

**A57 Link Roads**

**TR010034**

**9.87 Applicant's Comments on Deadline  
10 submissions**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

May 2022

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

## A57 Link Roads

### Development Consent Order 202[x ]

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#### 9.87 Applicant's Comments on Deadline 10 submissions

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<b>Rule Number:</b>	Rule 8(1)(k)
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# 1. Introduction

- 1.1.1. This document provides the comments of the applicant, National Highways, in response to the Submissions made at Deadline 10 as requested by the Examining Authority at Deadline 12 in its amended Rule 8 letter dated 11 April 2022. Comments have been provided on the following documents:
- REP10-011 Climate Emergency Policy and Planning (CEPP) - Comments on submissions for Deadline 9;
  - REP10-012 CPRE Peak District and South Yorkshire - Comments on submissions for Deadline 9;
  - REP10-013 CPRE Peak District and South Yorkshire - Comments on submissions for Deadline 9 - Response to the Applicant's comments on Deadline 9 submissions;
  - REP10-014 Environment Agency - Comments on submissions for Deadline 9;
  - REP10-015 Peter Robinson - Comments on the Proposed Development;
  - REP10-016 Peter Simon - Comments on submissions for Deadline 9; and
- 1.1.2. National Highways responded to the REP10-017 CPRE Peak District and South Yorkshire on behalf of Andrew Boswell, Anne Robinson, Anthony Rae, Chris Broome, Daniel Wimberley, Helen Rimmer, Linda Walker, Peter Simon, Richard Dyer, Laura Stevens - Letter to the Examining Authority from Interested Parties Submission made at Deadline 10 as an additional submission on the 13 May 2022 [AS-011].
- 1.1.3. National Highways has sought to provide comments where it is helpful to the Examination to do so. National Highways has not responded to every submission for instance, because the submission was very short, or because it contained expressions of opinion without supporting evidence. Where National Highways has chosen not to comment this is not an indication National Highways agrees with the point or comment raised or opinion expressed.

## 2. REP10-011 Climate Emergency Policy and Planning (CEPP) - Comments on submissions for Deadline 9

Reference	IP Issue	NH Response
9.87.1	<p><b>2. LEGAL CHALLENGE TO THE NET ZERO STRATEGY</b></p> <p>2.1. Propositions of success</p> <p>4. Before providing some background on the legal challenge to the Net Zero Strategy, I need to outline a number of propositions which occur in the Applicant's submissions to the examination. These are propositions or assertions which are unevidenced, but made as if they are a truth. In other words, each of these propositions, when invoked by the applicant, is no more than a statement of blind faith.</p> <p>2.2. Proposition 1: the "overarching assertion of NZS success"</p> <p>5. The applicant frequently uses proposition 1 (the "overarching assertion of NZS success") that the existence of the Net Zero Strategy document will ensure that national carbon budgets and targets are met, irrespective of what carbon increases are made in the transport sector by road schemes. This assertion amounts to saying "because a policy document has been published and exists, future carbon budgets and targets will inevitably be achieved".</p> <p>6. For example at REP9-027/8.10.5, the applicant states:</p> <p>"The carbon budgets are supported by the policy commitments in the Net Zero Strategy which add further detail as to how the carbon budget and NDC will be achieved." (emphasis added)</p> <p>2.3. Proposition 2: scheme specific "subsidiary assertion of NZS success"</p> <p>7. A further proposition (a scheme specific "subsidiary assertion of NZS success") follows from the overarching assertion. It follows because if, inevitably, the NZS "will be achieved", the scheme itself will not affect the UK's ability to meet the NZS delivery pathway (or the other associated targets like 68% reduction in emission by 2030 from 1990 levels in the NDC). For example, at REP9-027/12.6.2</p> <p>"The Net Zero Strategy was published after the DCO was submitted, however National Highways has submitted responses during the examination that demonstrates that the Scheme does comply with this policy, as it will not affect the UK's ability to meet the Net Zero Strategy delivery pathway or the carbon reduction targets required by NPSNN paragraph 5.18".</p> <p>8. The overarching assertion that because the NZS exists, the delivery trajectories within it, will somehow, inevitably, one way or another, be met, and the subsidiary assertion that this means the scheme will not affect the UK's ability to meet the Net Zero Strategy delivery pathway are both unevidenced and unsubstantiated. Both are false.</p> <p>2.4. Related propositions: TDP and NDC</p>	<p>Proposition 1: The Applicant has not stated that <i>'the Net Zero Strategy document will ensure that national carbon budgets and targets are met, irrespective of what carbon increases are made in the transport sector by road schemes'</i>. National Highways is required to assess the Scheme against policy documents, and in doing so it does not equate to saying that the <i>'future carbon budgets and targets will inevitably be achieved'</i>; it is yet to be seen whether the UK Government's policies can ensure budgets and targets are achieved, but there is an expectation that these policies will result in carbon emissions falling in the future. Furthermore, it is the UK Government's responsibility to achieve the legal targets. For example, in National Highways response to 'REP8-028 Anthony Rae - Written summaries of oral submissions at hearings in lieu of attendance and comments on the Proposed Development (REP9-027) the Applicant states <i>'Meeting the trajectory towards net zero is a balance that the UK government needs to set out. It is not possible for the applicant to provide this detail. Although there is uncertainty in how to get to net zero for road schemes, it should be noted that this remains the case for all transportation schemes, including rail, and sufficient Decarbonisation is not just an issue for road schemes'</i>. The example given from REP9-027 item 8.10.5 is a statement that the UK Government proposes to meet national carbon budgets through policy commitments in the NZS. It is accepted that the emphasised wording 'will be achieved' should have been 'could be achieved' in this context, however the use of 'will' was intended to imply that, as presented in the NZT, the policies will be needed to achieve the carbon budgets, and there is an expectation that the NZS measures will be implemented.</p> <p>Proposition 2: With reference to the example from REP9-027 item 12.6.2, the conclusion of the assessment, as reported in Chapter 14 of the ES, is that the Scheme's contribution to overall carbon levels is very low and that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets, and so it will not affect the UK's ability to achieve the NZS. This is quite different to claiming that the NZS will be achieved. The claim that National Highways is asserting that <i>'because the NZS exists, the delivery trajectories within it, will somehow, inevitably, one way or another, be met'</i> is an exaggeration and misinterpretation of comments and responses that have been submitted for this DCO examination.</p> <p>Propositions 3 – 6: As with National Highways' response to Proposition 1, there is a requirement for the Scheme assessment against policy documents, and in doing so it does not equate to saying that the <i>'future carbon budgets and targets will inevitably be achieved'</i>; it is yet to be seen whether the UK Government's policies can ensure budgets and targets are achieved, but there is an expectation that these policies will result in carbon emissions falling in the future.</p>

Reference	IP Issue	NH Response
	<p>9. There are related propositions for the TDP. Proposition 3, the “overarching assertion of TDP success”, is the claim that because the TDP document exists, all the policies within it will be delivered, irrespective of what carbon increases are made in the transport sector by road schemes. Proposition 4, the “subsidiary assertion of TDP success”: if, inevitably, the TDP will be achieved, the scheme itself will not affect the UK’s ability to meet the TDP.</p> <p>10. Proposition 5, the “overarching assertion of NDC success”, is the claim that because the NZS and TDP will be delivered, irrespective of what carbon increases are made in the transport sector by road schemes, the UK’s international commitment under the Paris agreement for 2030 will also be inevitably met. Proposition 6, the “subsidiary assertion of NDC success”: if, inevitably, the NDC will be achieved, the scheme itself will not affect the UK’s ability to meet the NDC and deliver to the international community.</p> <p>2.5. Proposition 1 and the NZS legal challenge</p> <p>11. Proposition 1, the “overarching assertion of NZS success”, is now subject to a Judicial Review where the idea that because a policy document has been published and exists, future carbon budgets and target will inevitably be achieved, is central to the legal challenge. I now provide further details.</p> <p>2.6. NZS legal challenge: permission granted</p> <p>12. Three separate legal claims were made to the High Court by Friend of the Earth, ClientEarth and the Good Law Project, each seeking to challenge the publication on 19 October 2021 of the Net Zero Strategy Build Back Greener by the Secretary of State for Business, Energy and Industrial Strategy, in purported compliance with his duties under sections 13 and 14 of the Climate Change Act 2008.</p> <p>13. At the application for permission to apply for judicial review (CPR 54.11, 54.12), the Honourable Mr Justice Cotter granted permission (on March 1st 2022) to apply for judicial review and observed “the grounds advanced in this claim are arguable, with a realistic prospect of success, and merit investigation at a full hearing”. The three cases are to be rolled into one hearing expected to take place in Autumn/Winter 2022. The permission judgment is given in Appendix A.</p> <p>2.7. NZS legal challenge: relevant grounds claimed</p> <p>14. The Friends of the Earth press release on 2nd March (provided at Appendix B) gives their Ground 1 as:</p> <p>“Ground 1 – BEIS failed to include in the NZS the basic information required to give effect to section 14 of the CCA, including: the basis for concluding that the proposals and policies would meet the carbon budgets; a quantified estimate for emissions reductions from each proposal and policy; and, the relevant timescales for their implementation and effect.”        (underline emphasis added)</p>	<p><b>Response to 2.5 Proposition 1 and the NZS legal challenge, 2.6 NZS legal challenge: permission granted, and 2.7 NZS legal challenge: relevant grounds claimed:</b></p> <p>National Highways is aware of the legal challenge that has been lodged against the NZS. National Highways respectfully suggests it would be premature to comment on that legal challenge before it has been determined.</p>

Reference	IP Issue	NH Response
	<p>15. Good Law Project (GLP) have provided their Pre-action protocol (“PAP”) letter of 22nd December 2021 on-line, and read-only (meaning that it is not easily reproducible). It is best that the full letter is read at</p> <p>However, some highlighted screen clip sections have been provided in Appendix C, for additional reference. Key paragraphs are PAP/7 and PAP/16 which I transcribe sections of here:</p> <p>“However, as explained further below, the Strategy is unlawful because it does not discharge the Secretary of State’s duties under ss 13 and 14. That is because it does not set out policies and proposals for meeting the CB6. Rather it identifies the pathway that UK emissions will need to be on to meet the CB6 and then sets out a series of actions that will need to happen for that to occur, but does not present a set of policies or proposals that have been designed so as to bring about the change which will be necessary to meet the CB6. Merely listing ambitions and discussing possible pathways does not meet the duties under ss. 13 and 14.”</p> <p>“Nonetheless, for the Secretary of State to be able lawfully to conclude that the proposals and policies will enable the carbon budgets to be met, he must assess their collective effect on GHG emissions, and assure himself that they will (on his best estimates) bring about the necessary reductions. There is no indication in the Strategy that such an assessment has been made of the proposals and the policies it contains.” (bold emphasis added)</p> <p>16. The relevance to the applicant and the A57 scheme is that it is the “collective effect on GHG emissions” of the proposals and policies in the NZS which the applicant frequently relies upon (eg: at REP9-027/8.10.5) to make their overarching assertion (proposition 1) that because the NZS exists, the delivery trajectories within it, and UK carbon budgets and targets, will somehow, one way or another, be met. The proposition 2 subsidiary assertion which is that the scheme will not affect the UK’s ability to meet the Net Zero Strategy delivery pathway relies upon the first overarching assertion. If the overarching assertion is unproven, or false as</p> <p>effectively contended by the claimants in the NZS case, then there is no way of knowing if the subsidiary assertion is true.</p> <p>17. Therefore, the basis of the overarching assertion, and therefore also the subsidiary, scheme specific, assertion, is now under legal challenge. And the Court has said that the case merits investigation at a full JR hearing. If the scheme’s timetable proceeds as currently planned, with the ExA’s recommendation report due around August 16th 2022, then the outcome of the NZS legal case will be unknown. I respectfully suggest that, in this situation, that it would be premature for the ExA to give weight to both the Applicant’s overarching assertion and subsidiary assertion with respect to the NZS (propositions 1 and 2), and by implication, the same assertions for the TDP and NDC (propositions 3, 4, 5 and 6).</p>	
9.87.2	<p><b>3. TRANSPORT DECARBONISATION PLAN</b></p> <p>18. The same shortcomings apply to the Transport Decarbonisation Plan. Despite the NZS’ lack of quantification of policies, and any evidence that it is designed to secure the carbon budgets, the NZS does, at least, provides a refinement of the TDP trajectory (annual lower and upper bound carbon reductions for every year from 2020 to 2037 were given at REP9-</p>	<p>National Highways maintains that the TDP sets out the government’s commitments and the actions needed to decarbonise the entire transport system in the UK. The comments that have been provided in the various responses for the DCO examination have related to how the Plan sets out the government’s commitments and the actions needed to decarbonise the entire transport system in the UK.</p>

Reference	IP Issue	NH Response
	<p>039/10 based upon the government spreadsheet). The TDP is a vaguer document than even the NZS in terms of carbon quantification and validation of the policies within it. As I have previously pointed out, NZS Figure 21 is a refinement of TDP Figure 2 [REP8-029/29], and there is also linkage between the TDP policies and the NZS in this sense.</p> <p>19. In the same way, that the applicant makes the overarching assertion and subsidiary assertion for the NZS, it does so for the TDP too. That is, the applicant frequently makes the assertion (the “overarching assertion of TDP success”) that the existence of the TDP will ensure that national carbon budgets and targets are met, irrespective of what carbon increases are made in the transport sector by road schemes. And, the scheme specific “subsidiary assertion of TDP success”, based on this is that because the TDP will inevitably be achieved, the scheme itself will not affect the UK’s ability to meet the TDP delivery trajectory (or the other associated carbon targets like 68% reduction in emission by 2030 from 1990 levels in the NDC).</p> <p>For example, REP9-027/9.79.24, the applicant states:</p> <p>“Furthermore, the net GHG emissions are not significant and are small when compared to the UK carbon budgets, as over time it is the commitments within the TDP that will ensure that operational emissions are reduced.” (emphasis added)</p> <p>It is worth noting that the applicant’s statement is vague and does not give any proof or quantification of the emissions reduction.</p> <p>20. It is also worth noting that the applicant says nothing about how the scheme would contribute to achieving the TDP, only these quotes in REP9-027 provide any narrative on the necessary policies. And, from the quotes, the scheme and the TDP are clearly considered as existing in disjointed policy spaces: the scheme is black-box doing one thing (including increasing emissions) whilst the TDP is another black-box doing something different (trying to reduce emissions).</p> <p>“The TDP intends to cut traffic growth through other measures, such as those to improve walking and cycling infrastructure and behavioural changes to facilitate a modal shift.” (REP9-027 8.10.5, 9.79.50)</p> <p>“The Transport Decarbonisation Plan (TDP) also commits to accelerating the rollout of electric vehicles and EV infrastructure such as charging points. In the TDP the Government is relying heavily on new fuels and technology to meet its ambition.” (REP9-027 8.10.3)</p> <p>21. I note the applicant does refer to its response to ExQ2/8.8 in REP6-017 on encouraging active travel. However, this is not about how the scheme itself would contribute to the TDP (it increases emissions, and does not contribute to the TDP), but how some add-ons, helpful but relatively tokenistic, may be provided. Most of these would be expected anyway, like replacement connections for footpaths severed by the scheme.</p>	<p>In the example from REP9-027 item 9.79.24 that is given, the Applicant considers it reasonable to assume that the TDP will achieve reductions in operational emissions. It refers to carbon emissions reducing during the operational phase due to the TDP being implemented, as opposed to the Scheme reducing carbon emissions due to the TDP. This is why no evidence or quantification has been provided.</p> <p>Furthermore, this statement is aligned with the conclusion in the M54 to M6 Link Road decision letter which makes the following points at paragraphs 54: ‘<i>the Secretary of State considers that weight also needs to be given to the Transport Decarbonisation Plan that will mean operational emissions reduce over time and that in relation to climate change adaption the Proposed Development attracts positive weight in the planning balance</i>’ (emphasis added).</p> <p>As stated in National Highways’ response to ‘REP8-029 Climate Emergency Policy and Planning - Written summary of oral submissions at Issue Specific Hearing 3’ (REP9-027), the Scheme is aligned with the policies of the TDP: “<i>The comparison against carbon budgets in the ES is appropriate as these are the only legislated carbon targets. The carbon budgets are supported by the policy commitments in the Net Zero Strategy which add further detail as to how the carbon budget and NDC will be achieved. However, the indicative pathways for sectors in the Net Zero Strategy are not targets. Neither Parliament nor Government has identified any sectoral targets for carbon reductions related to transport, or any other sector. There is no requirement in the Climate Change Act 2008, or in Government policy, for carbon emissions for all road transport to become net zero. This was explained in the R (Transport Action Network) v Secretary of State for Transport [2021] EWHC 2095 (Admin) (“the TAN case”) in which Holgate J held that: “...there is no sectoral target for transport, or any other sector, and that emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government’s overall strategy for meeting carbon budgets and the net zero target as part of an economy-wide transition”. There is still a need for ‘fit-for-purpose’ infrastructure that is designed with a sense of place, and encourages active travel, which is what the Scheme achieves. The Scheme also has a Carbon Management Strategy and associated Carbon Management Plan in place to cut carbon from the construction stage. In a statement released by transport secretary on 14 July 2021, when the TDP was published, he explained that the new plan “is not about stopping people doing things: it’s about doing the same things differently... We will still drive on improved roads, but increasingly in zero-emission cars”. The TDP intends to cut traffic growth through other measures, such as those to improve walking and cycling infrastructure and behavioural changes to facilitate a modal shift. The Applicant’s response to question 8.8 of the Examining Authority’s Second Written Questions (REP6-017) provides examples of how the Scheme is aligned with this approach for the operational stage</i>” (emphasis added).</p> <p>At paragraph 31 of the M54 to M6 Link Road decision letter (21 April 2022), paragraph 109 of the decision letter (12 May 2022) for the M25 Junction 10/A3 Wisley Interchange, and paragraph 88 of the most recent decision letter (16 May 2022) for the M25 junction 28 improvements, the following same statement is made:</p> <p>‘<i>The Secretary of State considers that the majority of operational emissions related to the scheme result from vehicle usage and that the Transport Decarbonisation Plan includes a</i></p>



Reference	IP Issue	NH Response
		<p><i>range of non-planning policies which will help to reduce carbon emissions over the transport network as a whole over time (including policies to decarbonise vehicles and radically reduce vehicle emissions) and help to ensure that carbon reduction commitments are met. Beyond transport, Government's wider policies around net zero such as 'The Net Zero Strategy: Build Back Greener' ("Net Zero Strategy"), published by Government in October 2021 sets out policies and proposals for decarbonising all sectors of the UK economy to meet the net zero target by 2050. It is against this background that the Secretary of State has considered the Proposed Development'.</i></p>
9.87.3	<p><b>4. NATIONAL DETERMINED CONTRIBUTION (NDC)</b></p> <p>22. At REP9-027/8.10.5, the applicant makes this statement:</p> <p>"The comparison against carbon budgets in the ES is appropriate as these are the only legislated carbon targets. The carbon budgets are supported by the policy commitments in the Net Zero Strategy which add further detail as to how the carbon budget and NDC will be achieved." (emphasis added)</p> <p>23. The statement effectively combines propositions 1 and 5 as a statement of blind faith. When applied to the scheme itself, propositions 2 and 6 are also claimed.</p> <p>24. However, as stated, the NDC depends upon the NZS being successfully delivered, and the Government have not demonstrated that the NZS is designed to secure its objectives, as being challenged in the NZS legal case.</p> <p>25. In summary, the government has not provided the quantified evidence that either the TDP or the NZS are designed to secure delivery of their carbon reduction objectives, nor the UK international obligations under its NDC and the Paris Agreement.</p>	<p>Please refer to National Highways' response to propositions 1 to 6 in the above section.</p>
9.87.4	<p><b>5. DECISION ON M54-M6 SCHEME</b></p> <p>26. In REP9-027, the applicant relies upon the recent decision by the SoS on M54-M6 scheme (M54-M6-DL) and draws comparisons to the A57 scheme.</p> <p>27. I make some preliminary without prejudice comments on this below.</p> <p>5.1. Illegitimate reliance on the inevitable success of the TDP and the NZS (Propositions 1, 2, 3, and 4)</p> <p>28. At M54-M6-DL/31, the Secretary of State declares the "background" against which the Secretary of State has considered the Proposed Development:</p> <p>"The Secretary of State considers that the majority of operational emissions related to the scheme result from vehicle usage and that the Transport Decarbonisation Plan includes a range of non-planning policies which will help to reduce carbon emissions over the transport network as a whole over time (including policies to decarbonise vehicles and radically reduce vehicle emissions) and help to ensure that carbon reduction commitments are met. Beyond transport, Government's wider policies around net zero such as 'The Net Zero Strategy: Build</p>	<p>Please refer to National Highways' response to sections 2.5 to 2.7 above regarding the legal challenges, as well as the responses to propositions 1 to 6.</p> <p>National Highways does not have any additional comments to make regarding the recent decision on the M54 to M6 Link Road scheme.</p>

Reference	IP Issue	NH Response
	<p>Back Greener' ("Net Zero Strategy"), published by Government in October 2021 sets out policies and proposals for decarbonising all sectors of the UK economy to meet the net zero target by 2050. It is against this background that the Secretary of State has considered the Proposed Development." (underline emphasis added)</p> <p>29. It is clear from this statement, the SoS is predicating his decision on the basis of both overarching assertion and subsidiary assertion of success for both the TDP and NZS. However, it remains to be tested in Court whether the overarching assertion for NZS success is legitimate. I believe that it is not legitimate.</p> <p>30. If the overarching assertion for NZS success is not legitimate, then the overarching assertion for the TDP success can not be legitimate either. And the subsidiary scheme-specific assertions for the NZS and TDP are also not legitimate as a consequence.</p> <p>31. It would be premature to make any reliance on overarching or subsidiary assertions of success for the NZS and TDP on the A57 scheme.</p> <p>5.2. Illegitimate reliance on the inevitable success of meeting the UK NDC (Propositions 5 and 6)</p> <p>32. At M54-M6-DL/37, the Secretary of State extends the overarching assertion of NZS success to an assertion of inevitable success in the UK meeting its NDC target of 68% carbon emissions reduction by 2030 compared to 1990:</p> <p>"With regard to the Paris Agreement, the UK announced its Nationally Determined Contribution ("NDC") in December 2020. NDCs are commitments made by the Parties (including the UK) under the Paris Agreement. Each Party's NDC shows how it intends to reduce its greenhouse gas emissions to meet the temperature goal of the Paris Agreement. The UK's NDC commits it to reduce net GHG emissions by at least 68% by 2030 compared to 1990. This represents an increase of ambition on the fifth carbon budget, which covers the period 2028-2032. The Net Zero Strategy: Build Back Greener, published by Government in October 2021, sets out how the UK will therefore need to overachieve on the fifth carbon budget to meet its international climate targets and stay on track for the sixth carbon budget. This strategy sets out the action Government will take to keep the UK on track for meeting the UK's carbon budgets and 2030 NDC and establishes the UK's longer-term pathway towards net zero by 2050. The Secretary of State is content that consenting the Proposed Development will not impact on the delivery of this strategy and will not lead to a breach of the UK's international obligations in relation to the Paris Agreement or any domestic enactments or duties." (emphasis added)</p> <p>As the assertion of the inevitable success in the UK meeting its NDC target of 68% carbon emissions reduction by 2030 compared to 1990 is based upon the overarching assertion of NZS success which is illegitimate, it too is illegitimate. From the evidence that the Government has made available, it is clear that the delivery of the NZS is not secured, and therefore, neither is the delivery of the NDC secured.</p>	

Reference	IP Issue	NH Response
	<p>33. The bolded statements “stay on track” and “keep the UK on track” are perplexing as they do not agree with the assessment of the Government’s advisors the Climate Change Committee who have advised that the UK is “off track” for meeting the 4th, 5th and 6th carbon budgets (see Appendix D).</p> <p>34. The applicant quotes M54-M6-DL/37 at REP9-027/8.10.4 and goes on to say at 8.10.5:</p> <p>“The comparison against carbon budgets in the ES is appropriate as these are the only legislated carbon targets. The carbon budgets are supported by the policy commitments in the Net Zero Strategy which add further detail as to how the carbon budget and NDC will be achieved. However, the indicative pathways for sectors in the Net Zero Strategy are not targets.” (underline emphasis added)</p> <p>Notwithstanding whether the NZS provides sectorial targets or not, the underlined sentence is just another formulation of the overarching assertion of NZS success. This is under Judicial Review, and I do not accept that it is legitimate. The applicant uses the underlined sentence to support making their comparison against national economy-wide carbon budgets. The fact that the Government has not demonstrated that the NZS objectives will be secured, means that the assessment comparison can not be trusted either.</p> <p>5.3. Negative weight for increasing carbon emissions in the planning balance</p> <p>35. The applicant has relied upon M54-M6-DL/54 in responding to parties in REP9-027. For example at REP9-027/9.79.19, the applicant states:</p> <p>“The M54 Road Link Decision Letter concludes at paragraph 54:</p> <p>Given that the scheme will increase carbon emissions, it is given negative weight in the planning balance. However, the Secretary of State considers that weight also needs to be given to the Transport Decarbonisation Plan that will mean operational emissions reduce over time and that in relation to climate change adaption the Proposed Development attracts positive weight in the planning balance.</p> <p>The Applicant considers this to be relevant to this DCO application as the Scheme is comparable to the M54 Road Link, and the approach to the assessment (including the cumulative assessment) is consistent.” (underline emphasis added)</p> <p>36. There are a number of issues with this. First, as above the SoS has already declared at M54- M6-DL/31, the background for the decision, and as in the previous section, the SoS is assuming the overarching assertion of success for the NZS and for the TDP (ie: Propositions 1, 2 3, and 4). I do not agree that these assertions are legitimate.</p> <p>Second, the SoS then claims that weight needs to be given to the TDP. However, in terms of meeting national carbon budgets and targets, the Government have not demonstrated the overarching assertion of success for the TDP or NZS. Therefore, no weight can be given to the TDP against the negative impact of increasing emissions.</p>	

Reference	IP Issue	NH Response
	<p>Third, the SoS claims positive weight should be given to climate adaptation. However, greenhouse gas emissions and the vulnerability of the project to climate change are specified as two distinct environmental factors, or receptors in the EIA Regulations (eg: see EIA Regulation Schedule 4 (4) and Schedule 4 (5)(f)). Therefore they are not transmutable environmental factors.</p> <p>The seriousness of the negative weight of increasing carbon emissions can only be balanced against full security in delivering the carbon budgets and targets. However, neither the NZS or TDP has been quantitatively demonstrated to be designed to secure the carbon budgets and targets. Failure to meet carbon budgets and targets cannot be balanced by the notion, even if true, that the particular scheme may be slightly more robust against the physical impacts of climate change.</p> <p>37. The result of this is that the A57 scheme will increase emissions, and this has negative weight in the planning balance. There is currently no legitimate way to demonstrate positive planning weight for carbon emissions.</p> <p>5.4. IEMA guidance</p> <p>38. M54-M6-DL/32-35 discuss the latest IEMA guidance. There are a number of issues.</p> <p>39. Just as the applicant selectively quotes IEMA, the SoS does so too. The IEMA guidance at section 6.4 on “Contextualising a project’s carbon footprint” has been ignored. As I describe at REP8-029/4.1, IEMA say 1) assessment of a project’s carbon emissions against the carbon budget for the entire UK economy is only a starting point of limited value 2) local policies and budgets and targets should be used. This latter point is also in line with the EIA guidance (which itself is material guidance to the NN NPS as the NN NPS invokes the EIA Regulations) [REP9-039/2.3].</p> <p>The SoS decision at M54-M6-DL does not identify that local and regional assessment of carbon emissions has not been done, and therefore that the Application for that scheme is not consistent with the IEMA guidance.</p> <p>40. M54-M6-DL/33 correctly quotes the IEMA guidance with respect to “significance” that “that GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit and as such any GHG emission or reductions in these might be considered significant.” However, the SoS then does not take the logical step that this statement from IEMA implies that securing the delivery of the NZS, TDP and NDC are vital. Simply we are near to the limit of carbon emissions which may be generated (the “remaining global carbon budget” in the scientific jargon). Instead the SoS assumes propositions 1-6, and therefore concludes that GHG emissions from the project are not significant. However, as propositions 1 -6 are false, the conclusion cannot depend upon them and is also false.</p> <p>41. At REP9-027/8.8.4, the applicant states with respect to M54-M6-DL/32-35:</p> <p>“The Applicant considers this to be relevant to this DCO application as the Scheme is comparable to the M54 to M6 and the approach to the assessment (including the cumulative assessment) is consistent, including accounting for construction and operational greenhouse</p>	

Reference	IP Issue	NH Response
	<p>gases and making comparison to UK carbon budgets in line with the NSPNN. The conclusion of our assessment is that the Scheme's contribution to overall carbon levels is very low and that its contribution will not have a material impact on the ability of Government to meet its legally binding carbon reduction targets." (underline emphasis added)</p> <p>42. Note, I do not accept that a cumulative assessment has been made (see later on the applicant's denial concerning this vital issue).</p> <p>43. As above, the underlined conclusion for the A57 scheme is premised on M54-M6-DL/32-35 in which the IEMA guidance has been selectively quoted, and IEMA advice for local and regional assessment ignored, and on propositions 1-6. The applicant's conclusion can not therefore be accepted.</p>	
9.87.5	<p><b>6. APPLICANT'S RESPONSE TO CEPP IN REP9-027</b></p> <p>6.1. Applicant is in denial about there being no cumulative carbon assessment</p> <p>44. At REP9-029/8.13 and 8.14, the applicant makes a response to section 7 of my REP8-029. Section 7 comprises bullet points 47-106 (ie 60 bullet points) and provides a detailed and structured response to the applicant's REP5-026. At 8.14.1, the applicant makes a response to the preceding bullets 40-46, and at 8.14.2 refers back to previous documents from the applicant. At 8.14.3, the applicant then jumps to the 10 questions posed at paragraph 97 about the so-called sensitivity test. Essentially, the applicant makes no engagement with bullet points 47-96.</p> <p>45. Put simply, the applicant has not provided any meaningful response to bullets 47-96, which cover the substance of my response in REP5-026 on there being no cumulative carbon assessment by the applicant. Crucially, the applicant has not responded to sections 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 which relate to whether the environmental statement includes a quantification and assessment of the cumulative carbon emissions of the scheme which is compliant with the EIA Regulations.</p> <p>46. As the applicant has not responded to these sections, I can only conclude that they are in denial that the environmental statement does not include a quantification and assessment of the cumulative carbon emissions of the scheme which is compliant with the EIA Regulations.</p> <p>6.2. Applicant is not engaging with arguments made</p> <p>47. In the response at REP9-027/8.12 to REP8-029/40-46, the applicant states at 8.12.4 that their method is supported by PINS Advice Note 17. However, as above, the Applicant has totally failed to engage with REP8-029/75-81 where I show that Planning Inspectorate's Advice Note 17 gives no support to the applicant's claims in REP5-026, and accordingly the ExA should also inevitably conclude that no weight can be applied to the note in this context.</p> <p>48. At REP9-027/8.12.4, the applicant also refers to "cumulative traffic assessments". This is just a rephrase for the traffic model being "inherently cumulative" as used in REP5-026 and elsewhere. The applicant has failed to engage with the question posed at REP8-029/51 about the following notion:</p>	<p>In response to these comments, and to the points raised in Section 7 of REP8-029, National Highways have consistently maintained that Applicant's response to Issue Specific Hearing 2 Item 6 c) and d) Cumulative Carbon Assessment (REP5-026) clearly sets out the approach to the cumulative assessment that has been undertaken. National Highways has a mandated assessment methodology for their schemes so they are comparable for decision making purposes, therefore reassessing in accordance with the approach presented in REP8-029 would not be in accordance with assessment criteria instructed by National Highways for their schemes. There is no set methodology for cumulative effects assessments, however the cumulative effects assessment is proportionate and appropriate, and it is consistent with other comparable DCO and EIA assessments. PINS Advice Note 17 and DMRB LA 104 both support cumulative traffic assessments and the approach is recognised as an industry standards.</p> <p>This approach is also consistent with the cumulative assessment undertaken for the M54 to M6 Link Road scheme, the M25 junction 10/A3 Wisley interchange improvement, and the M25 junction 28 improvements all of which have been accepted by the Secretary of State in making his decisions to authorise the respective DCOs.</p>

Reference	IP Issue	NH Response
	<p>'If the traffic model contains all known road and land developments in the study area, then it follows that any combination of data, and any differentiation of that data (eg DS-DM), extracted from the traffic model must also be "inherently cumulative".' (typographical correction on original in red)</p> <p>49. By "cumulative traffic assessment", the applicant means "all known road and land developments in the study area". My answer to is this notion is that it is false. The applicant's claims that it has done a cumulative carbon assessment which is EIA compliant is predicated on this notion always being true. The applicant fails to respond on this point.</p> <p>50. At REP9-027/8.12.4, the applicant says its approach "is consistent with other comparable DCO and EIA assessment". The issues with the applicant's approach have only been put forward in the form in which I am putting them forward for approximately the last nine months. That the applicant has not been challenged before nine months ago, does not make their approach right, it just means it has not previously been challenged in this form.</p> <p>51. At REP9-027/8.12.4, the applicant says its approach ".. is supported by PINS Advice Note 17 and DMRB LA 104, which support cumulative traffic assessments, and are approaches that are recognised as an industry standards". I have dealt with PINS Advice Note 17 and "cumulative traffic assessments" above. In terms of "industry standards", I recognised the value in running traffic assessments with all known road and land-based development in them at REP8-029/7.5. I referred to this model architecture in REP8-029 as performance orientated. I then pointed out that a complementary "EIA Regs compliance oriented" architecture is required, for the correct solus quantification, and for the cumulative quantification of carbon emissions from the scheme in combination with other developments.</p> <p>52. Whilst I was sympathetic to professional sensitivities in REP8-029, I will now be more direct.        I regret to say that the industry standards have not caught up with the requirements of quantifying and assessing carbon emissions. For far too long, carbon emissions were seen as and treated as a sub-set of air quality (which they are not!). Carbon emission quantification was added onto existing traffic models architecture without asking the question "is this the right approach for this environmental factor?". Continuing in denial of this will not help the applicant, nor the industry.</p> <p>53. The issue of DMRB and DMRB LA 104 remains.</p> <p>6.3. The applicant does not follow the DMRB</p> <p>54. DMRB LA 104 is clear how cumulative assessment should be done. First it provides a definition of "cumulative effects" on page 7:        "Impacts that result from incremental changes caused by other present or reasonably foreseeable actions together with the project.</p> <p>NOTE: For the purposes of this guidance, a cumulative impact can arise as the result of:</p>	

Reference	IP Issue	NH Response
	<p>a) the combined impact of a number of different environmental factors specific impacts from a single project on a single receptor/resource; and/or</p> <p>b) the combined impact of a number of different projects within the vicinity (in combination with the environmental impact assessment project) on a single receptor/resource.” (emphasis added)</p> <p>55. The receptor in question here is greenhouse gas emissions under EIA Regulations Schedule 4.</p> <p>56. Then under the “Cumulative effects” section of DMRB LA 104:</p> <p>3.19. EIAs must include cumulative effects in accordance with the requirements of the EIA Directive 2014/52/EU [Ref 1.N].</p> <p>3.20. Non-statutory environmental assessments shall include cumulative effects.</p> <p>3.21. Environmental assessments shall assess cumulative effects which include those from:</p> <p>1) a single project (e.g. numerous different effects impacting a single receptor); and</p> <p>2) different projects (together with the project being assessed).</p> <p>3.21.1 Cumulative effects should be assessed when the conclusions of individual environmental factor assessments have been reached and reported.</p> <p>3.21.2 The assessment of cumulative effects should report on:</p> <p>1) roads projects which have been confirmed for delivery over a similar timeframe;</p> <p>2) other development projects with valid planning permissions or consent orders, and for which EIA is a requirement; and</p> <p>3) proposals in adopted development plans with a clear identified programme for delivery.</p> <p>3.22. The assessment of cumulative effects shall:</p> <p>1) establish the zone of influence of the project together with other projects;</p> <p>2) establish a list of projects which have the potential to result in cumulative impacts; and</p> <p>3) obtain further information and detail on the list of identified projects to support further assessment.”</p> <p>57. It is quite clear from both the definition, and the summary definition at 3.21 that the meaning of the “different projects”, or cumulative quantification and assessment, is that the carbon emissions of all the relevant developments in the study area under 3.21.2 and 3.22 should be summed together.</p>	

Reference	IP Issue	NH Response
	<p>58. The applicant is correct that the architecture of its DS traffic model potentially provides this. The applicant is incorrect that its selected architecture for its DS-DM quantification, based on the outputs of this model, provides a cumulative quantification or assessment. This is an example of where the notion at REP8-029/51 does not hold true. This has all been explained in REP8-029, sections 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 but the applicant has decided not to engage with the issue.</p> <p>59. In summary, the applicant has not followed DMRB LA 104, nor complied with it with respect to making an EIA Regulations compliant cumulative assessment of carbon emissions. The applicant has not only not followed its own industry guidance, it has also not met the legal requirements of the EIA Regulations.</p> <p>60. The applicant's statement at REP9-027/8.12.4 is wrong on all counts as outlined above.</p> <p>61. These comments on DMRB are in addition to my comments at REP9-039/2.9 where I addressed the ExA's question at EV-039/Item 6/g), and REP9-039/2.10 where I addressed the ExA's question at EV-039/Item 6/h). On the latter on how much weight can be given to the DMRB, there is now a preceding question "how will the applicant make their carbon assessment compliant with the DMRB LA 104 requirements for cumulative assessment?". The DMRB is consistent with the NN NPS and the EIA regulations here. The issue is that applicant complies with none of them.</p> <p>6.4. M54-M6-DL does not support the applicant</p> <p>62. At REP9-027/8.12.5, the applicant quotes M54-M6-DL/45-46. The quoted paragraphs do not help the applicant. They do not address the issues above of non-compliance with the DMRB, non-compliance with the EIA Regulations, no support from PINS Advice Note 17, and industry practice which need to be resolved.</p> <p>63. M54-M6-DL/45 starts:</p> <p>"The Secretary of State considers that as there is no single prescribed approach to assessing the cumulative impacts of carbon emissions, there are a number of ways such an assessment can acceptably be undertaken and that this does not necessarily need to be done at RIS level." (underline emphasis added)</p> <p>The applicant may seek comfort from the underlined sentence. However, the point is that no cumulative carbon assessment has been done at all, so whether a prescribed approach has been followed is academic.</p> <p>64. The point made here is in addition to the general points in section 5 on how the M54-M6 decision letter does not support the applicant's case.</p>	



### 3. REP10-012 CPRE Peak District and South Yorkshire - Comments on submissions for Deadline 9

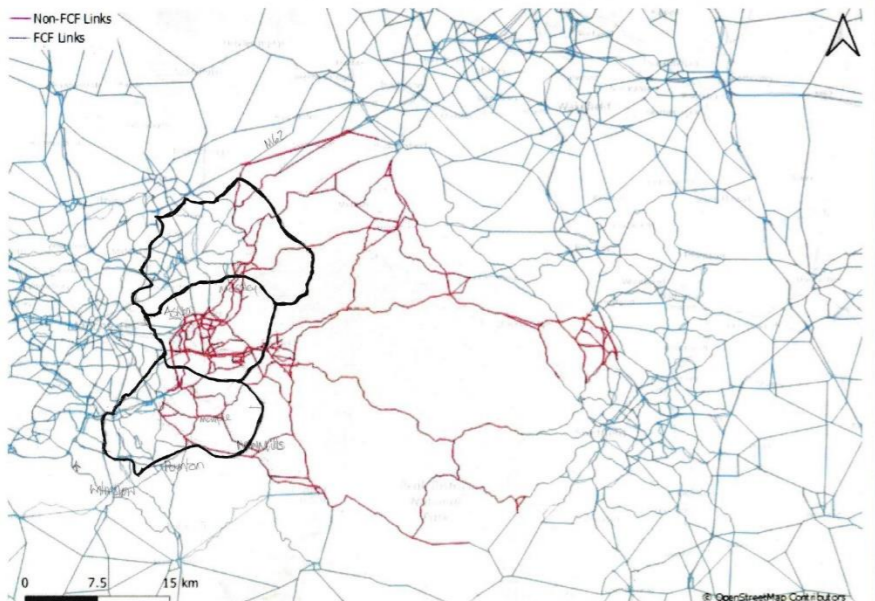
Reference	IP Issue	NH Response
9.87.6	In summary this Select Link Analysis reinforces the need for a full and proper assessment of the impacts of traffic on Glossopdale. More detailed investigation of just one link – Dinting Road – has raised yet more uncertainties about the outputs from the traffic modelling, and the impact of traffic on the environment and people, particularly air pollution. If closer scrutiny of one link throws up such anomalies, what would a full and proper analysis of the whole of Glossopdale reveal?	The Select Link Analysis for Dinting Road (REP9-029) is a more detailed output from the traffic model used to assess the Scheme. It is therefore consistent with all other output from the traffic model and assessment of the Scheme previously submitted into the dDCO Examination. Consequently, it does not raise any uncertainties regarding the traffic modelling outputs.
9.87.7	<p><b>Origin of increased flows on Dinting Road</b></p> <p>The Select Link Analysis<sup>1</sup> shows a mix of local and strategic traffic using Dinting Road in both the modelled DM and DS scenarios in 2025. Without the scheme the longer distance traffic is drawn from a wide area using routes such as the M67 and, to a lesser extent, the A57 Snake Pass and Roe Cross Road.</p> <p>With the scheme the increased traffic flows are attributed to ‘firstly, the introduction of the scheme attracts more trips through the local area due to improved journey times, so it is expected that there will be an increase in flow on this road. Secondly, due to the congestion and delays on Glossop High Street, more trips route via Dinting Road as it presents a viable alternative route for some users of the A57 scheme and reflects the increase in traffic forecast to use the A57 Snake Pass’.</p> <p>This refutes DCC’s belief ‘that the changes in traffic flow on the local roads in Glossop arise from... changes in the travel behaviour of local people who currently reside in the town,’ and not ‘from people from elsewhere deciding to descend on Glossop purely and simply as a consequence of the scheme’ [REP8-023; REP4-010]. According to NH, increased flows on Dinting Road reflect forecast increased traffic on the Snake Pass. Thus contrary to the Derbyshire Local Transport Plan, the scheme is increasing traffic, and on residential streets where as Steve Bagshaw has shown traffic calming has been pursued [REP9-051].</p>	No response required as issue raised is for DCC.
9.87.8	<p><b>Piecemeal approach to assessment of scheme’s impacts on Glossopdale</b></p> <p>The SLA reflects a piecemeal approach to assessing the impacts of traffic increases generated by the scheme on Glossopdale. DCC have shown that journey times increase within Glossop<sup>2</sup>; HPBC has shown that crashes would increase on Shaw Lane/Dinting Road<sup>3</sup>. In REP9-040 3.6 we listed severance, turning counts, air quality and noise as having had an incomplete or no assessment within Glossopdale. We share HPBC’s continuing concerns about the lack of a full and proper assessment of the impacts on Glossopdale [REP9-033].</p> <p>That assessment must be made in order to comply with NPSNN and TAG Unit M4 guidance, and to provide the evidence required for the ExA to make its recommendations and for the SoS to make a decision about the scheme.</p> <p>The ExA and the SoS are required to ‘give due consideration to impacts on local transport networks and policies set out in local plans, for example, policies on demand management being undertaken at the local level’ (NPSNN 5.211). High Peak Local Plan aims ‘to reduce the need to travel, reduce the length of journeys, congestion and make it safer and easier for</p>	National Highways has undertaken an assessment of the impacts of the Scheme on roads in Glossopdale which are forecast to have increases in traffic flows due to the Scheme, as it has for all other roads subject to forecast increases in traffic flows. The assessment has included severance, road safety, air quality and noise, unless screened out by the application of applicable thresholds as defined by Environmental Assessment guidelines, either Design Manual for Roads and Bridges (DMRB) or Institute of Environmental Management and Assessment (IEMA) guidelines as appropriate.

Reference	IP Issue	NH Response
	<p>people to access jobs, shops, leisure facilities and services by means of transport other than by private car<sup>4</sup>. The Local Plan also seeks to support the Derbyshire Local Transport Plan 2011-2026, the package of measures in which would achieve its Strategic Environmental Assessment objective 'To reduce motorised traffic growth through a combination of demand management measures, land-use planning and encouragement of the use of more sustainable travel modes'. Car drivers contribute 57% of Derbyshire County's carbon emissions and both plans seek reductions in them<sup>5</sup>. The scheme would negate all these aspirations by increasing congestion within Glossopdale, encouraging car use, polluting the air, increasing the risk of crashes and intimidating those who wish to walk and cycle, and increasing carbon emissions.</p>	
9.87.9	<p><b>Inconsistencies with the traffic model</b></p> <p>Although select link analysis provides information of where traffic comes from and goes to on a link, it has here raised yet more questions about the traffic model. Para 2.1.6 states 'There are some routes taken in the DS scenario that are not previously traversed in the DM scenario such as Glossop Road past Gamesley, and Stockport Road, south of Gee Cross. It is considered that these do not represent a significant change in travel patterns due to the Scheme.' Figures 2.2 and 2.3 show the increased flows on the two named routes. What happens on a short stretch of the Stockport Road A590 is unclear and without explanation, but should be explained. However, the statement in para 1.2.6 is not in accord with other evidence presented by the Applicant. On Glossop Road past Gamesley traffic flows are forecast to fall by 7% or 850 AADT in 2025 with the scheme (Appendix 2.1 Traffic Data), but the SLA shows that they would increase. NH states that the change is not significant but a difference of at least 7% between the outputs from the original modelling and the SLA suggests the modelling requires greater scrutiny. This difference could also have impacts on the air quality.</p>	<p>The Select Link Analysis for Dinting Road (REP9-029) provides more detailed information on the output from the traffic model used to assess the Scheme and represents a very minor subset of all movements within the model. The interpretation comparing the SLA to the performance of Glossop Road as reported in "Appendix 2.1 Traffic Data" is not, therefore, appropriate because the routing of the small proportion of traffic on Dinting Road is not representative of all movements on Glossop Road. As such the comparison is invalid and consequently, the suggestion that the statement in paragraph 1.2.6 of (REP-029) is evidence of a contradiction with other evidence presented by the Applicant is incorrect.</p>
9.87.10	<p><b>Impacts on air pollution and Dinting AQMA</b></p> <p>The junction between Glossop Road and the A57 is the location of air pollution that exceeds the legal limit without the scheme and would worsen with the scheme. It is also the western limit of Dinting Vale AQMA which NH refuses to assess in full. If an assessment of one link in Glossopdale indicates that traffic is not behaving in the same fashion as predicted by the original traffic modelling, then what does this mean for the rest of area and for the assessment of air quality?</p>	<p>Please refer to the Applicant's Comments on Deadline 9 Submissions (3.2.4 and 3.2.5 – REP10-010).</p>
9.87.11	<p><b>What if the diversion along Dinting Road is not taken?</b></p> <p>The implications for flows through the Dinting AQMA if the diversion along Dinting Road is not taken were sought through [REP6-017, WC2, 7.4]. NH answered: 'For the routing of traffic across the modelled road network to significantly alter from that forecast by the traffic modelling, physical measures or schemes would need to be introduced onto the road network, such as changes in speed limits, traffic calming measures, additional traffic signals, etc., that would cause drivers to choose alternative competing routes. Any such proposed modifications to the road network would be subject to an impact assessment prior to their implementation that would need to consider the diversionary impact of the scheme on traffic and the consequential environmental effects. No such schemes for Dinting Road and Shaw Lane are proposed.'</p>	<p>Regarding traffic flows on Dinting Road please refer to the Applicants comments on Deadline 4 submissions (9.54.24 – REP5-022). Regarding the possibility of a pedestrian crossing on Dinting Road please refer to the Applicant's Comments on Deadline 9 Submissions (9.84.39 - REP10-010).</p>

Reference	IP Issue	NH Response
	<p>At Deadline 8 DCC raised the distinct possibility of a pedestrian crossing on Dinting Road [REP8-023 pdf pages 4-6 Qv, x, y]. According to NH this is the trigger for further assessment. 'If traffic was somehow prevented or discouraged from using Dinting Road and Shaw Lane then additional traffic modelling would need to be undertaken to understand the likely traffic redistribution effects across the road network, which would not necessarily mean that traffic flows on any alternative route, such as the A57 through Glossop (including Glossop AQMA) would increase. This is because there are likely to be wider, knock-on traffic redistribution effects' (REP6-017 Page 61 WC2 7.4). If the Shaw Lane and Dinting alternative route is not used as forecast, it is likely that the traffic passing through the AQMA at Dinting will be higher than forecast with consequential implications for air quality. In this scenario, severance and safety issues will also potentially be more prevalent on the A57. However 'wider knock-on traffic redistribution effects' are likely throughout the area, not just on the A57. As the Select Link Analysis appears to be giving a glimpse of 'wider knock-on traffic redistribution' even without inhibitory measures on Dinting Road then the whole of Glossopdale requires further investigation.</p>	

## 4. REP10-013 CPRE Peak District and South Yorkshire - Comments on submissions for Deadline 9 - Response to the Applicant's comments on Deadline 9 submissions

Reference	IP Issue	NH Response
9.87.12	<p><b>Fixed cost function and masking</b></p> <p>9.79.21 We have shown that the model does not represent the impacts of the scheme on transport networks in Greater Manchester. The scheme has been treated as an isolated bypass with limited access to Greater Manchester, with a fixed cost function and a masking approach applied to Greater Manchester.</p> <p>NH responded: It should be understood that the fixed-cost-function approach to modelling has been applied only to areas outside of the core region of influence of the scheme, as represented in Figure 3-7 of the Transport Forecasting Package. This does not apply to the whole of the Greater Manchester area as has been suggested. The metropolitan boroughs of Tameside (except for the small section to the west of the M60), Stockport and the majority of Oldham are within the area of detailed modelling and fixed costs do not apply in these areas. We have taken Figure 3-7 showing the fixed cost function in REP2-090 page 289/790 and overlain the three borough boundaries (see figure below). From this we estimate that the fixed cost function was applied to the majority of Oldham, 20% of Tameside and 40% of Stockport boroughs and these areas were therefore excluded from the ADM. Thus NH's claim appears misleading.</p> <p>To be clear what impact this has we explain the fixed cost function and the masking that NH applied to the model.</p> <p>The scope of the model extends to the east and west coasts of England, contains a very high number of trips and hence a large overall cost of travel, making relatively small fluctuations in modelled behaviour, potentially influential on overall performance. To minimise this effect a fixed cost function (FCF) was applied [REP2-090 para 3.8 pdf page 287/790]. A cordon is set within the model and costs outside of this cordon are fixed to ensure uniform behaviour between the DM and DS scenarios. This has the effect of eliminating the cost differences caused by changing traffic patterns in those areas. Thus the extra 25% of traffic exiting the M67 roundabout doesn't impose extra costs on the Greater Manchester urban networks to the West. Despite use of the FCF the model was unstable. In order to reduce what was called the model noise, a masking approach was adopted [REP2-090 para 4.5 pdf page 29/790].</p> <p>In modelling there are sometimes areas which are far away from the scheme in question but subject to change and hard to stabilise (i.e. many model runs are undertaken and they do not tend towards a stable pattern). In these cases they are sometimes deliberately prevented from fluctuating, masking is the technique we are told has been used for the A57. However, in this case the masking is applied to a complex urban area with many journeys in it which use the proposed scheme. Previous CPRE analysis of the trip matrices has shown the high significance of these trips.</p> <p>Validation of model performance was focused around the scheme area but excludes the really difficult parts of the network (complex urban) which nevertheless has most of the trips</p>	<p>The model does include Greater Manchester, but at a lesser level of detail than within the Area of Detailed Modelling (ADM). It does, therefore, reflect the changes in traffic flows within Greater Manchester due to the Scheme.</p> <p>Based on the mapping provided it is accepted that the description previously set out of the overlap between the Area of Detailed Modelling (ADM) and Greater Manchester indicated slightly more of a coverage of the conurbation than may be the case. However, the purpose of the response was not to provide an exact indication of the area covered by the ADM, but rather to focus on the more salient points that:</p> <ul style="list-style-type: none"> <li>a) There is significant coverage of Greater Manchester within the ADM, and those areas outside the ADM are most removed from the area of influence of the scheme,</li> <li>b) Outside of the ADM the forecasting capability of the model is only very marginally diminished, and</li> <li>c) Only a subset of benefits within the Greater Manchester area, where traffic behaviour will be least impacted by the scheme, have been masked.</li> </ul> <p>As was clarified in section 10 of the Applicant's Comments on Deadline 9 Responses (REP10-010), with reference to the relevant section of the SATURN manual, the term "fixed" in the "fixed cost function" does not fix costs on each link but relates to the flow-delay function for each turn at each simulated junction. Therefore, the functions used to calculate delays in response to flow changes are fixed but the costs of travel are not.</p> <p>It is true that, theoretically, the scheme may have some marginal impacts on trips made entirely within central Manchester which do not interact with the network in the eastern areas of the city, due to other trips from more central areas which do use the scheme (and so would not be affected by masking) following alternative routes. This may slightly affect flows on individual links as routes are altered. However, measurement of this sort of impact on relatively small numbers of trips distributed across the extent of the central area of the city and at this distance from the scheme, is beyond the reliable scope of any model of this scale and individual driver choice from one day to the next may cause similar levels of fluctuation. It may be helpful to note that the impact of the masking on calculated benefits was a reduction in present value of benefits (PVB) of less than 1% of the total, which is not statistically significant. Positive and negative impacts of model noise were seen to almost entirely cancel out, as might be expected with what is essentially a random fluctuation in a large number of small values.</p> <p>Regarding inclusion of public transport and active modes in the model, please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.14 – REP8-019) and the Applicant's comments on Deadline 8 submissions (Point 8, 9.79.22 – REP9-027).</p>

Reference	IP Issue	NH Response
	<p>using it for a significant part of their journey. Although fewer trips have part of their travel within Sheffield, this has also been excluded from the detailed modelling. In terms of validation we would like to confirm that there is no all mode validation in combination with public transport. Walking and cycling are also missing from the model and its validation. It is therefore clear that the way that NH has used the model has resulted in substantial exclusions from the assessment of the impacts of the scheme.</p> 	
9.87.13	<p><b>Safety objective</b></p> <p>9.79.30 We noted that the safety objective for the scheme included in the 2015 Trans-Pennine Routes Feasibility Study and the 2018 consultation was removed for the 2020 consultation and DCO application.</p> <p>NH response: Following further consideration of potential solutions, the dualling of the A61 was separated from the A57 scheme and progressed separately, as was the package of safety and technology measures. The climbing lanes on the A628 between Tintwistle and Flouch were removed from consideration all together. As a result of this for the 2020 consultation the scheme objectives related to the safety and technology elements of the 2017 proposal were omitted from the 2020 consultation and from the scheme application as specific objectives.</p> <p>This is a complete misunderstanding of an objectives led assessment such as that used for Strategic level assessments (such as DfT EAST). NH have removed a widely accepted and legitimate objective – road safety – because one of the ways in which it might be achieved has been excluded from the current scheme. Road safety remains a legitimate and important objective and the proposed scheme has a negative impact upon it instead of achieving improvement. To seek to minimise this by diluting the objective creates an obvious bias in the appraisal and allows NH to underplay the importance of the increased of accidents and the injuries which would result.</p> <p>In fact, the scheme would cause diversion of traffic off the safer M62, with increased accidents on the A628T and A57.</p>	<p>Road safety is always a crucial consideration for National Highways regardless of whether it is stated as a specific objective for the Scheme. An assessment of the impact of the Scheme on road safety has been undertaken which forecasts that the overall increase in accidents across the appraised road network represents a 0.3% increase over 60-years, which is considered marginal. Also please refer to the Applicant's Comments on Relevant Representations (RR-0170-3 – REP1-042), the Applicants comments on Written Questions Responses (3.19 – REP3-021) and the Applicant's comments on Deadline 8 submissions (9.79.115 – REP9-027).</p>

Reference	IP Issue	NH Response
9.87.14	<p><b>Green Belt</b></p> <p>9.79.53 NH is using conflicting arguments to claim the scheme is 'not inappropriate' development in the Green Belt.</p> <p>On the one hand it claims the scheme is local transport infrastructure and therefore permissible development in the Green Belt.</p> <p>On the other hand NH does not accept the policy commitments to which local transport infrastructure is subject. When claiming how the scheme supports the GMCA Right Mix policy NH ignores the requirement for reduction in car trips and 50% increase in public transport and active travel by 2040, and implies that City to City trips are the most important for this scheme. However, these trips are a very small percentage of the traffic forecast as we showed in REP9-040 Q3.3. The vast majority of the trips most relevant to this scheme are local neighbourhood journeys, wider city region journeys and trips connected to the regional centre.</p>	<p>The Greater Manchester Transport Strategy 2040 has been appropriately considered within the Case for the Scheme. It is not a planning policy document adopted for development control purposes but sets out Greater Manchester's long-term ambition for transport. As set out in the Applicant's Response To Third Written Questions (response 3.4), the A57 Link Roads scheme aligns with the Greater Manchester Transport Strategy 2040 policy objectives and is expressly identified on page 92 of the strategy, and in the table in Appendix A of the Greater Manchester Five Year Transport Delivery Plan 2021-2026 as a committed scheme to deliver, 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 (now National Highways) 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.</p>

## 5. REP10-014 Environment Agency - Comments on submissions for Deadline 9

### 5.1. EA Commentary: 7.2 Environmental Management Plan [REP9-008] / [REP9-023]

- 5.1.1. *Having reviewed the contents of the latest D9 version of the 1st Iteration Environmental Management Plan (EMP), we note the following changes:*
- *Submission of outline Carbon Management (CMP) Annex B.9*
  - *Submission of outline Dewatering Management Plan (DWP) Annex B.8*
  - *Addition of Design Approach Document (DAD) included within annex C.1 with Design Approach*
- 5.1.2. *We have no formal comment to make on the CMP or DAD at this stage in proceedings.*
- 5.1.3. *We welcome the submission of an outline DWP by the applicant. As outlined within our previous written response for D9, as part of the wider conversations between the EA and applicant's project team, we have collectively established that, in combination with the written requirements of the draft DCO (notably Requirement 6), the DWP will (as part of 2nd EMP iteration) be a critical document for addressing the EA concerns regarding the potential (if not suitably managed) for long-term adverse environmental impacts (arising from the dewatering of groundwater resources).*
- 5.1.4. *We can confirm that the review of the outline DWP provided under Annex B.8 has been completed by our Groundwater and Contaminated Land Team who advise that the outline plan is adequate for its understood intended purpose; supporting the EMP (1st iteration) by providing a high-level overarching strategy document from which, as noted within Section 1 the EMP (1st iteration) and governed by Requirement 4 of the DCO, a detailed DWP (as part of EMP 2nd iteration) can be developed as part of progressing the assessment and finalisation of the detailed design of the A57 scheme.*
- 5.1.5. *However, regarding the contents of the outline DWP itself, our GWCL Team has noted that, whilst it is acknowledged that this is intended to be high level version of the DWP only, there is limited reference to matter of the Hydrogeology Risk Assessment (HRA) (Sections 4.1.1.1 and 6.1.1.1 only).*
- 5.1.6. *The HRA (which is understood to be updated in due course) is a critical part of ensuring that the approach taken to the development will not result in adverse impacts. To this end, as submitted, the outline DWP does not specifically include the requirement for the proposed development to be carried out in accordance with the HRA. Presently, there is concern within our GWCL Team that, in construction of the development, insufficient consideration would be given by the third-party contractors to the (updated) HRA due to this not forming a front facing DCO compliance point (worded requirements) and instead being encapsulated within the EMP / DCO Requirement 4.*

- 5.1.7. *To support the DCO the EA has to be secure in its understanding of the environmental context for the highway development and be able to confidently recommend to the ExA that the development can go ahead safely, that there are adequate safeguards in place for the protection of the environment and the groundwater resources in the area, such that adverse impact will not occur either in the short term during construction and afterwards, in the longer term, once the road project is complete.*
- 5.1.8. *In virtue of the above, at this present time, we advise the ExA's previous suggested wording, as detailed under draft DCO requirement 6 (6)-(8), relating the submission of a further HRA, is reintroduced to Req 6. However, we recognise through further discussion with the applicant (intended to occur prior to Deadline 11 (D11)) that a jointly supported approach to this matter may be found. Consequently, we advise the ExA to await further future submission by the applicant before seeking to determine this.*
- 5.1.9. *In the interest of avoiding doubt, we would also take this opportunity to confirm to the ExA that the outline Construction Water Management Plan (Annex B.3), Site Waste Management Plan (Annex B.4) and Materials Management Plan (Annex B.5) are acceptable to the EA and we look forward to submission of further detailed versions of these by the applicant (as part of the 2nd EMP iteration) in due course.*

## **5.2. National Highways' response**

- 5.2.1. An agreement between the EA and the Applicant on the wording contained within Requirement 6 of the dDCO was reached on 11 May 2022. The amended and agreed wording has been submitted by the Applicant as part of the Deadline 12 submission.

## **5.3. EA Commentary: 7.3 Register of Environmental Actions and Commitments (REAC) [REP9-009] / [REP9-026]**

- 5.3.1. *Regarding the REAC, we are aware from continued correspondence with the A57 project team, that further updates to the REAC, which will supersede the current D9 version of this document will occur. We anticipate that the applicant will be submitting an updated version of the REAC as part of D10 which, as part of ensuring confidence in further iteration of the EMP and associated sub-plans, will incorporate a series of additional advisories from the EA (strengthening and clarification of current action / commitment wording) notably in relation to the provision of an updated HRA as part of further EMP iteration.*

## **5.4. National Highways' response**

- 5.4.1. The REAC was updated and re-submitted at Deadline 11 as agreed with the EA. The Applicant does not expect to make any further changes to the REAC for the Deadline 12 submission. However, it is recognised by both the EA and the Applicant that further changes to the REAC may be required at the Detailed Design stage of the Scheme following EA consultation, if required.



## **5.5. EA Commentary: 9.15 Statement of Common Ground (SoCG) with Environment Agency [REP9-015]**

5.5.1. *Regarding the SoCG, we advise the ExA that further to our previous responses (for Deadlines 8 and 9), that discussion and refinement of this document (further to the D9 iteration) is still being progressed. From associated correspondence, we are aware that the applicant is intending to submit as part own D10 submission an updated version of the SoCG. However, we anticipate that further iteration of the SoCG beyond the D10 submission will also occur. Provided that a jointly agreeable outcome to the outstanding concern of the EA (see comments above regarding HRA focus) can be reached, we anticipate that it will be possible for the EA to provide sign-off of the SoCG as part of D11.*

## **5.6. National Highways' response**

5.6.1. Following agreement between the Applicant and the EA, the final version of the SoCG has now been agreed and signed by the two parties. The signed SoCG has been submitted into the examination as part of the Deadline 12 submission.

## **5.7. EA Commentary: 9.8 draft DCO showing all changes since the previous submitted version (tracked) [REP9-013]**

### *Schedule 2 Requirement 6 (Contaminated Land and Groundwater)*

5.7.1. *As outlined within the commentary above for the outline DWP submitted under the EMP (1st Iteration), due to concerns regarding the prominence of the HRA, we are presently unable to provide recommendation to the ExA that applicant's wording of Requirement 6 detailed under Schedule 2, Part 1 of the draft DCO (D9 version) is acceptable. We advise ExA (as will also be outlined with the D10 SoCG submission), that we are currently undertaking further discussions with the applicant's project team regarding the wording of Requirement 6 with an intention of these concluding in time for preparation by an updated DCO by D11.*

5.7.2. *We anticipate that the applicant's correspondence under D10, on the subject of the draft DCO, will be of similar impression to the above EA statement.*

### *Schedule 2 Requirement 9 (Flood Risk Assessment)*

5.7.3. *As part of our previous correspondence under D9, we advised the ExA that it was our understanding that the applicant would be submitting, as part of further DCO iteration, revised wording for Requirement 9. We note from the latest D9 iteration of the draft DCO that this has not occurred and therefore, additional / revised wording to the effect of confirming that submission of 'an updated (detailed design version) of the FRA with associated flood modelling will be required' is absent.*

5.7.4. *As part of ongoing correspondence between the EA and the applicant's project team, the absence of revision to the wording of Requirement 9 has been queried. In response, we (the EA) have been advised an updated version of the REAC (anticipated for D10 submission by the applicant), which will include revision to action RD1.21 confirming the requirement for submission of detailed FRA and flood modelling, will be provisioned.*

- 5.7.5. *However, for the purpose of the ExA, we note the current text of RD1.21 under the D9 iteration of the REAC includes wording to the effect of confirming that a Detailed Design Flood model and FRA will be consulted and agreed with the EA during the detailed design stage. In virtue of this (and the forthcoming D10 update) in ensuring adherence to Require 4 of the DCO the current wording of Requirement 9(2) will be automatically triggered at the appropriate stage.*
- 5.7.6. *In light of the above (trigger point), we now advise the ExA that alteration of the wording for Requirement 9 is no longer considered to be critical by the EA. However, in similar vein to the current discussion with the applicant regarding the wording of Requirement 6 (HRA focus), we advise that the ExA may wish to consider that a more appropriate approach would be include worded to the effect of RD1.21 within a re-worded version of Requirement 9.*

## **5.8. National Highways' response**

### Schedule 2 Requirement 6 (Contaminated Land and Groundwater)

- 5.8.1. An agreement between the EA and the Applicant on the wording contained within Requirement 6 of the dDCO was reached on 11 May 2022. The amended and agreed wording has been included in the final draft DCO submitted by the Applicant as part of the Deadline 12 submission.

### Schedule 2 Requirement 9 (Flood Risk Assessment)

- 5.8.2. As discussed with the EA, the Applicant feels that it is more appropriate to include the commitment to re-consult the EA on the Detailed Design flood model and FRA at the Detailed Design stage in the REAC. The REAC has been updated as a result of this to include this commitment.

## **5.9. EA Commentary: 9.82 River Etherow Outfall Technical Note [REP9-030]**

- 5.9.1. *Due to current internal resource constraints and limited availability of time, we advise the ExA that we have not been able to undertake an in-depth review of the current contents of this technical note. However, as detailed within summary of this document we note the request made by the applicant for acceptance of outfalls servicing the Catchments 4 & 6 and flows listed within Table 3-1.*
- 5.9.2. *Regarding the design and structure of the two outfalls, we advised the applicant that until we are sighted on the specific details of these two outfall structures, which we anticipate will be submitted as part of Flood Risk Activity Permit (FRAP) submission referenced within the technical note (section 5.1.2), that it will not be possible for us to confirm acceptance of these features. We are unable, at this present time, to ascertain whether the design of these will suitably integrate into the riparian environment of the River Etherow.*
- 5.9.3. *In relation to outfall design, we would take opportunity to signpost the project team to the following guidance which we advise is considered / utilised for this purpose of designing the outfalls in question: [redacted]*

## **5.10. National Highways' response**

- 5.10.1. The Applicant acknowledges the need for a Flood Risk Activity Permit (FRAP) to construct the proposed outfalls. The FRAP will be applied for and agreed with the EA prior to undertaking any construction activity associated with these outfalls. The proposed outfalls will be designed in accordance with the guidance as advised by the EA.

## 6. REP10-015 Peter Robinson – Comments on the Proposed Development

Reference	IP Issue	NH Response
9.87.15	<p><b>Forecast increased traffic</b></p> <p>4. In my initial submission I expressed great concern that traffic on the A57 Snake Pass is forecast to increase due to the Scheme by 38% or 1,450 vehicles per day, which is equivalent to approximately an average of 2 to 3 vehicles per minute in each direction. However, such concerns have been dismissed by Highways England who deem this increase as insignificant because of the already 'high' number of vehicles using the route (3050 AADT). They dismiss the impact of this increase on peace and quiet on the basis that peace and quiet is already lost because of existing traffic on the road – an absurd argument which implies that once a certain level has been reached, numbers can be allowed to increase without limit. In fact, the statutory purposes of the Park require peace and quiet to be restored by reducing traffic, not harmed further by more traffic. An hourly analysis of the traffic flows has revealed bunching with more traffic (52% increased flows as opposed to the average 38%) late morning and early afternoon, the time when most people would be enjoying the Park. This means that the increase in noise, loss of tranquillity and the accident risk would be greatest at the time of greatest number of visits when people are trying to enjoy the Park.</p>	<p>Regarding accident risk please see response to 10 below.</p> <p>For clarification, the absolute change in traffic flow along the A57 is relatively small, representing an increase of approximately one additional vehicle per minute in each direction. Consequently, the effect of the forecast increases in traffic on the A57 Snake Pass due to the Scheme are not deemed sufficient to have a significant adverse effect on landscape receptors and visual receptors including on the perception of tranquillity. Professional judgement was based on the assessor experience of the landscape at baseline, and the assessor considered the baseline traffic movement versus the expected change in traffic volume. The experience of the assessor standing at each viewpoint and considering the expected change in vehicle numbers was set against the observed numbers on the day of assessment.</p> <p>National Highways has not implied that '<i>once a certain level has been reached, numbers can be allowed to increase without limit</i>', however the magnitude of change in traffic flows from the existing baseline was a factor that was taken into consideration. The change in magnitude criteria is set out in Table 7.18 of Chapter 7 Landscape and Visual Effects of the ES (REP6-006).</p>
9.87.16	<p>5. The impact on people crossing the road between footpaths or open access land was assessed with a gap analysis. This misses the point. There are few pavements alongside the road and walkers may have to walk the road to link up with paths and access points. Gap analysis also has no bearing on cyclists who are using the road.</p>	<p>Provision for walkers and pedestrians along the A57 corridor is a matter for DCC which is responsible for dealing with all current issues with the road and public rights of way.</p>
9.87.17	<p>6. The impacts of the increased traffic on tranquillity have been reduced by Highways England to 'noise levels' which tell you little about tranquillity, a concept that they have failed to address. Highways England states 'When vehicles travelling along a road are grouped together, in a platoon, the noise from individual vehicles within the group is usually less noticeable from the overall noise of traffic on the road as the vehicles in any group tend to be driven in a similar manner.' [REP8-019] Clearly Highways England has never used the Snake Pass. Platooning results in vehicles revving up and overtaking at speed, particularly drawing attention to the traffic on the road.</p>	<p>National Highways maintains its position on the effects of platooning vehicles on noise levels, which would not result in any changes in the conclusions reported in the ES.</p>
9.87.18	<p>7. Highways England said no restraint had been applied to traffic across the Peak District – why not? If the statutory purposes of the Park require its natural beauty, wildlife and cultural heritage and public enjoyment to be enhanced why is traffic not being decreased? It makes no sense to pursue a scheme that does the opposite to what the statutory purposes require.</p>	<p>The M67, A628, A616 corridor is part of the Strategic Route Network for which National Highways is the highway authority. As such, this corridor is identified as being a suitable route for strategic, inter-regional and inter-urban traffic, including for all types of commercial traffic. Consequently, the route is included in the National Primary Road Network that connects primary destinations across the UK and has green-backed direction signs. Therefore, it is not appropriate to restrict access for traffic along the M67, A628, A616 corridor. Restricting access for traffic on other roads within the Peak District National Park (including A57 Snake Pass) would be the responsibility of Derbyshire County Council as the highway authority for these roads, rather than for National Highways to consider.</p>
9.87.19	<p><b>Forecast risk of increased crashes</b></p> <p>8. Highways England dismisses an extra 160 crashes on the A57 Snake Pass alone as insignificant and claim that the benefit of faster journey times outweigh the negative impacts of increased crashes. I find this incomprehensible and outrageous. It is particularly</p>	<p>Please see response to 10. Below.</p>

Reference	IP Issue	NH Response
	unacceptable as the Snake Pass has a falling trend in accidents due to the effective measures already implemented by Derbyshire County Council (see Figure 4- 7 in REP2-090 page 38/790).	
9.87.20	9. Initially Highways England dismissed any responsibility for safety and had no regard for regular users of the routes such as residents. Through the Examination the County Council has suggested the installation of average speed cameras and Highways England has offered to help with measures to mitigate the effects of increased crashes. However, I object to such a measure being forced on the National Park as a direct consequence of an ill thought through scheme. The average speed cameras would mar the route with intrusive gantries and signs – they cannot be concealed, they are meant to be seen. This type of major development is not allowed in the National Park except in exceptional circumstances and I am pleased to see that the Peak Park does not want cameras either.	The Scheme does not propose the introduction of average speed cameras on the A57 Snake Pass.
9.87.21	10. Furthermore, Highways England now appears to be planning to reduce the modelled number of accidents, apparently to minimise the issue. We understand that crashes increase in a linear fashion with traffic increases. If there is a 38% increase in traffic then it follows there must be a 38% increase in crashes. Any attempt to 'update' the model outside of public scrutiny is viewed with great suspicion.	National Highways has reported the forecast impact of the Scheme on accident rates in the Transport Assessment Report (TAR) (APP-185) and in previous responses to questions and comments during the Examination. This has demonstrated that the forecast number of accidents due to the Scheme across the modelled road network represents less than a 0.3% increase, which is considered marginal. National Highways will not be reassessing the forecast number of accidents due to the Scheme.
9.87.22	11. Equally, the suggestion that the accidents largely involve motorcycles is wrong; Police statistics on crash incidents on the Snake Pass show they largely involve cars (see REP2-069) so a change in motorcycle numbers should be immaterial to the risk of crashes.	The proportion of accidents along the A57 Snake Pass involving motorcyclists is c. 25%, which is very significantly higher than the national average, which is c. 8%.
9.87.23	<b>No confidence in the traffic modelling</b>  12. Finally, in my relevant representation I queried the confidence that could be placed in the traffic modelling. I read that others also are challenging the outputs of the model. With respect to the Snake Pass the flows that Highways England have modelled for 2025 without the scheme are 3,050 vehicles daily. No baseline of observed flows is provided. In 2015 Average Annual Daily Traffic flows were published in the Transpennine Feasibility Study (see map below taken from the Stage 1 Report). This shows 4,082 vehicles daily, a figure which is based on Highways England's own TRAD database. The press release from Derbyshire County Council on 28 March 2022 quoted average flows for the whole week of 33,000 vehicles daily which is about 4,300 vehicles per day. These flows are based on a counter on the A57 halfway down the hill towards Glossop. Surely observed flows from two reliable sources that are 38% greater than modelled flows should ring alarm bells. Such a difference is significant and necessitates further scrutiny.	The traffic model has been calibrated and validated using a combination of traffic surveys specifically commission in 2015 and National Highways TRIS data on the Strategic Road Network (SRN). TRIS data is collected by automatic traffic counters that continuously record traffic flows 24-hours a day, all year round. Traffic data for weekdays during 'neutral' months (as defined by Department for Transport (DfT) and representing typical conditions outside of school holidays) is extracted from TRIS and used for the calibration of the model. The specifically commission traffic counts were undertaken on weekdays during a 'neutral' month. Also please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.9 – REP8-019). National Highways are therefore confident that the traffic modelling is robust.
9.87.24	13. This is important for if the modelled flows are underestimates then Highways England's assessment has also underestimated by a considerable margin the risk of crashes, and the negative effects on tranquillity, on people, on wildlife and on the landscape. In my view the scheme should go back to the drawing board, and undergo proper scrutiny of the traffic modelling using an independent assessor.	The assessment of the Scheme is based on a comparison of the Do-something scenario (with the Scheme) to the Do-minimum scenario (without the Scheme). If the traffic modelling has underestimated baseline traffic flows (which National Highways is confident is not the case), then this would equally apply to both the Do-minimum and Do-something scenarios and consequently, the comparative impact of the Scheme would most likely be very similar.
9.87.25	<b>Conclusion</b>  14. The Snake Pass is a remote road passing through one of the wildest parts of the Dark Peak – the Kinder Bleaklow Plateau. The experience here should be conserved and enhanced by reduction of traffic flows. This is a bad scheme which does the opposite; it	The assessment of the Scheme demonstrates that the benefits it is forecast to deliver outweigh the disbenefits.

Reference	IP Issue	NH Response
	<p>increases traffic, decreases tranquillity and increases danger to walkers, road users and wildlife. Please do not let it go ahead.</p> <p><b>Figure 5-3 – Average Annual Daily Traffic</b></p> <p>The map displays the A57 corridor from Manchester in the northwest to Chesterfield in the southeast. Key junctions and road sections are marked with AADT data. For example, at the Manchester end, AADT is 36,638 (2,801) on the A57. Further east, at the Sheffield end, AADT is 16,714 (1,601) on the A57. The map also shows AADT for other roads like the A628, A616, and A625, and at various junctions. The A57 route is highlighted in blue, while other roads are shown in grey or black. The background is a light green map of the region.</p>	

## 7. REP10-016 Peter Simon - Comments on submissions for Deadline 9

Reference	IP Issue	NH Response
9.87.26	<p><b>1. Certain D9 representations question the veracity of the traffic modelling that underwrites the DCO Application for the A57 Link Roads, notably submissions from CPRE/FOPD (REP9-035) and Mr Wimberley (eg REP9-045) and considering these carefully I share the doubts expressed.</b></p> <p>The Examination has generally accepted the Core Modelling as a “good enough” estimate for the purposes of impact assessment. Derbyshire’s representative at ISH2 explained this general principle and whilst having myself expressed concern generally along with others I have hitherto accepted the working currency of these projections for Examination purposes. However CPRE question quite thoroughly the veracity of the Model in “Comments on the Report on Implications for European Sites” (REP9-043) and in doing so cast substantial doubt on the safety of its use for detailed assessment purposes.</p> <ul style="list-style-type: none"> <li>• The grounds CPRE present show considerable if not wild discrepancies where traffic figures rise and fall inexplicably in certain areas,</li> <li>• Also it is pointed out the baseline data for the Model differs from Central Government data (and also the data applied by the LHA Derbyshire in the case the recent Snake Pass landslip closure.)</li> <li>• The Applicant’s explanation for such divergence from National and Local Government estimates is also shown by CPRE to be less than convincing.</li> </ul> <p>Returning to the Examination so far much of it has focussed on exploring detail through oral and written questions arising from impact assessment as modelled, in areas such as AQ, noise, biodiversity and other equally important areas. In some cases such as Air Quality these are particularly critical investigations where the Scheme needs to either survive or avoid tests for toxicity to be compliant with NN NPS2014 . The model flow estimates have been relied upon by the Applicant to avoid screening thresholds for such tests of compliance but the proximity to these thresholds is such as to not really allow for significant modelling error.</p> <p>Similarly assessment of indirect effects on highly protected planning designations such as the National Park require a high level of accuracy that cannot allow much margin for error. The relevant Park Planning Authority already questions the method applied as insufficiently recognizing the particular sensitivity of Park receptors within the designated area. This doubt would obviously be magnified further were the Applicants “low” or imperceptible impact conclusions here against DMRB rest on a less than stringent model. Similarly points I have raised about the lack of modelling for the “villages of Hadfield and Padfield” would be exacerbated by doubts as to the modelling applied elsewhere, and likewise the over optimism on the part of the Applicant for diversions off the A57 to avoid the AQMAs. For the Examination findings to be secure therefore in view of these tight margins it does not seem to be acceptable for there to be any kind of possible tangible anomalies in the model yet as CPRE show these clearly are noticeably present and seem to require better explanation than currently exists. Mr Blissett the Transport Representative for Derbyshire</p>	<p>The traffic model has been calibrated and validated using a combination of traffic surveys specifically commission in 2015 and National Highways TRIS data on the Strategic Road Network (SRN). TRIS data is collected by automatic traffic counters that continuously record traffic flows 24-hours a day, all year round. Traffic data for weekdays during ‘neutral’ months (as defined by Department for Transport (DfT) and representing typical conditions outside of school holidays) is extracted from TRIS and used for the calibration of the model. The specifically commission traffic counts were undertaken on weekdays during a ‘neutral’ month. Also please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.9 – REP8-019). National Highways is therefore confident that the traffic modelling is fit for purpose and robust.</p> <p>Furthermore, the assessment of the Scheme is based on a comparison of the Do-something scenario (with the Scheme) to the Do-minimum scenario (without the Scheme). If the traffic modelling has underestimated baseline traffic flows (which National Highways is confident is not the case), then this would equally apply to both the Do-minimum and Do-something scenarios and consequently, the comparative impact of the Scheme would most likely be very similar.</p>

Reference	IP Issue	NH Response
	<p>County Council made a plea at ISH2 for leniency towards traffic models as regards their sufficiency for purpose:</p> <p>“Let's just explore a little bit about what the traffic model is. Traffic model seeks to provide an indication of future traffic effects. It's an extrapolation of observed traffic flows based upon a number on a number of subjects. It is not sir a put a perfect science, you know, we we acknowledge that the traffic model does have imperfections. However, we are broadly satisfied that in terms of the models suitability and fitness for purpose” (P7 of REP EV-025)</p> <p>The position here is highly questionable because such “imperfections” would pass non-compliant toxic impacts through the assessment net in a way that a stringent and rigorous model would not. So I disagree with what is quoted and feel it is evident that the legal policy context here requires more than a “good enough” model with “imperfections” . I cannot understand how DCC’s representative could have responsibly passed this model with its “imperfections” as “fit for purpose” .</p> <p>Certainly where the avoidance of seminal assessments is concerned I do not think such tolerance of “imperfection” is sound. Noting that the discrepancies in this model may make it considerably below even Mr Blissett’s relatively low standard of satisfactory “imperfection” I return to the matter raised previously by Mr Wimberley. Mr Wimberley raised the point that the only review of the Model has been internal. There has been no open and independent peer review beyond the Applicant’s own internal self-scrutiny albeit at a supposedly high level and in view of the inconsistencies this IPR now seems essential for Parties and others to have confidence in the findings it presents for this Examination. (P2 of REP3-032)</p> <p>I realise there is a lot of talking around the discrepancies and haggling over how large they might be but ultimately if the model defies credibility to a large extent in several areas the entire arrangement collapses, and DCO seems to lack the necessary foundation for a positive recommendation for this reason alone. Personally as I say at outset I have engaged with the Examination approach in good faith, but having read the D9 material I no longer do have faith in the traffic model and cannot see how matters can proceed further safely without an independent and transparent peer review of the same.</p>	
9.87.27	<p><b>2. CPRE have submitted a further document at D9 which raises another major concern. (P7 of REP9-039).</b></p> <p>Apparently a SOCG is being prepared for the Examination between Transport For Greater Manchester and statutory parties. I thought this was to be between Tameside Council and TfGM alone and would concern public transport implications rather than any wider issues. This IP submission however suggests wider strategic spatial matters relevant to the “Places for Everyone” consultation with the whole combined planning authority now possibly involved. My comments as follows are made with the qualification that they are dependent on whether any such SOCG emerges and also what it might actually come to contain.</p>	<p>The Statement of Common Ground is between Transport for Greater Manchester and National Highways. It addresses a number of issues, including those set out in the email from TfGM to National Highways which was provided by National Highways to CPRE PDSY with TfGM agreement. The email was submitted into examination by CPRE PDSY. However all the matters raised by TfGM have been discussed with National Highways and TfGM is satisfied that the issues raised have been addressed, as indicated in the final Statement of Common Ground with TfGM submitted at Deadline 12.</p>
9.87.28	<p>Procedure – late entry to final stages of Examination.</p> <p>A. Firstly I would put on record that irrespective of contents I would question that such an SOCG document should be now be accepted because the lateness of submission at D10 prevents fair scrutiny and thus its status as legitimate evidence to the Examination. Its existence and content are as yet uncertain, so an “unknown”, but in the limited exchanges left to the Examination, I do not see how substantial new matters can be fairly responded to and tested. Should such matters now emerge this late publication seems to precludes public</p>	<p>It is normal practice for issues set out in Statements of Common Ground to be discussed between parties throughout examination periods and for the SoCGs to be updated up to and including the last examination deadline. However, National Highways has made an additional submission, accepted by the Examining Authority (AS-010), which will allow a final draft prior to signature of the Statement of Common Ground with Transport for Greater Manchester to be reviewed by Interested Parties and for any comments to be made prior to examination close.</p>



Reference	IP Issue	NH Response
	<p>examination and compromise the Application by changing its scope without a reasonable opportunity for test and scrutiny .</p>	
9.87.29	<p>Procedure – indirect participation</p> <p>B. Also in respect of the GMCA authority and its subsidiary body TfGM being an external party to a SOCG and no more, this would seem an avoidance of accountability for the evidence presented. Put more colloquially it would be participation “by the side door”, which is hardly appropriate for a highly influential statutory planning Authority All this amounts to presenting substantial and probably critical evidence in a way that it cannot possibly be tested by inquisitorial means which is the basis of this Examination. I would question how this could be allowable?</p> <p>Participation by SOCG alone and late is highly questionable , especially in view of the potential moment of the matters raised in (Page 2 of REP9-039). It potentially dramatically “moves the goalposts” if not the entire pitch of the examination yet at D10 effectively precludes dialogue over the critical new matters introduced. . Considering the listed issues within the email released to CPRE and released in turn by them to the Examination I notice a dramatic widening of scope of issues discussed, which are as CPRE suggest well beyond that of the DCO.</p> <p>I therefore reasonably and formally object to this action. As regards the new matters potentially raised, I comment now in advance as there may be no other opportunity</p>	<p>The level and nature of participation by third parties in a DCO examination is at the discretion of those parties. It should also be noted that, whilst Greater Manchester Combined Authority is preparing the Strategic Plan for the majority of Greater Manchester, it is doing so on behalf of the constituent authorities, including Tameside Metropolitan Borough Council. TMBC has been represented throughout the examination, including on strategic planning issues.</p>
9.87.30	<p>New Issue - “GM supports the bypass”</p> <p>C. There is an expression of conditional “support” for the A57 Links Road Scheme by Transport For Greater Manchester and by implication by Greater Manchester Combined Authority. For such “support” to carry weight it would need to be made with a fully argued evidential planning case. Such justification should be discoverable within current “Places for Everyone” lead submission for consultation published in autumn of 2021. I looked for such a case specifically at the time of publication and could not find it , certainly not in the lead document and in the sections concerning Tameside so I am not aware the necessary case has been made. (cf GMCA Consultation Portal, SD1 – Places for Everyone Submission Plan)</p> <p>The sole references to the A57 Link Roads/TPU I found was in the compendium of transport schemes up to 2025 , and this only signifies the requirement for the Transport Plan Document to identify proposed National Infrastructure schemes whether GMCA and their subsidiaries support them or not. (referenced as a Scheme to be delivered by Highways England - Greater Manchester Transport Strategy Jan 2021 “Our Five Year Transport Delivery Plan”. Pages 22, 53, 86)</p>	<p>The Greater Manchester Five Year Transport Delivery Plan 2021-2026<sup>1</sup> (2021) states “Greater Manchester’s network of motorways and trunk roads (forming part of the national Strategic Road Network) is managed by Highways England. Over the next five years, we will continue to work with Highways England to tackle congestion and deliver improvements to the network...” (paragraph 167). It also states “Trans-Pennine Road Connections: Highways England will shortly be delivering the Mottram Moor and A57(T) to A57 Link Roads, as part of a package to improve Trans Pennine road connectivity between Greater Manchester and South Yorkshire” (paragraph 170).</p> <p>The Greater Manchester Five Year Transport Delivery Plan 2021-2026 ‘Appendix A: List of Interventions’ contains a table headed “In the next five years, we are committed to delivering...”. On page 85 this table identifies Mottram Moor and A57(T) to A57 Link Roads as an intervention that TfGM is committed to delivering, and gives the rationale as follows “As part of the wider Trans-Pennine Upgrade, to reduce journey times and improve reliability between the Greater Manchester and Sheffield City-Regions, reduce traffic impacts on local communities and improve safety”.</p>
9.87.31	<p>D. New Issue - “Mottram needs to be done in a way that is future proofed ie allows for a future which includes the H-T bypass (Hollingworth – Tintwistle bypass)”</p> <p>The cited TfGM email also notably references interest in an expanded road scheme outside of all the Longdendale Villages, in fact the full Mottram/Tintwistle Bypass that was withdrawn from Public Examination by Highways England the Applicant circa 2007. As I commented above this would be “moving the goalposts if not in fact the entire pitch!”</p>	<p>As set out in National Highways’ response to Examining Authority Third Written Question 3.5 (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 scheme 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.</p>

<sup>1</sup> Available via <https://tfgm.com/strategy-supporting-documents>

Reference	IP Issue	NH Response
	<p>If such scope extension to a full bypass was to be referenced in any SOCG this would make a mockery of the current Examination which is strictly observing the terms of the DCO for the A57 Link Roads as a stand-alone infrastructure project and tested accordingly. That as I understand it is what this Examination has been about.</p> <p>Suggesting the A57 Link Roads proposal is simply precursor to a further road expansion with road building within the National Park, requiring potential links to such a scheme, obviously requires an entirely different framework of assessment. So in this scenario the current DCO would seriously misrepresent and be in bad faith and the only right conclusion seems to be a withdrawal of the current application to allow a new NH submission with re-consultation and the real intentions stated for re-appraisal.</p> <p>I must again stress I do not pre-judge from the material released by CPRE whether these comments will be in any SOCG about linkage to a future full bypass. However I feel the precautionary need to suggest that such would certainly cause problems for the DCO as it currently stands for continuing to be considered as a bona fide proposal on its stated terms of reference especially where the assessment framework would need to be significantly adjusted. How this Examination might securely proceed safely in the light of such new information and such changed circumstances I cannot see. In any event it could be said despite the uncertainty surrounding this, and however framed in a SOCG, this email content is irreversibly associated with the Examination now, and it does suggest that the entire Scheme proposal is disingenuous, and there is a hidden agenda behind the A57 Link Roads Proposal. At the very least it needs to be very clear where GM and NH stand here and now on this issue of a different type of Scheme within any SOCG that might emerge.</p>	
9.87.32	<p>E. New Issue - "A57 as a future Streets for all corridor" / Rightmix targets".</p> <p>I am not very familiar with the transport concepts expressed here and would have welcomed the opportunity to hear them explored within the Examination which seems regrettably to be unlikely at this very late stage.</p> <p>However I suspect the points raised, for example "Rightmix" concern a balanced traffic offer, something others with particular transport expertise have urged and I would also support . Also "Streets for All" and the text suggests a requirement for a new character for roads beyond simply relief from congestion, locking in the benefit to the community in a meaningful way. What I have noted however with the A57 Links Road proposal in this respect is concerning for two reasons. Firstly such "reclaiming of the road" by the "community" is little if at all secured within the DCO, and it seems quite likely to be left to the "detailed design stage" where it could quite probably fall by the wayside. So this confirms a suspicion I already have that the Examination has slightly sidestepped this important issue.</p> <p>Also and this returns to the modelling question, if the question of calming of traffic on say the A57 or Woolley Lane is not secured, how can the modelling across the scheme be trusted? Which returns this submission to its initial concern, that the modelling lacks the necessary precision to allow a confident recommendation of compliance with national policy.</p>	<p>Please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.12 – REP8-019).</p>
9.87.33	<p>F. New Issue - "Importance of considering GMSF growth, particularly Godley Green"</p>	<p>The A57 Link Roads Scheme and the Godley Green Garden Village Scheme are two separate and unrelated proposals, each of which needs to be considered on its merits.</p>

Reference	IP Issue	NH Response
	<p>As stated above there seems a significant general widening of scope in the TfGM list the email contains. For the record I would have preferred this wider scope from Examination outset, as appropriate to a city involved in a major aim of the scheme to improve journey times to and from its location. This wider scope has always seemed to me appropriate and indeed to others who have wanted the Scheme to be tested against GMCA's claims to have sustainable transport ambitions. Notably CPRE have tried to introduce the relevance of the TfGM matters. So really the absence of TfGM and the GMCA and indeed also Sheffield City authorities from the Examination has been puzzling to me. If this is a scheme of national importance and so assessed as to its "objectives", why the absence of the city authorities clearly linked by the strategic road network?</p> <p>As is clear from the record I have always thought that the Link Roads context was a wider spatial one. This is also why - as the record shows – I tried to raise the matter of the Tameside and Planning for Everyone GGGV Application in various Deadline submissions. I can testify to my longstanding interest in these concerns leading to my participation in the imminent PfE public examination. (Greater Manchester Consultation Portal, JPA31, Godley Green Garden Village, Objection ID1280009 Peter Simon). I objected to Godley Green separately as an infringement to the Green Belt and on spatial grounds as an implicit threat to the Longdendale Green Belt corridor, and the unbuilt buffer area to the National Park - a matter that Authority has recently raised. (P4/5 Item 7 of REP9-034)</p> <p>I also pointed out to both this and the PfE Examinations there was a very complex potential issue here to be explored in the PfE as the GMCA and TMBC applicants judging from this email are seeking to promote and support 2 major GB Developments within 2km of each other, on the basis of "special circumstances" which I feel cannot be "sound". "Very special circumstances" cannot be "commonplace" by definition. Such apparent illogicality must here raise deep questions regarding a possible precedent loophole in the NPPF text in contradiction of its accordance of the highest protection to the GB. Can there really be two adjacent "special circumstances" for adjacent major infringements of the Green Belt against the letter of NPPF?</p>	
9.87.34	<p>G. Summary of Part 2 - re comments on REP9-039</p> <p>In summary I would question there could be any GMCA and TfGM "support" conditional or otherwise for the Scheme in any SOCG at D10 because there is no planning case made for it in the PfE consultation lead document or to my knowledge elsewhere within the documents. I doubt if TfGM meetings as minuted have any public evidence for this either. If the planning authority wish to support a particular scheme they are required to make the case and allow the public to consider this and comment in consultation. This is to safeguard the public interest, and protect it for example from off the record political or similar lobbying that is outside the planning context, has no basis in evidence, and where of course dangerous conflicts of interest might arise. I suggest the Examination could therefore be seriously compromised by an emerging SOCG of this kind.</p>	Please see response to point C above.

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