

# TR010034 – A57 Link Roads

## DW DEADLINE 12 SUBMISSIONS

### **DW DL12 Submission 1: *Comments on Applicant's responses to Examining Authority's Third Written Questions***

Daniel Wimberley, Date Monday, 16<sup>th</sup> May, 2022

Unique Reference: 20029775

Concerning: REP11-010

“Comments on Applicant's responses to Examining Authority's Third Written Questions,”

#### **ExA Question 2.1**

CPRE Peak District and South Yorkshire Branch raise concerns [REP8-034] that whilst using lower traffic growth compatible with the Decarbonisation Plan the use of such growth elsewhere would alter the value for money presented by the Proposed Development.

- a) Would the Applicant comment on this matter?
- b) Does the Applicant consider that, as result of this, the Case for the Scheme [REP2-016] should be updated?

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#### **HE/NH Reply, Para. 1**

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 and underlying transport data being developed to reflect such scenarios is yet to be released.

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#### **DW Comment**

The first paragraph of the applicant's reply points up the difficulties faced by this examination caused by the fact that government policy on transport has changed completely in the last 2 years. Policies on transport have moved on dramatically, but the traffic forecasts have not yet been updated to match the new policies. The new policies however are real enough and must surely be a “relevant and important” matter to be considered by the SoS and by the ExA.

I am writing a submission which deals with precisely this problem: that of running an examination on the very cusp of a wave of policy change. (*Note: This will hopefully be published, albeit in an unfinished state, at this deadline*)

The very short version of that submission is that there are two reasons why current government policy must be taken as relevant and important by the ExA. The first is that National Highways are bound by their licence agreement, that is to say they are contractually bound, to follow current government policy. So it is very problematic indeed, in fact it is legally impossible, for them to fail to do so. <sup>1</sup>

The second is that the Planning Act 2008, in section 104, *mandates* the Secretary of State to have regard to matters which are “important and relevant,” (subsection 2(d)) and to satisfy himself that the adverse impact of the scheme does not outweigh the benefits. (subsection 7)

The new policies (from Gear Change in July 2020 through to the NZS in October 2021) in the field of transport redefine what adverse impacts means. For example adverse impacts in current policy now include the negative impact of traffic on the quality and liveability of town streets and centres, and on the lives of all of us as a result of the effects of our collective carbon emissions. They also include the negative impact that policies which favour motor traffic over other modes have on the health of the population both in terms of pollution and in terms of active travel.

**Taken together the two statutory duties mentioned above mean that current government policy is indeed a relevant and important matter for the Secretary of State and therefore for the ExA to consider. From their duty under the Licence, and from the requirement laid upon the ExA and the SoS, it follows that HE/NH have to incorporate current policy into their activities, including this project and this EiP. If the scheme turns out to be incompatible with current government policy, then they must abandon or change it until it is compatible.**

There are no get out clauses in the Planning Act 2008. The duty in subsection 7 to weigh up the adverse impact of a scheme is not limited by any clause saying for example that recently introduced government policy which describes or implies new forms of adverse impact should not be included in the weighing up process.

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<sup>1</sup> **Government policy**

5.29 In exercising its role as a strategic highways company and complying with the requirements in Part 4, 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 to deliver the Road Investment Strategy.

5.30 For the purposes of this section, "relevant Government policy" means all current policies which:

- a. Relate to the activities of the Licence holder, and
- b. Have been:
  - i. Published in England by or on behalf of Her Majesty's Government, or
  - ii. Indicated to the Licence holder by the Secretary of State

*Source: Highways England Licence: Secretary of State for Transport: statutory directions and guidance to the strategic highways company” April 2015*

Indeed the Act is written in this inclusive way deliberately. It is shot through with an awareness of the importance of the environment, of sustainability, and of climate change. I believe that these subsections are written in an inclusive fashion because the drafters were aware that circumstances and policy would be likely to change rapidly in this field in what was for them the future. Be that as it may, the fact is that it *is* inclusive. I argue all this in the first Chapter of my written representation at Deadline 2,

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### **HE/NH Reply, paras. 2 and 3**

The Case for the Scheme (REP2-016) makes clear that the summary of economic impacts set out is focussed on the central growth assumptions, but that additional scenario testing had been performed. These additional scenarios were assessed to test the sensitivity of performance, not to indicate an alternative most likely forecast. The economic forecasts are based on long term growth and the Department for Transport's proposed scenarios for future sensitivity testing include a similar range of impacts which would positively affect the scheme to those which would reduce performance.

Therefore, based on the Department for Transport's latest advice on future growth scenarios and proportionality of their application, there do not appear to be grounds for updating the Case for the Scheme at this time.

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### **DW Comment**

The word growth occurs 3 times in these two paragraphs. It is not strictly clear whether National Highways means *economic* growth, which itself has to be thought of carefully at a time of climate crisis, when "growth" *has* to be defined and achieved in a low, becoming rapidly zero, carbon way, or *traffic* growth. I will try and make sense of the third occurrence of the word growth.

Highways England write:

*"Therefore, based on the Department for Transport's latest advice on future growth scenarios and proportionality of their application, there do not appear to be grounds for updating the Case for the Scheme at this time."*

I assume that growth here means traffic growth. It is very strange indeed that National Highways are claiming that there will be future growth in traffic when the indicative cut in emissions (excluding international aviation and shipping) in the transport sector according to the legally binding NZS <sup>2</sup>, will need to be around 34-45% by 2030 and 65-76% by 2035, relative to 2019 levels" <sup>3</sup> and when the CCC has said in its "The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero" <sup>4</sup> that car miles will have to reduce by 9% and HGV miles by 10% from baseline growth by 2035.

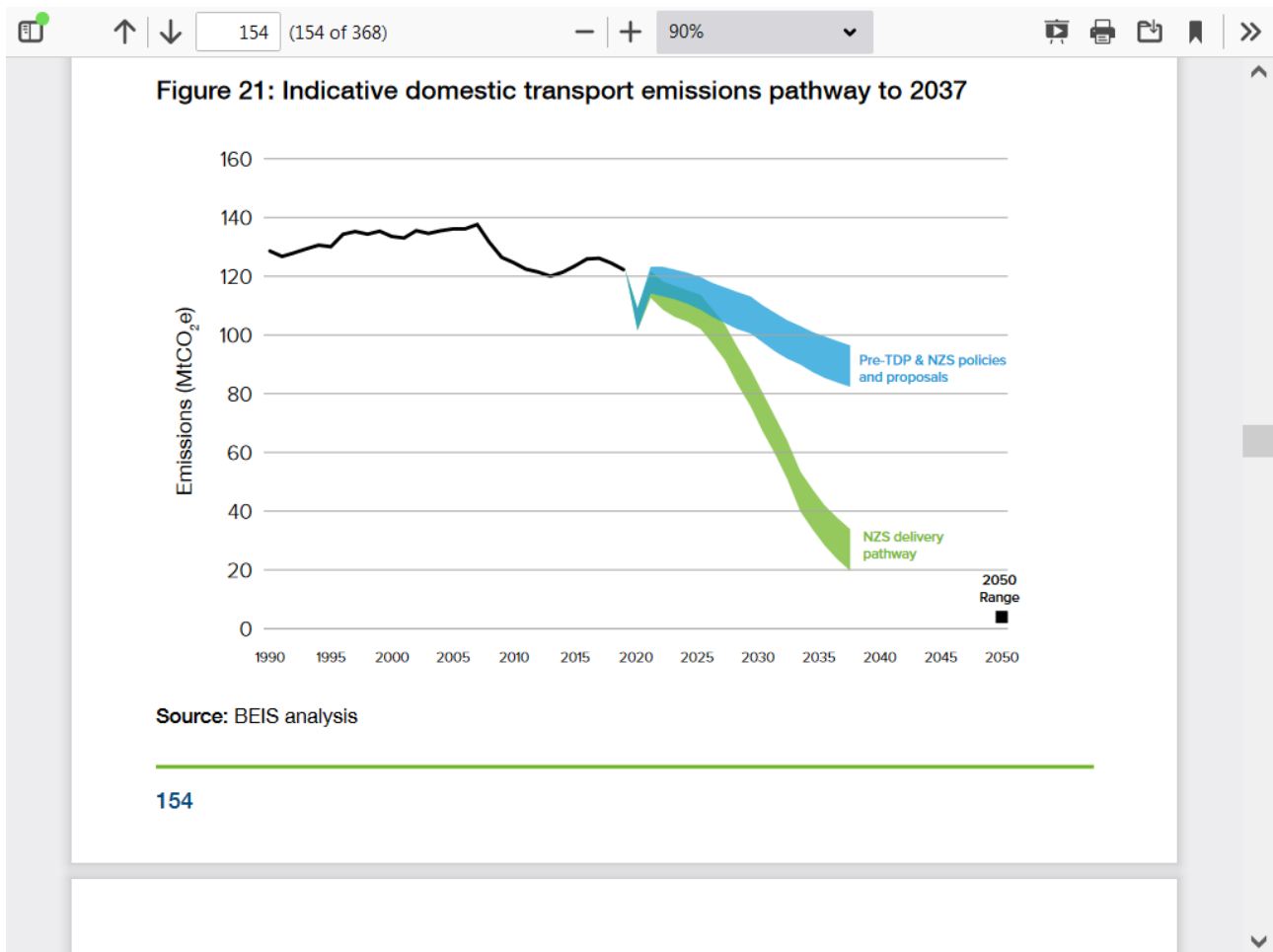
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<sup>2</sup> NZS is the legal document which will take us to NZ2050 under the Climate Change Act, 2008, sections 13 and 14

<sup>3</sup> **Net Zero Strategy Chapter 3 Reducing Emissions across the Economy, section v. Transport** paragraph 6, page 154

<sup>4</sup> Published December 2020, page 100 Table 3.1a

It is always helpful to see this in graphic form. This shows the scale of the ambition required. Here is Figure 21 from the same page, page 154:



Remember that the transport sector has almost 100% failed to make any progress in cutting emissions since 1990, and therefore has some catching up to do. It is not a case of letting other sectors take up any overshoot, DfT has been overshooting for decades. The trembling appeal of the joint chair of Working Group III of the IPCC, British scientist speaks volumes in this context, there is no time to hesitate, certainly no pride to be taken if this is to be the “last scheme that gets through . . .”:

*“On April 4th 2022, Professor Jim Skea, OBE, CBE from Imperial College, London and Co-Chair of IPCC Working Group III said on the release of the latest report (IPCC Report of WGIII): “It’s now or never, if we want to limit global warming to 1.5°C (2.7°F); without immediate and deep emissions reductions across all sectors, it will be impossible”. This means starting serious, evidence-based decarbonisation now in 2022 – not next year, nor the next, nor 2025, but now. The Application is not consistent with what the scientific consensus requires, as underwritten by our own Government.” (Dr. Boswell, REP11-020, para 62)*

Whatever “proportionality of their application” means it sounds as if it will not apply in Glossop Dale as all policy points to the need to reduce traffic in urban areas and in particular to reduce the amount of car miles devoted to commuting, for many reasons.

The last part of the sentence shows how this branch of National Highways regards current relevant policy. They say that “there do not appear to be grounds for updating the case for the Scheme at this time” which is astonishing when you consider the scale of the change in transport policy in the last 2 years applying as it does particularly to areas like Glossop Dale, and the depth and urgency of the disaster which awaits us if we fail to act on climate..

May I appeal to the ExA to save National Highways from itself and us from social irresponsibility?

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### **ExA Question 3.4**

CPRE Peak District and South Yorkshire Branch [REP8-045] raise concerns that there has been no assessment of alternatives to the Proposed Development subsequent to 2015, considering that such reassessment should have been carried out at various stages since then. CPRE Peak District and South Yorkshire Branch [REP8-045] have referenced R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport - Neutral Citation Number: [2021] EWHC 2161 (Admin) (the Stonehenge Case)

- 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?
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### **HE/NH Reply, part**

The A57 Link Roads scheme, for example, aligns with the Greater Manchester Transport Strategy 2040 (the “Strategy”) policy objectives and is expressly identified on page 92 as part of the planned investment in Greater Manchester’s Strategic Road Network which is described as critical to the delivery of a more reliable northern highways network and forms part of the measures to deliver improved City-to-City highways connectivity. The Strategy identifies the Memorandum of Understanding signed between Highways England and Transport for Greater Manchester to establish a complimentary highways network and more closely integrate the operation of the Strategic Road and Key Route Networks and deal with existing and potential bottlenecks on key highway links.

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### **DW Comment**

After going through the various tweaks to their proposed road scheme HE/NH correctly state that the issue concerning CPRE is that of non-road alternatives. In view of the reductions in road traffic which the CCC’s research into the matter has shown to be necessary to achieve the required targets

I would be very surprised if Manchester will continue to tolerate a scheme which will bring more commuting and leisure trips into the centre of Manchester by car which is what we now know to be predicted by the model (*This on the basis that NH believe in the correctness of their model*). As we at this examination only found this out a few weeks ago I wonder if the officers of TfGM are aware of this either.

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### **HE/NH Reply, part**

In relation to the Decarbonisation Plan (the “Plan”) as noted in its Foreword, *“the plan is not about stopping people doing things. it is about doing the same things differently”*. It observes that “we will still drive on improved roads but increasingly in zero emission cars”. It is further noted *“Our ambitious roads programme reflects – and will continue to reflect – that in any imaginable circumstances the clear majority of longer journeys, passenger, and freight, will be made by road; and that rural, remote areas will always depend more heavily on roads. That is why our plan to decarbonise motor transport, the most ambitious of any major country, is so vital”*

The A57 Link Roads Scheme is part of that ambitious roads programme. Road transport remains the central focus of policy and will continue to require appropriate infrastructure. The Decarbonisation plan acknowledges that *“for most of us, changing how we travel may be a blend, not a binary – it's about using cars less, not giving them up completely. You'll still keep a car for some journeys particularly if your commute isn't possible public transport but innovation may make it easier to car share thereby increasing car occupancy”* (page 7). In that context, *“Continued high investment in our roads is therefore, and will remain, as necessary as ever to ensure the functioning of the nation and to reduce the congestion which is a major source of carbon”* (page 103). In addition, the scheme also supports the aims in the Strategy and the Plan in terms of creating opportunities for walking and cycling. The Scheme will provide new and improved facilities for pedestrians, cyclists and horse riders throughout the route.

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### **DW Comment**

There is a grain of truth in this paragraph and no more. A grain of Truth makes it convincing but it is not the main thrust of current government policy as my submission on government transport policy demonstrates. Yes journeys will still be made by road particularly in less populated rural areas. But overall road mileage will drop more and more drastically as journeys are diverted to rail, public transport, and active travel by the need to promote health, the need to have liveable towns and cities, and the need to tackle the climate emergency. There is no alternative <sup>5</sup> and even this

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<sup>5</sup> EV's are NOT a magic bullet. They do all the harm other vehicles do, apart from tailpipe emissions. They need to be built, which uses raw materials and energy and will be made to count in our carbon emissions balance before too long. Car numbers must go down for the sake of our childrens' future, cars will be borrowed, shared in clubs, summoned even, but there will be *fewer journeys*.

government is committed to making the changes happen. As with any radically new policy direction it is hard for some to change course, including in this case the minister and some of his advisors, and the special interests have their influence, no doubt, in keeping to the status quo.

But it matters little in the grand scheme of things. The tide of new policies is flowing in one direction, thank God, and the vast majority of local authorities are acting on the basis that there is a Climate Emergency and are certainly going to do something about it with support from the public that can only grow as the devastating impacts of climate change become more evident.

Hopefully you Sirs, will listen to the science, note what government policy is saying, which is after all is based on the science, act to protect the present and the future in line with the law and protect us from this scheme.

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In the second paragraph just above from the DTP makes clear that a consequence of the policy will be that people use their cars less, which coupled with all the other policies geared towards making better places with healthier people in them, undermines the case for new capacity. The road network will indeed continue to need maintenance especially given the larger numbers of cyclists and pedestrians, and in certain instances some improvement might be needed. But new capacity in an urban area, generating new urban trips to boot? – I think not.

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### **ExA question**

f) Is the Applicant aware of any design consideration which would conflict with the provision of a bypass of Hollingworth and Tintwistle?

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### **HE/NH Reply**

f) The current Scheme is included in RIS 1 (carried through to RIS 2) and is intended to deliver improvements to the Mottram area. Any further to deliver improvement to the wider areas of Hollingworth and Tintwistle would need to be considered in a future RIS and would need to take account of this Scheme.

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### **DW Comment**

The Applicant is being somewhat reticent here. The line of the proposed scheme is very different from the route of the complete bypass from the J4 roundabout to beyond Tintwistle. To treat the Tintwistle Bypass as a possible add-on to the present scheme would be quasi insane, spending a small fortune to put right a wrong decision in the first place, and that is before considering the policy context, the direction of travel, and the climate crisis.

If that was what was in someone's mind then it should have been put honestly and openly on the table. This bizarre threat to finish the spoliation of the green belt is a(nother) reason to wonder about this proposal.

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### **ExA Question 3.6**

PRE Peak District and South Yorkshire Branch [REP8-034] suggested that the Proposed Development fails to provide overall journey times between Manchester and Sheffield centres and that Proposed Development fails to demonstrate any benefits in terms of journey time/ reliability. Would the Applicant comment on this matter?

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### **HE/NH Reply**

Please refer to National Highways' comments on Deadline 5 responses (9.69.4 – REP7- 025) regarding journey time reliability.

*And here is what it says at that reference:* **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 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.

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### **DW Comment**

Reliability no longer the Poster Boy – cannot even be measured – I said that before. Sorry no ref.

Congestion – highly suspect argument. Mottram Moor had 36000 vpd in 2009 or 2008, according to Anne Robinson, who is well-informed! Odd that its effects “cannot be measured!!!!” I was asking NH about this in December 2020, with no reply. They could not answer it then they cannot answer it now.

And yet they put it forward as the number 1 argument for building this scheme!!



The phrase: “ forecast traffic growth” – really? Here in Glossop Dale? Consisting of local into-a-city-centre traffic generated by their own admission by this scheme. Surely not. See above

That’s it. Good bye. Enjoy writing your report ☺