

## NATIONAL HIGHWAYS NON-COMPLIANCE WITH ITS LICENCE CONDITIONS

- 1 CPRE PDSY is a branch of CPRE, the countryside charity. We are also as the Friends of the Peak District, the National Park society for the Peak District National Park and a member of the Campaign for National Parks. We believe in a thriving, beautiful countryside, rich in nature and playing a crucial role in the response to the climate emergency. Our goal is a countryside that's valued, enjoyed and understood by, and accessible to, everyone, wherever they live. Through all our work we look at the role of our countryside in tackling the climate emergency, including seeking ways to increase resilience and reduce impact.
- 2 Through our engagement with Highways England/National Highways' (NH) plans for major road building impacting on the Peak District we have found that the company has not complied with several of its licence conditions, some of which are statutory directions. This relates particularly to the development and progression of its proposed A57 Link Roads<sup>1</sup>. The non-compliance described below represents not only a serious malfeasance but also demonstrates that the process through which the A57 Link Roads has passed has been both unlawful and encumbered by participatory unfairness making any decision which might be made to proceed with the scheme untenable. As the Highways Monitor, we understand that the Office of Rail and Road (ORR) monitors National Highways' compliance with the statutory directions and regard to the guidance issued by the Secretary of State for Transport (SoS) in its licence. We are therefore bringing this non-compliance to your attention.
- 3 **With respect to the A57 Link Roads we urge the ORR to assess NH's performance in the light of this representation to you and report your findings to the SoS before they make a decision on the scheme in mid-November 2022. More generally we urge the ORR to enforce behaviour that is expected of a public body. In particular, we suggest that the ORR a) insists on, or provides, much more robust assessment and monitoring of scheme development from options appraisal through project business case, and b) reviews or instigates a review of the NSIP proposal and DCO process, for example in line with paragraph 29 below.**
- 4 The document is laid out as follows
  - (A) Background
  - (B) Behaviour unacceptable in a public body, Licence para 5.19, as demonstrated by
    - (1) Statutory consultations
    - (2) Transport Assessment Report
    - (3) NH's response to CPRE PDSY's requests for information

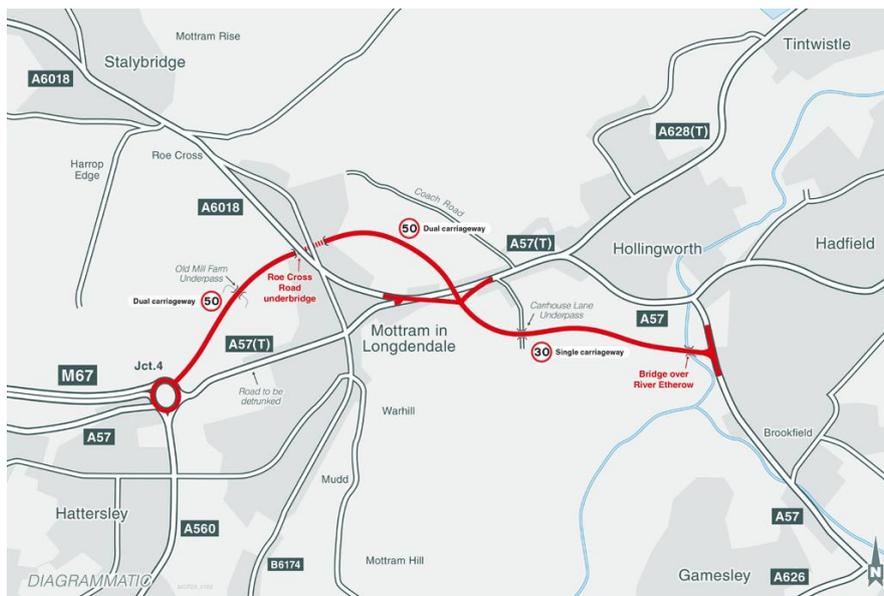
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<sup>1</sup> The scheme appears in ORR's Annual Assessment of NH's Performance 2021-2022, Tables B4 and B11 <https://www.orr.gov.uk/sites/default/files/2022-07/annual-assessment-of-national-highways-performance-2022-print.pdf>

- (4) Examination of Development Consent Order (DCO) application
- (C) Failure to comply with statutory directions in the Licence, paras 4.1 management of Strategic Road Network (SRN), 4.2 general duties on Licence holder and 5.29 Government policy
- (D) Failure to have regard to guidance in the Licence, paras 5.15 and 5.23
- (E) Conclusions.

## BACKGROUND

- 5 The A57 Link Roads (the scheme) developed as NH's favoured option out of the 2015 Trans-Pennine Routes Feasibility Study<sup>2</sup>. It is a dual carriageway bypass of Mottram between the M67 and the A57T, continuing as single carriageway extension A57T to A57 to Glossop, which would effectively bypass part of the A57 called Woolley Lane (see figure below). National Highways (or Highways England as it was) held statutory consultations on the scheme in 2018<sup>3</sup> and 2020<sup>4</sup>. (The scheme was called the Trans-Pennine Upgrade until 2020 when it became the A57 Link Roads.)



- 6 As a Nationally Significant Infrastructure Project (NSIP) the scheme's draft DCO was submitted to the Planning Inspectorate (PINS) on 28<sup>th</sup> June 2021, when all the application documents became publicly available, and was accepted for examination on 26<sup>th</sup> July 2021. The examination of the DCO application was conducted between 16<sup>th</sup> November 2021 and 16<sup>th</sup> May 2022. The Examining Authority (ExA)'s recommendations must be made by 16<sup>th</sup> August 2022 and the SoS's decision must be made by 16<sup>th</sup> November 2022.

<sup>2</sup> <https://www.gov.uk/government/publications/trans-pennine-routes-feasibility-study-technical-reports>

<sup>3</sup>

[REDACTED]

- 7 CPRE employed a professional transport planner, Keith Buchan of MTRU (Metropolitan Transport Research Unit), to develop our alternative proposals to the scheme for consideration through the 2015 Trans-Pennine Routes Feasibility Study and to give evidence to the Examination-in-Public (EiP)<sup>5</sup>. MTRU's engagement in the EiP led to consistent and expert challenge by a professional transport planner with extensive experience.
- 8 As a branch of CPRE we have had a 50 year history of engagement with the scheme in all its iterations. The evidence we present here is focused on our engagement with development of the scheme over the last 8 years; a comprehensive assessment of both the 2018<sup>6</sup> and 2020<sup>7</sup> statutory consultations which was submitted to the PINS as evidence of the inadequacy of the consultations; and full engagement as an Interested Party (IP) at the EiP into the scheme. We objected to the scheme on the basis that sustainable alternatives exist that should be trialled before unsustainable road building is pursued. We are not here concerned about the scheme and its impacts except in so far as they demonstrate non-compliance by NH.
- 9 All the DCO documents for the scheme appear on the PINS website<sup>8</sup>. References beginning REP, EV, APP, AoC or AS refer to documents in the EiP library. The library lists all documents accepted into the EiP and provides links to each one. See footnote for link to the Library<sup>9</sup>.

### ***Framework for assessment of NH's performance***

- 10 The expectations of NH run higher than the conditions of its licence. They are spelt out in the Foreword to the licence by the Minister for Transport at the time: *'Government remains responsible for strategic roads and Ministers will continue to be accountable for making sure that the network is managed responsibly, in a way that safeguards value for public investment, meeting the needs of road users, securing individual well-being and*

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<sup>5</sup> Our alternative package comprised exclusion of through-traffic of HGVs through the Peak District National Park, including on the A57/A628/A616T with sustainable transport measures.

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme/?ipcsection=advice&ipcadvise=73c2ad0ecc>

<sup>7</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010034/TR010034-Advice-00007-1-A57-Link-Roads-Email\\_Redacted.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010034/TR010034-Advice-00007-1-A57-Link-Roads-Email_Redacted.pdf) On 24<sup>th</sup> May 2021 we submitted additional information to PINS about the inadequacy of the consultation which appears to have been removed from the PINS website but a summary can be found in REP2-069 Appendix B.

<sup>8</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme/?ipcsection=docs>

<sup>9</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010034/TR010034-000603-A57%20Link%20Road%20Examination%20Library%20Published.pdf>

*supporting economic purpose, both today and for future generations... This document represents a crucial part of that system, by setting out the Secretary of State's statutory directions and guidance to Highways England. It makes clear, to both Highways England and the wider community of road users and stakeholders, what we expect Highways England to achieve and how they must behave in discharging their duties and in delivering our vision and plans for the network, set out in the Road Investment Strategy.*

- 11 *The Licence emphasises that the role of Highways England is about more than just complying with the letter of the law. We expect the company to go the extra mile in the way it engages with road users and collaborates with other organisations to develop shared solutions. And they must take a lead in promoting and improving the role and performance of roads in respect of broader communal responsibilities, such as the aesthetics of design, safety and the environment, as well as driving forward wider progress on technology and innovation.'*
- 12 In addition the baseline standard of the Seven Principles of Public Life (the Nolan Principles) applies to anyone who works as a public officeholder, including all people appointed to work in non-departmental public bodies, such as NH<sup>10</sup>. Five of the seven principles are key to our assessment. These are:
- Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
  - Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
  - Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
  - Honesty - Holders of public office should be truthful.
  - Leadership - Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.
- 13 It is within this context that we have assessed NH's performance, under the headings (B) Behaviour Unacceptable in a Public Body, (C) Failure to Comply with Statutory Directions in the Licence, and (D) Failure to Have Due Regard to Guidance in the Licence.

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<sup>10</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

## **(B) BEHAVIOUR UNACCEPTABLE IN A PUBLIC BODY**

- 14 We start with the licence condition that applies to NH's interface with the public. Although para 5.19 is not a statutory direction, it should be a golden thread through all NH's interactions with organisations and the public, and we quote it below for reference.

**Licence Para 5.19 In complying with 5.17 and 5.18, the Licence holder should co-operate with other persons or organisations in a way which is demonstrably:**

- (a) Open and transparent – involving relevant stakeholders, ensuring that essential information is available to affected and interested parties, and that the processes for engagement and communication are clear;**
- (b) Positive and responsive – seek to build trusting and effective working relationships with key partners and stakeholders, engaging with due efficiency and economy and in a timely manner;**
- (c) Collaborative – working with others to align national and local plans and investments, balance national and local needs and support better end-to-end journeys for road users.**

- 15 We show below, through (1) the statutory consultations; (2) the Transport Assessment Report; (3) NH's response to CPRE's requests; and (4) the EiP, how NH omitted critical evidence that was crucial to understanding the scheme's impacts, presented biased evidence, misrepresented evidence, refused to share information, was reluctant to give straight answers to questions and failed to follow best practice.

### ***(1) The statutory consultations***

- 16 Through both statutory consultations NH withheld and refused to share essential information. There was insufficient information to allow the public to make an informed assessment of the impacts of the scheme. Some of the statements were misleading and bordered on the dishonest. NH steered the consultations away from over-arching fundamental questions, such as the need for the scheme and possible alternatives, towards detailed matters of design.

#### *2018 statutory consultation*

- 17 No transport assessment or traffic modelling results and little information as to the impacts of the scheme on the environment or the community<sup>11</sup> were made available during this first statutory consultation. As a result High Peak Borough Council,

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<sup>11</sup> We brought this to the attention of the Planning Inspectorate and relevant local authorities by letter dated 11<sup>th</sup> March 2018.

Derbyshire County Council and the Peak District National Park Authority all submitted holding objections.

- 18 In view of these omissions, we asked Highways England if it would make traffic data available for the next consultation. It promised to do so<sup>12</sup> but the promise was never honoured.

*2020 statutory consultation*

- 19 The second 2020 statutory consultation was held during a complete lockdown for the Covid pandemic. NH claimed to have mitigated the effect of the restrictions but comparison of the 2018 and 2020 consultations revealed the only ‘mitigation’ was the addition of 3 non-interactive webinars. These provided wholly inadequate replacements for face-to-face events. In addition, people were expected to view hard copies of the documents in three cramped local post offices (as local authority offices were closed) or to view the documents on line.
- 20 A DCO applicant has a duty to consult the community in accordance with the Statement of Community Consultation (SoCC)<sup>13</sup>. The SoCC stated *‘we’re publishing ... consultation material to assist well-informed responses to the consultation... The report will provide information about the potential environmental effects of the scheme.’* The consultation material comprised a colour brochure delivered to the majority of households in the area, a non-technical summary and three volumes of the Preliminary Environment Information Report (PEIR). The SoCC-promised delivery of a 37-page document of FAQ to the majority of households in the area did not occur. Air pollution, noise and carbon emissions were the only impacts assessed and then only partially. The omissions and misrepresentations from the consultation were extensive and are detailed in Appendix A. They included no transport assessment, traffic data or traffic modelling; no mention of the adverse impacts on Glossopdale, on the Peak District National or on the Green Belt; a misleading impression that road safety would improve; and a brochure which focused to the exclusion of all else on the immediate benefits to residents of Mottram and on Woolley Lane – a sales pitch for the scheme, not an honest presentation of its effects.
- 21 Just as with the preceding statutory consultation in 2018, in the 2020 statutory consultation neither the public nor the statutory consultees had the information available to them to make informed responses. Once again Derbyshire County Council,

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<sup>12</sup> Email to CPRE PDSY 23<sup>rd</sup> March 2020 *‘Thank you for your email dated 19 February 2020 regarding the article about the Trans Pennine Upgrade in the Manchester Evening News.... I can confirm that we will honour our promise to present the plans and results of the air quality, noise and traffic figures to the public at engagement events scheduled for later this year, prior to a DCO application’.* Ryan Rawson, Regional Investment Programme (RIP) North Assistant Project Manager

<sup>13</sup> Planning Act 2008 s 47

High Peak Borough Council and the Peak District National Park Authority all submitted holding objections based on lack of information in the PEIR and the absence of any traffic modelling or transport assessment.

- 22 The degree to which the impacts of the scheme were withheld from the public through the consultation only became apparent through the scrutiny allowed by the EiP. These impacts included (i) increased traffic impacts and congestion causing rat running on residential streets (counter-productive to the adoption of active travel measures), poorer urban environment and increased risk of road crashes, all within Glossopdale; (ii) increased risk of road crashes on both the SRN and the local road network, particularly the A57 Snake Pass; (iii) severe adverse impacts on the Green Belt; (iv) increased traffic on cross-National Park roads. None of these are mentioned in any of the consultation documents. The brochure delivered to everyone's home concealed information that would have a huge impact on people's well-being. The statements on road safety in the FAQ were in total contradiction to the results presented with the DCO application and bordered on the dishonest. The concealment alone is sufficient to make the consultation on the scheme invalid, and to call into question the validity of the claimed support for the scheme, not to mention NH's integrity.
- 23 The statutory consultations are the only means available to the public to gain an informed impression of the scheme and its impacts. PINS regards them as the best time to influence a project whatever one's opinion<sup>14</sup>. The next step, the DCO application, is daunting, technical, requires huge amounts of time to read thousands of pages of evidence, and total commitment to keep up with weekly deadlines, answering questions from the Examining Authority (ExA), rebutting evidence and scanning revised versions of NH's original documents. It therefore excludes the majority of the public who do not have the resources or perseverance to engage.
- 24 NH is required to produce a Consultation Report to show how it met its legal duties with respect to consultation and took account of the comments made. The Consultation Report is therefore an important document. Best practice<sup>15</sup> advice is for those making a DCO application to make it available before the application is submitted to PINS. NH refused to do this when we asked<sup>16</sup> and only submitted it with the DCO application. It therefore failed to follow best practice. Seeing the comments made and NH's response to them would have helped the public prepare for the DCO process.

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<sup>14</sup> <https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

<sup>15</sup> Planning Act 2008: Guidance on the Preapplication Planning Process, 2015, para 81  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418009/150326\\_Pre-Application\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418009/150326_Pre-Application_Guidance.pdf)

<sup>16</sup> Email from CPRE to NH 17 May 2021 asking if the consultation report will be available before the DCO application is made, as good practice advises. Email from NH to CPRE 25 May 2022 advising that full consultation report will be published when DCO application is submitted

- 25 Once the DCO application is submitted, all the local authorities are invited to submit adequacy of consultation reports to PINS. Although all responded that NH had held the consultation according to the SoCC, Derbyshire County and High Peak Borough Councils (AoC-003) and the Peak District National Park Authority (AoC-004) drew attention to multiple flaws in the consultation; and reported that insufficient information was published with the consultation to enable them and the local community to determine the likely impacts of the scheme. The Councils also reported that they had *'received multiple letters from residents which raised similar concerns'*.
- 26 In summary, both consultations were a travesty of what a consultation should be. Under its licence NH is bound to follow the Cabinet Office guidance on consultation. The current version of this, issued in 2018, encourages those preparing consultations to *'give enough information to ensure that those consulted understand the issues and can give informed responses'*. The Gunning Principles for consultation<sup>17</sup> require *'There is sufficient information to give 'intelligent consideration' - The information contained in a consultation document should not be as inaccurate or incomplete as to mislead potential consultees in their responses.'* The Aarhus Convention guarantees the right of access to environmental information held by or for public authorities, subject to limited conditions.
- 27 We have shown above that the consultation did not follow best practice according to any of these principles or guidance. It was not conducted in an open and transparent way. The limited amount of information available was so selective it was biased to the point of being dishonest, and would likely be prejudicial to a party affected by the decision. No-one could have made an intelligent consideration of, or submitted an informed response about, the scheme's impacts.
- 28 It appears contrary to good practice to have received holding objections from the statutory consultees in response to the 2018 consultation, and not addressed those concerns before holding another statutory consultation. An effective approach would have been to address all the statutory consultees' concerns and to then seek public views before proceeding to a DCO application. Development of a NSIP should be front loaded with a WebTAG compliant transport appraisal and full environmental impact assessment available for public scrutiny before the formal DCO process is entered. This was not done.

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<sup>17</sup> <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>  
Supreme Court in *R (Moseley) v Haringey London Borough Council* [2014] 1 WLR 3947

## **(2) Transport Assessment Report (APP-059)**

- 29 The failure to supply full information about the transport impacts, the traffic modelling and traffic data continued into the DCO application. A full WebTAG compliant appraisal, essential to understanding the impacts of the scheme, was not presented as part of the DCO application, as required by National Policy Statement National Networks 2014 (NPSNN) 5.207. The Transport Assessment Report (TAR) accompanying the DCO application did not allow full comprehension of the traffic effects of the scheme or provide sufficient evidence to test the impacts of the scheme against legal, policy and guidance requirements.
- 30 The withdrawn but de facto guidance states that *'a TA is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be taken to deal with the anticipated transport impacts of the scheme and to improve accessibility and safety for all modes of travel<sup>18</sup>'*. Current Government Guidance<sup>19</sup> for planning states *'Transport Assessments are thorough assessments of the transport implications of development'*, and *'care should be taken to establish the full range of studies that will be required of development at the earliest opportunity as it is unlikely that a Transport Assessment or Statement in itself could fulfil the specific role required of a transport element of an Environmental Impact Assessment where this is required'* as in this scheme (our emphasis).
- 31 Despite all this guidance NH reduced the main purpose of the TAR as *'to summarise the development of the Scheme in a single, stand-alone report for general consumption.<sup>20</sup>'* The omissions and flaws detailed in Appendix B show how far the TAR fell short of presenting a report for general consumption, never mind a 'thorough', 'comprehensive and systematic' assessment of the transport implications of the scheme. No details were given of the traffic modelling and the results showed numerous inconsistencies, still unexplained at the end of the EiP. In three and a half pages it named the modelling software and used three figures to show the modelled area and local zone disaggregation. There was no local model validation report, no forecasting report, no options report, no strategic case report, no economic case report, no appraisal summary. The impact of increased traffic within Glossopdale was barely addressed - the increased risk of road crashes on residential roads, severance of pedestrians, the impact of HGVs, longer travel times were not mentioned or addressed. Journey time savings were limited to parts of journeys, not actual journeys the travelling public would make. There was no assessment of the impact on buses.

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<sup>18</sup> Guidance on Transport Assessment, DfT & DCLG, 2007, para 1.2

<sup>19</sup> <https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>

<sup>20</sup> TAR 1.6.3

- 32 We challenged NH on the quality of the TAR when the DCO documents were submitted but did not receive a reply until well into the EiP. It was defensive and dismissive<sup>21</sup>: *'It is not normal practice to submit all the detailed information relating to the traffic and economic analysis and modelling of a scheme due to the complexity and sheer volume of the data that underpins it, which cannot generally be understood and interpreted by interested parties, unless they are specialists in the fields of traffic modelling and economic analysis*<sup>22</sup>.
- 33 Notwithstanding that NH knew there would be, and was, at least one transport professional (MTRU) engaged in the EiP, this was obstructive and counter to understanding the scheme's impacts. Others also challenged the quality of the TAR to which NH responded<sup>23</sup>: *'The Transport Assessment Report (TAR) (APP-185) was prepared in accordance with industry standard best practice which is based on previous Department of Transport (DfT) guidance on the preparation of transport assessment that was withdrawn several years ago and not subsequently replaced by alternative guidance. Therefore, currently there is no guidance regarding the preparation of transport assessments for transport schemes'*. Due to the poor assessment we and other IPs appealed to the ExA [REP10-017] that NH should produce a Web-TAG compliant transport appraisal that addressed our concerns. The ExA did not respond to our request. NH did respond [AS-011] as a late submission to the penultimate deadline, reasserting arguments previously made.
- 34 In summary, the TAR contained highly selective information designed to promote the scheme and conceal the serious adverse impacts it would impose. NH failed to meet the minimum standard set by Government for TARs as a 'comprehensive and systematic' assessment of the transport implications of development, let alone go the extra mile required by its licence. NH has no excuse for producing such a poor assessment.
- 35 The lack of transparency regarding the information and data about the traffic modelling is most serious. It limits the public's involvement in the EIA process, which is important, not just to ensure compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regs'), which seek to ensure a process by which the public is given an opportunity to express their opinion on environmental matters, but also with the Aarhus Convention in respect of public participation. The public can only participate and give a reasonable opinion on environmental matters if sufficient background data on projected environmental effects is provided. It also undermines the process through which the SoS will seek to ensure that he is satisfied that the material

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<sup>21</sup> REP7-025, 9.69.5

<sup>22</sup> REP5-021 page 13

<sup>23</sup> REP7-026, 9.70.33

provided by NH is sufficient for him to reach a reasoned conclusion on the significant effects of the proposed development on the environment.

### **(3) NH response to CPRE PDSY's requests for information**

36 On our behalf Keith Buchan of MTRU began asking for background data on the transport appraisal and traffic modelling in March 2021 in order to inform the development of our alternative proposal and to understand scheme effects. His requests received no response. NH claimed not to have received the emails, although MTRU had never experienced such difficulties with NH before. Although we were told that the failure to receive MTRU emails was being investigated, a year later we have not received any details and on occasion NH did receive emails directly from MTRU. From May 2021 CPRE forwarded all emails from MTRU to NH. We have dealt with our experience during the pre-EiP period, through four key documents supplied to us and during the EiP.

#### **i. Pre-examination**

37 Listed below are our repeated requests by email for information relating to the full transport appraisal<sup>24</sup>, only one of which was successful (in bold).

- 8<sup>th</sup> June 2021 we resubmitted our list of requested documents<sup>25</sup>, all of which would have been available had a full WebTAG compliant appraisal been undertaken.
- 22<sup>nd</sup> Jul 2021 we asked if the sifting of options exercise<sup>26</sup> had been repeated since the 2015 Transpennine Routes Feasibility Study and for a response to 8<sup>th</sup> June email.
- **24th Aug 2021 NH confirmed 'that we have not repeated the Early Appraisal Sifting Tool (EAST) since finalising the options in 2015'.**
- 30<sup>th</sup> July having read the DCO documents we submitted questions and request for information (summarised in footnote below to show they were straightforward<sup>27</sup>).

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<sup>24</sup> REP12-034 which is a compilation of the emails between us and NH.

<sup>25</sup> Local Model Validation Report; TUBA outputs for vehicle kilometres and carbon (if not in above); Options Report; Strategic Case; Economic Case; Forecasting report, including use of DfT scenario approach; Assessment Summary Table.

<sup>26</sup> A57 Link Roads 6.3 Environmental Statement (ES) Chapters 1-4 Introductory Chapters Planning Inspectorate scheme reference: TR010034 Application document reference: TR010034/APP/6.3 para 3.3 Page 97 of 134

<sup>27</sup> Local model and forecasting report or data missing, other than the Transport Assessment (TA) and Appendix 2.1; WebTAG compliant appraisal not submitted but implied in TA, please submit it. Flow diagram in the TA and Appendix 2 are not clear as to their exact position on the roads to which they refer. Is there a labelling issue with Market Street in Hollingworth? Questions:

- 1 What models were used in addition to SATURN for the junctions?
- 2 What are the costs for signalling Junction 4 and what were the traffic impacts of doing this without the full scheme?
- 3 Which DIADEM elements were switched on and off?
- 4 How was walking and cycling included?
- 5 How was public transport included?
- 6 What are the forecasts or assumptions for the local modelled area for:  
Public transport (today – 2025 – 2040)

- 6<sup>th</sup> August NH indicated it was dealing with our 30<sup>th</sup> July request under the terms of the Environmental Information Regulations 2004 with a due date for issuing a response of 20<sup>th</sup> August.
- 24<sup>th</sup> August NH, responding to our email 6<sup>th</sup> Aug, referred us to the transport modelling and forecasting reports submitted with the DCO. As we have shown above in para 32 there were no transport modelling and forecasting reports submitted with the DCO.
- 2<sup>nd</sup> Sept we repeated our request for information.
- 15<sup>th</sup> September 2021, MTRU made a formal complaint *'about the failure to supply basic information on a major scheme DCO: the A57 Link Roads. This has two aspects: the failure to supply the information and the way in which specific requests have not been answered or answered in an unsatisfactory manner. This has severely restricted the ability to scrutinise the justification for the scheme... Please engage with me so that my information requests can be met and my requests for clarification answered.'* To date, MTRU's formal complaint has still not been addressed.

38 NH's target to respond to emails is within a maximum of 10 working days. The only email which received a response within 10 working days was the email in which NH invoked the Environmental Information Regulations 2004 – NH failed to meet this deadline too. The blatant delay in responding was uncooperative and negative. Directing us to where information could be found, knowing full well that it was absent, breaks multiple Nolan principles. NH's approach to dealing with our requests for the full transport appraisal was in contrast to general enquiries which were dealt with in a timely fashion, including those relating to the scheme's environmental statement and road collisions which were addressed under Freedom of Information. This gave us the impression that NH had something to hide from scrutiny in the background transport work to the scheme.

39 For eight months NH were uncooperative, unhelpful and withheld information about the full transport appraisal that should have been supplied with the DCO application. Finally in the evening of Friday 12<sup>th</sup> November - one working day before formal proceedings for the EiP commenced on Tuesday 16<sup>th</sup> November - four background documents were sent to us; the Combined Modelling and Transport Appraisal Report, the Economic Appraisal Package, the Transport Forecasting Package and the Transport Modelling Package for the A57 Link Roads.

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Cycling (today – 2025 – 2040)

Walking (today – 2025 – 2040)

7 Are the time savings in Figure 7.7 to the junctions at each end but not through it? Are there more details of real origin and destination pairs and zone to zone timings?

8 Do you have queue length data for key junctions?

## ii) The four background documents – REP2-090

- 40 When NH shared the four technical documents they told us they would not be submitting them to the EiP *‘due to the technical depth of these documents. The Transport Assessment produces the data in layman’s terms and should be used instead<sup>28</sup>’*. In the interests of openness and transparency we submitted them to the EiP at with our written representation on January 14<sup>th</sup> 2022, Deadline 2. They were accepted by the ExA and published by PINS as one combined document - REP2-090 (in which two of the documents are repeated). A number of IPs, including CPRE, referred to REP2-090 in their submissions. At first NH ignored references made to it. However, on 23<sup>rd</sup> February 2022 in response to IP submission REP3-032 drawing attention to REP2-090, NH stated<sup>29</sup>:
- 41 *‘It is not normally appropriate to release partial information into the public domain in advance of the full package of information being submitted with the Development Consent Order application. This is because partial information would potentially be misleading or misunderstood in the absence of all the supporting information for the Scheme that enables full comprehension of all aspects of the Scheme assessment in combination’*.
- 42 This statement was not only misleading, it was also incorrect [REP6-032]. The full package of information accompanying the DCO application was accepted by the Planning Inspectorate on 26 July 2021. The four documents were released by NH to CPRE on 12<sup>th</sup> November 2021, nearly 4 months after the DCO application was accepted, not in advance of its submission.
- 43 Furthermore these documents are not ‘partial information’ but fundamental and essential background documents to understanding the ‘partial’ Transport Assessment Report, which is not fit for the purpose of examining a major highway scheme. The fact that the four documents were accepted by the ExA indicates they must have been considered of use to the EiP; the ExA and IPs were able to read them in the context of all the supporting information for the scheme. We found them crucial for scrutinising evidence. They emphasised the poverty of information in the TAR and how much essential evidence NH had withheld. For example:
- 44 The Transport Forecasting Package revealed that refinements were made to the model during development of the scheme in order to reduce air pollution in Tintwistle and Dinting Vale Air Quality Management Areas (AQMAs), and along Glossop High Street West<sup>30</sup>. The pollution arising from the scheme would otherwise have been of such

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<sup>28</sup> Draft Note of meeting between NH and CPRE, para 6, 15 December 2021

<sup>29</sup> REP5-021 page 13

<sup>30</sup> REP2-090 7.3.1 pdf page 519/790

severity that it was considered that it would jeopardise the application for development consent. These model refinement steps could have led to the anomalies in the traffic outputs described above. They could also have led to differences between 2025 'do minimum' and 'do something' modelled traffic flows through both AQMAs and along the A57 not meeting the criteria for, and therefore being excluded from, assessment of air quality<sup>31</sup>. They could also have led to changes in traffic flows on the A628T with the scheme not meeting the criteria for assessment under the Habitats Regulations Assessment.

- 45 The Transport Forecasting Package also revealed that the traffic model had been applied to reduce traffic flows on the A57 through Glossop and divert them onto residential roads, leading to all the consequences described in para 32 above. It revealed a diversionary route labelled 'Hadfield Alternative'. This information was not available in any of the DCO documents and was a key point of concern to IPs<sup>32</sup>.

### **iii) During the EiP**

- 46 Once the EiP started and the ExA was taking note of proceedings NH became more responsive. We had two technical meetings with NH during the EiP on 15<sup>th</sup> December 2021 and 19<sup>th</sup> January 2022 in order to allow MTRU to ask questions, request information and increase our understanding of the transport assessment. The meetings were led by NH; direct technical dialogue with those undertaking the assessment of the scheme was not allowed. This fundamentally limited our understanding. The bulk of the requested information was supplied by 7<sup>th</sup> March [REP7-025, 9.69.61]. However the data requested on public transport was never satisfactorily resolved (see Appendix C a. below).
- 47 We initially agreed to aid the EiP and the ExA as to where we did and did not agree with NH through a Statement of Common Ground (SoCG). Due to NH's obfuscation and ignoring our requests for clarification we were unable to complete this.
- 48 In summary, NH was completely resistant to engaging with us and providing information before the EiP started. There was no good reason for withholding any of it, and it could all have been shared at the latest with the DCO application. Once the EiP started, the formal process required at least a show of cooperation but even that was hampered by NH's restrictive management of the dialogue.

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<sup>31</sup> Through the Tintwistle AQMA the predicted vehicle flows were 40 vehicles per day short of the threshold (an increase of 1,000 AADT) required by the guidelines. The shortfall to meet the criteria for the Habitats Regulation Assessment was 150 vehicles per day. The PDNPA in its Local Impact Report REP2-048, 8.3.12 through to its deadline 9 response REP9-035 pp 3-4 submitted a sustained judgement that the European sites adjacent to the A628T must be assessed but was ignored.

<sup>32</sup> REP2-089; REP4-027 pp4-5; REP9-051 pp1-3; REP9-049

#### **(4) Examination of the DCO application**

49 The topics through which NH tried to conceal crucial evidence are detailed in Appendix C. They ranged from assessment of public transport; assessment and review of appraisal options; explanations of the spurious traffic data, the uncertainty log and associated development; increase in vehicle kms; a sensitivity test for carbon emissions; visibility of the scheme to the public; major nearby development Godley Green Garden Village; and the impacts of national and regional policy on public transport walking and cycling policy on the scheme. The tactics demonstrate a spectrum of behaviour from delay in producing information to the extent it was too late for the EiP to consider, trying to show due process had been followed when it had not, avoidance of answering questions and drip feeding small amounts of information, playing circular games, offering diametrically opposing answers to the same repeated question, and poor understanding of its own evidence. All this wasted EiP time and opportunities for proper scrutiny, gave rise to a lack of confidence in the work undertaken by NH and its contractors, and challenged the integrity of the environmental, social and economic assessment of the impacts of the scheme.

#### **Summary of non-compliance with Licence para 5.19**

50 Both statutory consultations misled the public as they were prejudicially biased, withheld information critical to understanding the impacts of the scheme and failed to meet basic standards of consultation. NH, when dealing with our requests for information, failed to engage in an open, transparent, responsive and collaborative way. Instead it was obstructive, only improving its behaviour once under observation from the ExA. The TAR presented with the DCO application was an exceedingly superficial assessment of the scheme from which crucial evidence was withheld. NH's approach throughout the EiP was to reduce adverse impacts to insignificance and to dismiss challenges, rather than engage in constructive dialogue. It was evasive, obstructive and defensive, and frustrated the many attempts to get substantive answers that would aid understanding of the scheme's impacts.

### **(C) FAILURE TO COMPLY WITH STATUTORY DIRECTIONS IN THE LICENCE**

**Licence Para 4.1 It must operate and manage the SRN in the public interest in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity.**

51 The process of addressing the problems along the A57/A628/A616T corridor was deeply flawed. The A57T is but one section of the strategic South Pennines Corridor between the Port of Liverpool and the Humber Ports<sup>33</sup>. Instead of addressing the whole route the 2015 Trans-Pennine Routes Feasibility Study focused on the traffic 'hot spot' at Mottram. It excluded another strategic corridor, the M62, the traffic on which interacts

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<sup>33</sup> South Pennines Route Strategy 2017 Highways England

with the A628T corridor. The study focused on highway matters, avoided a multimodal approach, and failed to adopt a full corridor approach. It did not therefore follow the WebTAG requirements to start with a blank sheet, consider transport problems in the round and consider all solutions including non-transport ones<sup>34</sup>. This narrow approach is reflected in the South Pennines Route Strategy in which all the issues on the SRN are solved with highway interventions without due regard to modal shift to rail. The Mayor of Liverpool has expressed his dissatisfaction with this approach in his recent rejection of the A5036 Port of Liverpool dualling at the west end of the corridor<sup>35</sup>.

- 52 The scheme under examination is what remains of previous, larger scale proposals (the 2007 Mottram-Hollingworth-Tintwistle bypass). The issue of piecemeal implementation disguising real strategic impacts was dealt with as far back as the 1980s and by SACTRA. Yet even now this piecemeal approach continues to east and west of the scheme within this corridor. To the east NH is exploring the feasibility of the Hollingworth-Tintwistle bypass<sup>36</sup>. It is likely that the current scheme will increase traffic along the A628T through Hollingworth and Tintwistle, fuelling irresistible demands for road building to relieve the villages. The next step would then be the proposed dualling of the corridor to the M1<sup>37</sup>. Any extension to the east would impact directly on the Peak District National Park and bring the test of major development in a National Park into play. By developing a small length of the corridor the big strategic impacts are avoided and resistance is reduced as each piece passes through its formal process as a standalone scheme.
- 53 In the other direction, five miles to the west along the M67, the M67/M60 J24 Denton Island interchange was excluded from the scheme's assessment. Yet the interchange has long been recognised as a pinch point for congestion<sup>38</sup> in need of improvement, and the proposed interventions are part of the Trans-Pennine Upgrade of which this scheme is a part. *'Considerations as to mitigation at the M60 Junction 24 Denton Island form part of the wider planned Trans-Pennine Upgrade, which is currently being investigated by Highways England's Major Projects and the Department for Transport... It is included in*

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<sup>34</sup> Transport Analysis Guidance The Transport Appraisal Process, DfT, 2014  
<https://webarchive.nationalarchives.gov.uk/ukgwa/20181209040649/https://www.gov.uk/government/publications/webtag-transport-appraisal-process> The more recent version published in May 2018 carries the same information  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938766/tag-transport-appraisal-process.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938766/tag-transport-appraisal-process.pdf)

<sup>35</sup> Liverpool City Region Mayor, letter to SoSfT re A5036

<sup>36</sup> 2020 statutory consultation FAQ; RIS2 2020-2025

<sup>37</sup> Trans-Pennine tunnel study

<sup>38</sup> South Pennines Route Strategy 2017 Highways England; South Pennines Route-Based Evidence Strategy Report, Highways England, 2014, Figure 3; South Pennines Route Strategy, Highways England, 2017 p.29

*the Highways England Risk Register for the project*<sup>39</sup>. The A57 Link Roads would add, according to NH modelling, an extra 8,000 vehicles every weekday to the M67 in 2025 the opening year<sup>40</sup>. Adding in traffic from the proposed nearby major development Godley Green Garden Village (see Appendix C ix) would lead to the interchange operating at above or approaching capacity<sup>41</sup>. National Highways' plans for mitigation measures at the M60 J24 interchange were not mentioned in the DCO application.

- 54 All these failings stem from a failure of those undertaking an appraisal to understand and/or have due regard for the strategic context within which a proposal sits, as identified by the Treasury's Green Book 2020 (see para 92 below). Effective stewardship of the SRN's long term operation and integrity also requires a strategic multimodal approach, which NH has failed to take.
- 55 Increasing carbon emissions in a climate crisis is not effective stewardship in the public interest. In June 2021 the Climate Change Committee stated: *'Decisions on investment in roads should be contingent on analysis justifying how they contribute to the UK's pathway to Net Zero. This analysis should demonstrate that the proposals would not lead to increases in overall emissions*<sup>42</sup>.*'* In June 2022 it identified that *'Substantial investment in roadbuilding should only proceed if it can be justified how it fits within a broader suite of policies that are compatible with the UK's Net Zero trajectory*<sup>43</sup>. The case for the A57 Link Roads was developed many years in advance of DfT's Decarbonising Transport (2021) and the UK's Net Zero Strategy (2021), and did not foresee these key policy documents of the current legal framework, let alone attempt to align with them. The traffic modelling failed to express either document's policy objectives or targets as core assumptions - the current traffic models are based on assumptions which reflect very different scheme specific objectives that date from many years ago.

**Licence Para 4.2 Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:**

**Para 4.2d. It must ensure efficiency and value for money.**

- 56 NH prematurely rejected alternatives (our package of lorry control system and sustainable travel measures; and the proposed Mottram Gyrotory Flow) that both

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<sup>39</sup> REP12.028 Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 page B34 para 15.3.8; pdf page 110/170 - submitted by CPRE

<sup>40</sup> A57 Link Roads, ES, Appendix 2.1 Traffic Data, AAWT Opening Year 2025

<sup>41</sup> Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 page B32 Table 9 pdf 108/170

<sup>42</sup> Table A6 pdf page 20/32 Joint Recommendations Report to Parliament, Climate Change Committee June 2021

<sup>43</sup> Page 139, Progress Report to Parliament, Climate Change Committee, June 2022

scored as well or better than the scheme in the 2015 Trans-Pennine Routes Feasibility Study.

- 57 Our package was rejected as difficult to deliver – updated technology has simplified lorry control systems based on weight restrictions. The MGF, as proposed by an IP Mr Bagshaw, was initially described<sup>44</sup> as the *‘best performing individual option against the sifting criteria and for meeting the objectives for the Scheme’* and as deliverable and feasible. Then, curiously, at this point in the assessment of options<sup>45</sup> it was decided to assess the MGF not as a standalone scheme, nor in conjunction with other sustainable measures, but in conjunction with a package of measures which included first and foremost a link road between the A57 (T) and the A57 in Glossop.
- 58 As NH failed to review the options during development of the outline business case for the scheme, the scheme is not proven to provide the most efficient and best value for money. The Economic Case for the scheme has not been made.
- 59 Compounding this error is the failure to include public transport, walking and cycling in the traffic modelling, which led to a BCR that does not reflect the current policy framework. The Government plans to cut urban traffic by increasing walking and cycling to 50% of all trips by 2030. Greater Manchester plans for no net increase in motor vehicle traffic and to reduce car’s share of trips to no more than 50%, with the remaining 50% made by public transport, walking and cycling by 2040. Had the traffic modelling reflected these policy measures it would have shown a reduction in traffic forecasts for the scheme, and therefore a reduction in the value of journey time savings and the value for money. The failure to include public transport walking and cycling is part of NH’s failure to engage with the strategic context of the proposal (see para 92).

**Licence Para 4.2e. It must protect and improve the safety of the network.**

- 60 The SRN and local road network would become more dangerous for drivers, not safer, with the scheme. The risk of road crashes would increase across the modelled network by 0.3%, the brunt of which would occur on the A628T and the A57 Snake Pass (county A road across the National Park). Despite the increased risk being a direct result of the scheme NH dismissed it as insignificant and offered no mitigation.
- 61 The increased crashes on the A628T would appear despite, and would negate the effect of, the A628T Safety and Technology improvements, previously part of the scheme but progressed separately as not requiring development consent. The improvements focus

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<sup>44</sup> REP2-005 revised ES Ch 1-4 Introductory Chapters, page 100 Table 3.3 (23 Options assessed at the initial sift)

<sup>45</sup> Trans-Pennine Routes Feasibility Study, 2015, Appendix 2, the Stage 2 Report of this same study [Annexes – Annex 1], para 5.9

on crash hotspots and the provision of electronic signs<sup>46</sup> and were included within the baseline 'do minimum' scenario<sup>47</sup> for the scheme. The increased risk of crashes on the trunk route is due to traffic diverting off the safer motorway network and onto the A628T<sup>48</sup>. In addition, *'the severity of the accidents which are predicted to occur on the new link road may increase due to the increased speed'* (TAR 7.2.12). NH's acceptance of increased crashes on the SRN does not meet the statement in Road Investment Strategy (RIS) 2020-2025: *'enhanced safety remains Highways England's first imperative and informs everything it does from design principles, road standards, operational procedures and investment decisions. We will strengthen this ambition through our investment plan, performance specification and targeted safety improvements through the small schemes fund'*.

- 62 The A57 Snake Pass *'is forecast to experience a modelled predicted increase of more than 160 accidents over the 60-year appraisal period<sup>49</sup>'* with the scheme. NH took the attitude that *'safety features in areas outside the Scheme are not within the Applicant's remit<sup>50</sup>'*. The route is already considered a high risk rural road. To mitigate the scheme's impacts Derbyshire County Council proposed the use of average speed cameras. However, such measures would cause harm to the National Park's statutory purposes and were challenged by the National Park Authority<sup>51</sup>. In the face of these difficulties NH proposed to 'update' the model with respect to the incidence of crashes on the Snake Pass at the detailed design stage when there would be no accountability through the EiP. *'It is possible that the appraisal overestimates the forecast increase in accidents on this section of road...'* *'...scheme modelling will be updated as the detailed design evolves<sup>52</sup>'*. The start of the Snake Pass is 3.2 miles east of the scheme. The detailed design of the scheme is not going to alter the incidence of crashes on the Snake Pass unless it includes a massive traffic restraint measure akin to the Mottram crossroads and/or average speed cameras along the Pass. This 'updating' appears most unusual as the modelling of accidents on the Snake was set up to ensure the most accurate relationship between accidents and flow [REP2-090, 4.7.32-4.7.33]. It appeared to us as subterfuge – an attempt to 'magic away' adverse impacts of the scheme and avoid mitigation which could prove difficult and costly to implement.

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<sup>46</sup> The Case for the Scheme 2.1.9

<sup>47</sup> ES Ch1-4 Introduction 2.4.6-2.4.9; 3.4.5

<sup>48</sup> APP-185, 7.2.13

<sup>49</sup> Transport Appraisal 7.2.11-7.2.13

<sup>50</sup> Consultation Report Appendix Y page 167

<sup>51</sup> REP12-014 SoCG between PDNPA and NH, 2.3.6

<sup>52</sup> REP9-020 SoCG between Derbyshire County Council and NH, 9.5

**Licence Para 4.2f. It must cooperate with other persons or organisations for the purposes of coordinating day-to-day operations and long-term planning;**

- 63 This duty stems from section 5(1) of the Infrastructure Act 2015, to cooperate with other persons or organisations in order to:
- (a) Facilitate the movement of traffic and manage its impacts;
  - (b) Take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies);
  - (c) Provide reasonable support to local authorities in their planning and the management of their own networks.
- 64 We have not been privy to any of the meetings between the statutory stakeholders and NH. What follows has been collected from written statements made before and during the EiP. On the evidence before us NH has failed to meet this duty and licence condition.
- 65 As noted in para 22 above two local authorities and the Peak District National Park Authority put in holding objections on the basis of inadequate information. The latter changed this to an outright objection. This reflected not only the adverse impacts on the National Park, but also the lack of information available in the DCO documents.
- 66 HPBC requested an extension to the 2020 statutory consultation area so that all wards within Glossopdale would receive a coloured brochure about the scheme. This was denied.
- 67 NH refused to meet High Peak Borough Council's request to assess air quality through two AQMAs. It remains an area 'not agreed' through the SoCG<sup>53</sup> (see para 45 above).
- 68 NH dismissed the need for mitigation measures requested by High Peak Borough and Derbyshire County Councils for traffic impacts and increased risk of road crashes. NH considered all these impacts to be insignificant and not requiring mitigation. Towards the end of the EiP NH agreed to work on some measures, outside the DCO process, thus avoiding public scrutiny.
- 69 It refused to meet the Peak District National Park Authority's request to assess the impacts of the scheme on the European Natura 2000 sites adjacent to the trunk route<sup>54</sup>, on the Tintwistle AQMA and on the Tintwistle Conservation Area.

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<sup>53</sup> REP12-008 & REP12-025 SoCG between High Peak Borough Council appears in library twice, documents are the same, paras 9.5, 9.18 & 9.20; REP2-046, 19.1 HPBC Local Impact Report; REP9-033

<sup>54</sup> REP12-014, 2.1.1.2, 2.3.1

70 Although NH's safety responsibilities are limited to the SRN, it is expected to cooperate with government agencies, the devolved administrations, local government, enforcement authorities, a host of other public and private bodies, and road users to improve road safety<sup>55</sup>. Every Local Highway Authority with responsibility for the roads that would see increased crashes with the scheme in place unanimously seek reduction of road crashes and casualties, all of which NH has ignored both in future day-to-day operations and long term planning:

- DCC LTP 3 2011-2026;
- South Yorkshire Mayoral Combined Authority<sup>56</sup>, which aims to improve safety on the network for all users. *'Safety for all road users must remain of paramount importance'*;
- South Yorkshire Local Transport Plan aims to maximise safety<sup>57</sup>;
- Sheffield City Council Transport Strategy (2018)<sup>58</sup>;
- Kirklees MBC 2025 Transport Vision<sup>59</sup>;
- GMCA's *'ambition'* is *'To reduce deaths on our roads as close as possible to zero (by 2040)<sup>60</sup>'*.

71 In the final version of the SoCG between Transport for Greater Manchester (TfGM) and NH, TfGM requested that NH provide a response to how the scheme would contribute to the Government's Transport Decarbonisation Plan and to Greater Manchester's local carbon targets and budgets<sup>61</sup>. *'The Climate Emergency declarations that are guiding local policy and therefore should be a key consideration in planning and implementing transport infrastructure. Given that half of GM's transport related carbon emissions are associated with the SRN and as the proposed scheme has an interface and impacts on the local network we consider it appropriate that an assessment of how this scheme would affect overall transport emissions in GM is undertaken'*. NH refused this request despite the requirements of NPSNN para 4.4 and the EIA Regulations. However, it *'prepared a table to split the predicted GHG emissions for Greater Manchester and ... has issued this to TfGM.'*

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<sup>55</sup> DfT's The Road Safety Statement 2019 A Lifetime of Road Safety

<sup>56</sup> Roads Implementation Plan 2020 SY MCA <https://governance.southyorkshire-ca.gov.uk/documents/s3997/Annexes%201%20The%20Roads%20Implementation%20Plan.pdf>

<sup>57</sup> SY LTP 2011-2026 7.1-7.15

<sup>58</sup> Transport Strategy 2019-2035 Sheffield CC <https://www.sheffield.gov.uk/home/travel-transport/transport-strategy-plans>

<sup>59</sup> <https://www.kirklees.gov.uk/beta/planning-policy/pdf/supportingDocuments/transportInfrastructure/2025-Kirklees-Transport-Vision.pdf>

<sup>60</sup> Transport For Greater Manchester, 2040, revised Jul 2021, <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/supporting-documents/?folder=\09%20Connected%20Places#fList>

<sup>61</sup> REP12-009 TfGM Statement of Common Ground para 10.3, pp 28-29

72 TfGM also asked NH ‘*how the scheme contributes to Greater Manchester’s Right Mix targets and the Greater Manchester’s 2040 policies*’. This is Greater Manchester’s plans for no net increase in motor vehicle traffic and to reduce car’s share of trips to no more than 50%, with the remaining 50% made by public transport, walking and cycling by 2040. NH avoided the request and gave a tangential answer. In fact the traffic modelling in which TfGM had played no part had taken no notice of the Right Mix targets, and hence it could not know what impact the scheme would have. It is still unclear if TfGM understands the impacts of the scheme as it was only engaged in scrutiny of the scheme through the SoCG

73 Despite the scheme creating adverse impacts on the responsibilities of all these authorities, NH refused to take responsibility for addressing them, deeming them insignificant and, if related to traffic impacts, the responsibility of the highway authority.

**Para 4.2g. It must minimise the environmental impacts of operating maintaining and improving the network and seek to protect and enhance the quality of the surrounding environment;**

74 NH fails to meet this statutory direction as follows.

75 Operational GHG emissions have not been minimised as no traffic restraint measures were applied to the proposal<sup>62</sup>. The scheme would result in 410,000tCO<sub>2</sub> emitted over 60 years.

76 Hollingworth and Tintwistle - NH has failed to minimise the environmental impacts of the SRN as it passes through Hollingworth and Tintwistle. These two villages straddle the A628T, lie immediately east of the scheme and experience traffic congestion with long queues, air pollution from heavy lorries and increased road crashes. Every consultation about the scheme has raised key concerns around these two villages, found the plans did not address their problems<sup>63</sup>, and showed strong support for measures to relieve traffic through both villages. In the 2018 statutory consultation<sup>64</sup> Highways England declared it ‘*is unable to resolve*<sup>65</sup>’, that Hollingworth and Tintwistle are not part of the solution. During the 2020 consultation NH refused to engage with questions on Hollingworth and Tintwistle, stating that measures for wider relief are at an early

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<sup>62</sup> NH stated orally that no restraint was applied to the traffic model for the current scheme [EV-25 Issue Specific Hearing 2 Session 2 page 10 3<sup>rd</sup> line]. However when summarising its position at the Hearing, NH ignored the wider and deeper questions posed by the ExA about restraint of motor vehicles, encouraging active travel, and promoting routes which avoid the National Park. It referred only to restraint applied to HGVs in 2015 Trans-Pennine Routes Feasibility Study when testing options [REP4-008 Item 3d page 15].

<sup>63</sup>Trans Pennine Upgrade Programme Non statutory Consultation Report Oct 2017 4.10.3

<sup>64</sup> Trans Pennine Upgrade Report 2018 4.2.1

<sup>65</sup> Trans Pennine Upgrade Report 2018 4.2.1

concept design stage. Given that traffic along the entire Trans-Pennine route will be affected by the scheme this is a serious oversight. A strategic approach towards long term planning for the whole of the corridor would have avoided this.

77 The surrounding environment that the scheme would harm includes the (a) Peak District National Park, (b) Glossopdale and (c) Greater Manchester.

(a) The first statutory purpose of the National Park is to protect and **enhance** natural beauty wildlife and cultural heritage (our emphasis). The Dark Peak, crossed by both the A628T and the A57 Snake Pass, is famed for its desolate and exposed tracts of moorland that stretch great distances, create a sense of remoteness<sup>66</sup> and are largely inaccessible to motor traffic. The noise from traffic on all these roads already affects the natural beauty and tranquillity of the Park up to a mile distant on open moorland<sup>67</sup>. The increased traffic generated by the scheme would further harm these nationally important landscapes and impair their tranquillity. NH refused to recognise that the impacts of increased traffic through the Peak District National Park would be significant, as considered by the statutory authority for the National Park, and offered no mitigation. The objection from the PDNPA shows that NH's interpretation of the National Park's statutory purposes and associated policies does not meet the standard required of it by its s.62 duty under the Environment Act 1995.

(b) Within Glossopdale the local environment would be impacted negatively by more congestion, rat running on residential roads, noise, and air pollution. NH dismissed the impacts as insignificant.

(c) The scheme would have a major irreversible negative effect on local landscape and townscape which NH refused to recognise as significant [APP-063, 7.7.8]. The scale and formality of its infrastructure - dual and single carriageways, three concrete underpasses, two bridges, huge new junction, lighting, signage, embankments cuttings and false cuttings, drainage features, fencing, access tracks, new plantings - and its associated traffic would encroach on and fragment open countryside reducing its permeability for wildlife; destroy the individual character of the pastoral landscapes; and harm the setting of the historic village of Mottram and the openness of the Green Belt. The huge new junction where the scheme crosses the A57T is out of scale with the surrounding townscapes. The scheme consumes open land, a finite irreplaceable asset in the UK. It is both natural capital and strategic open space, which supports multiple

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<sup>66</sup> Dark Peak, Landscape Strategy, PDNPA, 2009

<sup>67</sup> Peak District National Park, State of the Park Report 2000, p 40 - Until recently the National Park was a complete tranquil area apart from Bakewell and Tideswell. By the late 1990s three roads with an excess of 10,000 vehicles per day within the Park, including the A628, reduced the tranquil area by 50%.

ecosystem services critical to urban areas which have higher vulnerability to climate change due to their lack of habitats.

**Licence Para 4.2h. It must conform to the principles of sustainable development.**

78 The licence spells out sustainable development as *'encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations.'* All of the above impacts described in paras 51-77 indicate that the scheme fails to conform to the principles of sustainable development.

**Licence Para 5.29 It must comply with or have due regard to Government policy.**

79 The NPSNN 2014 is the framework for decision making but recognises that relevant national, regional and local policies are in play. In particular a series of provisions of the Planning Act section 104 are incorporated in the NPS, and some of its requirements are specifically stated in terms of other laws and regulations such as the EIA Regs 2017. When dismissing challenges made by us or other parties using other policies, NH quoted NPSNN as the sole framework of relevance to decision-making. The scheme fails to meet a number of NPSNN policies as follows.

80 NPSNN 4.3 requires that for a proposed development the ExA and SoS should take into account its potential benefits, and its potential adverse impacts. The transport assessment and modelling are fundamental to the environmental assessment. With so many omissions and unexplained spurious results within them, it is not credible to even attempt to reach a reasoned conclusion on the significant effects of the proposed development.

81 NPSNN 4.4 requires environmental, safety, social and economic benefits and adverse impacts, to be considered at national, regional and local levels. There was no local or regional assessment of the scheme's carbon emissions despite two sets of available data (BEIS UK carbon emissions national stats and local authority SCATTER budgets from the Tyndall Centre), and a third set of self-scaling data – a local/regional proxy – provided by the study area and traffic model itself (when corrected and fully transparent) [REP9-039]. Local adverse impacts of all kinds – social environmental and economic – were concealed from the public and stakeholders at consultation stage and underplayed during the EiP (see paras 23, 32; Appendix A b-g; Appendix B b-g; Appendix C c, f, i, j).

82 NPSNN 4.6 – projects should usually be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. The impacts on Glossopdale were withheld from the public as detailed above (see para 23 above) and then from the EiP. When pressure on the issue increased throughout the course of the EiP NH stated that the work had been done, and yet still refused to share their findings with the Examination [REP8-018, Q3.6]. NH's detailed analysis of the traffic on one select link

[REP9-029], Dinting Road, appeared to validate IPs' requests for further analysis of all of Glossopdale but none was forthcoming [REP12-022, 9.87.8].

- 83 NPSNN 4.15-4.17 invokes Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which sets out the information that should be included in the environmental statement. The assessment of GHG emissions does not conform to these requirements [REP8-029, 7.5]. First, it does not provide an accurate quantification of the scheme in isolation; second, it does not provide a proper quantification of the cumulative carbon emissions; therefore, the application is not compliant with the EIA Regulations [REP8-029]. NH's claim that the traffic model is 'inherently cumulative, or is 'compliant with DMRB', does not make the environmental statement compliant with the EIA Regulations on cumulative carbon emissions assessment.
- 84 NPSNN 4.26-4.27 lists the legal and policy requirements for consideration of alternatives, which are not exhaustive. As we have shown above the 2015 options appraisal was flawed and has not been reviewed. Therefore the scheme's status within the RIS, the 2004 Tameside Metropolitan Borough Council Unitary Development Plan 2004 and the Greater Manchester Transport Strategy 2040 is questionable.
- 85 NPSNN 2, 2.24, 3.2 and 4.64-4.66 address road safety. The increased risk of road crashes on the A628T corridor and on local roads means NH has failed to meet the requirements of NPSNN which quotes the Strategic Framework for Road Safety 2011<sup>68</sup>.
- 86 NPSNN 5.11-5.12 Air quality considerations are particularly relevant where schemes are proposed within or adjacent to AQMA or nature conservation sites (including Natura 2000 sites and SSSIs), and where changes are sufficient to bring about the need for a new AQMA or change the size of an existing AQMA; or bring about changes to exceedances of the Limit Values, or where they may have the potential to impact on nature conservation sites. NH adjusted the modelling in a way which removed potential exceedances of limit values for nitrous dioxide within 2 local AQMAs (one on the A57 Dinting Vale through Glossop and one on the A628T through Tintwistle), on A57 High Street West through Glossop and on the Natura 2000 sites adjacent to the A628T. NH refused to assess air quality at any of these locations including the two AQMAs. Hence these NPSNN considerations have been ignored.
- 87 NPSNN 5.150 Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. Despite the scheme causing traffic increases on cross-Park roads, NH refused to recognise this requirement, arguing incorrectly that the policy only applies to development that lies within the National Park.

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<sup>68</sup> <https://www.gov.uk/government/publications/strategic-framework-for-road-safety>

- 88 NPSNN 5.152 requires NH when planning the SRN to avoid National Parks, in this case the Peak District National Park. This it failed to do. The 2015 Trans-Pennine Routes Feasibility Study focused only on the corridor through the National Park. In addition, the scheme would cause traffic to divert off the M62 outside the National Park onto the A628T within the National Park.
- 89 NPSNN 5.202 *Development of national networks can have a variety of impacts on the surrounding transport infrastructure including connecting transport networks... The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development.* NH dismissed the scheme's impacts on the local road network as insignificant and refused to consider mitigation. They also refused to share with the Examination the work they had done which justified their conclusion that the effects were 'insignificant'.
- 90 NPSNN 5.207 requires the WebTAG methodology to be followed. We showed above (paras 30-36 and Appendix B) how the TAR failed to meet the requirements of a WebTAG compliant appraisal.
- 91 Other policies with which NH failed to comply, or to which it failed to have due regard, include:
- (a) The Treasury's *Green Book 2020* identified the common failure of those writing appraisals to engage properly with the strategic context in which their proposal sits. Specifically, business cases frequently do not demonstrate the necessary understanding of:
- the proposal's specific contribution to the delivery of the government's intended strategic goals (such as levelling up or net zero); and
  - the specific social and economic features of different places and how the intervention may affect them;
  - other strategies, programmes or projects with which the intervention may interact, including in a particular geographical area.
- This results in significant flaws in appraisals and business cases. All of the above bulleted shortfalls apply to the A57 Link Roads, were initiated in the 2015 Trans-Pennine Routes Feasibility Study from which the scheme derives<sup>69</sup>, and have led to the noncompliance described in paras 52-60 and 78-91 above, and here in para 92.

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<sup>69</sup> Trans-Pennine Feasibility Study, Highways England & DfT, 2015  
<https://www.gov.uk/government/publications/trans-pennine-routes-feasibility-study-technical-reports>

- (b) The UK Net Zero Strategy 2021 - NH made no assessment of significance of the scheme's carbon emissions against the annual carbon reduction targets and trajectories for transport in the Net Zero Strategy [REP9-039, 10].
- (c) The Government's Decarbonising Transport, A better greener Britain; Bus Back Better – National Bus Strategy for England; and Gear Change – A bold vision for cycling and walking. By omitting walking, cycling and public transport (except rail users with access to a car) from its transport assessment NH has failed to comply with all of these.
- (d) *National Planning Policy Framework 2021, para 175*. NH refused to recognise that great weight should be applied to protection of the National Park and its setting. The objection from the PDNPA shows that NH's interpretation of the National Park's statutory purposes and associated policies does not meet the standard required of its s.62 duty under the Environment Act 1995.

#### **Summary of noncompliance with statutory directions in Licence**

92 Through development of the A57 Link Roads NH is failing to meet the public interest and provide effective stewardship of the long term operation and integrity of the SRN. The value for money of the scheme has not been ensured as the options' appraisal was flawed and has not been reviewed. The scheme would be detrimental to the safety of the network, not protect or improve it. NH has failed to co-operate with the local authorities and the National Park Authority over a number of issues. It has also failed to minimise environmental impacts – carbon emissions would increase; traffic would impact adversely on two adjacent villages, on Glossopdale, on the Peak District National Park; the proposed infrastructure is out of proportion to and would disfigure local landscape and townscape. Consequently the scheme does not conform to the principles of sustainability. This is reflected in NH's non-compliance with Government policy in NPSNN, the Treasury's Green Book, UK Net Zero Strategy, Decarbonising Transport, Bus Back Better, Gear Change and NPPF.

#### **(D) FAILURE TO HAVE REGARD TO GUIDANCE IN THE LICENCE**

**Licence Para 5.15 It should seek to ensure protecting and improving safety is embedded into its business decision making, and to achieve the best possible safety outcomes.**

93 The 2015 Trans-Pennine Routes Feasibility Study included a safety objective, against which the scheme scored +1 (beneficial impact). For the 2020 statutory consultation and for the DCO application the safety objective was omitted, despite high accident rates and accident clusters along the route, as safety measures were progressed separately from the scheme (the A628T Safety and Technology improvements). However, as these

measures were included in the baseline traffic modelling and road crashes increased, the mitigation appears to fail. Thus the evidence suggests safety was not embedded in the decision-making for this scheme, which would now score negatively (adverse impact) against such an objective.

**Licence Para 5.23 It should ensure protecting and enhancing the environment is embedded into its business decision making.**

94 NH did not avoid the Peak District National Park when planning the SRN as required by NPSNN 5.152.

95 There was no scheme objective to address GHG emissions or climate change despite the 2008 Climate Change Act and the UK's legally binding carbon budgets.

**Summary of noncompliance with guidance in the Licence**

96 Although these licence conditions are considered guidance, rather than statutory directions, they are extremely important. They are both concerned with business decision making which starts with options' appraisal, followed by scrutiny by DfT. Unless the initial appraisal is robust and scrutiny is rigorous the result will be a poor choice. The A57 Link Roads have been developed as a standalone scheme in order to build demand for the next section of new road. For fifty years NH and its predecessor organisations have been trying to force road building to link Manchester and Sheffield rather than address the transport issues within their strategic context. The Peak District National Park designation, through which the A628T corridor passes, does not permit major development unless there are exceptional circumstances and it is in the public interest. Most recently the climate and nature emergencies, and the experience of the Covid pandemic, also challenge the business-as-usual model of building roads to meet future traffic demand. The 50 year history of failed road solutions should be indication enough that what is required here is a fundamental rethink. The National Park designation and more recent events demand it. That is the context within which these licence conditions should be considered.

**(E) CONCLUSION**

97 We have documented above a catalogue of NH's non-compliance with the statutory directions and guidance laid down by the SoS in its licence. NH has evidently failed to meet baseline requirements, never mind meet higher expectations. The whole sorry story casts strong doubts on the credibility of NH and its evidence for the A57 Link Roads DCO application.

98 NH withheld crucial information, gave inconsistent, inaccurate or misleading statements and answers through the statutory consultations and the EiP. It repeatedly tried to

wriggle out of accountability for the scheme with obfuscation and delay. This is contrary to behaviour expected of a public agency to be as open as possible about all its decisions and actions, and to restrict information only when the wider public interest clearly demands.

99 The development of the scheme, from the 2015 feasibility study out of which it emerged to the DCO application, demonstrated all that the Treasury Green Book identified about the failure of project sponsors to engage properly with the strategic context in which their proposal sits. With respect to the A57 Link Roads NH failed to address (a) the proposal's specific contribution to the delivery of the Government's intended strategic goals in 2015 (such as climate change) and in 2021 (such as levelling up and net zero); (b) the specific social, environmental and economic features of Greater Manchester, Glossopdale, Longdendale and the Peak District National Park and how the intervention would affect them all; and (c) a raft of other strategies, programmes and projects with which the scheme would interact from the national to the more local. These ranged from addressing climate change and road safety - both key policy areas identified by the ORR for RIS3<sup>70</sup> - to Greater Manchester's transport decarbonisation programme through its Right Mix policy, and the PDNPA's goals to reduce traffic within, and through, the National Park.

100 The consequences of both NH's behaviour towards engagement with stakeholders and the public, and its failure as the steward of the long term sustainable future and integrity of the strategic road network, led to multiple areas of non-compliance with its licence conditions. These were demonstrated through the statutory consultations which failed to follow best practice; the transport assessment accompanying the DCO application which failed to meet the standard expected of a WebTAG compliant appraisal; the failure of the proposed scheme to conform with the principles of sustainable development; and finally through the EiP, the effectiveness and efficiency of which was compromised by NH's omissions and obfuscations. At the end of the EiP the ExA was still asking fundamental questions about NH's evidence, and new evidence that conflicted with NH's evidence was presented and left unscrutinised. The result is that neither the ExA nor the SoS have the information needed to weigh up the planning balance. The overall effect is to limit democratic involvement and accountability.

101 The ORR has recently identified that where projects fail to be delivered on time, most of the delays occurred during the development phase – before construction begins. Statutory planning processes were one of the four most prevalent risk factors. In our experience it is not the statutory planning processes, red tape or regulations which

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<sup>70</sup> Road Investment Strategy 3 Our role and approach, May 2022, ORR, 3.4a and 3.4b  
<https://www.orr.gov.uk/search-news/gearing-third-road-investment-strategy-ris3> ;  
<https://www.orr.gov.uk/sites/default/files/2022-05/Road-Investment-Strategy-3-our-role-and-approach-2022-05-04.pdf>

have hindered the effectiveness of the A57 Link Roads DCO application and its EiP but NH's approach and behaviour towards consultation and the planning system. Any subsequent delay to delivery of the scheme - the scheme is at risk of missing its start of work commitment<sup>71</sup> - can be laid wholly at NH's door, through its behaviour, its attempts to conceal the real effects of the scheme, its failure to engage robustly in discussions, its failure to have due regard to its legal duties and Government policy, its failure to plan within the appropriate strategic context.

102 These shortfalls in performance do not appear to be picked up when monitoring NH's performance. Although the key performance indicators (KPIs) test how well NH manages traffic on the SRN and how quickly it delivers its enhancement projects, they do not robustly test NH's role as the steward of the SRN's long-term future and integrity, fit to meet all the challenges of this century in a sustainable way<sup>72</sup>. For example, in the 2021-2022 assessment of performance, the focus is on individual project delivery with no mention of the strategic context of wider Government policy<sup>73</sup>. Consequently, there does not appear to be a robust framework for monitoring all of the licence conditions.

103 Some of the non-compliance we have documented e.g. taking a piecemeal approach to addressing issues along a corridor instead of strategic long term planning, raise fundamental issues not only about the preparation of the RIS by DfT and of route strategies by NH, but also about the testing by DfT of potential projects as they pass through their development stages. The final stages for an NSIP - the statutory consultation and the DCO application - are deeply flawed. To have received holding objections from the statutory consultees in response to the 2018 consultation on the scheme, and to have not addressed those concerns before holding another statutory consultation smacks of both incompetence and disregard for standards of best practice. An effective approach would have been to address all the statutory consultees' concerns and to then seek public views before proceeding to a DCO application. Development of a NSIP should be front loaded with a WebTAG compliant transport appraisal and full environmental impact assessment available for public scrutiny before the formal DCO process is entered. The EiP would then be able to proceed as it appears to have been envisaged – to iron out technical issues with planning agreements. In view of what we have experienced we believe a review of all these processes is required and that monitoring of them should be more robust.

104 Two key areas are highlighted by the evidence we have presented - environmental issues and engagement with stakeholders, organisations and the public. Environmental impacts and objections on environmental grounds are a key risk to the achievement of

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<sup>71</sup> Annual Assessment of NH's Performance 2021-2022, ORR, July 2022, Table B11

<sup>72</sup> Annual Assessment of NH's Performance 2021-2022, ORR, July 2022

<sup>73</sup> Annual Assessment of NH's Performance 2021-2022, ORR, July 2022

planning consents for road schemes<sup>74</sup> yet environmental issues are not addressed through the RIS and only at a late stage of the NSIP process when the DCO application is submitted. This means adverse impacts are only picked up very late through a process which is not geared to addressing fundamental issues, only to tinkering around the edges. The entire programme being considered for RIS3 (whether carried over from RIS2, or new schemes) must be assessed within a Strategic Environmental Assessment as required by the Infrastructure Act 2015 and the Strategic Environmental Assessment Directive. Schemes should not enter the RIS unless they have been subject to a full and proper appraisal. Once chosen the options appraisal should be regularly reviewed to ensure the scheme remains the best performing, sustainable and cost effective option. The full environmental assessment and the transport appraisal on which it is based should be the subject of scrutiny through the statutory consultation, as we have noted above.

105 With respect to engagement there is no KPI. A review two years ago<sup>75</sup> of NH's engagement and cooperation with regional and local partners, but not the public or communities, concluded that *'Highways England is complying with the prescribed elements of its licence engagement duties but there is scope for further development of its duties to support regional and local stakeholders and manage their expectations'*. It specifically drew NH's attention to *'recognition of the obligations and priorities of local stakeholders, for example in areas such as decarbonisation and air quality'*. Through the A57 Link Roads, NH's response to stakeholders concerns was the reverse of the ORR's advice – it denied their significance and/or their legitimacy to be considered, of which the most extreme examples were to take no account of Greater Manchester's well developed approach to decarbonisation through radical changes in travel behaviour, or of the views of the statutory authority for the National Park, the PDNPA. Our experience also showed how poorly NH has failed to engage with communities and the public. Engagement must be formally addressed and monitored, as engagement worthy of a public body applies to all elements of the licence. The ORR has promised to review assessment of engagement as part of NH's RIS2 and RIS3 plans<sup>76</sup> but this should be extended to cover community and the public's engagement in project development.

106 NH receives huge sums from the public purse - in financial year 2020-2021, it spent £160,527,000 on staff and £3,198,000 on consultancy fees<sup>77</sup> - and is responsible for spending the £24billion committed to the 2020-2025 roads' programme. For that the public would expect NH's performance to at least meet the requirements of the licence, if not the extra mile, and for robust monitoring of that performance.

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<sup>74</sup> Road Investment Strategy 3 Our role and approach, May 2022, ORR, para 3.50

<sup>75</sup> Review of Highways England's engagement approach with regional and local partners, June 2020,

<sup>76</sup> Road Investment Strategy 3 Our role and approach, May 2022, ORR, 3.71c

<sup>77</sup> Highways England Annual Accounts and Reports 2021

107 With respect to the A57 Link Roads we therefore urge the ORR to assess NH's performance in the light of this representation to you and report its findings to the SoS before he makes a decision on the scheme in mid-November 2022. More generally we urge the ORR to enforce behaviour that is expected of a public body and to review the overall monitoring of NH's licence. In particular, we suggest that the ORR a) reviews development of DfT's RIS and NH's route strategies to ensure that schemes that arise from them meet all the criteria for sustainable development, especially with regard to the climate and nature crises; b) insists on, or provides, much more robust assessment and monitoring of scheme development from options appraisal through to project business case; and c) reviews or instigates a review of the complete NSIP process.

## APPENDIX A

### OMISSIONS AND MISREPRESENTATIONS IN 2020 STATUTORY CONSULTATION

- a. There was no transport assessment, traffic data or traffic modelling results; this despite the SoCC p5 promise of *'more information about key environmental impacts including air quality, noise and traffic.'* Later when presenting draft traffic information to the local authority steering group NH<sup>78</sup> *'confirmed this was the data presented within the Preliminary Environmental Information Report (PEIR)'*. No traffic data was presented in the PEIR or available to the public until the DCO application was submitted.
- b. There was no mention in any of the documents of the impacts of increased traffic, all generated by the scheme, on Glossopdale. This would lead to rat running on residential streets to avoid congestion on the A57 through Glossop. People were unaware that, with the scheme, the walk or cycle to school, work or the shops would become more intimidating, dangerous and unpleasant; congestion would increase journey times for drivers within Glossopdale; road crashes would increase. The FAQ gave the opposite impression. *'Will the scheme create traffic in other areas? What about Glossop?'* was answered as *'Our traffic assessment shows that overall, the scheme draws traffic on to the strategic road network and off local roads. Therefore we wouldn't expect to see a significant increase in traffic through Glossop during peak times.'* This misrepresentation was only revealed through the EiP.
- c. The infrastructure for the scheme lies within the National Park setting and ~2km from its boundary. There was no mention of the increased traffic on trans-Pennine routes through the National Park or its impacts on tranquillity, wildlife and road crashes, again all only revealed through the EiP.
- d. The whole scheme lies within and crosses the Green Belt yet the word Green Belt appeared only once in - PEIR Vol 3 with respect to the Planning Act 2008. There was no mention of the strict policies surrounding Green Belt, no map of the Green Belt, no mention of the scheme's profound impacts on four of the five functions of the Green Belt and its harm to openness, as revealed by the EiP. Of all planning policies, Green Belt is the best known, best loved and best understood by the general public but it was completely excluded from all the consultation documents.

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<sup>78</sup> APP-026 Consultation Report [Table 3-2] accompanying the DCO application, published July 2021



- e. Safety was only addressed in the FAQ where a misleading impression was given. Improving safety for road users was described as a key objective of the A57 Link Roads, but there was no such objective. Safety benefits improvements were implied: *'Our traffic assessment shows the scheme reducing accidents across the local area, because traffic will be moved onto more modern roads.'* There was no mention of the increased risk of road crashes in Glossopdale and on trans-Pennine routes which came to light in the DCO application.
  
- f. The economic justification for spending £225m (later reduced to £180m) on the scheme was not made. The statement in the brochure that congestion *'restricts potential economic growth, as the delivery of goods to businesses is often delayed and the route is not ideal for commuters, which limits employment opportunities'* was not informed by evidence.
  
- g. The colour brochure showed prejudicial bias. It focused to the exclusion of all else on the immediate benefits to residents in Mottram and on Woolley Lane and on the engineering and design changes made since the 2018 consultation. There was no mention of Glossop as a township that might be affected by the scheme – the word Glossop appeared only twice in the brochure to explain that the *'Glossop bound'* traffic would be separated. There was not a single mention of GHG/carbon emissions despite the all-pervasive climate emergency and the fact the scheme would increase these emissions. There was no mention of road safety or of the adverse impacts on the Green Belt. With more pressing issues such as the Covid pandemic on people's minds, the brochure is likely to have been the only document the majority would have read. Its systematic distortion and concealment of the scheme's effects misinformed people as to the effects on their well-being and quality of life.

## APPENDIX B

### OMISSIONS AND FLAWS IN TRANSPORT ASSESSMENT REPORT

**a. Traffic modelling** – No details appeared in the TAR. In three and a half pages it named the modelling software and used three figures to show the modelled area and local zone disaggregation. There was no local model validation report, no forecasting report, no options report, no strategic case report, no economic case report, no appraisal summary table.

(i) Assumptions and factors which were built into the model and the values ascribed to these factors were not available to stakeholders or to the ExA.

(ii) No information was available as to how public transport, walking and cycling were dealt with in the model. Late in the EiP NH revealed that only rail trips for households with a car were included. NH continued to confuse the definitions between rail, public transport as a whole, trips which were included or not included in the model and in fact how the limited rail modelling was undertaken [REP9-040, Q3.4, page 5].

(iii) The source of errors in terms of model parameters and specification were concealed from the EiP. NH stated<sup>79</sup> they were captured in the high and low growth sensitivity tests but provided no details.

(iv) The impacts of the scheme on transport networks in Greater Manchester, despite the majority of journeys being within it, were not presented. Later NH revealed that the scheme was treated as an isolated bypass with limited access to Greater Manchester, with a fixed cost function and masking applied to Greater Manchester within the model.

(v) Data from various sources was used to calibrate the model but how it was applied was not fully explained or given in sufficient detail. Conflicting statements were made about updating the model<sup>80</sup>.

(vi) Inconsistencies in the outputs from the model remained unexplained at the end of the EiP on a number of routes through and within Glossop, Hadfield and Padfield, and along the A628T<sup>81</sup>. NH dismissed IPs' attempts to understand these as mistaken<sup>82</sup> but failed to supply

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<sup>79</sup> REP11-010, 3.3. NH response to ExA's Third Written Questions

<sup>80</sup> APP Data was collected during 2020-2021 according to the Case for the Scheme 4.3.5 and 4.3.6 for model development. NH refuted this and said only 'historic' data was used REP9-027/9.79.111

<sup>81</sup> REP8-034, 9.69.16; REP9-043; REP10-012, pp 2-3

<sup>82</sup> REP9-043 Response to PD-014 - Report on Implications for European Sites

a valid explanation for the majority of these or to provide specific data to validate its arguments.

(vii) The EIA Regs Schedule 4 para require *'a description of the relevant aspect of the current state of the environment (baseline scenario)'*. This is essential to understanding the current traffic situation and how it would change with the scheme. With the impact of Covid 19, the most recent actual traffic flows would be 2019. Instead NH used traffic surveys from 2015-2016 and modelled them to create the 'do minimum' scenario in 2025 against which to test the impacts of the scheme. This is not a 'current baseline' and led to a number of discrepancies when comparing the 2025 'do minimum' with existing counts from the DfT traffic website – some flows were much greater, others much lower.

All the above led to enormous problems with understanding the outputs from the traffic model.

**b. Road crashes** – The TAR, like the consultation documents, maintained there would be *'reduced safety risks within the built up area...'* (TAR Executive Summary). The built up area includes Glossopdale where High Peak Borough Council's Local Impact Report [REP2-046] showed an increased risk of road crashes on residential roads in Glossop. NH excluded from assessment residential roads on *'which the scheme is not expected to have an impact'<sup>83</sup>*, roads which we now know through the EiP process, and which NH knew when it submitted the DCO documents, would have more traffic as a result of the scheme and therefore more crashes. The evidence presented in the TAR is the shockingly poor Figure 7.8 of the spatial distribution of safety impacts (the scheme incurs a safety disbenefit of -£7.32m over 60 yrs) which is too crude to decipher in the built up areas.

**c. Severance** – the word does not appear in the TAR. In Environmental Statement (ES) Ch12 NH's concern is wholly with severance of land holdings and reducing community severance on the bypassed A57T<sup>84</sup>. Nowhere is NH concerned with the severance experienced by those attempting to cross the A628T in Hollingworth or Tintwistle (despite the *'high number of pedestrian accidents'<sup>85</sup>*), the A57 through Glossop or residential roads in Glossopdale where traffic generated by NH's scheme would increase.

**d. HGVs** –The high percentage of HGVs along the trunk route subjects people, communities and the fabric of buildings adjacent to the road to severe impacts. The TAR barely addresses the issues<sup>86</sup>. The scheme removes HGVs from part of the A57T but not from the A628T through Hollingworth and Tintwistle or from the A57 through Glossop. Yet the TAR does not

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<sup>83</sup> TAR Figure 3.8 The Case for the Scheme 4.5.2;

<sup>84</sup> ES Ch. 12. 12.9.84

<sup>85</sup> Trans-Pennine Routes Feasibility Study 2015, Stage 1 Report 1.2.11

<sup>86</sup> TAR 1.1.2, 3.7.14 HGV percentages and numbers are given in Table 3.8 and Figures 3.6, 4.8, 7.1, 7.2, 7.5 and 7.6.

address their potential diversion to avoid congestion along these routes, or the severance, the intimidation, the risk of road crashes, the disincentive to walk or cycle on these routes that HGVs impose. NH's only concern is for the small length of the trunk road that would be bypassed. This is in direct contradiction to NPSNN's insistence at para 5.202 that impacts on local road networks must be taken into account.

**e. Journey time savings** – The TAR spells out the importance of journey time reliability (para 1.1.1), which features in the scheme's objective for connectivity (para 1.2.1), and provides monetised benefits worth £11m (para 7.2.6). Despite their significance, journey time savings were presented only as partial parts of journeys, not actual journeys the travelling public would make. Journey time savings on the SRN between Manchester and Sheffield were given for a 10-mile stretch of a 40-mile journey between the city centres and avoided the congestion that would be met within both urban areas. NH's main argument was to claim<sup>13</sup> that journey times are captured in the modelled road network, which is no substitute for presenting specific evidence. The reason for NH's resistance became clear when it revealed Sheffield to Manchester journey time savings as ~5 minutes [REP5-022, 9.54.64]. This answer meant that claimed city-to-city journey time savings would be significantly reduced - for the 10-mile stretch eastbound savings were predicted as 8-10mins and westbound as 5-6mins – which would substantially reduce the value for money of the scheme and hence the Benefit Cost Ratio.

**f. Public transport** – There was no assessment of the potential for car journeys to switch mode to public transport, or of the time delay that would be experienced by bus passengers on routes which would see increased traffic. In TAR 3.4.11 NH claimed bus services '*will benefit from improved journey times and reduced congestion*'. This was revealed as a misleading assertion without evidence; in response to the ExA's questions<sup>87</sup> NH admitted it had not assessed bus times. Bus journey times should have been supplied in the TAR. When they were finally supplied [REP6-017 Appendix A] some improved and some took longer with the scheme.

**g. Impacts on Glossopdale** – we have detailed these above. The TAR referred only to journey times from Glossop (para 7.1.16) and to '*small increases in accidents through Glossop*' (para 7.2.13), by implication on the A57. Repeated requests for a proper assessment using a local model were refused, despite the requirements of NPSNN 4.2.

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<sup>87</sup> REP7-020 Response to ExA's Written Questions, question 3.14, pp 28-29

## APPENDIX C

### WITHOLDING OF CRUCIAL EVIDENCE DURING EXAMINATION OF DCO APPLICATION

#### ***a. Assessment of public transport***

This was important in view of the strong policies in Greater Manchester for radical reduction of car trips and increased travel by public transport, walking and cycling. In order to understand how NH had assessed travel by all modes it was necessary to know how the traffic model dealt with this. This was not disclosed by NH until 5<sup>th</sup> April Issue Specific Hearing (ISH) despite constant reference to public transport in our emails, at technical meetings, and through requests for clarification. When we first asked NH in July 2021 how public transport was included in the model, we were referred to the transport modelling and forecasting reports submitted with the DCO. As stated above (Appendix B a.) there were no transport modelling or forecasting reports submitted with the DCO, only the TAR which told the reader nothing about how public transport was assessed. Furthermore neither the Transport Modelling nor Transport Forecasting Packages<sup>88</sup> supplied to us in November 2021 contained that information. Despite two meetings with NH, we were still asking for clarification in March 2022. To aid progress MTRU asked NH to confirm our understanding with a suggested statement for us to agree with NH within a SoCG: *“The model contains public transport trips by people who have a car available but not by other users. In addition, only trips with either an origin or destination in the Area of Detailed Modelling are actively modelled. All other public transport trips are fixed.”* We received no reply and were only answered orally during the ISH on 5<sup>th</sup> April and by writing [REP8-018 page 55]. However, even that answer contained obfuscation as there were apparently two traffic models for the scheme – a regional mode choice transport model to forecast mode shift and a traffic model.

#### ***b. Review of appraisal options***

(i) In order to establish if the scheme continued to be the best option since it was chosen in 2015, it was important to establish if a strategic level re-assessment of options had been undertaken since the original sifting of options in 2015<sup>89</sup>. The Treasury’s Green Book 2020 advises that options should be checked at each stage of the Business Case process, updating of the appraisal options is expected for all schemes in the RIS<sup>90</sup>, and since 2015 addressing the climate and nature crises has become urgent. Another strong reason for review was the lack of a suitable traffic model for the 2015 Study. As a result the Study noted (Stage 3

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<sup>88</sup> REP2-090 – Transport Modelling Package pdf pp 98/790; Transport Forecasting Package pdf page 256/270;

<sup>89</sup> A57 Link Roads 6.3 ES Chapters 1-4 Introductory Chapters Planning Inspectorate scheme reference: TR010034 Application document reference: TR010034/APP/6.3 para 3.3 Page 97 of 134

<sup>90</sup> RIS1 2015-2020 para 2.12; Treasury Green Book November 2020

Report 4.2.17) there is *'a risk that forecasts developed using a new traffic model may differ from those produced as part of this assessment.'*

(ii) NH's answers when questioned on this matter were changeable. It first confirmed in August 2021 *'that we have not repeated the Early Appraisal Sifting Tool (EAST) since finalising the options in 2015'*. It then used timing as an excuse not to undertake the review - *'The updated Green Book postdates consideration of alternatives to the Scheme and selection of the preferred option'*<sup>91</sup> - ignoring the fact that the need for review continues after selection of the preferred option. When questioned by the ExA, NH then claimed it had undertaken a review, using changes to design or exclusion of certain elements<sup>92</sup> which is not what a strategic review of the options appraisal is about. When challenged on that argument it reverted to its original position of not having undertaken a review because *'it would not be practicable'*<sup>93</sup>. We therefore concluded that NH had not undertaken a review as required by RIS and the Treasury Green Book. Trying to show it had undertaken the required review when it had not emphasised how poorly NH has followed procedure and how it sought to conceal this from the EiP.

### ***c. Explaining the spurious traffic data***

(i) The outputs of the traffic model, i.e. the predicted traffic flows and their distribution, nature and composition, were fundamental to all the evidence about the scheme's effects on the transport networks, on road safety and on the environment, society and the economy. Clarity is required on both the model's limitations and its outputs. Our lack of confidence in the modelling and its results increased throughout the EiP, was shared by other interested parties (IPs), and was comprehensively expressed through a joint letter to the ExA [REP10-017]. It was also shared by the Peak District National Park Authority<sup>94</sup> and by High Peak Borough Council<sup>95</sup>.

(ii) Initially NH relied on blanket statements that it had absolute confidence in the traffic modelling, which is no substitute for open, comprehensive and consistent presentation of data and for engaging with challenges constructively. Later it described the process in some detail but the outputs – the spurious and extraordinary traffic modelled results - were not explained. It persisted with addressing questions about content with answers about methodology. It used arguments that did not withstand scrutiny and, when challenged, provided the same arguments. It failed to engage with substantive evidence submitted by us and others, and provided vague and unintelligible answers to questions. This severely impeded understanding of the traffic data and the scheme's impacts and led to the ExA asking serious questions about the traffic modelling even as the EiP closed.

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<sup>91</sup> REP7-025, 9.69.8

<sup>92</sup> REP8-019, 9.75.34

<sup>93</sup> REP10-010, 9.84.13

<sup>94</sup> REP2-048 Local Impact Report 7.2.1

<sup>95</sup> REP2-046, High Peak Borough Council Local Impact Report, 19.1

(iii) Three working days before the EiP closed, NH supplied some explanation as to the disparities between some of the DfT observed traffic flows and modelled traffic flows in the 'do minimum' 2025 scenario [REP11-010, 3.1 page 13]. These explanations exposed local zone limitations as the cause of some of these disparities. These limitations are a good reason for using a more defined model of Glossopdale, something we and others had repeatedly requested throughout the EiP and been denied, and which NPSNN 4.2 requires.

(iv) Public interest in the integrity of the traffic modelling was extremely important for this scheme. The 2007 public inquiry into the Mottram-Hollingworth-Tintwistle bypass (the previous iteration of the scheme) was formally adjourned in December 2007 after 10 days of hearings due to serious flaws and repeated errors with the traffic model. Revised traffic figures due to an error in the traffic modelling were followed by further inconsistencies in feeding data into the traffic model<sup>96</sup> which ultimately rendered the results of the model null and void. The statutory consultees were unable to validate the traffic model and the public inquiry was formally closed in March 2009.

#### ***d. Uncertainty Log***

NH's failure to engage constructively is also well demonstrated by its approach towards our challenge of the Uncertainty Log. In our written representation [REP2-069 4.2.11-4.2.17] we raised issues about the Uncertainty Log with respect to future development. A limited list was appended to the ES Ch.15 on Cumulative Effects. We found a much longer list in the Traffic Forecasting Package NH supplied to us [REP2-090, Appendix B, pdf pp 337/790]. We compared the results given in the DCO application documents with those available in the Traffic Forecasting Package, pointing out data was missing and asking for clarification on how the model had addressed future development. NH offered '*Details of the schemes and developments listed in the Uncertainty Log can be provided by National Highways if necessary*'. We responded '*As offered, please may we see the complete list, ie the long list and the short list, of schemes and developments excluded and included in the Uncertainty Log*<sup>97</sup>'. NH responded<sup>98</sup> '*The uncertainty log is included in Appendices B & C of the Traffic Forecasting Report that has previously been provided by National Highways to CPRE*'. These were the very appendices which we had analysed in REP2-069 and to which we were seeking details and clarification. This circular game playing by NH was obstructive and did not address our concerns.

#### ***e. Investigation of Mottram Gyratory Flow (MGF)***

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<sup>96</sup> Mottram Tintwistle Public Inquiry 2007 HA-73 December 4<sup>th</sup> 2007; the Highways Agency announced that no more information would be available until late February 2008. It failed to meet this deadline and further deadlines in May 2008 and then October 2008.

<sup>97</sup> REP5-028, page 10

<sup>98</sup> REP7-025 9.69.18 page 14

One IP Mr Bagshaw presented the MGF as an alternative to the scheme. When asked by the ExA if the MGF alternative had been considered previously NH's response was an unequivocal 'No'<sup>99</sup>. *'The Mottram Gyrotory Flow alternative presented in Mr Bagshaw's submission was not one of the alternative options considered by National Highways'...* *'The scheme previously proposed and presented in Mr Bagshaw submission was not one of the potential alternative solutions identified through this process'*. Towards the end of the EiP<sup>100</sup> the ExA was obliged again to ask NH to clarify its position as to whether the MGF, or a similar scheme was considered through options appraisal. The NH completely reversed its reply both orally at the hearing and in writing to a definitive 'Yes'. *'The option submitted by Mr Bagshaw was presented as an alternative scheme at the public inquiry of 2007. A scheme looking at a gyrotory system in the area of Mottram was assessed in 2015 as part of the EAST study; these were forwarded on to the DfT for consideration but were not included in RIS1<sup>101</sup>'*. Thus two directly contradictory answers were given by NH. Mr Bagshaw then showed that it had not been examined as a standalone option but only as an addition to the current scheme (REP8-042 para 5 pp 5-8).

**f. Increase in vehicle kms**

Both the TAR (7.2.9) and ES Ch.14 Climate referred to increases in vehicle kilometres generated by the scheme but no absolute figures were given. NH twice gave the opposite impression: *'Total vehicle kilometres across the appraised road network are effectively the same with the Scheme as without it. This indicates that the Scheme is not forecast to induce additional traffic... and that increases in traffic flows on some roads due to the Scheme are balanced out by reductions on other roads because of rerouting or redistribution of some journeys<sup>102</sup>'*. Only in response to a question from the ExA, on 13<sup>th</sup> April (10 months after we originally asked for the figures) did NH reveal the increases in total vehicle kilometres due to the Scheme would be +0.7% (on approximately 12,000,000 daily veh-km in 2025) in the area of detailed modelling and +9.5% (on approximately 410,000 daily veh-km in 2025) in the Local Study Area<sup>103</sup>. NH not only refused to supply the absolute figures to us but also denied there would any increase in vehicle kilometres.

**g. A sensitivity test on the carbon emissions**

NH submitted the results of the test but did not make the methodology of the test available<sup>104</sup>. Nor did NH explain how the test affected the significance of the carbon emissions associated with the scheme. The validity of this test awaits DfT approval at some

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<sup>99</sup> REP6-017 NH responses to ExA's second written questions Q3.8a

<sup>100</sup> REP8-019 Issue Specific Hearing 9.75.34 (kk) page 20

<sup>101</sup> REP8-019 NH written summary of oral hearing 9.75.34 (kk) page 20

<sup>102</sup> REP1- NH response to Relevant Representations RR-0543 page 147, 1<sup>st</sup> December; REP2-022 4.1 page 59

<sup>103</sup> REP8-019, 9.75.6

<sup>104</sup> REP5-026 2.2.5 onwards and Table 1; REP8-018 Appendix A

time in the future. Given this, it was incredible that this data was provided to the ExA as if it might add value to the ExA's recommendation to the SoS.

#### ***h. Visibility of the eastern portal of the underpass to the public***

ES Ch.7, 7.9.25 implied that the eastern portal of the Mottram underpass would be visible from publicly accessible viewpoints. *'Views represented by Viewpoint 5 would be more open, with visibility of the new underpass structure and the cutting slopes present at the eastern portal'*. During site visits we searched from around Viewpoint 5 (on a public right of way) for visibility of the underpass structure but could not find it, and requested an accompanied site visit to view the eastern portal. In response NH considered *'that **all parts of the Scheme can be viewed from publicly accessible land, and thus we do not consider that an Accompanied Site Inspection will be required**<sup>105</sup>'* (our emphasis). When we asked NH (email 22<sup>nd</sup> November) from where a full view of the eastern portal could be seen, it responded (21<sup>st</sup> December 2021) *'the only views of the eastern portal would be visible from private agricultural land containing no sensitive receptors'*. This is a complete contradiction to *'all parts of the scheme can be viewed from publicly accessible land'*.

#### ***i. Godley Green Garden Village (GGGV)***

(i) GGGV is the largest proposed development within Greater Manchester, is included in Greater Manchester's emerging spatial framework Places for Everyone and would lie 1Km from the scheme on a road that joins the M67 J4 roundabout, at the western end of the scheme. The allocation is proposed to deliver 2,350 dwellings and would generate approximately 529 to 1,057 two-way vehicle trips during peak hours<sup>106</sup>. Clearly this is a major development which would interact with the scheme. NH's approach towards the scheme's interaction with GGGV provided two diametrically opposed stances.

(ii) NH's assessment<sup>107</sup> for the DCO application records *'no significant cumulative effect'* as a result of the scheme with the GGGV development, a conclusion which is directly contrary to the Places for Everyone assessment in which NH participated. The latter records that traffic generated by this allocation is *'likely to result in material implications on the operation of the SRN that would require mitigation*<sup>108</sup> *'* at both the M67 J4 roundabout and M60 J24

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<sup>105</sup> PDL-001 Letter dated 1<sup>st</sup> November 2022 to ExA regarding the Preliminary Meeting of the Examination

<sup>106</sup> Transport Locality Assessments - Introductory Note and Assessments - Tameside Allocations GMSF Nov 2020 page B26 para 10.1.2 pdf page 102/170 submitted as a separate document to the Examination

<sup>107</sup> ES Ch.15 Table 15-7 row 42

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

Denton Island<sup>109</sup> which lies 5-miles west of the scheme along the M67. Outside the EiP NH behaved as if the scheme would have significant effects: in response to TMBC's 2021 planning application 21/01171/OUT for GGGV, NH submitted a formal recommendation<sup>110</sup> that planning permission is not granted for a specified period, as it did not have '*sufficient comfort that the development would not cause a detrimental impact to the SRN.*' The conclusions that NH reached in regard to the scheme's cumulative effects with GGGV are contrary to those evidenced by PfE and its own response to the planning application.

***j. Transport for Greater Manchester's SOCG with NH***

A prime example of delay is the handling of the SoCG between NH and TfGM. The initial version indicated TfGM was concerned with detailed design of traffic management [APP-192] but the second version in January 2022 briefly alluded to concerns about strategic planning issues [REP2-019]. The nature of the latter were not revealed until the next and final version of the SoCG appeared 4 months later during the final hours of the EiP [AS-010 and REP12-010]. Several new issues and new angles on known issues were disclosed as of concern to TfGM, all too late for scrutiny within the time frame of the EiP.

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

<sup>110</sup> [https://publicaccess.tameside.gov.uk/online-applications/files/9976136762C94B11142AEDBDD186C191/pdf/21\\_01171\\_OUT-CONSULTATION\\_RESPONSE\\_-NATIONAL\\_HIGHWAYS-1539049.pdf](https://publicaccess.tameside.gov.uk/online-applications/files/9976136762C94B11142AEDBDD186C191/pdf/21_01171_OUT-CONSULTATION_RESPONSE_-NATIONAL_HIGHWAYS-1539049.pdf)