

A57 LINK ROADS TR010034

**CPRE Peak District and South Yorkshire Branch
Unique Reference: 20029243**

CLOSING POSITION AT DEADLINE 16 MAY 2022

We have engaged fully with Examination submitting written representations, answering questions, and developing an alternative proposal to road building. Our case against the Scheme as laid out in REP2-069 has not fundamentally changed and we stand by all we said in it. Since then evidence presented has reinforced some of our points.

Under section 104 of the Planning Act 2008 the Secretary of State (SoS) must decide an application for a national networks nationally significant infrastructure project (NSIP) in accordance with the relevant NPS unless he/she is satisfied that to do so would:

- 1 lead to the UK being in breach of its international obligations;
- 2 be unlawful;
- 3 lead to the SoS being in breach of any duty imposed by or under any legislation;
- 4 result in adverse impacts of the development outweighing its benefits;
- 5 be contrary to legislation about how the decisions are to be taken (NPSNN 1.2).

We first examine the issues which have severely compromised the search for understanding of the impacts of the scheme, examine the consideration of alternatives and then show how the scheme fails to meet the criteria set by the Planning Act 2008. In that context the A57 Link Roads scheme is not fit to proceed and should be recommended for refusal.

A ISSUES THAT HAVE COMPROMISED THE SEARCH FOR UNDERSTANDING

1 Traffic modelling

Our lack of confidence in the modelling and its results has increased throughout the Examination, has been shared by other interested parties (IPs), and was comprehensively expressed through a joint letter to the ExA [REP10-017]. Inconsistencies remain unresolved [REP8-034; REP9-040] and new ones keep appearing [REP9-043; REP10-012]. In response the Applicant rejects the critique as invalid but offers no lucid explanation and repeats its confidence in its traffic data and modelling. This has been unhelpful and led to the ExA still asking serious questions about the model as the Examination closes. Serious unexplained disparities remain between observed and DM 2025 modelled flows along the M67 between J3-J4, between Hollingworth and Tintwistle on the A628T, on the A590 south of Ashworth Lane, and at a number of locations along the A57 through Glossop.

However finally in its response to WQ3 NH REP11-010 supplied some explanation as to the disparities between some of the observed traffic flows and modelled traffic flows in 2025 DM we had presented in REP8-034. Our detailed response to these explanations are in our Deadline 12 rebuttal of NH REP11-010 Q3.1. In summary, according to NH's explanation, local zone limitations are exposed by these disparities. These limitations are a good reason

for using a more defined model of Glossopdale, something we and others had repeatedly requested. Glossopdale should be remodelled with the use of smaller zones and a finer network until all relevant traffic is represented.

It is of serious import that refinements were made to the model during development of the scheme in order to avoid air pollution in Tintwistle and Dinting Vale AQMAs, and along Glossop High Street West¹. The pollution was of such severity that it was considered that it would jeopardise development consent. These model refinement steps could have led to some of the anomalies in the model's outputs. HPBC also noted a significant discrepancy between the available published manual count data (not predicted and from DfT) for the various appropriate stretches of road across the HP zones, and the data obtained from a bespoke transport assessment undertaken by HE (in 2015) [REP7-030].

The Environmental Statement relies on the integrity of the data and modelled results in order to give an accurate assessment of the scheme's impact on the environment. That we do not have that integrity is most serious and of great public interest, given that it was errors in the traffic modelling for the proposed Mottram-Tintwistle bypass in 2007 which led to closure of the public inquiry. In view of this the scheme should be rejected, the traffic modelling should be reassessed and proper dialogue allowed between the traffic modellers and appraisers and all interested parties. A finer model should be used for Glossopdale.

2 No WebTAG compliant Appraisal

A full WebTAG compliant appraisal should have been presented as part of the DCO application. The Transport Assessment Report (TAR) does not allow full comprehension of the traffic effects of the scheme or provide sufficient evidence to test the impacts of the scheme against legal, policy and guidance requirements. Our initial impression of the superficiality of the TAR and Case for the Scheme has been confirmed by work undertaken by Keith Buchan on behalf of CPRE showing (i) the failure of the modelling to encompass Greater Manchester which receives the majority of the journeys generated by the scheme; (ii) the failure to undertake a full uncertainty log as required by DfT; (iii) the omission of public transport (apart from rail for those with access to a car), walking and cycling.

The failings of the TAR are exposed by the Applicant's approach to the value of the detailed technical documents it sent to CPRE and which we submitted at Deadline 2. These were initially dismissed by the Applicant as 'partial information' [REP5-021, page 13] but subsequently used by itself for reference when information was missing in the TAR.

3 Serious Omissions

These are the exclusion of most of Greater Manchester from the detailed modelling; and the exclusion from the modelling and the assessment of walking cycling and public transport (except for rail trips by those households with access to a car) [REP7-034; REP8-033]; of a proposed major development Godley Green Garden Village (GGGV) adjacent to the scheme;

¹ REP2-090 7.3.1 page 519/790

and of the major interventions planned for the M60 J24 Denton Island Interchange. To redress them the scheme must be re-assessed.

The failure of the modelling to represent the impact of the scheme on traffic patterns in the majority of Greater Manchester means the impacts on Greater Manchester are unknown. Almost the whole of this scheme is within Greater Manchester. Its traffic is an important part of the traffic using the road and it should have been factored in to the forecast. The Applicant refuses to see the scheme in its real context. Physically it is almost entirely within Greater Manchester and vast majority of its traffic and its benefits are related to that area. The Applicant's claim that City to City trips are important does not withstand scrutiny – these trips represent 6% of the journeys and of the benefits [REP9-040 Q3.3].

It is also essential that transfer of journeys to more sustainable travel modes are reflected in the assessment of the scheme. To avoid this the Applicant asserts [REP6-018 Q3.3] that aspirations for more sustainable travel have not been translated into policies and programmes, but they have – in the national Gear Change, Bus Back Better and DfT's Decarbonising Transport; and in Greater Manchester's Right Mix – and with spending attached. The Applicant also assumes a decline in bus patronage but in the context of the policy framework and of travelling sustainably this has to be a temporary phenomenon. Bus franchising in Greater Manchester (which includes services to Glossopdale) would lead to affordable services that meet people's needs. If such franchising is as successful as similar programmes on the continent then Greater Manchester's aspirations should be realised.

The Right Mix policy aims to reduce car trips and increase trips by walking cycling and public transport by 50% by 2040 with a fall in traffic 17%. Similarly the DfT Decarbonising Transport target of 50% walking and cycling for trips within towns and cities by 2030 is not represented in the forecast. The assumption of traffic growth in the model is not in line with either of these documents; therefore the scheme does not meet their policy requirements. That the scheme is not supportive of these modal changes is also shown by the increase in vehicle kilometres - +84,000 veh kms in 2025 within the ADM; +39,000 veh kms within the local study area [REP8-019 9.75.6]. Any increase in car trips is not in accord with the Greater Manchester Combined Authority's (GMCA) Transport Strategy, and an increase in the local study area is particularly contrary to the Right Mix vision.

The proposed Godley Green Garden Village is the largest development within Greater Manchester, only 1Km distant from the scheme. Traffic generated by this allocation is *'likely to result in material implications on the operation of the SRN that would require mitigation²'* at both the M67 J4 roundabout and M60 J24 Denton Island³. Although the former is part of the scheme the latter is not. The conclusions that NH reaches in ES Ch 15 regarding Godley Green Garden Village underestimates the cumulative impact between the two

² Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 page B32 para 15.2.1 and Table 9; pdf page 108/170 submitted as a separate document to the Examination

³ Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 page B33 para 15.3 onwards; pdf page 109/170 onwards - submitted as a separate document to the Examination

developments and fails to mention the substantial impacts on the M67 and M60 Jn 24 Denton Island.

The M60 J24 interchange has long been recognised as a pinch point for congestion⁴ in need of improvement. Even without the Godley Green Garden Village proposals the M67-M60 J24 interchange proposals should have been included in the assessment of cumulative effects. The Transport Locality Assessments for Tameside Allocations document makes it clear that proposed changes to the M60 J24 Denton Island are part of the Trans-Pennine Upgrade.

B ALTERNATIVES - NEED FOR THE SCHEME IS NOT ESTABLISHED

The Applicant presents the scheme as the only possible solution to the problems along the trunk route. NPSNN 4.27 requires only that the ExA is satisfied that a 'proportionate option consideration of alternatives' has been undertaken. However, it has not and there are strong arguments to re-examine the NSIP options appraisal, as outlined by the Stonehenge case judgement⁵. In addition as the Stonehenge judgement made clear, just because alternatives have been considered, does not mean they do not need to be revisited for the reasons given in NPSNN 4.26.

(i) It may not have involved all the considerations which are required to be taken into account under the development consent process. Through this process the Applicant has a duty to consult the community in accordance with the Statement of Community Consultation (SoCC) Planning Act 2008 s 47). This stated 'we're publishing ... consultation material to assist well-informed responses to the consultation... The report will provide information about the potential environmental effects of the scheme.' No information on traffic was supplied so it was impossible for local people to make well-informed responses to the impacts of the scheme on the local area or its potential environmental effects [REP2-069 Appendix B]. People in Glossop would not have known, as we do now, that the streets on which they live would have more traffic leading to more noise, road crashes and difficulty crossing the road. Under its licence the Applicant is bound by the Cabinet Office guidance on consultation 2018 to '*give enough information to ensure that those consulted understand the issues and can give informed responses*'. The local authorities and the PDNPA submitted holding objections due to inadequate information on the traffic impacts. It therefore appears that the Applicant did not deliver consultation according to its SoCC [REP2-069 Appendix B].

(ii) There may have been a change in circumstances since that exercise was carried out. Since the options appraisal in 2015 and the close of the scheme's 2020 statutory consultation there has been a declaration of a climate emergency in 2019 by the UK Government; amendment of the Climate Change Act 2008 in 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; altered travel patterns, and increased homeworking and virtual meetings for businesses due to the Covid-19 pandemic (March 2020 to the present); review

⁴ South Pennines Route-Based Evidence Strategy Report, Highways England, 2014, Figure 3; South Pennines Route Strategy, Highways England, 2017 p.29

⁵ [REDACTED] para 262

of the Treasury Green Book which provides the framework to evaluate the value of new infrastructure in 2020.

(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.* The Applicant's planning has for 26 years 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. There was, and is, no scheme objective to address climate change despite the 2008 Climate Change Act. The options appraisal addressed the symptoms, not the causes, of the problems along the route and focused on road building⁶.

A lorry ban coupled with sustainable transport measures and technological improvements was not fully tested by the Applicant in 2015. Individual elements that compared favourably with the scheme were rejected prematurely. Steve Bagshaw has also presented strong evidence that his proposed Mottram Gyratory Flow, despite it being the best performing option initially, was never tested on its own [REP8-042 para 5]. Comparison of the scheme now with how it scored in the 2015 suggests it would have been dismissed at the time.

(iv) *Updating of the appraisal is expected. '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'*⁷. The Applicant's answers when questioned on this matter were first to agree there had been no review of options, then to claim there had been [REP8-019, 9.75.34], and when challenged at D10 to apparently revert to its original position of not having undertaken a review because *'it would not be practicable'* [REP10-010, 9.84.13]. We therefore conclude that the Applicant has not undertaken a review as required by RIS and the Treasury Green Book.

(v) *The legal and policy requirements for consideration of alternatives are listed in NPSNN para 4.26* and are not exhaustive as Justice Holgate stated. The A57 Link Roads require consideration of alternatives for the following reasons which are not exhaustive:

- 1 the EIA is not compliant with the EIA Directive;
- 2 an assessment of European sites adjacent to the A628T under the Habitats Regulations Assessment has not been undertaken;
- 3 the scheme does not meet the flood risk Exception Test;
- 4 NH's reliance on the options appraisal to provide Very Special Circumstances for inappropriate development that would harm the Green Belt to proceed;
- 5 the Applicant's s.62 duty under the 1995 Environment Act;
- 6 the requirement of NPSNN 5.152 to avoid National Parks when planning for the SRN.

Where the scheme proposed would cause significant planning harm, as here, and the grant of consent depends upon its adverse impacts being outweighed by need and other benefits

⁶ Trans-Pennine Routes Feasibility Study 2015

⁷ RIS1 2015-2020 para 2.12; Treasury Green Book November 2020

the consideration of alternatives is relevant. The A57 Link Roads cause significant planning harm as we have shown – increased carbon emissions, major harm inflicted on the Green Belt, material impacts on the PDNP, increased risk of road crashes, widespread negative impacts due to increased traffic throughout Glossopdale.

A ‘proportionate assessment’ has not been undertaken, a number of legal and policy requirements have not been met, and the scheme would cause significant adverse impacts – therefore alternatives should be revisited. In addition the scheme is being considered in isolation from the strategic trans-Pennine route instead of a strategic approach. This piecemeal approach was condemned by the Government’s Advisory Committee on Trunk Road Assessment (SACTRA) in the 1980s. For that reason alone the scheme needs to return to the drawing board.

Through the Examination we presented a package of measures that challenges the need for the scheme and shows re-assessment of options is essential. The alternative package which would achieve much of the benefits at Mottram, and additional benefits in Hollingworth and Tintwistle not offered by this scheme; less environmental damage and safety disbenefits; and significant benefits for those not using cars. The ExA has strong grounds on which to ask a reconsideration of alternatives.

C REQUIREMENTS OF PLANNING ACT 2008

1 LEAD TO UK BEING IN BREACH OF ITS INTERNATIONAL OBLIGATIONS

UK’s Nationally Determined Contribution

In December 2020 the UK committed to reducing economy-wide GHG emissions by at least 68% from the 1990 baseline by 2030 under the Paris Agreement – its Nationally Determined Contribution (NDC). The scheme would continue to emit, not reduce, carbon emissions over its 60-year assessment. No evidence has been supplied by the Applicant to show that the scheme would not undermine achievement of the UK’s obligations under the Paris Agreement.

Meeting this NDC is managed through the framework of the Climate Change Act and UK’s legally binding carbon budgets⁸. However the UK is not on track to meet the 4th (2023-2027), 5th (2028-2032) or the 6th (2033-2037) carbon budgets⁹. The UK’s 6th budget¹⁰ requires a step-change in carbon emissions reductions (78% reduction by 2035, compared to 1990 levels; contrasted with 51% for the 4th budget and 57% for the 5th budget) in order to address this projected failure to meet the 4th and 5th budget. Furthermore the UK 4th and 5th carbon budgets have not been revised in line with Net Zero 2050. Consequently the scheme’s emissions have to be seen in the context of a need for tighter controls of emissions now. The scheme’s year-on-year increasing emissions, when absolute reductions

⁸ REP9- TR010054 M54 to M6 Link Road decision letter para 37

⁹ Sixth Carbon Budget, Climate Change Committee, Dec 2020; Reducing UK Emissions Progress Report to Parliament, Committee on Climate Change, June 2020

¹⁰ Sixth Carbon Budget charts and data in the report Advice Report Ch1&2 tab, row 238.

are required, could materially impact on the UK's ability to meet its carbon budgets and carbon reduction targets, and therefore have an effect on achieving the UK's NDC.

2 BE UNLAWFUL

(a) EIA Regs 2017

The scheme is in breach of the EIA regulations as there is no environmental baseline for the carbon emissions, The baseline used was do minimum in 2025 which included all the uncertainty log developments. It therefore does not represent the true baseline as of 'today' or 2019 without all future development, as CEPP has shown [REP8-029 para 7]. EIA regulations 2017 Schedule 4 require 'A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development'. The EIA Guidance¹¹ defines the baseline as 'a description of the current status of the environment in and around the area in which the Project will be located... The description of the current state of the environment must be sufficiently detailed and accurate to ensure that the effects, arising both during the development of the Project and in the future, can be adequately assessed'.

The EIA Regulations 2017 Schedule 4 requires the description of the likely significant effects on the factors specified in regulation 5(2) to cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. The EIA Regulations Guidance page 39 interprets this as requiring assessment at the national, regional and local level which the applicant has repeatedly refused to do for carbon emissions. We (REP2-069) and several other parties have shown how this could be done using the Tyndall centre SCATTER budgets prepared for local authorities.

(b) Applicant's licence 2015

The Applicant is in breach of its licence conditions. There are conditions in the applicant's licence that it must up hold as statutory directions. Para 8.1 directs that the applicant must act within the conditions of this licence at all times, which means that conditions that are predicated on 'should' are equally as important. The expectation on the Applicant is to perform above and beyond the conditions in its licence. These breaches represent a serious malfeasance and must be rectified before a decision on the scheme can be made.

para 4.1 It must operate and manage the SRN in the public interest in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity – **increasing carbon emissions in a climate crisis is not in the public interest;**

para 4.2 It must ensure efficiency and value for money – **failure to review the options during development of the business case means this condition is not proven to be met;** must protect and improve the safety of the network – **the scheme increases the risk of crashes;**

¹¹ Environmental Impact - Assessment of Projects - Guidance on the preparation of the Environmental Impact Assessment Report (Directive 2011/92/EU as amended by 2014/52/EU), 2017, page 33

must minimise the environmental impacts of operating maintaining and improving the network – operational GHG emissions have not been minimised, the applicant refuses to recognise that the impacts on PDNP are significant; must enhance the quality of the surrounding network – the local network is impacted negatively by the scheme with more congestion, severance, noise and road crashes; must conform to the principles of sustainable development (encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations) – all of the above fail to meet the condition for sustainability but especially the carbon emissions.

para 5.29 It must comply with or have due regard to Government policy – the applicant refuses to recognise that scheme is in an urban location and therefore must meet the requirements for 50% of all trips to be made by active travel by 2030 (DfT's TDP); 50% of trips by public transport walking and cycling by 2040 (GMCA's Right Mix policy), and the sectoral targets set for transport in UK Net Zero Strategy. By omitting walking cycling and public transport (except rail users with access to a car) from its assessment it has failed to comply with the Bus Back Better and Gear Change. It refuses to recognise that NPPF requires great weight to be applied to protection of the PDNP and its setting.

para 5.15 It should seek to ensure protecting and improving safety is embedded into its business decision making, and to achieve the best possible safety outcomes; the applicant dismisses the increased risk of crashes as insignificant;

para 5.19 It should cooperate with persons or organisations in a way that is open and transparent, positive and responsive and collaborative – it has misled the examination on a number of issues and refused to share information with us until one day before the Examination opened when we had been requesting it for 8 months. It has failed to engage with substantive evidence submitted by us and others, and provided vague and unintelligible answers to questions;

para 5.23 It should ensure protecting and enhancing the environment is embedded into its business decision making – This did not include planning of the SRN to avoid the PDNP as required by NPSNN.

(c) Section 62 duty Environment Act 1995

The Applicant is subject to the section 62 duty under the Environment Act to have regard to National Park statutory purposes, which are:

to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and

to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.

Section 62 of the Environment Act 1995 places a general duty on statutory undertakers to have regard to the purposes of National Parks when coming to decisions or carrying out their activities relating to or affecting land within the Parks. It has failed to fulfil this duty by

allowing materially significant adverse and unmitigatable traffic increases on several roads through the Park, contrary to National Park purposes (see below).

3 LEAD TO THE SECRETARY OF STATE BEING IN BREACH OF ANY DUTY IMPOSED BY OR UNDER ANY LEGISLATION

Both the ExA and the SoS are subject to the section 62 duty above.

The SoS, as the single share owner of National Highways, is in this instance both decision maker for the scheme and required to hold the Applicant to account on behalf of Parliament. The SoS has a duty to report to Parliament on the Applicant's performance (Infrastructure Act 2015), which should include the failure to meet its licence conditions.

4 RESULT IN ADVERSE IMPACTS OF THE DEVELOPMENT OUTWEIGHING ITS BENEFITS

NPSNN 4.3 requires that for a proposed development the ExA and SoS should take into account:

its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;

its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

(a) Scheme's potential benefits

The scheme's claimed performance against its objectives are summarised in boxes below. Below the boxes we respond to the claims¹².

1 Connectivity – reducing congestion and improve the reliability of people's journeys between the Manchester and Sheffield city regions. Demonstrated by time saving benefits for trips on the SRN between Manchester and Sheffield, and for trips using the local road network. Congestion through Mottram, Hattersley and Woolley Bridge would be relieved.

The claimed time savings are for incomplete journeys. That on the SRN between Manchester and Sheffield is for a 10-mile stretch of a 40-mile journey between the city centres and avoids the congestion that would be met within both urban areas. Despite requests no city-to-city journey times have been presented. NH's claim¹³ that journey times are captured in the modelled road network is no substitute for presenting specific evidence.

Similarly, journey times for local trips are for incomplete journeys¹⁴. Journey times between Glossop and Manchester Tameside or Stockport that are relevant to residents' travel

¹² Evidence is from the Case for the Scheme, the TAR para 1.2 and Table 10.1, ES Ch.1-4 Introductory Chapters, and from Examination documents as referenced

¹³ REP5-022, 9.54.64

¹⁴ TAR 7.1.7

patterns are not given. Within Glossop journey times would increase due to increased congestion, as HPBC has shown¹⁵. Bus journey times for key routes would worsen¹⁶.

Time saving benefits are claimed through Mottram and on Woolley Lane but no evidence is provided. As a 20mph speed limit would be in operation on both roads, where traffic currently moves at between 6-12mph¹⁷ and between 12.5 to 28mph respectively, drivers are unlikely to experience much change. In addition the average delay for the Hyde Road approach to the M67 J4 roundabout lengthens 5-fold with the scheme in 2025¹⁸. No times are given for the north-south route through Mottram, where traffic increases, or Hattersley.

The scheme fails to address longstanding issues of connectivity and congestion on the trans-Pennine strategic route between the M67 and the M1. Connectivity on the trans-Pennine route is impaired by accidents which reduce journey time reliability; severe weather causing road closure; lack of technology; asset condition; delays at junctions and due to geometry and topography; long term traffic growth bringing some urban sections of the route to capacity¹⁹.

The scheme itself – as the Applicant pointed out - is separate from the safety and technology measures²⁰. Accidents would increase along the trunk route. The new junction on Mottram Moor would recreate the current congestion just 0.8miles east of the M67 J4. The 26% increase in traffic on the M67 would increase congestion at the M67-M60 J24 Denton Island Interchange²¹ for which major interventions are required²². Long tail backs on the A628T from the Gun Inn junction in the morning, and to a lesser extent in the evening, peak would increase due to improvements for pedestrians²³. The asset condition would improve with a new section of road. Severe weather and topography would remain unaltered.

2 Environmental – improving air quality and reducing noise levels in certain areas, through reduced congestion and removal of traffic from residential areas. The scheme is designed to avoid unacceptable impacts on the natural environment and landscape in the Peak District National Park (PDNP).

(1) Air quality - There would be substantial improvements in annual mean NO₂ concentrations for those living along Hyde Road, Mottram Moor and Woolley Lane. However half the exceedances modelled in the 2018 base year would reduce below the Limit Value in 2025 without the scheme. With the scheme in 2025 the majority of remaining exceedances are reduced below the Limit Value. There would still be exceedances of the Limit Value and the Air Quality Strategy (AQS) objective along the A628T in Hollingworth (16

¹⁵ REP2-046 Local Impact Report

¹⁶ REP6-017, answers to WC2 Q3.17

¹⁷ TAR Figures 3-9-3.11

¹⁸ REP2-022 WQ2 Q3.4

¹⁹ TransPennine Routes Feasibility Study 2015 Stage 2 report Annex

²⁰ REP9-OXX

²¹ REP2-022

²² REP2-069 page 99 Places for Everyone, Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 Appendix B, pages labelled B1-B51 [pages 71-127 in the electronic pdf]

²³ TAR Fig3.9 and Fig 3.11

receptors) and along the A57 Dinting Vale (1 receptor which exceeds the Limit Value would experience slightly worse pollution). Air pollution would increase regionally, indicating that the scheme is just moving the source of air pollution into the adjacent fields. Two AQMAs in the vicinity of the scheme and the European sites adjacent to the A628T have been omitted from the air quality study. The failure to verify that AQS objectives for two AQMAs would be achieved detracts from the air quality benefits.

(2) Noise pollution - Without the scheme road noise would change little in the area. With the scheme there are winners and losers - 130 significant adverse effects on noise sensitive receptors; 371 significant benefits; overall, more perceptible increases than perceptible decreases in noise.

Properties on Hyde Road in Mottram and on Woolley Lane would experience the greatest reduction, and those nearest to the underpass the greatest increase, in noise. Traffic noise would increase in four of the eight Noise Important Areas and decrease in four. Of note is that at night, with or without the scheme, in 2025 the Hattersley, Mottram, and Hollingworth settlements experience road traffic noise above the level at which adverse effects on health and quality of life can be detected. Day and night, with or without the scheme, in 2025 those living on Mottram Road near the M67 J4, on Market Street and Broadbottom Road in Mottram, on the A628T through Hollingworth, and on Hadfield Road experience noise above the level at which significant adverse effects on health and quality of life occur. Traffic noise would therefore remain detrimental to the quality of life for many in the area.

(3) Peak District National Park - The scheme has failed to avoid unacceptable impacts on the PDNP (see below). This is therefore a disbenefit.

3 Societal – re-connect local communities along the Trans-Pennine route. Reduced journey times and improved reliability will increase the accessibility of the Scheme and associated routes. Detrunking of a section of the existing A57, with reduced speed limit and traffic will help to decrease the severance of the communities close to this road. All new and existing junctions will be provided with upgraded Walkers, Cyclists and Horse (WCH) riders facilities (M67 Junction 4, Mottram Moor, Gun Inn Junction and Woolley Bridge) making crossing easier and improving safety. Collision rates are increased.

Traffic flows on the A57T through Mottram between Back Moor and M67 J4 would decrease by over 90% and on Woolley Lane by 77%²⁴, leading to substantial improvements in the environment and quality of life for residents. Effective enforcement of the proposed 20mph speed limit would be required in order to avoid traffic rat running to avoid queues on the new roads. Traffic calming could cause some local drivers to seek alternative routes leading to negative impacts on those diversions. Severance is not formally addressed in any of the DCO documents.

²⁴ TAR 7.1

At the Gun Inn junction there would be an increased green time for pedestrians²⁵, tactile paving and adequate widths for all. At the M64 J4 there would be installation of traffic signals and signal controlled cyclist/pedestrian crossings. The new 'junction on Mottram Moor will now be quicker and easier' [REP1-042, RR-0170-2]. A new bridleway, segregated from the traffic, would be created adjacent to part of the westbound dual carriageway and all of the westbound single carriageway, linking Old Hall Lane through the Mottram Moor Junction with the A57 at Brookfield.

The improvements for WCH at the junctions would be of benefit; those at the Gun Inn and the M64 J4 could be done without the scheme. However, the new major junction on Mottram Moor would require walk with the traffic i.e. no all red phase, and therefore would increase severance for walkers and cyclists wishing to cross and increase the likelihood of risk taking e.g. by young people on their way to school in Longdendale.

In principle the bridleway appears of benefit but its effects are likely to be limited. Walking or cycling adjacent to large volumes (between 21,200 and 30,100 vehicles daily) of noisy polluting moving car and lorry traffic would deter many, as our survey of local residents showed²⁶. Cyclists (particularly those descending the hill) are likely to intimidate and threaten the safety of walkers, and the route would most likely be used only by 'hard core commuter' cyclists. The bridleway would link up with the trans-Pennine Trail via an expanded footway but there are no proposals for segregated/off road routes elsewhere that would create a holistic network throughout Glossopdale and would encourage people to walk and cycle. The remainder of the PRow works are reconnections required by law.

4 Capacity – reduce delays and queues that occur during busy periods and improve the performance of junctions on the route. At M67 J4 signalisation will improve safety and smoothness of flow, while the cut-through of the roundabout will provide more direct access between the M67 and the new Mottram bypass. Journey times particularly for local movements in the vicinity of the scheme would be more consistent.

Without the scheme, NH claims that drivers would experience delays of ~five minutes along and crossing the A57(T) in 2040. With the Scheme in place delays are forecast to be less than one minute. However, the figures supplied for operational capacity at this junction intuitively appear extremely low. Long queues form particularly during peaks yet the modelled queue lengths are surprisingly short in DS 2025 and indicate no delay²⁷. Congestion on the M67 approach arm would increase with the scheme. The improvements could all be done without the scheme.

5 Economic impacts

Journey time savings provide the greatest economic benefit and for local journeys. *'Of the total travel time benefits delivered by the Scheme, approximately 6% comes from trips between Manchester and Sheffield. A further 10% comes from trips which start or end in*

²⁵ TAR 7.1.13

²⁶ REP2-071

²⁷ REP2-022 WQ2, Q3.4

*Manchester or Sheffield with the other end of the trip in the corridor between them. The bulk of the remaining benefits are for more local journeys in the vicinity of the Scheme*²⁸. Thus the scheme is not achieving its strategic objectives. Wider economic impacts would be £97m²⁹. The Applicant claims that the accident disbenefits are outweighed by the journey time savings and economic benefits [REP3-021, 3.19]. Without time savings for complete journeys this remains unproven.

Summary of potential benefits of the scheme

There would be a greatly improved and less polluted environment for ~190 properties on Hyde Road and Mottram Moor and for 85 properties on Woolley Lane. The claim of improved journey times applies only to partial journeys. It is where the economic benefits are claimed to lie but we have been given no robust assessment or evidence. Congestion would be moved less than a mile further east, not reduced. The benefits for WCH at existing junctions could be delivered without the scheme and the proposed new bridleway adjacent to the single carriageway is likely to be used only by serious cyclists.

(b) Potential adverse impacts of the scheme

The adverse impacts of the scheme - increasing climate emissions, increased risk of road crashes, impacts on Glossopdale, harm to the purposes and openness of the Green Belt, harmful impacts on the setting of the PDNP and indirectly on its landscapes, adverse impacts on landscape and visual amenity, and failure to meet the Exception Test for flood risk - are all rejected or considered insignificant by the Applicant. In our view they heavily outweigh the benefits.

1 Greenhouse Gas Emissions (GHG)

The scheme's carbon emissions (401,000tCO₂ between 2025 and 2040) are contrary to the urgent and radical reduction required to address the climate emergency. The Applicant claims the scheme's contribution to overall carbon levels is small and would not have a material impact on the ability of Government to meet its legally binding carbon reduction targets³⁰. We disagree.

In line with NPSNN the Applicant assessed the scheme's emissions against the UK's carbon budgets. However it equated the carbon budgets with carbon reduction targets which are not quite the same. It has therefore failed to show how much of the total carbon produced by the scheme is in excess of the amount to make a proportionate contribution to meet the UK's Net Zero 6th Carbon Budget. Even allowing for some electrification of the fleet, the decrease in emissions from the scheme would be insufficient to meet the carbon reduction trajectory in DfT Decarbonising Transport, Figure 2 page 45 [as we showed in REP4-031]. Therefore the Decarbonising Transport policies for EV vehicles and its support for an ambitious roads' programme cannot be used to cancel out this negative impact. The 6th Carbon budget also requires a reduction in car trips. The scheme's increase in vehicle

²⁸ REP5-022, 9.54.64

²⁹ TAR 7.2.6

³⁰ REP9-027 9.79.15

kilometres is contrary to that requirement. Using the low growth scenario as a proxy for reduction in car trips, we showed the carbon emissions without the scheme would achieve the required reduction in trips in 2030 but then increasingly under performs against future requirements. Thus an even greater reduction in car use than the low growth scenario is required to meet the 6th Carbon Budget. A model run with traffic predicted from the application of DfT's Decarbonising Transport and without the scheme would form a realistic Do Minimum scenario which could then be compared to a run with the scheme and a Business as Usual level of traffic [REP4-031]. Our request for this was dismissed.

The Applicant has not undertaken a cumulative assessment of the emissions, as required by NPSNN 4.15-4.17 and the EIA regs. The applicant has refused to assess the impacts of the scheme's emissions on subnational, regional and local carbon targets and budgets set by authorities at these levels³¹, as required by NPSNN 4.4 and the EIA Guidance³². The carbon cost as presented is out of date and the Applicant has refused to update it with the new carbon values.

As there is no accepted definition of a significant amount of carbon emissions, we put significance in perspective in two ways - by showing how many electric vehicles would need to be bought to compensate for the scheme's emissions (11,500 vehicles this year alone) and by showing the costs of reducing emissions. DfT's Decarbonising Transport anticipates that for active travel to contribute a reduction of 1-6MtCO₂ by 2050 would cost £2bn over the next 5 years alone. To compensate for the scheme's carbon emissions would cost hundreds of millions of pounds.

The Applicant has also argued that the UK's NZS and DfT's Decarbonising Transport would ensure national carbon budgets and targets would be met irrespective of the scheme's emissions [REP9-027, 8.10.5]. This argument cannot be sustained as the UK NZS is now the subject of a legal challenge as to whether or not it contains effective policies to achieve its goals [CEPP REP10-011]. The Applicant's arguments that policies in both these documents are not yet formed [REP6-018 Q3.3] further undermines their own argument.

The summary of the science behind the need for urgent and radical GHG emissions reduction is contained in the REP10-017 to which we were a signatory. Even if the applicant cannot adopt the precautionary principle it is the responsibility of the ExA and the SoS to do so in the face of the greatest crisis facing the planet. On the carbon emissions alone the planning balance is heavily weighted against the scheme.

2 Increased risk of road crashes

The Applicant dismisses the increased risk as insignificant and offers no mitigation. Policy at all levels seeks an improvement, not a worsening, in road safety. When developed in 2015 the scheme had an objective to improve safety on the A628T corridor and scored +1

³¹ TfN Net zero by 2045; Greater Manchester Combined Authority Net Zero by 2038; South Yorkshire Mayoral Combined Authority Net Zero by 2040; Barnsley MBC Net Zero 2045; and Sheffield City Council and High Peak Borough Net Zero by 2030. Derbyshire County Council has aligned its emissions reduction pathway to the UK's NDC target

³² Environmental Impact Assessment of Projects: Guidance on the preparation of the Environmental Impact Assessment Report – European Union, 2017 https://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf page 41

beneficial against it. That objective was removed for the 2020 consultation and the DCO application. Now the scheme would score at least -1 adverse.

Safety on the SRN

The scheme would cause diversion of traffic off the safer M62, with increased crashes on the A628T. These would occur despite the A628T Safety and Technology improvements, which focus on addressing crash hotspots and the provision of electronic signs³³ and are included within the scheme's baseline 'do minimum' scenario³⁴. Thus the scheme would negate mitigation to address the poor safety record on the A628T. Current conditions for crossing the A628T on three national trails is challenging under current circumstances and would be made more hazardous with more traffic. By increasing crashes on the SRN, including on Mottram Moor east of the new junction and the M1, the applicant has failed to meet the requirements of (a) the NPSNN 2014, 4.64-4.66; (b) the DfT's Strategic Framework for Road Safety 2011, paras 1.21 and 1.2; (c) DfT's The Road Safety Statement 2019 A Lifetime of Road Safety³⁵; (d) National Park policy T1 and T2; (e) Transport for the North's statutory Strategic Transport Plan 2019 pages 38 & 61; and (f) the Applicant's licence conditions 5.15.

Safety on the Local Road Network

This was studied ineffectively within Glossopdale as the applicant excluded residential roads '*on which the scheme is not expected to have an impact*' from the road safety study (Case for the Scheme 4.5.2). HPBC's Local Impact Report shows an increased risk of crashes on residential roads in Glossop, as does the TAR Figure 7.8.

The greatest increase in the risk of road crashes occurs on the A57 Snake Pass. Road safety within the National Park is a key issue³⁶ as it impacts directly on both its statutory purposes. The applicant's assessment took no account of the impact of intimidation on walkers who have to walk a road with few pavements, narrow verges and fast moving traffic to reach paths that do not immediately join up; or on cyclists using the road. It also dismissed the impacts on wildlife within the National Park. In order to address the increased risk of crashes DCC proposed average speed cameras. If installed along the A57 Snake Pass they would have a negative impact on a particularly remote and wild route through the National Park compounding one negative intrusion on landscape and visual amenity from the scheme (increased traffic) with another (cameras). Such cameras do not address the problems, only the consequences, of a poorly thought through scheme and their impacts fail to fulfil National Park statutory purposes or Government policy.

All the policies and the licence agreement that apply to the SRN also apply to the local road network. Every Local Highway Authority³⁷ with responsibility for the roads that would see

³³ The Case for the Scheme 2.1.9

³⁴ ES Ch1-4 Introduction 2.4.6-2.4.9; 3.4.5

³⁵ The Road Safety Statement 2019 A Lifetime of Road Safety, DfT para 4.9

³⁶ English National Parks and the Broads: UK Government Vision and Circular 2010 Paragraph 88

³⁷ DCC LTP 3 2011-2026; South Yorkshire Mayoral Combined Authority Roads Implementation Plan 2020 which aims to improve safety on the network for all users. '*Safety for all road users must remain of paramount importance*'; South Yorkshire Local Transport Plan 2011-2026 7.1-7.15 aims to maximise safety; Sheffield City Council Transport Strategy 2019-

increased crashes seeks reduction of road crashes and casualties. The increased risk of road crashes should weigh against the scheme in the planning balance. The aim should be to reduce traffic through the PDNP in line with PDNPA policies.

3 Impacts on Glossopdale

The A57 Link Roads do not solve the traffic problem; they address the symptoms of it by displacing, redistributing and generating traffic in Longdendale and Glossopdale. Away from the bypassed routes traffic increases on local residential roads in Glossopdale. Shaw Lane and Dinting Road are forecast to experience increases of over 1400 AADT; Hadfield and Cemetery Roads more than 600 AADT. The Applicant dismissed the impacts on residential roads on the basis of outdated IEMA guidance which considers traffic increases of 30% to cause slight severance and of 60% to be significant [Transcript ISH2, Session 2, 59.18]. Such levels are unacceptable guidance when the Government is promoting low traffic neighbourhoods (NPPF 2021 para 92).

The traffic model is not fit to reflect the impacts of the scheme on Glossopdale [ISH2 Session 2]. The local highway authorities appeared to conclude that more detailed analysis would not be helpful but the unresolved vagaries of the traffic modelling suggest it would. The Select Link Analysis (SLA) undertaken by the Applicant [REP9-029] is helpful in this regard; daily traffic that would reduce by 7% on the A626 in 2025 with the scheme according to Appendix 2.1 traffic data increased in the SLA [REP10-012]. Government guidance TAG Unit M3.1 specifically requires that roads in residential areas '*especially rat runs*' should be assessed, and DCC's and HPBC's concerns also point that way. '*Villages of Hadfield and Padfield should also be safeguarded to prevent rat running traffic trying to avoid the strategic road network*' (REP2-051 3.22 and 14.4 response to WC1; emphasised by REP9-033).

Without a robust assessment there has been a piecemeal approach to assessing the impacts of traffic increases generated by the scheme on Glossopdale. DCC have shown that journey times increase within Glossop³⁸; HPBC has shown that crashes would increase on Shaw Lane/Dinting Road³⁹; the Applicant has shown the origin/destination of journeys using Dinting Road. In REP9-040 3.6 we listed severance, turning counts, air quality and noise as having had an incomplete or no assessment within Glossopdale. Nothing less than a full assessment of the impacts of traffic on the road network in Glossop, Hadfield and Padfield must be presented to the Examination and be subject to challenge and scrutiny in the normal way. Without this the ExA cannot assess the adverse impacts of the scheme. We have been asking for this throughout the Examination. Finally in its response to WQ3 NH provided justification for our request when it supplied some explanation as to the disparities between observed flows from DfT counts and modelled traffic flows in 2025 DM we presented in REP8-034. The details are in our Deadline 12 rebuttal of NH REP11-010 Q3.1. In summary, according to NH's explanation, these disparities are exposing local zone

2035 (2018); Kirklees MBC 2025 Transport Vision; GMCA's '*ambition*' is '*To reduce deaths on our roads as close as possible to zero (by 2040) Transport For Greater Manchester, 2040, revised Jul 2021*'.

³⁸ REP2-046 Local Impact Report para 7.31, Figures 7-2 and 7-3

³⁹ REP2-046 Local Impact Report para 7.33

limitations which are a good reason for using a more defined model of Glossopdale. Glossopdale should be remodelled with the use of smaller zones and a finer network until all relevant traffic is represented.

We agree with HPBC [REP9-033] that the impacts of this traffic growth have not been adequately addressed at this Examination. The potential need for improvements to Shaw Lane/A57 Dinting Vale junction, a pedestrian crossing to enable safe journeys to school and the railway station across Dinting Road and the implications of on-street parking on Shaw Lane which prohibit two-way traffic movements remain unresolved. Hadfield Road - Cemetery Road also experience increased traffic flows with little assessment of their impact. Referring the situation to post scheme monitoring through the POPE, as proposed by DCC [REP8-023] does not meet WebTAG.

4 Harm to the purposes and openness of the Green Belt

The scheme conflicts with the purposes of the Green Belt, is inappropriate development in the Green Belt, and would harm the openness of the Green Belt. There are no very special circumstances that outweigh this or any other harm.

(a) Conflicts with purposes of the Green Belt

With respect to the purposes of the Green Belt the scheme would:

(a) Create pockets of isolated Green belt and new hard boundaries away from the existing Green Belt boundaries encouraging sprawling development. The proposal for a housing development adjacent to the proposed single carriageway submitted to the Examination by Savills is an indicator of the strong pressure TMBC would be under to release Green Belt land for development.

(b) Reduce the separation of the settlements as the new roads encircle Mottram and Hollingworth.

(c) Encroach on open countryside; 41.9ha⁴⁰ of Green Belt would be required permanently for the scheme of which 53% - 22.28ha⁴¹ - would be required for the road. Encroachment would make the countryside more remote from residents; create small pockets which would function poorly as countryside; and intrude upon that usage which would now have to take place next to roads busy with traffic. Open Green Belt land is a finite irreplaceable asset in the UK. It is both natural capital and strategic open space, which supports multiple ecosystem services that are critical to urban areas which have higher vulnerability to climate change due to their lack of habitats.

(d) Harm the setting of Mottram. The Applicant agrees with this assessment but believes this harm is balanced by the improvements within the historic village. It is not, as the Applicant underplays the severe impacts of the scheme on the setting and exaggerates the

⁴⁰ Case for the Scheme 3.4.40

⁴¹ Case for the Scheme 7.5.1

improvements within the historic part of the settlement, where traffic would increase on the north-south route through the historic centre.

(b) Scheme is not local transport infrastructure

The Applicant argues that the scheme is 'local transport infrastructure' in order to make the scheme 'not inappropriate' development in the Green Belt. This argument can be rejected. The dual carriageway is part of the SRN and an NSIP; its objectives are strategic; NPSNN, NPPF and case law do not support it as we have shown and the Applicant has failed to rebut. The single carriageway could be considered local transport infrastructure but due to the harm it creates on the openness of the Green Belt it cannot be considered 'not inappropriate'.

The Applicant is using conflicting arguments to claim the scheme is 'not inappropriate' development in the Green Belt [9.79.53]. On the one hand it claims the scheme is local transport infrastructure and therefore permissible development in the Green Belt. On the other hand it does not accept the policy commitments to which local transport infrastructure is subject - in this case the GMCA Right Mix policy to reduce car trips and for 50% of trips to be made by public transport and active travel⁴² by 2040; and the DfT's Decarbonising Transport plan for 50% of trips to be made by active travel by 2030.

(c) Harm to the openness of the Green Belt

This NSIP would harm the openness of the Green Belt due to 1.8Km of dual and 1.3Km of single carriageways elevated above existing ground levels, underpasses for Old Mill Farm and for Carrhouse Lane, an over-bridge at Roe Cross Road, a bridge over the River Etherow, two tunnel portals, a major new junction on Mottram Moor, earth banks along the road with a face height above ground level of up to 9.5m, embankments, modifications to the M67 J4 roundabout, signs, lighting posts, environmental barriers, and incongruous post and rail fencing, drainage channels and a structure for roosting bats in the Green Belt. The dual carriageway would carry 30,100 vehicles daily, including 2,700 HGVs, and the single carriageway would carry 21,200 vehicles daily, including 1,060 HGVs. Cross sectional drawings show that HGVs would intrude above planted trees; photomontages show that considerable lengths of the carriageways would be exposed to view. Traffic lights at the M67 J4, on Mottram Moor, and at the Etherow bridge junction with the A57 would create standing traffic. The presence of all the infrastructure and associated traffic would be a major significant, negative change in the open character of the Green Belt compared to the current situation. Tameside also judge that the scheme would harm the openness of the Green Belt for similar reasons [REP9-036].

(d) Very special circumstances do not exist

Very special circumstances do not exist to outweigh this severe harm. The option assessment was flawed, has not been reviewed and therefore the need for the scheme has not been shown. There are also other harms in addition to that inflicted by the scheme on

⁴² REP9-040 Q3.3

the openness of the Green Belt, all of which are listed here (REP2-069 Table on pages 68-70) and cumulatively increase the harm to a major adverse impact. HPBC also contests the claimed *'other considerations in favour of the scheme – within Glossopdale there would be increased traffic, congestion, severance and crashes with longer journey times. The failure to assess the impacts of the scheme on AQMAs means the applicant's claims for improvements cannot be verified'* [REP].

When located in the Green Belt NSIPs may comprise inappropriate development, as in this case. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in very special circumstances (NPSNN 5.178; NPPF 2021). In this case very special circumstances do not exist as the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is not outweighed by other considerations. The considerations NH propose to outweigh the harm – that the options appraisal was rigorous; the scheme cannot proceed without development taking place within the Green Belt; TMBC's UDP safeguards the route of the previous Mottram Hollingworth Tintwistle (MHT) bypass - cannot be sustained. As we have shown above the options appraisal in 2015 was not rigorous; options that would avoid road building in the Green Belt remain untested and the adverse impacts of the scheme require consideration of alternatives. The MHT bypass failed at public inquiry. As there is a presumption against inappropriate development, substantial weight must be attached to the harm to the Green Belt in this case.

5 Landscape, townscape and visual amenity

Valued countryside below Harrop Edge, on Mottram Pasture in the Etherow Valley would be permanently changed for the worse in its form, distinctiveness and as an important amenity for access and nature. Tranquillity would be lost. All of the features that harm the openness of the Green Belt would harm landscape and visual amenity.

The townscape adjacent to the trunk route in Mottram would improve from removal of traffic but on the north-south route through Mottram the townscape would deteriorate due to increased traffic. In Glossopdale increased congestion would harm the townscape and residential streets. The new junction on Mottram Moor would impose huge out-of-scale infrastructure on Hollingworth. Conditions through Hollingworth and Tintwistle conditions are likely to deteriorate.

The proposed development is unacceptable in terms of its landscape townscape and visual impacts and weighs against the DCO being made.

6 Impacts on the PDNP

The adverse impacts of the scheme on the PDNP have been dismissed by the Applicant as insignificant. The Applicant has failed to address National Park purposes and understand the implication of these for its statutory duty. 'Great weight' applies to a development that impacts directly or indirectly on the PDNP (NPPF para 176; NPSNN 5.150) – in this instance directly on the setting of the Park and indirectly through traffic increases within the Park. Although these impacts would be minor, the significance of minor change in a landscape of

international/national value and of very high sensitivity is moderate/large and the effects would be material in the decision-making process. The Applicant continues to deny this but has produced no new evidence to show how it has properly considered the application of great weight. Furthermore the park's natural beauty, wildlife and cultural heritage must not only be conserved, they must also be enhanced. It has therefore failed to fulfil the statutory duty to which it is subject under the Environment Act 1995. It has failed to plan for the SRN by avoiding the National Park (NPSNN 5.152; PDNPA Core Strategy T1 cross Park traffic will be deterred).

TMBC's UDP and HPBC's Local Plan strongly protect the National Park and its setting. The direct impacts on the setting and the indirect impacts on the landscapes and amenity of the Park must be counted as additional harms when weighing up the harm to the openness of the Green Belt and when considering the FRA Exception Test.

7 Flood Risk Assessment and the Exception Test

The Exception Test has not been met. There are alternatives that would avoid all road building within the flood risk zone 3, and the sustainability benefits claimed in the Case for the Scheme are limited in the extreme, and would not apply to the community that would experience the increased risk of flooding [REP7-036 pp23-24].

8 Air Quality

(a) GMCA's aspirations for air quality

The scheme fails to meet the requirements of GMCA's aspirations and the EIA Regs guidance. The EIA Regs guidance requires *'The assessment should take relevant greenhouse gas reduction targets at the national, regional, and local levels into account, where available⁴³.*' NO₂ is considered a GHG. GMCA is committed to achieving WHO Standards for both NO₂ and PM by 2030. In 2016 the 10 GM authorities declared a single AQMA, based on a precautionary level of 35µg/m³ NO₂ rather than the legal limit of 40µg/m³⁴⁴. In 2021 the WHO set new lower standards for NO₂ that should not exceed 10µg/m³ annual average and 25 µg/m³ 24-hour mean. The failure to achieve AQS objectives has led GMCA to propose a Clean Air Zone. Of all the 621 modelled receptors, 7% would exceed 35µg/m³ with the scheme in 2025; all would be above 10µg/m³ (Appendix 5.5 Table A-3).

(b) Omission of assessment of AQMAs

Achieving Air Quality Strategy objectives may be compromised. Two AQMAs in the vicinity of the scheme have been omitted from the assessment. During scheme development in 2018 changes in traffic flow and speed as a result of the NSIP were predicted to cause exceedances of the AQ strategy objectives for annual mean NO₂ in three locations - both the Tintwistle and Dinting Vale AQMAs and a receptor on High Street West. This led to model refinement, following which the criteria for air quality assessment through the

⁴³ Environmental Impact Assessment of Projects: Guidance on the preparation of the Environmental Impact Assessment Report – European Union, 2017 page 41

⁴⁴ *Places for Everyone*, the Joint Development Plan for 9 of the 10 districts of Greater Manchester Aug 2021, para 10.13

AQMAs and on High Street West were not met and no assessment was undertaken. NH's approach towards the AQMAs is contrary to NPSNN 5.11-5-12.

(c) Habitats Regulations' Assessment

Impact on the European sites adjacent to the A628T was not assessed. This was contested by the PDNPA and we agree that this should have been done. In REP9-043 we showed that flaws in the traffic modelling could have resulted in failure of traffic flows to meet the threshold for assessment. In addition, a full and proper assessment of the scheme with the nearby proposed major development Godley Green Garden Village has not been undertaken. As we showed in our Deadline 12 response to the SoCG between TfGM and NH, the increases in traffic that would accompany the development could alter several threshold values for environmental assessment. Residents of GGGV would have easy access to the SRN east to South Yorkshire. It would only take an additional 40 AADT or 20 two-way trips along the A628T to South Yorkshire to tip traffic flows through the Tintwistle AQMA above the threshold for assessment. It would only take an additional 150 AADT or 75 two-way trips along the A628T to South Yorkshire to tip traffic flows on the road adjacent to the European sites above the threshold for assessment under the Habitats Regulations.

(d) Supplementary air quality assessment for the A57 Brookfield [REP11-011]

This new evidence shows new exceedances of NO2 levels above the Limit Value. That new evidence of such serious import – the SoCG between TfGM and NH is another example - is being presented so late is entirely unreasonable and prejudicial to our engagement. The results cast strong doubts on the air quality modelling throughout Glossopdale and require scrutiny that cannot be undertaken as the Examination is on the verge of closing.

In conclusion the scheme benefits are limited and very local – relieving part of Mottram and Woolley lane of traffic and creating a much improved environment for residents. By contrast the adverse impacts of the scheme are spread over a wider geography, are substantial and cumulatively grossly outweigh the limited benefits of the scheme. The scheme should be rejected, the problems along the route be reconsidered strategically, and a proper options appraisal undertaken.

6 BE CONTRARY TO LEGISLATION ABOUT HOW THE DECISIONS ARE TO BE TAKEN

In deciding the application the SoS must have regard to

- 1 The relevant national policy statement – in this case NPSNN 2014
- 2 Any local impact report
- 3 Any matters prescribed in relation to development of the description to which the application relates
- 4 Any other matters which the SoS thinks are both important and relevant to his/her decision.

1 NPSNN 2014

The NPSNN 2014 is the framework for decision making but the Applicant has used it to trump any critique that does not meet its requirements. However, NPSNN recognises that

relevant national, regional and local policies are in play. Its requirements are extended by the EIA Regs 2017 and other laws and regulations that pertain to the issues at hand. The Applicant must also meet its 2015 licence conditions under the Infrastructure Act 2015. In order to provide a decision fit for the future, the weight of all the requirements that extend NPSNN must be brought to bear on the ExA's recommendations that the SoS will use for decision-making.

The Scheme fails to meet a number of NPSNN policies amongst them as follows – on alternatives 4.26 and 4.27; on assessment of impact of GHG emissions on subnational/regional/local carbon targets and budgets 4.4; on cumulative carbon assessment 4.15-4.17; on safety 4.64-4.66; on Green Belt 5.178; on National Parks 5.152 and 5.150; on air quality 5.11-5.12; on regard for local plan and local transport plan policies 5.211.

2 Any Local Impact Report

Three local authorities and the PDNPA produced them and presented an objective assessment of the scheme on their area. All four raised serious adverse effects of the scheme, the majority of which remain unresolved, concur with much of what we have written above and weigh negatively in the planning balance.

HPBC and DCC's joint LIR raised concerns about the capacity of the A57/Shaw Lane junction, the accident rate on the Snake Pass, safety of the new junction at Woolley Bridge, application of a gradient to the modelling of impacts on Tintwistle AQMA, assessment of effects on Dinting Vale AQMA, diversion of traffic off the A57 onto Shaw Lane/Dinting Road, severance and safety for non-motorised users in Glossop, disbenefits to the local economy, effects on Shire Hill Ancient Woodland, impact on public transport services, and the impacts on HPBC's 2030 target for Net Zero climate emissions. Only the safety of the Woolley Bridge junction⁴⁵, the modelling of the Tintwistle AQMA and effects on Shire Hill Woodland have been resolved. The remainder are unresolved.

TMBC raised concerns about noise and vibration, designated assets, road safety. It stressed the importance of compliance with Green Belt policy, and thought there would be improvements in economic growth and transportation and in human health. The impact on designated assets and the increased risk of road crashes are unresolved.

The PDNPA raised concerns about the landscape and visual amenity methodology and its interpretation; insufficient information of the impacts of the scheme on Tintwistle AQMA; and failure to assess the scheme's impacts on the European sites adjacent to the A628T; indirect small scale effects on the PDNP's heritage; visual and noise disturbance to breeding birds both SPA and SSSI qualifying species; impact on mountain hares; fire risk with increased traffic; increased noise in and cumulative impacts on Tintwistle; impact on quiet enjoyment; increased severance on trans-Pennine routes; grave concern at road safety issues; climate impacts. Only the fire risk has been resolved as unlikely.

⁴⁵ REP9-020 SoCG Applicant and DCC 10.6.11

In summary all the unresolved issues in the 3 LIRs weigh against the scheme.

3 Any matters prescribed in relation to development of the description to which the application relates

For this highway NSIP these matters would include at least national⁴⁶, subnational/ regional⁴⁷ and local⁴⁸ policies for transport and travel, for Net Zero GHG emissions and for the PDNP, as already used extensively throughout our evidence. Increasing road traffic, as the scheme would do, is contrary to (a) Decarbonising Transport, DfT, 2021; (b) Bus Back Better National Bus Strategy for England 2021 (c) NPPF 2021 para 104 (d) TfGM's Transport Strategy 2040⁴⁹ Right Mix vision (e) South Yorkshire Mayoral Combined Authority's Climate Emergency Framework⁵⁰ (f) PDNPA Core Strategy Adopted 2011 Policies T1 and T2; and (g) DCC's LTP 3 2011-2025. Decarbonising Transport summarises the intent of all these policies. *'We cannot pile ever more cars, delivery vans and taxis on to the same congested urban roads. That would be difficult for the roads, let alone the planet, to tolerate. As we build back better from the pandemic, it will be essential to avoid a car-led recovery... We want to reduce urban road traffic overall'* (page 6). Whilst the scheme may be viewed as part of the 'ambitious roads programme' the adverse impacts it would have on sustainable and active travel weigh heavily against it. It would also impact adversely on policies, Net Zero targets and carbon budgets for all the local authorities impacted by the scheme.

D CONCLUSIONS

The DCO for the scheme has substantial omissions which do not allow a full and clear picture of the scheme's impacts. We have no confidence in the traffic modelling and disparities in its outputs remain spurious and unexplained. Its adverse impacts grossly outweigh any benefits. The approach towards scheme development as standalone infrastructure has raised substantial issues about its impacts on both Greater Manchester and the PDNP. The trans-Pennine SRN needs to be assessed and planned for strategically, not in sections. Alternative measures that would address the problem without invasive road building were dismissed inappropriately by the Applicant. Therefore the need for the scheme has not been demonstrated. There are compelling arguments for re-examining options, and we presented a Low Carbon travel package for consideration [REP2-070]. Its implementation would avoid the harm the Link Roads would impose, and benefit people and the environment over a wider area.

⁴⁶ Decarbonising Transport, DfT, July 2021 – half of all trips in towns and cities by walking and cycling by 2030; UK Net Zero Strategy Oct 2021; Bus Back Better National Bus Strategy for England 2020; NPPF 2021 para 104

⁴⁷ Transport for the North's Decarbonisation Strategy 2021; Greater Manchester's Transport Strategy 2040 Right Mix vision - 50% by public transport walking and cycling, with no net increase in motor vehicle traffic, by 2040; South Yorkshire Mayoral Combined Authority's Climate Emergency Framework - a 25% reduction in total travel demand by 2030; a 25% reduction in car miles by 2040; and a 30% reduction in freight miles by 2040; PDNPA Core Strategy Adopted 2011 Policies T1 and T2

⁴⁸ DCC LTP 2011-2026

⁴⁹ Greater Manchester Transport Strategy 2040, published 2017, updated 2021, Appendix 1 Right Mix Technical Note is part of Places for Everyone, Greater Manchester Combined Authority's emerging joint spatial strategy

⁵⁰ SCRCA Board meeting 27 Jan 2020 Item 12