a dewatering plan and groundwater monitoring plan that shall be implemented to ensure the continued safeguards abstractions that have been identified as a part of the agree water features survey.</i></li> </ul> <p>Production of the report outlined above should be carried out by a competent person(s) in line with paragraph 178 of the NPPF.</p> <p>Without confidence that further assessment and investigations required to understand and address the risks outlined above will be provisioned for (either via the requirement suggested above or update to the EMP), we would be minded object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution and/or that the natural water resources that are present (and utilised) would not be adversely impacted by the development and the identified dewatering process.</p>	
9.79.70	<p><u>Deadline 6 [REP6-008]: Register of Environmental Actions and Commitments (REAC)</u></p> <p>For the purpose our written commentary on the REAC and for ease of any further associated discussions required within the applicant / Examining Authority, we have grouped our commentary below under relevant environmental topic subheadings.</p> <p><u>Flood Risk Commentary</u>          Reference by the applicant to obtaining relevant flood risk activity permit(s) (FRAP) from the EA is made in RD1.1 (Table 2.1) this is welcomed.          As part of RD1.1 it is noted that a FRAP(s) will be required for the River Etherow for a “programme works to minimise impacts on compensatory flood storage areas during construction”. Although we welcome the confirmation and need identified by the applicant for a programme of works that minimises temporary impact on flood plain storage capacity, we</p>	<p>Commitment RD1.1 has been updated in the REAC following engagement with the EA. The latest version of the REAC was submitted into the examination at Deadline 9.</p>

Response Reference	IP Issue	NH Response
	<p>would advise that ExA this 'programme of works' cannot specifically be controlled within by a FRAP.</p> <p>The applicant (Highways England) is considered under section 6(13) of the Flood and Water Management Act 2010 to be a risk management authority. By virtue of paragraph 3(2) of Schedule 25 Environmental Permitting Regulations 2016, where a risk management authority is carrying out an activity relating to the management of flood risk, that activity is excluded from the definition of 'flood risk activity' for the purposes of activities (d) to (k) of paragraph 3(1) of Schedule 25 EPR. Consequently this means that a risk management authority is <u>not</u> required to obtain a FRAP for anything except those activities listed in (a)-(c), which are as follows:</p> <ul style="list-style-type: none"> <li>(a) erecting any structure (whether temporary or permanent) in, over or under a main river;</li> <li>(b) the carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work;</li> <li>(c) erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river;</li> </ul> <p>To confirm from the above, in virtue of this, the FRAP process will not have the ability to control the timing/phasing of flood plain loss / compensation.</p>	
9.79.71	<p>Under RD1.20 (Table 2.1) of the REAC it is recognised by the applicant that construction activity in the vicinity of the River Etherow, including compensatory flood storage provision will require careful programming / sequencing to ensure flood risk is minimised whilst construction takes places within the River Etherow floodplain. It is also further stated that compensatory storage will be provided prior to construction commencing in this area.</p> <p>Whilst the above statement by the applicant that compensatory storage will be provided in advance of construction commencing is welcomed. We advise that the due to limitations of FRAP control outlined above, that the ExA may consider it pertinent to require that this commitment is formalised as separate further requirement within Schedule 2 of the DCO (thereby providing greater confidence of accordance with paragraph 167 of the NPPF), unless the applicant advises otherwise (i.e. that this commitment will be accounted for elsewhere e.g. within the environmental control/management plans of the EMP).</p> <p>If the former is true (separate requirement) then we advise that wording to effect of the below may provide suitable for governing this requirement (<i>italics</i>):</p> <p><i>Pursuant to Requirement 4(1-2), prior to the commencement of development, a programme outlining the intended schedule and/or phasing of construction works shall be submitted to, and approved in writing by, the Secretary of State, following consultation with relevant authorities, including the Environment Agency [insert other relevant authorities]. The programme shall:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Demonstrate how any compensatory measures required to avoid and/or mitigate adverse environmental impacts have been factored and, where necessary, associated activities prioritised.</i></li> </ul>	<p>Commitment RD1.20 has been updated in the REAC following engagement with the EA. The latest version of the REAC was submitted into the examination at Deadline 9.</p>





Response Reference	IP Issue	NH Response
	<p>As outlined within the EMP, the Environmental Method Statements (EMSs) and Managements Plans (MPs) associated with this are key documents for ensuring that construction-related mitigation measures and actions set out in the REAC are successfully implemented.</p> <p>As noted within the 1<sup>st</sup> iteration (section 1.48) it is anticipated by the applicant that some or all the EMSs / MPs will need to be prepared/ finalised as part of the second iteration of the EMP (as flagged within the REAC). In relation to this, and as discussed during Issue Specific Hearing 3, whilst we have no objection, in principle, to this approach, particularly for aspects of notable environmental concern (i.e., adverse groundwater / dewatering impact) we would advise the ExA that to fully support this, that it will be necessary for the applicant to either a) provide sufficient baseline reporting (which demonstrates that the risks are fully understood) or b) clearly define for the forthcoming contents of relevant MPs / EMPs.</p> <p>In the context of the above, with focus (example) on our groundwater/dewatering impact concern, we are disappointed that the first iteration of the EMP does not contain outline (or otherwise) versions of all of the EMSs / MPs which we anticipated are/ would to be associated with this matter e.g. the Dewatering Management Plan.</p> <p>In accordance, with the above, in the absence of outline/full EMSs / MPs or suitable standalone requirement (as per the wording suggested under our commentary for the Hydrogeological Risk Assessment), we would advise the ExA that reliance must be placed upon the GI and Hydrogeological Risk Assessment reporting submitted in completeness - which as noted within the wider contents of this letter are not considered, as presently submitted, to be sufficient.</p>	<p>Applicant will continue to engage with the EA to develop the Outline Dewatering Management Plan throughout the Detailed Design stage.</p> <p>The Applicant is continuing to engage with the EA on the Hydrogeological Risk Assessment and the Supplementary GIR and has requested further meetings with the EA to discuss the Hydrogeological Risk Assessment, in particular, however the EA have stated that they do not currently have capacity for further engagement on this topic at this time.</p>
9.79.76	<p><u>Deadline 7 [REP7-014]: TR010034/EXAM/9.16 Rev 2.0 – Draft / Updated Statement of Common Ground (SoCG) with EA</u></p> <p>As noted under Item [1] above, further engagement between the EA and the applicant's chosen environmental consultant(s) is expected to occur prior to finalisation of the DCO examination. Consequently, we anticipate that further update / amendment to the SoCG with the EA will occur.</p> <p>Further to the above, as outlined part of more recent communications with the applicant's environmental consultant (Atkins), we advise the ExA in accordance with Item [1a] of this letter, that a meeting will be held to discuss and (where possible subject to wider associated discussion) agree the SoCG. However, we would take this opportunity to provide the following initial commentary on the latest version of the SoCG.</p> <p>As above for ease of any further associated discussions required within the applicant / ExA, we have grouped our commentary below under relevant environmental topic subheadings.</p>	<p>The Applicant and the EA held a meeting to discuss the draft SoCG on 26 April 2022. The SoCG was updated following this discussion and submitted into examination at D9. It is expected by both the Applicant and the EA that the SoCG will be finalised and signed by both parties and submitted into examination at Deadline 10.</p> <p>If required, further discussions will take place between the two parties to close out any outstanding concerns prior to Deadline 10.</p>
9.79.77	<p><u>Flood Risk</u></p> <p>We note the comments in 2.1.2.1 and 2.1.3.1 regarding the flood risk modelling for the flood plain storage compensation - that the River Etherow model has been re-run with the latest climate change allowances and that the final compensatory storage proposed for the scheme</p>	<p>The updated flood risk model and FRA taking account of the latest climate change allowances was submitted to the EA for review/comment on 21 April 2022. The Applicant held a meeting to discuss these changes with the EA on 19 April 2022. The Applicant is awaiting comment from the EA.</p>

Response Reference	IP Issue	NH Response
	<p>remains adequate. As detailed within. we note the argument that the proposed compensation volume is considerably greater volume being lost due to the road embankment crossing the flood plain.</p> <p>It our understanding that this is due to the arrangement of the proposed compensation which is to be situated wholly downstream of the proposed bridge and also within the existing flood plain. As an initial observation, we advise that this does not follow the general approach of providing "level for level" compensation and thus explains why the compensation volume needs to be considerably more than that lost. We will be pleased to review the full details of the model and updated FRA when provided.</p> <p>Comments in 10.5.1 refer to EA agreement of previous climate change allowances from discussion in January 2021. This was correct at the time the advice was given but as noted elsewhere, this should be amended to recognise the design is being checked against the current guidance introduced in July 2021.</p>	
9.79.78	<p><u>Deadline 7 [REP-7-027]: TR010034/EXAM/9.16 Rev 1.0 - Supplementary Ground Investigation Report</u></p> <p>Having considered the information that has been provided under the cover of the March 2022 report, we have identified that further investigation works have been undertaken. The work has occurred along the line of the proposed road development and has collected environmentally relevant information.</p> <p>We have identified that this report is based on an earlier Arcadis report from 2018 and a more recent phase of work by SOCOTEC in 2021.</p> <p>We note in the introduction to the GI report that the most recent phase of investigations (Phase 5) is still ongoing, for which four additional boreholes are yet to be installed owing to ongoing negotiations with an interested third party (sec.1.1.1). We consider that this contributed to the explanation at the end of the table of contents that identified that <i>"some sections are not fully complete and as such should be treated as preliminary. A final report will be prepared at detailed design stage."</i></p> <p>In virtue of the above, we consider the GI report to be a draft version and subject to change in the future.</p> <p>Additionally, after reviewing the previous commentary made by the EA's Groundwater and Contaminated Land Team, we are aware that we have not been presented with the Arcadis, "Transpennine Upgrade Ground Investigation Report. Ref: HE551473-ARC-TPU-RP-CE-3199," Arcadis, Bristol, 2018.</p> <p>Therefore, we have been unable to frame latest GI report in context with the Arcadis report reference above and, the more recent SOCOTEC UK Limited, "A57 to A57(T) Trans Pennine Upgrade Supplementary Ground Investigation: Factual Report on Ground Investigation. (Ref: A8001-18 and the SOCOTEC UK Limited, "Trans Pennine Upgrade - Westwood Roundabout: Factual Report on Ground Investigation. (Report No. A0018-20)" SOCOTEC UK Limited, September 2020.</p>	<p>Our below responses to the EA's comments are provided with consideration of the discussions held with the EA on 21 April 2022.</p> <p>The GI has been completed across the majority of the scheme, with only a small area left to investigate (where the four boreholes are currently being drilled). It is not the intention of the applicant to revise the GIR to include these four boreholes. However, if he GIR is not revised to include this information, the data obtained from them will be reviewed and a standalone land contamination assessment will be undertaken and submitted to the EA for comment.</p>

Response Reference	IP Issue	NH Response
9.79.79	<p>As we identified during the Issue Specific Hearing 3 this March 2022 the latest GI report [REP-7-027] is also missing key environmental information required to assist the EA in understanding the environmental context for the site and our wider assessment of other associated reporting (i.e. the Hydrogeological Risk Assessment).</p> <p>Given the identified deadline for the completion of the DCO examination and the large volume of information that is missing and which will require review, we are minded at this time to recommend to the planning inspectorate that the word of requirement 6(1) under Schedule 2 of the DCO is amended, to ensure that it addresses possible and actual risks to the environment and controlled waters in a way that supports the development and implementation of the relevant plans that will be secured through the EMP (and/or standalone requirement, as per our commentary for the Hydrogeological Risk Assessment). At present the wording of 6(1) infers that sufficient baseline reporting has been submitted as part of the examination, which as summarised by in the above commentary is not considered correct.</p> <p>In accordance with the above, we advise the ExA that the wording to the effect of the below should be considered by the ExA for requirement 6(1):</p> <p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p><i>A preliminary risk assessment which has identified:</i></p> <ul style="list-style-type: none"> <li><i>all previous uses</i></li> <li><i>potential contaminants associated with those uses</i></li> <li><i>a conceptual model of the site indicating sources, pathways and receptors</i></li> <li><i>potentially unacceptable risks arising from contamination at the site</i></li> </ul> <ol style="list-style-type: none"> <li>1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off- site.</li> <li>2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li> <li>4. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the relevant planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</li> </ol>	<p>During the meeting on 21 April 2022 the EA indicated they were still looking through the Arcadis and SOCOTEC reports, and could not comment further on whether they considered that the submitted information provided was sufficient to confirm baseline conditions. The applicant has put forward amended wording of Requirement 6 to the EA for agreement following the meeting on 21 April 2022.</p> <p>The Hydrogeological Risk Assessment has screened available groundwater quality data against Environmental Quality Standards (EQS). The samples collected during the 2021 pumping test, believed to be most representative of any future dewatering discharge, show exceedances for some determinands that may pose a risk to surface water courses. These determinands are likely to be naturally occurring within the aquifer. Groundwater quality will be assessed in greater detail to inform the Dewatering Management Plan and any permit applications associated with the dewatering works during detailed design. The Applicant has amended the wording of the Requirement 6 in the dDCO and submitted this into the examination at Deadline 9. The Applicant has also issued this update to the EA for agreement.</p>

Response Reference	IP Issue	NH Response
	<p>We consider this recommendation for alteration of 6(1) to be in accordance with the NPPF (paragraph 174) and the DEFRA Land Contamination Risk Management (LCRM) guidance document 2021 (<a href="#">available here</a>). Preparation of reporting for requirement 6(1) should be carried out by a competent person(s) in line with paragraph 178 of the NPPF.</p>	

## 14. REP8-038 Jeff Brown - Comments on responses by the Applicant made at Deadline 7

Response Reference	IP Issue	NH Response
9.79.80	<p>Dear sir/madam,</p> <p>Further to my recent message, I have found some written comments to my submission from the applicant in 9.70.5 in Deadline 7 Submission - 9.70 Comments on Deadline 6 Responses</p> <p>I have replied as follows.          The applicant suggests that "survey stations" and surveys will be carried out to establish any ground movement. Please can the applicant provide more information?</p> <ol style="list-style-type: none"> <li>1. What criteria will be followed to ascertain the extent of the area of the survey?</li> <li>2. Regarding surveys carried out before and after construction - what are the timescales for the surveys and will the surveys be independent and provided to the home owners?</li> <li>3. How long will the survey stations be in place?</li> <li>4. Will such survey stations be visible?</li> <li>5. The applicant did not answer the question about underwriting any potential damage. Please can they answer?</li> </ol> <p>Regarding the well water (and the garden stream fed by the well). Again, would there be a survey before and after the dewatering and what would be the timescales involved? [I would like to comment that it is irrelevant whether or not Tameside council listed this well as a sole source of water. As mentioned previously, this is a historic feature of the property (shown on historical tythe maps) and as such should be recognised as an asset.]</p>	<ol style="list-style-type: none"> <li>1. The extent of the survey area will be informed by the dewatering assessment referenced in 9.70.5 in Comments on Deadline 6 Responses (REP7-026). Where significant drawdown is predicted in the vicinity of properties and structures settlement surveys will be undertaken. It is likely that survey points will be located within easily accessed public spaces or within pavements to highways.</li> <li>2. With regards to survey of relevant properties this would be of a visual nature, internal and external to record the condition of the property on agreement with the owner by an independent party. Records of surveys can be shared with any relevant owners.</li> <li>3. Topographical survey points will be in place for the duration of the works and for a period after as determined by assessments being completed as part of the detailed design process.</li> <li>4. Survey stations are of a topographical nature to monitor any potential movement and will largely be unseen. They will be in the form of reference points installed on or in the ground</li> <li>5. Any damage to assets not owned by the applicant in relation to the scheme will need to be rectified by the applicant</li> </ol> <p>The Applicant is planning to contact the property owner to arrange a visit as part of an updated Water Features Survey. The purpose of this survey visit would be to ascertain the current (baseline) condition of the well and discuss with the property owner options for ongoing monitoring of the groundwater level in the well before, during and after construction. This monitoring would form part of a wider monitoring plan being developed for the Scheme in consultation with the EA, to help identify and mitigate against adverse impacts on the groundwater environment.</p>

## 15. REP8-039 Peter Simon - Comments on Issue Specific Hearing 3 and comments on the Proposed Development

Response Reference	IP Issue	NH Response
9.79.81	<p>1. As an Interested Party I wish to comment at Deadline 8 on the inconsistency between written and oral positions of Derbyshire as a Local County Highway Authority with regard to the Scheme. The responses being at variance produces a high level of ambiguity that is unsatisfactory, confusing and unhelpful to the Examination.</p> <p>At ISH (Hearing 3) DCC's Transport Assessment Officer consistently sought to defer and disregard serious written issues his own Authority had raised. Extraordinarily he sought to defer these very issues to beyond the DCO Examination stage continually advocating their consideration in "the fullness of time" (a phrase repeatedly used – a search of the record shows at least 6 times! (** footnote below refers). In itself somewhat contrary to a previous position on his first appearance in February (P7 Issue Specific Hearing 2 (Session 2) - Transcript - 9 February 2022 25:11) he now in April plainly did not want them scrutinised. As has been repeatedly stated written and oral representations carry equal weight at this examination, and the majority of the summarised "Uncertainties and Concerns" in the joint independently prepared Local Impact Report for Derbyshire and High Peak remain clearly unresolved. (P71/2 LIR - 19. Summary Comments on the Draft Development Consent Order Application Uncertainties and Concerns) . Furthermore Local Impact Reports are of moment in the Secretary of State's decision making process on the Application. So the fact of this oral evidence being at variance with the LIR has in my view undoubtedly seriously hampered the Examination.</p> <p>I cannot certainly explain why Derbyshire's representative's position was essentially that of siding with the Applicant on most matters of difficulty. I would accept that the DCC WQ2 answers appear differently authored from those at WQ1 and are more sympathetic to supporting the Application on a "no questions asked" basis. So this discrepancy could be maybe overlooked if the original concerns summarised in the LIR had been properly examined and resolved but concerningly the majority have not been.</p> <p>In view of this incongruity I would suggest that specifically written clarification from the County Local Highway Authority Planning Executive is needed and sought to restore due process, not only generally as regards support for "a Scheme" but specifically on their current position on all the outstanding "Uncertainties and Concerns" as raised in the joint LIR (P70-1) and in WQ1. Do Derbyshire CC now, as implied in oral statements, in fact want a DCO granted irrespective of all concerns, perhaps on a basis that any Scheme is welcome irrespective of its toxicity and dangerous detriment to the local population? If so then that should be confirmed, but I think it would be a dereliction of statutory duty and completely wrong.</p> <p>Whilst one can only speculate as to the reasons for this divergence of position within the same party, it is quite possible to demonstrate that it exists. For example the representative himself acknowledged it. "Obviously you'll appreciate that when you submit to the local authority. A lot of the questions that they get scattered around to various disciplines and I think it was it was a colleague of mine who picked this up..... I don't think there's, you know, certainly at any fundamental disagreement between the local highway authority and the applicant." (P2 Issue Specific Hearing 2 (Session 3) - Transcript - 9 February 2022 04:09).</p>	National Highways has no comment to make.
9.79.82	<p>2. A key instance occurred at the recent ISH when the ExA drew attention to a concern about Scheme traffic increases on Dinting Road, where they had noted during a site visit the previous day the large scale cross migration of the road by school children on foot. They</p>	No response required as the issues raised are targeted at DCC. (Although, a signal-controlled crossing on Dinting Road would be unlikely to affect the traffic modelling as it would not be called sufficiently frequently to materially affect journey times for traffic on Dinting Road).

Response Reference	IP Issue	NH Response
	<p>asked "Derbyshire" what highway measures might be required here for the forecast increased traffic due to the Scheme and in response the representative simply sought effectively to defer the matter to the "fullness of time". This might as well have been advocacy for the Applicant and he indeed he was repeatedly at great pains throughout to stress again in contradiction to the written list of "concerns", how little if any disagreement existed between the LHA and the Applicant.</p> <p>The ExA had to repeatedly remind the individual of why the matter needed immediate consideration ; "So, again, it'd be helpful for us for the purposes of our examination to understand whether the increases in traffic would be likely to lead Derbyshire county council to introduce a more formal crossing at that location if you're familiar with that location" (P2 Issue Specific Hearing 3 (Session 2) - Transcript - 5 April 2022 08:19.)</p> <p>They had then further to explain why deferral was not appropriate for the Examination, "the introduction of a crossing there may have a bearing on the model, and therefore may have a bearing on the use of that alternative route. .... So I think, if it were possible, Mr. Blissett, if that's possibly something that could be discussed with the applicant," (P3 &amp; 4, ibid 11:17)</p> <p>The matter of a future certain "Safe route to school" and road crossing/severance has been raised by several local parties (***) Emma Kane; "Sharefirst, My Journey to School", Mr Bagshaw and myself.) I note a response on the matter for a later Deadline 9 was negotiated here as an outcome, which I feel of some concern as it is most important despite obfuscations to get to the bottom of this public interest issue within the full and open process.</p>	
9.79.83	<p>3. A further concern is that this party, despite their evasive approach, is now involved in negotiations with High Peak and the Applicant NH regarding a closely related key matter. With the over-capacity Shaw Lane Junction 3 in the LIR looming large at the Examination he recommended conducting a "Select Link Analysis" (SLA) despite having paradoxically argued against traffic modelling for North Glossopdale which of course is related to traffic dispersal from this and other key junctions. (P16 Issue Specific Hearing 2 (Session 2) - Transcript - 9 February 2022 1:03:49) Note that in the first instance the cost was not even discussed, while in second it was considered prohibitive. If one is performed and both presumably are affordable, why not the other?</p> <p>As a stakeholder and local resident I have to express disquiet regarding the seeming tactics here, and noting the clock is ticking ask how the Examination is going to allow all Interested Parties the opportunity to engage with the findings and complexities of a "SLA" at such a late stage?</p>	<p>The Select Link Analysis (SLA) shows where traffic using Dinting Road is coming from and going to across the wider road network. It is not therefore complex for interested parties to understand. The SLA for Dinting Road is presented in 9.81 Select Link Analysis on Dinting Road submitted alongside this document at Deadline 9.</p>
9.79.84	<p>4. Another key instance of inconsistency concerns the strong written representation by DCC in answer to WQ1s regarding the need for safeguarding the villages of Hadfield, Padfield from any traffic volume increase threat were the Scheme in operation.</p> <p>"Villages of Hadfield and Padfield should also be safeguarded to prevent rat running traffic trying to avoid the strategic road network" (P 70 – 14.4 - Deadline 2 Submission – DCC's Response to the Examining Authority's First Written Questions (WQ1 )</p> <p>Yet Derbyshire orally at the Examination argued against modelling the identified threat to the villages, and effectively discouraged examination of the issue. (P16 Issue Specific Hearing 2 (Session 2) - Transcript - 9 February 2022 1:03:49) The evidence has since shown that this threat in a "worst case scenario" might derive more from the proposed Brookfield and existing mini Woolley Bridge roundabouts rather than the modelled suggestion of New Road, Tintwistle but it remains palpable and should not be disregarded. I am not aware that any "safeguarding" for the "villages" of Hadfield and Padfield (and by extension Old Glossop, another Conservation Area) has been looked at let alone secured!</p>	<p>National Highways has no comment to make.</p>

Response Reference	IP Issue	NH Response
	<p>So noting the imminent conclusion of the Examination and no further oral hearings I would ask how within the very limited time frame Derbyshire's initial required assurance of "safeguarding" for these areas can be secured?</p>	
9.79.85	<p>5. As stated there seems to be a possible school of thought at this Examination that a toxic and ill-conceived scheme is better than "no scheme at all". In the words of DCC's transport "planner/assessor": "it's a disbenefit, and it's something that we would we would need to consider but mindful of the opportunities that we've been presented with, from national roads, you know" (P17 Issue Specific Hearing 2 (Session 2) - Transcript - 9 February 2022 1:03:49 onwards) The High Peak MP took a not dissimilar view when he conceded the "scheme is not perfect" (P9 Issue Specific Hearing 3 - Day 2 (Session 1) – Transcript - 6 April 2022 15.00 ). I do not think such an approach can be acceptable.</p> <p>On a more positive note my Local Council of High Peak Borough and their representatives should be commended for consistently resisting any attempts to lever them towards such an untenable position. Especially as better alternative "third way" options have emerged to solve local congestion and improve journey times in a sustainable fashion, that deserve the proper consideration they have never had and I suspect Policy requires. (NPSNN 4.27 and Para 2.21, &amp; Agenda ISH3 - ExA text under "Alternatives", Ps6-7)</p> <p>The Examination has repeatedly also shown the competing needs of the Applicant and the National Park Authority to be quite irreconcilable, so a transitional hybrid modal alternative is the logical solution that offers to put this matter to rest and save further public expense. Indeed this was something I flagged up in an earlier response (Deadline 2 Submission – Written Representations and Appendices Peter Simon).</p>	<p>National Highways has previously considered and consulted on alternatives prior to selecting the Scheme as the preferred option to proceed with. The alternatives considered and the and the justification for their rejection are set out in Chapter 3 of the Environmental Statement (REP2-005) ) and item 9.75.34 in Applicant's written Summary of Issue Specific Hearing 3 (REP8-019).</p>
9.79.86	<p>Concerns about the climate crisis that exist at all levels of government have also been continually and expertly raised during the Examination and the concomitant need to go beyond major road building towards modal shift seems a compelling one. If this urgency is to be recognised there needs also to be some realism about relying on a change of fairly entrenched transport behaviour patterns overnight. Similarly no certain reliance can be placed on the level of contribution that can be expected from EVs, which DCC themselves acknowledge (P19. 8.5, DCC Deadline 6 Submission – Response to the Examining Authority's Second Written Questions (WQ2) this matter being ultimately an "unknown" whilst still under Examination scrutiny. The balance thus favours a transitional alternative option with an only minimal road construction component such as an additional arm at the M67 roundabout to Roe Cross for a one way. The issue of Green Belt infringement is under consideration as a Policy difficulty for the Applicant whereas such a slight modification would impact only on the very fringe of Green Belt not destroying "openness". This would allow an easement of congestion and delays while the necessary measures for transition can be ensured to take place. I continue to feel this would be the least damaging and most productive balanced and sustainable outcome here.</p>	<p>Please refer to the response to point 5 above.</p>



## 16. REP8-040 Carole Hallam on behalf of Sharefirst My Journey to School - Comments on submissions for Deadline 7

Response Reference	IP Issue	NH Response
9.79.87	<p>Dear Sirs, Sharefirst My Journey to School 20029723 Comments on responses to Deadline 7 A57 Link Roads TR010034</p> <p>Further to most recent responses to Deadline 7 of the A57 Link Roads Scheme, please find a number of comments from Sharefirst My Journey to School in relation to flood risk, Bamford and environmental impact assessments.</p> <p><b>Flood incident A57</b> There is no mention in responses from the Environment Agency and Lead Local Flood Authority of a recent flood incident on the A57 at the junction of Dinting Road and Shaw Lane impacting traffic flow into and out of Glossop.</p> <p>In the recent storms, heavy rainfall caused significant flooding at the junction of the A57 with Shaw Lane at Dinting. Emergency services were called (Police Force) and the area cordoned in order to assist vehicles and pedestrians with safe passage through flood water. The associated traffic build-up from Woolley Bridge due to caution exercised by drivers given the associated risk of damage to engines by driving vehicles through significant levels of flood water and physical obstruction of flood water caused significant congestion and increased journey times. A number of vehicles turned around in order to take an alternative route into Glossop via Woolley Bridge. The police I am sure will have details for the incident. We were travelling back into Glossop that day from Woolley Bridge and were directly affected.</p> <p>Please can the Approved Flood Risk Assessment from DCC and Lead Local Flood Authority be updated to reflect detail for the flood incident which took place? This incident may add to the Highways England 6.3 Environmental Statement in relation to Road Drainage and the Water Environment, Section 4 of the National Highways 9.42 Flood Risk Assessment and submitted response from the Lead Local Flood Authority and Environment Agency on Issue Topic 1 and Issue Topic 11 of the dDCO relating to groundwater contamination, flood risk assessment, flood modelling and surface water drainage. I am writing to seek reassurances from the Authorities, Lead Local Flood Authority and the Environment Agency around flood risk to the A57 to ensure appropriate inclusion within Environmental Impact Assessments.</p>	<p>With regards to the flood incident on A57, please see National Highways' response to CPRE's Deadline 5 submission (REP7-025), item 9.69.58 on pages 42, 43 and 44. In summary the Flood Risk Assessment (FRA) (REP5-010) identifies this area as an existing flood risk area. The EA also knows this is an area at risk of flooding. The flood risk mitigation work presented in the FRA as part of the Etherow crossing seeks to improve this situation, not just through the compensatory flood storage provision but with new and improved flood defence along the left bank, immediately upstream of the Etherow crossing.</p>
9.79.88	<p><b>Bamford</b> The recent written submission from Bamford and Thornhill Parish Council conveys that there is no recognition in any of the documentation of significant effects on the village of Bamford. It is of note that Bamford is the first village beyond Glossop along the Snake Pass, and I would suggest that Snake Pass and traffic flow along A57 beyond Glossop have been included in discussions on traffic flow modelling, and in written submissions from Sharefirst My Journey to School, which I hope assists.</p>	<p>Please see National Highways' response to Examining Authority Second Written Question 3.14 in Applicant's responses to Examining Authority's Second Written Questions - Amendment to National Highway's response to question 15.2 (Tracked) (REP7-020).</p>
9.79.89	<p><b>Unaccompanied site inspection – local community benefits</b> The junction of Shaw Lane with the A57 at Dinting is currently outside the boundary of the draft Development Consent Order (dDCO), yet potential environmental impacts from traffic volume increases identified by additional modelling combined with vulnerability to flooding and high levels of surface water in heavy rainfall that has recently been demonstrated is an immediate cause for concern for the local community. We hope the unaccompanied site</p>	

Response Reference	IP Issue	NH Response
	<p>inspection by the Planning Inspectorate to Dinting can also assist with local flood risk assessments.</p> <p>In addition, the unaccompanied site inspection by the Planning Inspectorate to consider matters raised by Sharefirst My Journey to School may be of benefit to a number of additional areas considered as part Examination process for the A57 Link Roads Scheme:</p> <p><i>Continuation of air quality discussions particularly for AQMA's outside the current dDCO boundary;</i></p> <p><i>Assess opportunities to address the results of traffic flow impacts following additional traffic flow modelling conducted by the Applicant;</i></p> <p><i>Assess potential diversionary impact schemes and consequential environmental effects;</i></p> <p><i>Continue to assist environmental impact assessments.</i></p> <p>Yours sincerely,</p>	

## 17. REP8-041 Carole Hallam on behalf of Sharefirst My Journey to School - Written summary of oral submission at Issue Specific Hearing 3

Response Reference	IP Issue	NH Response
9.79.90	<p>Dear Sirs,</p> <p>The Examining Authority has requested follow up written submissions for oral submissions to the recent Hearings for Deadline 8.</p> <p>In the Sharefirst My Journey to School written submission for Deadline 2, Sharefirst My Journey to School community interest group has been keen to understand what is driving the predicted traffic flow increases from Glossop Spur Road through Dinting, which is already identified as an AQMA area, when there have been long-standing community concerns raised around safety of a local crossing point at Dinting for safe journeys to school for students, parents, carers, teaching staff and all users of the crossing on Dinting Road. In the last Issue Specific Hearing 2, the Applicant relayed that further detailed interrogation of the modelling data for the predicted traffic volume increases had been carried out.</p> <p>Additional detailed interrogation of modelling data for traffic flows has been conducted by the Applicant to help the local community understand what is driving the traffic increases through Dinting, surrounding villages and then onwards towards Glossop and Snake Pass. The additional modelling has highlighted that the new Glossop Spur Road presents an attractive new road scheme promoting access to Sheffield via the Snake Pass, and vice versa to Manchester, drawing in traffic with no restraint from surrounding areas. The Applicant explained an indicative % breakdown for forecast traffic volumes increases from surrounding areas to Glossop Spur Road and A57:</p> <p><i>A6 / A623 – swing round new Glossop Spur Road to A57 to Sheffield, and Manchester (50%)</i></p> <p><i>Improved access to M62 (20%)</i></p> <p><i>Increased general use from a wider area (30%).</i></p> <p>The additional modelling indicates the current proposed Scheme is likely to draw an increased flow of traffic via Glossop Spur Road along the existing A57 through Brookfield, Dinting and Glossop from surrounding areas, rather than directing traffic towards use of the national strategic road A628.</p> <p>This validates concerns raised by the local community about potential local traffic impacts from anticipated increased traffic volume, including potential adverse safety impacts as a result of increased forecast volumes of traffic, impacts to local 'rat runs', surrounding villages and knock on impacts from Glossop Spur Road along A57 towards Glossop and Snake Pass. This can also affect Bamford as the first village along Snake Pass.</p> <p>My question is to the Applicant following additional traffic flow modelling that has been conducted by the Applicant to help assess environmental impact and impact to the local community of the new Glossop Spur Road, and was raised in the last Hearing:</p> <p>Please can the Applicant advise what adjustments, investigations or additional measures have been identified as part of the A57 Link Roads Scheme proposals and delivery to help address the traffic flow distribution concerns identified by the additional modelling, in order to alleviate both the potential for predicted traffic flow increases via the new A57 Glossop Spur Road to Dinting (AQMA area), surrounding villages and knock on impacts onwards towards Glossop and Snake Pass, and the potential under-utilisation of the national strategic road network (A628 Woodhead Pass). We are also mindful that Tintwistle is an AQMA area.</p>	<p>The Scheme is forecast to result in an increase in traffic on some roads, with reductions on other roads. However, the displacement of traffic onto alternative and less suitable roads is overall greater without the Scheme than with it.</p> <p>No additional traffic modelling has been undertaken by the Applicant, although additional Select Link Analysis (SLA) has been undertaken for Dinting Road that indicates where traffic forecast to be using this route is coming from and going to over the wider road network. The SLA analysis is presented in 9.81 Select Link Analysis of Dinting Road submitted alongside this document at Deadline 9.</p> <p>The forecast proportion of traffic (in total vehicle kilometres) using the SRN compared to the rest of the road network over the Area of Detailed Modelling (ADM) is greater with the Scheme than without it in both 2025 and 2040 as presented in the Applicant's written Summary of Issue Specific Hearing 3 (REP8-019 response reference 9.75.29).</p> <p>The assessment of the Scheme has determined that, where traffic is forecast to increase, the consequential adverse effects are insufficient to trigger any requirement for mitigation. It is for Derbyshire County Council to consider whether any future enhancement or road safety schemes are required on the road network for which it is responsible for in response to changing future conditions. However it should be noted that in its Written summary of oral submissions at Issue Specific Hearing 3 (REP8-023, pages 5 and 6) Derbyshire County Council states that the County Council has separately secured developer contributions funding for a controlled pedestrian crossing on Dinting Road, which is to the left of Station Approach. There are not expected to be any significant adverse environmental effects with the operation of the Scheme at either human health receptors or ecological sites and therefore no off site mitigation measures for environmental effects have been proposed for any of the AQMAs, the surrounding areas/villages, the Snake Pass or the A628 Woodhead Pass.</p>

## 18. REP8-042 Stephen Bagshaw - Written summary of oral submissions and comments from Deadline 7 submissions

Response Reference	IP Issue	NH Response
9.79.91	<p><b><u>Submission under the following headings</u></b></p> <ol style="list-style-type: none"> <li>1. Introduction – Greater Manchester Travel Strategy</li> <li>2. A57 Link Road Proposals – lack of commitment to sustainable travel</li> <li>3. Integration with the GMTS.</li> <li>4. Golden Opportunity versus Missed Opportunity</li> <li>5. National Highways responses to a Mottram Gyratory Flow Solution</li> <li>6. Consideration of a MGF within the Trans-Pennine Feasibility Study</li> </ol> <p><b><u>Introduction - Greater Manchester Travel Strategy</u></b></p> <p>I would like to open this submission by making reference to the Agenda of Issue Specific Hearing 3 (ISH3) held on 5/4/22. On page 4 of the Agenda the ExA note that <i>'both locally and nationally there is an aspiration to change travel habits in favour of more sustainable travel and policy reflects this. The Greater Manchester Travel Strategy (GMTS) sets out an aim for 50% of all journeys in Greater Manchester to be made by walking, cycling and public transport by 2040. Likewise, the Government's Transport Decarbonization Plan (GTDP) seeks to deliver carbon reductions in transport'</i></p> <p>Indeed, one only has to scan the document (Our Five-Year Transport Delivery Plan 2021-26 part of the GMTS - published January 2021) to see that certain key words, such as, inclusive, integrated, sustainable and Interchange crop up with regularity. To quote some examples from it, on page 4 <i>'the development of new Interchanges'</i>, page 5, <i>'an integrated and reliable public transport system for Greater Manchester... An integrated easy-to-use system with seamless connection'...</i> <i>'the aim is to provide an integrated approach to transport and land use planning'</i>.</p> <p>Page 9, paragraph 21 sums it all up succinctly; <i>'a strong commitment to provide a transport system which supports sustainable economic growth and tackles congestion, improves the quality of life for all by being integrated, affordable and reliable, protects our environment and improves air quality'</i>.</p> <p>The GMTS target is for zero net growth in traffic between 2017-40 and to be a carbon neutral city by 2038 which <i>'involves significantly reducing motor vehicle traffic, incentivizing sustainable travel and reducing incentives to travel by car'</i>.</p> <p>To give some local context to this, on page 284 of the document it refers to the recently opened Ashton Interchange which <i>'provides an easier way of switching between different transport modes and creates a more pleasant travel experience'</i>. A further Interchange is planned for Stalybridge in the near future.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.75.12)(REP8-019).</p>
9.79.92	<p><b><u>A57 Link Roads Proposals – Lack of commitment to sustainable travel</u></b></p> <p>Given this futuristic vision for travel, nationally and locally and with reference to question (I) <i>'whether the scheme supports the aims of GMTS 2040 and/or the GTDP'</i> - it has become</p>	<p>Current National and Local Government policy does not preclude road building where it is justified to enable economic growth.</p> <p>The Scheme provides the additional road capacity necessary to accommodate the additional traffic forecast to be generated by population growth and increased economic activity that</p>

Response Reference	IP Issue	NH Response
	<p>quite evident that the A57 Link Roads project is the very antithesis of what the strategy envisions and hopes to achieve.</p> <p>There is nothing sustainable, inclusive or integrated about it and no mention of any Interchange. On the contrary, it expands road capacity and encourages more vehicle traffic. National Highways (NH) own modelling verifies this and NH make no attempt to dispute the fact.</p> <p>At the same time both of our local MP's made it crystal clear that they view the current project as nothing more than a stepping stone to even more local roadbuilding in the next round of spending, known as RIS2. In essence, far from being sustainable or operating as a standalone scheme, the A57 Link Roads scheme is seen as requiring yet another road in order to make the first scheme work!</p> <p>Worse still, it appears to solve so very little. The blockage at the M67 junction, caused by Mottram lights, is merely moved halfway down Mottram Moor. Meanwhile, traffic that ought to be staying on the A57 is now magically meant to rat run through Hadfield - either to prevent an Air Quality Management Issue (AQMA) in Dinting Vale or to avoid the queues on the A57, caused by the proposed Link Roads generating and dumping so much extra traffic into the area.</p> <p>In a nutshell, this is pure unreformed, undiluted, gratuitous roadbuilding that harks back to the golden age of tarmac back in the 60's, 70's and 80's. Mr. Johnathan Reynolds MP made the very point that the "scheme has its roots in the 1960's" confirming its backward-looking nature, in stark contrast with the visionary ambitions of the GMTS.</p> <p>NH confirmed such sentiment in noting ((REP7-020) at para 3.3 – NH 9.60 Applicant's responses to Examining Authority's Second Written Questions) that the National Trip End Model (NTEM), rather conveniently '<i>does not include a specific general allowance for transference of journeys to more sustainable transport modes</i>' and '<i>it is a national and local government policy aspiration that is not currently backed up by firm strategies.</i>'. In other words, let's build it quickly before any such firm strategies are actually in place that we cannot ignore.</p> <p>This is quite simply a roadbuilding agency saying we are only interested in building roads, forget all the other stuff. Again, this is in direct contravention to the aims and intentions, let alone the spirit of '<i>reducing incentives to travel by car</i>'. NH clearly demonstrate in no uncertain terms they have no intent to significantly reduce motor vehicle traffic nor to incentivize sustainable travel in proposing this scheme.</p> <p>Further evidence of this was provided at para 3.9 of the same document, in their response to CPRE's proposal for car-free low carbon travel within Longdendale and Glossop ... '<i>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, especially improvements relating to bus services</i>'.</p> <p>As an organization whose raison d'être is to build and maintain roads it is understandable that NH only wish to build a road that will lead to even more roadbuilding. However, their</p>	<p>would otherwise result in unacceptable traffic congestion and delay on the A57/A628 Trans Pennine corridor, along with displacement of traffic onto alternative and less suitable routes.</p>

Response Reference	IP Issue	NH Response
	<p>nostalgic one-trick pony answer to transport issues does need to be compared and contrasted to more dynamic, multi-faceted, futuristic ideas and attitudes that are more in keeping with the vision of sustainability, inclusiveness and integration and that might at least attempt to utilize the GMTS appetite for Interchanges.</p>	
<p>9.79.93</p>	<p><b><u>Integration with the GMTS</u></b></p> <p>My own idea and understanding of how the GMTS might be embraced would begin with making better use of the existing network, limiting expansion of road capacity as far as it practicable, then using route restraint measures to encourage active travel and building public transport initiatives into the network.</p> <p>By way of contrast, NH only look at what is before them and what they have done before, so they see 'current congestion and capacity issues' as a '<i>significant challenge to delivery of sustainable transport improvements</i>' then propose surprise, surprise – a road solution. Instead, they ought to accept the challenges in order to deliver those improvements.</p>	<p>The alternatives to the proposed Scheme considered by National Highways and the justification for their rejection are set out in Chapter 3 of the Environmental Statement (APP-060) and item 9.75.34 in Applicant's written Summary of Issue Specific Hearing 3 (REP8-019).</p>
<p>9.79.94</p>	<p>Golden Opportunity versus Missed Opportunity</p> <p>For example, take the geographical position of the M67 terminus at Mottram. It is in an such an immensely strategic place that it could be considered to be a gateway to so many local and regional locations. It is on a perfect crossroads to deliver everything on the GMTS wish list and can provide solutions to most, if not all of the interested parties. (See also Diagram on page 10.)</p> <p>Given the assumption that the Mottram Gyratory Flow (MGF) as previously submitted (REP2 – 088), was in place, we already have, at very little cost and in very little time the free circulation of traffic due to the removal of the Mottram traffic lights and an improvement in air quality to boot. With so little money spent and so little land taken therein lies an opportunity to progress a potential Interchange that could be used as a launchpad to take passengers in all directions of the compass.</p> <p>For instance, frequent shuttles could ferry commuters from Glossopdale up the unblocked Moor to a single point where they could make their connection. From here they could access one-stop/limited stop services to their destination, with buses making rapid transits straight down the motorway via Denton onto Manchester, Stockport, Ashton, Oldham etc. The M67 M- way junction is already there, the infrastructure is already in place. We just need to get passengers to their point of embarkation and this is how it can be done.</p> <p>The Mottram Interchange (MI) could become the point of departure too for commuter services to Sheffield, for enabling trips into the Peak District National Park without the use of cars and/or to support tourism in High Peak. Mottram stands at a crossroads between Manchester and Sheffield, Tameside and the High Peak, so is thus a natural embarkation point for journeys in all directions.</p> <p>Once established as a point of connectivity, the MI creates a fascinating combination of possibilities for the future of public transport that would enable Tameside in particular to resolve its massive dependency on the car. The GMTS notes in its section on the borough</p>	<p>The alternatives to the proposed Scheme considered by National Highways and the justification for their rejection are set out in Chapter 3 of the Environmental Statement (APP-060) and item 9.75.34 in Applicant's written Summary of Issue Specific Hearing 3 (REP8-019).</p>

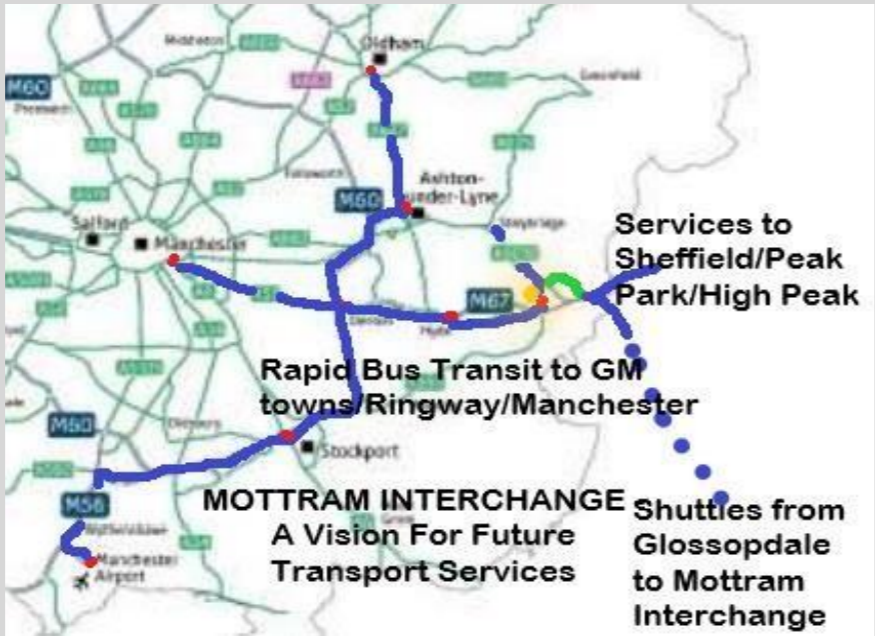
Response Reference	IP Issue	NH Response
	<p>that 69% of journeys that begin within its boundaries are made by car or van, quite a shocking figure but one that can be tackled with vision, a will and a strategy that allows active transport measures the opportunity to thrive.</p> <p>Commuters to the MI from the parts of Glossopdale that have poor access to rail (Tintwistle, Hollingworth, Gamesley etc) might also be able to make use of regular shuttles from the MI to Hattersley railway station, which is currently massively underused due to it being on the periphery of the settlement, allowing it to finally gain the patronage it deserves.</p> <p>I have elaborated and dwelt on this point (Agenda p4 Question (I)) in order to try and fully explain that NH neither support the aims of the GMTS or barely even pay lip service to it but also to underline the point as to why my proposal, the MGF, really does need to be fully and fairly appraised – both as a standalone scheme that can be tested in a head-to-head with the Link Roads scheme and/or in conjunction with a package of additional non-roadbuilding measures. In this way it can be evaluated for all the benefits it can bring to align with the aims and objectives of GMTS 2040.</p> <p>The juxtaposition of Mottram with the M67, Manchester, Sheffield, the Peak Park, High Peak and the towns of Tameside give it a golden opportunity to be the location for a new approach to transport strategy and a test case for turning our backs on so many decades of damaging and destructive road schemes of which the current manifestation, in the form of the A57 Link Roads, is so archetypal.</p>	
9.79.95	<p><b><u>National Highways responses to a Mottram Gyratory Flow Solution</u></b></p> <p>This takes us nicely onto page 7 of the said Agenda, where at (kk), the ExA ask the Applicant to clarify their position as to whether the MGF, or a similar scheme was considered. The NH reply to this question was a definite 'Yes'. However, their earlier written reply, was a very clear 'No', giving us two completely contradictory answers, which, from my perspective, does very little to clarify their position, so I shall deal with each answer in turn.</p> <p>Again, in document '9.60 Applicants responses to the ExA's 2<sup>nd</sup> written questions' the ExA set out a series of questions relating to the MGF proposal. The first of these at 3.8 (a) asks: Has the alternative been considered previously?</p> <p>The NH response is clear and unequivocal – a definite 'No'. To quote: "Mr. Bagshaw's submission was not one of the potential alternatives identified through the process". And again "Mr. Bagshaw's submission was not one of the potential alternative options considered by the NH". Couldn't be clearer. Therefore, question 3.8 (b): If so, what were your conclusions? - need not be answered and wasn't.</p> <p>Question 3.8 (c) is actually several questions in one so takes a little more unpacking. The ExA ask the Applicant to: 'Please provide a response to the issues raised. Do you consider that the proposal provides an alternative solution which would satisfy the main aims of the scheme, provide the same or improved benefits and is deliverable'?</p> <p>NH's thoroughly unsatisfactory response to this revolves around a general reference to 'Large one-way gyratories' which is a very generalized cut and paste response that is not evidence based and doesn't address my specific proposal for this particular sensitive area. Nor does it make any sense with regards to the concrete reality of the actual situation on the ground that we are dealing with here. I shall explain by specific reference to each of the four points, in turn, that NH make.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34)(REP8-019).</p>

Response Reference	IP Issue	NH Response
	<p><i>"The one-way systems can lead to high traffic speeds with poor adherence to speed limits"</i>. High traffic speeds indeed, wouldn't that be a much better problem to have to deal with? The reality on the ground is that we have low traffic speeds, congestion and poor air quality. These are some of the very reasons for the A57 Link Roads proposal itself!</p>	
9.79.96	<p>Thus, if NH are saying that the MGF would lead to high traffic speeds then it appears to be an admission that it works. By resolving congestion and thereby increasing east-west connectivity it has solved the main aims that NH's own scheme attempts to resolve.</p> <p>Of course, were high speeds to become an issue then there are some fairly obvious ways of dealing with that, such as, speed cameras, average speed cameras or warning signs that flash, such as, those which already exist on the Moor!</p> <p>Incidentally, in 2008 when the MGF was accepted as Alternative 1 by the previous public inquiry, the Highways Agency (HA) (as NH were then called) also thought that the MGF would work too well. It was they who suggested that the A628 (T) single carriageway between the Gun Inn, Hollingworth and the centre of Tintwistle should be traffic calmed into a 20 mile per hour zone.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34)(REP8-019).</p>
9.79.97	<p><i>ii "Unless contraflow Bus Lanes are provided bus services are disadvantaged"</i>. Irrelevant nonsense. Contraflow bus lanes were introduced to help speed up bus routes that previously sat in heavy traffic, enabling them to avoid congested areas and follow more direct routes to their destination.</p> <p>The whole point of the MGF is that it will unblock the congested area thus aiding the flow of traffic, rendering contraflow Bus Lanes totally unnecessary. All buses would need is a passenger stop to pull into such as those which already exist at Spout Green, Gun Inn and the Mottram Junction stops.</p> <p>I might also remind NH at this juncture of the answer they gave to CPRE ((REP7-020) at para 3.4 (9.60 doc again) "the number of bus passenger, pedestrian and cycle trips (across the modelled network) will be very small compared to the number of vehicle drivers and passenger trips.</p> <p>Consequently, it would be unlikely to have a material impact on the assessment of the scheme".</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (9.74.34)(REP8-019).</p>
9.79.98	<p><i>iii "Cyclists are disadvantaged unless separate segregated facilities for cyclists are provided that bypass the one-way system"</i>.</p> <p>As a cyclist myself I am fully aware that all cyclists require are crossing points which already exist at various points already, for instance, at Back Moor, Hollingworth and Tintwistle. May I also remind the NH of the answer they gave to CPRE at para 3.4 as previously stated above. Mitigation is also a tried and tested tool that is often able to resolve local access issues</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34)(REP8-019).</p>
9.79.99	<p><i>iv "Local access can become convoluted due to the one-way system"</i>.</p> <p>This is the only one of the four cut and paste responses from NH that merits a genuine reply, since there is a ring of truth to this. In response I would say this. Back in 2008 when the HA were directed by the Inspector to mock-up the MGI to prepare it for public consultation, they went through the scenario with me in fine detail to prove that each of the affected homes would have access to the local road network. Again though, any such problems, should they exist, can usually be dealt with via mitigation.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34)(REP8-019).</p>
9.79.100	<p>Thus, I have shown that each of the four rebuttals from NH are generalized, largely trivial in nature, unsubstantiated by any evidence and might well be easily mitigated. This stands in stark contrast to the huge problems that their own scheme entails which has already required months of attempted resolution.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34)(REP8-019).</p>



Response Reference	IP Issue	NH Response
9.79.101	<p>I should like to further respond to NH's general, vague point, that: 'Large one-way gyratories ... are not considered appropriate solutions and are frequently being retrospectively removed from the road network'</p> <p>Each traffic problem/ situation is different and unique. Different challenges have to be overcome by different methods that are the best fit for the area and its road network. That may be a single one-off solution or a package of measures but has to be appropriate to the area in question. Thus, it is quite meaningless to speak in general terms</p> <p>In this particular instance, I am proposing for the most part to utilize the existing road network that is already effectively a two-lane gyratory in each direction for much of the length of Mottram Moor. I wish only to complete the loop with a small strip of road from the M67 junction to Back Moor, in order to free up the circulation as explained in my Deadline 2 submission (REP2 – 088).</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.102	<p>In a more general response to their argument about gyratories, I note that they provide no data, statistics or any other evidence to support their assertions. There are, however, plenty of counter examples to refute what they suggest.</p> <p>The Leeds.Gov.uk website reveals new plans to improve the Armley Gyratory, for example by providing more accessible routes for cyclists and pedestrians and improving road safety for all. This clearly demonstrates how gyratories are flexible enough to build in improvements for public transport and active travel through mitigation, adaptation and amendment.</p> <p>More locally, Barnsley, a mere 20 miles away, have recently introduced a new gyratory on Dodsworth Road which utilizes double yellow lines and a clockwise system to improve traffic flow. A local measure to solve a local issue, exactly as I propose.</p> <p>NH will find it very difficult to name a single example in which removing a gyratory has actually improved traffic flow – quite simply because they work and are flexible enough to allow other measures to be built in or bolted on.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.103	<p>Finally, on this, NH state that 'large gyratories are not considered appropriate solutions' yet, as I will demonstrate, they go on to contradict themselves on this very point. In giving their alternative 'Yes' answer they admit that they did in fact consider the MGF to be an appropriate solution, to the point where it became one of only three shortlisted Options!</p> <p>After being so clear and lucid that they had not considered the MGF, at 3.8 (doc 9.60) they are then asked by the ExA at page 7 of ISH 3 Agenda, question (kk) to clarify whether my scheme, or a similar scheme, was considered. This time NH give a different response, which is a straightforward 'Yes' but without any context or evidence, so let's try and break this down.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.104	<p>We are to assume that NH have not assessed the MGF as a standalone scheme since they have admitted that in their first reply. What is different in the question at (kk) are the words 'or a similar scheme'.</p> <p>When, where and how then, was the MGF assessed and then eliminated according to NH? Some answers and some transparency would be welcome from them at this juncture.</p> <p>There is no evidence in the document entitled 6.2 Environmental Statement Non-Technical Summary, dated June 2021 (pages 15-16) that any gyratory was ever considered. It mentions sustainable transport measures, a Trans-Pennine tunnel, climbing lanes, links roads, bypass and HGV control measures but nothing about any gyratory. Therefore, at what point has the MGF been assessed and removed from the sift, on what grounds and with what supporting evidence?</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.105	<p>Consideration of the MGF within the Trans-Pennine Feasibility Study</p> <p>However, in their Environmental Statement document (REP2-005) at page 100 Table 3.3 (23 Options assessed at the initial sift) the MGF was described as the '<i>best performing individual</i></p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>

Response Reference	IP Issue	NH Response
	<p><i>option against the sifting criteria and for meeting the objectives for the Scheme</i>. It was also described as deliverable and feasible.</p> <p>At 3.3.19 in the same document the MGF is now one of just three local schemes to be shortlisted performing as well as the Link Roads scheme and being outpointed only by the Mottram-Tintwistle bypass. How then does it get eliminated, justly and fairly?</p> <p>As stated in my written submission (REP-088) there is a Department for Transport (DfT) report from March 2015 entitled Trans-Pennine Feasibility Study, which I append to this submission as Appendix 1. It is the only reference and evidence I have found that appears to assess the scheme. I assume then, it is the same one that is described above. Its results were very favourable.</p> <p>I further submit as Appendix 2, the Stage 2 Report of this same study (Annexes – Annex 1) dated February 2015. In the 4th line of the table the MGF option scored highly across all criteria as a standalone option. If this is the assessment that NH are relying to say it has been appraised then it could have not have been eliminated on this evidence.</p> <p>In fact, the Feasibility Study goes on to state (at 5.7) that <i>'only those potential interventions that performed strongly against the sifting criteria were selected for further consideration, using the Department for Transport's Early Assessment and Sifting Tool' and 'following this assessment of options it became clear that a small number of better performing options should be considered further'</i>. Namely:</p> <ol style="list-style-type: none"> <li>1 A bypass of Mottram-Hollingworth-Tintwistle</li> <li>2 The Mottram Moor Link Road</li> <li>3 An A57 Mottram one-way system – a one-way eastbound link from the M67 to the A6018; one-way operation on the A6018 to the A57 and one-way operation westbound on the A57 to the M67.</li> </ol>	
9.79.106	<p>At 5.8 it adds that 'Each option on its own had the potential to address the issue of congestion on the strategic route and was therefore expected to improve journey times and journey time reliability'.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.107	<p>At this point in the procedure (para 5.9) it was decided to assess the MGF not as a standalone scheme nor in conjunction with other sustainable measures (as HA were wont to do in 2008) but in conjunction with a package of measures which included first and foremost 'a link road between the A57 (T) and the A57 in Glossop'.</p> <p>In other words, all three of the 'option' packages were road based, capacity expanding packages. Thus, the whole point of my scheme, which deliberately tries to minimize expansion of road capacity in favour of utilizing the existing infrastructure to best effect, has been missed. In fact, the only reason that the MGF did not come out top was precisely because it did not increase road capacity – this was the whole point of the scheme, a point that I have made repeatedly.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.108	<p>The MGF should have been assessed, if with anything at all, then with sustainable travel measures that might include route restraint, public transport initiatives and active travel measures. The MGF as a gyratory is flexible enough to build such measures into it. Consequently, I do not feel that the MGF was ever assessed correctly or fairly and I should like once more to request for it to be rigorously assessed as an alternative, either as part of this Inquiry or prior to the further advancement of this Inquiry.</p> <p>I further note that if this is indeed the 'assessment' that NH refer to for eliminating the MGF by appraising it as part of a 'package of measures' that included the link roads, then not only did it misrepresent what I am trying to achieve but it also ensured that all three 'options' it wished to advance, were roadbuilding schemes, deliberately designed to expand road capacity.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>

Response Reference	IP Issue	NH Response
	<p>Thus, when Tim Nicholson of Peak District National Park commented at 3.27 in their recent response to the ExA's 2nd written questions (WQ2) regarding their concerns 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", then I think this may fully explain why!!</p>	
9.79.109	<p>In conclusion therefore I should like to ask the ExA to examine the need expressed in NPSNN to consider hitherto unconsidered alternative proposals. I believe that the MGF with its small added road element and in association with modal transfer, is certainly a viable alternative that has not been previously appraised as an option and which is permissible in accordance with paragraph 4.27 of the NPSNN.</p> <p>For further clarification, at 5.10 in the Feasibility Study and in its summary on page 14, it is stated that all elements of the package within which the MGF was contained (Option 3) were deliverable. NH also confirm the same (Rep2-005) at Table 3.3, so neither its feasibility nor its deliverability is in question.</p>	<p>Please refer to the Applicants' written Summary of Issue Specific Hearing 3 (item 9.74.34) (REP8-019).</p>
9.79.110	<p><b><u>Diagram To Illustrate the Potential of Mottram to Deliver Public Transport Initiatives.</u></b></p>  <p>Yellow = Mottram Interchange    Green = M67 terminus to Back Moor    Blue = Potential rapid routes    Red = Key destination points</p>	

## 19. REP8-045 Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch - Submission for clarification following Issue Specific Hearing 3

Response Reference	Reference	IP Issue	NH Response
9.79.111	Item 2(d) and (e)	<p>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.</p> <p>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.</p> <p>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.</p>	<p>The traffic data gathered in 2020/21 was historic data (2015-18) to enable proper calibration and validation of the baseline traffic model. No additional traffic surveys were undertaken in 2020/21.</p> <p>The traffic modelling was refined and revised following consultation in Nov-Dec 2020 to reflect scheme design changes and calibration of the baseline model against the gathered historic traffic data. The output of the revised traffic modelling provided updated traffic data for the assessment years used in the Air Quality assessment.</p>
9.79.112	Item 2 questions l) m) n) and o)	<p>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.</p> <p>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:</p> <p>“How was walking and cycling included? How was public transport included?”</p>	<p>Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (item 9.75.14)[REP8-019].</p>

Response Reference	Reference	IP Issue	NH Response
		<p>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)”</p> <p>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).</p> <p>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.</p> <p>It also means that no public transport validation can be carried out, since most of the trips are missing.</p> <p>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.</p> <p>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.</p>	
9.79.113	Item 2 p)	<p>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.</p>	<p>Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (item 9.75.15) [REP8-019].</p>
9.79.114	Item 2 s)	<p>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.</p>	<p>National Highways is working with CPRE regarding preparation of a SoCG.</p>
9.79.115	Item 2 ee) to hh)	<p>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.</p>	<p>The cost benefit analysis undertaken for the scheme accounts for the costs associated with changes in the forecast number of accidents (using Department for Transport (DfT) accident costs) and journey time savings, along with other costs such as the capital cost for construction of the Scheme. The Scheme delivers a good benefit to cost ratio (BCR) that demonstrates that the relatively minor disbenefits from the forecast increase in the number of accidents due to the Scheme is more than off-set by user benefits in terms of journey times and distances.</p>
9.79.116	Item 2 ii) and jj)	<p>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:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>	<p>Please see response on Green Book in the response to CPRE item 9.69.8 [REP7-025].</p>

Response Reference	Reference	IP Issue	NH Response
		<p>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.</p> <p>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.</p> <p>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.</p> <p>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: <a href="https://www.judiciary.uk/wp-content/uploads/2021/07/Save-Stonehenge-v-SST-judgment.pdf">https://www.judiciary.uk/wp-content/uploads/2021/07/Save-Stonehenge-v-SST-judgment.pdf</a> or by searching for R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport [2021] EWHC 2161 (Admin). Case No: C0/4844/2020 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.</p> <p>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:</p> <p>(i) <b>It may not have involved all the considerations which are required to be taken into account under the development consent process.</b> 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.</p> <p>(ii) <b>There may have been a change in circumstances since that exercise was carried out.</b> There have been far reaching changes since 2015 as follows:</p> <ul style="list-style-type: none"> <li>• Climate emergency declared May 2019 by UK Government;</li> <li>• Climate Change Act 2008 amended in June 2019 to reach Net Zero emissions by 2050 in June 2019;</li> <li>• Covid-19 pandemic (March 2020 and ongoing) which radically altered travelling patterns, and increased homeworking and virtual meetings for businesses;</li> <li>• Review of Treasury Green Book, 25 November 2020, which provides the framework to evaluate the value of new infrastructure;</li> <li>• 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.</li> </ul> <p>(iii) <b>The options testing for a RIS may rely upon a judgement by National Highways which undermines reliance upon that exercise and NPSNN 4.27.</b> 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-</p>	

Response Reference	Reference	IP Issue	NH Response
		<p>reaching benefits, would avoid the adverse consequences this scheme would bring on the Park, and would prove less costly.</p> <p><b>(iv) Updating of the appraisal is expected.</b> 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.'</p>	
9.79.117	Item 6 a) to i)	<p>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:</p> <p><i>"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"</i></p> <p><i>"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."</i></p> <p><i>"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."</i></p> <p>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.</p> <p>In addition the IEMA document on page 23 supports the idea that effects which would jeopardise actions to reduce carbon emissions must be reported:</p> <p><i>"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."</i></p> <p>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.</p> <p>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:</p> <p><i>"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"</i>.</p>	<p>Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (item 9.75.82) (REP8-019), as well as other previous submissions made by the Applicant during the DCO exam. The Applicant maintains their position that the assessment approach, which is in accordance with DMRB LA 114, is proportionate, appropriate, and consistent with similar DCO applications.</p> <p>Please also see the Applicant's Deadline 9 response to item 14 under the heading 'Failure to assess the carbon impacts of the scheme' in Keith Buchan's 'Deadline 8 Submission - Written summaries of oral submissions at hearings.'</p> <p>Please also see the Applicant's Deadline 9 response to Climate Emergency Planning and Policy's (CEPP) Deadline 8 submission 'Deadline 8 Submission - Written summary of oral submissions at Issue Specific Hearing 3'. In particular the response to CEPP's comments under the heading 'Updated IEMA guidance assessing greenhouse gas emissions and evaluating their significance'.</p>

# Appendices



# Appendix A. GHG Emissions Sensitivity Test Results

## Greenhouse gas emissions (EFTv11), tonnes CO2e

Year	Without scheme	With Scheme	Difference
Opening Year	745225	750606	5380
Year 2	734039	739397	5358
Year 3	722852	728188	5336
Year 4	711666	716979	5313
Year 5	700479	705770	5291
Year 6	689293	694561	5269
Year 7	678106	683352	5246
Year 8	666919	672143	5224
Year 9	655733	660934	5202
Year 10	644546	649726	5179
Year 11	633360	638517	5157
Year 12	622173	627308	5135
Year 13	610987	616099	5112
Year 14	599800	604890	5090
Year 15	588613	593681	5068
Year 16	577427	582472	5045
Year 17	577427	582472	5045
Year 18	577427	582472	5045
Year 19	577427	582472	5045
Year 20	577427	582472	5045
Year 21	577427	582472	5045
Year 22	577427	582472	5045
Year 23	577427	582472	5045
Year 24	577427	582472	5045
Year 25	577427	582472	5045
Year 26	577427	582472	5045
Year 27	577427	582472	5045
Year 28	577427	582472	5045
Year 29	577427	582472	5045
Year 30	577427	582472	5045
Year 31	577427	582472	5045
Year 32	577427	582472	5045
Year 33	577427	582472	5045
Year 34	577427	582472	5045
Year 35	577427	582472	5045
Year 36	577427	582472	5045
Year 37	577427	582472	5045
Year 38	577427	582472	5045
Year 39	577427	582472	5045
Year 40	577427	582472	5045
Year 41	577427	582472	5045
Year 42	577427	582472	5045
Year 43	577427	582472	5045
Year 44	577427	582472	5045
Year 45	577427	582472	5045

Year 46	577427	582472	5045
Year 47	577427	582472	5045
Year 48	577427	582472	5045
Year 49	577427	582472	5045
Year 50	577427	582472	5045
Year 51	577427	582472	5045
Year 52	577427	582472	5045
Year 53	577427	582472	5045
Year 54	577427	582472	5045
Year 55	577427	582472	5045
Year 56	577427	582472	5045
Year 57	577427	582472	5045
Year 58	577427	582472	5045
Year 59	577427	582472	5045
Year 60	577427	582472	5045
Total	35987999	36293392	305393

© Crown copyright (2022).

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit

write to the Information Policy Team, **The National Archives, Kew, London TW9 4DU**,  
or email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ  
National Highways Limited registered in England and Wales number 09346363