

Dear Messrs Cowperthwaite and Dyer,

We, the undersigned, are objectors at this Examination.

We appreciate you accepting additional submissions AS-007 and AS-008 from two of us relating to the Applicant responding to your third written questions and other submission after the designated deadlines. This letter lays out these matters, formally under the examination procedure rules as below.

1. Infrastructure Planning (Examination Procedure) Rules 2010 (“the Rules”)

Rules 10(6) – 10(8), which we reproduce below, of the above legislation are part of the rules under which you are carrying out your examination of the A57 scheme.

(6) The Examining authority may in writing request—

(a) a specified number of additional copies of any representation;

(b) responses to questions posed by the Examining authority about the matters contained in any representation; and

(c) such further information about the matters contained in any representation as the Examining authority may specify;

and shall specify the date by which these must be received by it.

(7) Any person who receives a request in accordance with paragraph (6) above must ensure that the additional copies, responses to written questions or further information are received by the Examining authority by the date specified.

(8) The Examining authority may disregard any written representations, responses to questions or further information received after the date, or the expiry of the period, specified for their receipt.

2. Examining Authority’s third written questions and requests for information

On Friday May 6th 2022, you issued your third written questions and requests for information [PD-017] and stated that “Responses should be submitted for Deadline 11 on Wednesday 11 May 2022, unless noted otherwise”. The third written questions were issued under rule 10(6)(b) of the Rules, and the date for responses, deadline 11, is the date as required under rule 10(7) of the Rules. Should any written representations to your third written questions be submitted after

deadline 11, the rule 10(7) date, we understand that you may use your discretion as to whether to disregard them or not under rule 10(8).

The Applicant has indicated its intention [in REP11-010] to delay its responses to some questions in your third written questions to deadline 12, today May 16th 2022, which also is the penultimate day of the examination. It is our view that rule 10(8) engages and that you must give serious consideration to disregarding the Applicant’s response at deadline 12 on these questions.

The fact that the Applicant is choosing to submit responses to these questions on the very final deadline of the examination is critical. For example, this is an entirely different situation to one where responses to your second written questions on March 2nd had been delayed from the required deadline 6 to, say, deadline 7: in this case, IPs and other parties would have been afforded adequate time to respond. However, this is not the situation with the deferred responses to your third written questions.

This is also not a matter, either, of “who gets the last word”. Your approach to the examination has been inquisitorial. As part of that, we have been asking for further information on, and resolution to, many issues throughout the examination. It should have been possible by the process of exchange of written submissions to be much closer to resolution of these issues by this stage. Your third written questions quite directly sought to ensure responses to some of these matters which were being ignored by the Applicant. Throughout the examination, as IPs we have been faced with obfuscation and non-engagement by the Applicant with the questions and substantive evidence which we have provided. It is simply not reasonable for the Applicant to duck the opportunity provided at the third written questions to provide full responses on these matters by the designated deadline, and now instead to provide a response at the very last moment.

3. Unanswered questions

The table below lists the questions which have been deferred to deadline 12. Please note, that there many other matters deferred (for example, details of the dDCO), but we are highlighting here just those which disadvantage us as IPs.

	ExA Question	Applicant’s Response	Parties affected
Q3.7	Please could the Applicant provide a detailed response to the traffic modelling matters raised by CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other related matters raised in the Deadline 10 submissions?	National Highways responded to 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 <u>will respond to the Deadline 10</u>	CPRE Peak District and South Yorkshire Branch, and Daniel Wimberley, are disadvantaged.

		<u>submissions at Deadline 12.</u>	
Q7.1	a) Please could High Peak Borough Council provide an update on the matters that it has noted [REP8-025] as not being resolved, including with respect to: • speed band emission rates used in the air quality assessment • routing of traffic in Glossop from the A57 onto Shaw Lane and Dinting Road • the inclusion of Air Quality Management Areas in the air quality study area • human health receptors on the A57 in Brookfield b) What are the likely implications for the adequacy of the Applicant's assessment and for their identification of significant effects? c) Should further mitigation be provided?	a) The Applicant's position is provided in REP8-017. <u>This will be updated in the SoCG with HPBC to be submitted at Deadline 12.</u>	CPRE Peak District and South Yorkshire Branch, and Daniel Wimberley, have previously commented on these matters and would wish to comment of the applicant's response here, and are consequently disadvantaged.
Q8.1	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?	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 <u>will respond to the Deadline 10 submissions at Deadline 12.</u>	Climate Emergency Policy and Planning, CPRE Peak District and South Yorkshire, and Daniel Wimberley are disadvantaged

4. REQUEST TO THE EXA

We request that you disregard the applicant's responses to Q3.7, Q7.1, and Q8.1 of your third written questions as these responses prejudice the position of the IPs identified above in the table.

Yours sincerely,

Andrew Boswell
Anne Robinson
Daniel Wimberley

CEPP
CPRE PDSY transport campaigner
local resident