

## **DEADLINE 11 RESPONSE TO EXAMINING AUTHORITIES 3<sup>RD</sup> WRITTEN QUESTIONS**

This submission expands my case for a full formal consideration of the Mottram Gyrotory Flow (MGF) as an alternative to the A57 Links Road proposal, following the emergence of the recent WQ3 published by the ExA on Friday 6 May 2022. I make specific reference to Questions 3.4 (a to d) on pages 10 & 11 of WQ3, which are as follows:

*In the recent publication of Written Questions 3 the ExA at 3.4 note that there is a possible requirement beyond NN NPS to consider a reassessment of alternatives beyond the Trans-Pennine Feasibility Study, due to dramatically changed circumstances since 2015 and in particular the Stonehenge case R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport - Neutral Citation Number: [2021] EWHC 2161 (Admin).*

*The ExA then at 3.4 submit to the Applicant the following questions at 3.41*

*a) Would the Applicant comment on whether such reassessment took place?*

*b) If not, why not?*

*c) If so, can this be demonstrated?*

*d) Would the Applicant comment on what implication, if any, the Stonehenge Case has on the manner in which alternatives to the proposal have been considered?*

My deadline 8 submission [REP8-042] discussed the merits of the MGF as an alternative to the proposed A57 Links Road, whilst fully responding to the rather weak doubts and objections raised to it by NH. It is very apparent that it has a very good pedigree, having been named as Alternative One at the Mottram Tintwistle Bypass Inquiry in 2007 and scoring highly in terms of efficacy and environmental benefits.

The submission proceeded to examine whether the MGF had been considered by decision makers as an alternative solution to the major roadbuilding options.

- It looked at whether the scheme as proposed by myself had been considered by NH in their Application documents of 2021 such as the 6.2 Environmental Statement Non-Technical Summary dated June 2021 (pages 15-16) and I found no reference to it there.
- It also looked at whether the scheme, as I proposed it, was considered in the Trans-Pennine Feasibility Study of 2015, from which emerged the current Link Roads project (RIS1).
- The MGF, as I intended it, was initially described within NH's Environmental Statement (REP2-005) at page 100 Table 3.3 (23 Options assessed at the initial sift) as the 'best performing individual option against the sifting criteria and for meeting the objectives for the Scheme'. It was also described as deliverable and feasible.
- Then, curiously, at this point in the procedure (Appendix 2, the Stage 2 Report of this same study [Annexes – Annex 1], 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 prepared 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'.

I thus concluded and still maintain that the MGF has not been either assessed nor considered as an alternative solution to NH's more preferred major roadbuilding options.

I submitted an initial request to the ExA at Deadline 2 for my proposed alternative, where I set out its merits in full, [REP2-088] to be duly considered, followed by a further request at Deadline 8 [REP8-042] on the following grounds:

- A. That it was reasonable to request the ExA to fulfil the requirement at 4.27 of the NN NPS to consider the MGF as an unassessed alternative within the framework of this Examination. At this point there is no indication that the ExA are intending to accept this contention.

As such, I now appeal on the same but also on further grounds, with specific reference to Question 3.4 (a to d) of WQ3.

- B. That an assessment, or if applicable, a reassessment, of the scheme I propose, to now take place on the grounds of the Stonehenge case as cited by CPRE [REP 8-045] (R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport - Neutral Citation Number: [2021] EWHC 2161 (Admin) (the Stonehenge Case):

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

- (i) The options appraisal may not have involved all the considerations which are required to be taken into account under the development consent process.
- (ii) There may have been a change in circumstances since that exercise was carried out.
- (iii) The options testing for a RIS may rely upon a judgement by National Highways which undermines reliance upon that exercise and NPSNN 4.27.
- (iv) Updating of the appraisal is expected.

- C. Similarly, within the CPRE submission [REP 2-069] the matter is raised of dramatically changed national circumstances since the Scheme's RIS1 Adoption:

There have been far reaching changes in circumstances which took place since RIS2 was published and before, or during, the 2020 statutory consultation:

- Climate emergency declared May 2019 by UK Government.
- Climate Change Act 2008 amended in June 2019 to reach Net Zero emissions by 2050.

- Radical carbon emissions reduction targets set by all the local and regional authorities impacted by the scheme.
- Covid-19 pandemic (March 2020 and ongoing) which radically altered travelling patterns, and increased homeworking and virtual meetings for businesses.
- Review of Treasury Green Book, 25 November 2020, which provides the framework to evaluate the value of new infrastructure.

Since then, 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 Mix policy, both published in 2021.

- D. Furthermore, RIS1 2015-2020 para 2.12 states that there is an expectation for 'the appraisal of schemes to be updated:

*'The appraisal for these schemes will continue to be updated as the schemes develop. It is possible that some of these major schemes will as a result of further analysis of the economic, strategic and delivery cases be found to not be justified. In which case they would not be pursued and Highways England would have to explore other means of tackling the identified problems.'*

This applies to the current scheme. The Treasury updated its Green Book in November 2020 which gave the Applicant plenty of time for a review of the strategic case but it has still not been updated.

Consequently, I contest that the MGF, either as proposed, or coupled with sustainable transport measures was never fully tested by Highways England in 2015 nor has it been since.

Individual elements that compared favourably with NH's chosen scheme were rejected prematurely and the MGF was one of those. I request therefore, on that further basis, a full assessment of the MGF as proposed; and/or with non-roadbuilding sustainable transport measures, as previously discussed.

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TR20029712