

From: Andrew Boswell [REDACTED]
Sent: 12 May 2022 18:21
To: A57 Link Roads <A57LinkRoads@planninginspectorate.gov.uk>
Subject: A57 Link Roads TR010034 - applicant's submission at D11

Dear Edwin,

Unique Ref 20029126

I have been in meetings all day but have seen the applicant's response at D11.

The applicant's response in "9.85 Applicant's responses to Examining Authority's Third Written Questions"/8.1 is unacceptable:

*"National Highways responded to REP9-038, REP9-040, REP9-042, REP9-044 and REP9-045 at Deadline 10 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010) **and will respond to the Deadline 10 submissions at Deadline 12.**"*

It doesn't respond within a reasonable deadline, which is the deadline set by the ExA of deadline D11, to the ExA who asked:

*"Please could the Applicant provide **a detailed response** to the climate change matters raised by Climate Emergency Policy and Planning [REP9-038], CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other climate change matters raised in the Deadline 10 submissions?"*

I already pointed out in my Deadline 10 submission [REP10-011/6.1] that the applicant has not responded to a large chunk of my REP9-038 submission - no reference or response was made to 60 bullet points. This is of critical concern as these 60 bullet points interrogated whether the architecture that the applicant uses to process data from their traffic model with respect to carbon emissions (for both solus and cumulative carbon emissions) was fit for purpose to comply with the EIA Regulations. I conclude that it is not. The applicant must demonstrate that it does comply with the EIA regulations, or the Environmental Statement is not lawful. By not responding to REP9-038, and now not responding to REP10-011, and not responding to other IPs, the applicant has made their position untenable.

Further by saying that they will respond to D10 submissions, and presumably D11 submissions too, at D12, the applicant now greatly disadvantages me as an IP. The applicant also greatly disadvantages other IPs too. By submitting substantive material on the last day of the examination, the applicant does not give IPs the chance to respond.

This is prejudicial to my engagement with the Examination, and that of other IPs.

In this situation, the SoS cannot be satisfied that the material provided by the Applicant, especially when it is substantially contested, is sufficient for him to reach a reasoned conclusion on the significant effects of the proposed development on the environment, and that it meets legal, guidance and policy requirements.

The applicant's opportunity to respond to my submissions passed at deadline D10 for REP9-038 (D9) and at deadline D11 for REP10-011 (D10). My position would be further prejudiced if responses to any of this material was submitted by the Applicant on the final day of the examination giving me no chance to respond when the applicant has had since April 27th, and until May 5th, to prepare a response to my substantive submissions in REP9-038. Any response now on D9 and D10 material should not be accepted into the examination, as the deadlines for response have now passed.

Yours sincerely, Dr Andrew Boswell

Dr Andrew Boswell
± SCIENCE ± POLICY ± LAW ±

Independent Scientist/Consultant, Climate Emergency Planning and Policy
Fellowship integratedtransport.co.uk "Exposing the flaws in carbon assessment and transport modelling for road schemes"

[REDACTED] [REDACTED]

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72



[REDACTED]