

From: [Anne Robinson](#)
To: [A57 Link Roads](#)
Subject: RE: Inadequacy of Consultation on A57 Link Roads TR010034
Date: 24 May 2021 12:31:59
Attachments: [image001.png](#)

Apologies PINS – the email below should refer to our letter of 9th February 2021.
Anne

From: Anne Robinson [REDACTED]
Sent: 24 May 2021 12:26
To: A57LinkRoads@planninginspectorate.gov.uk
Subject: Inadequacy of Consultation on A57 Link Roads TR010034

Dear PINS

Please find attached a letter detailing our concerns about Highways England's pre-application consultation on the A57 Link Roads. We raised our concerns in the first instance with Highways England and with the relevant local authorities, during the consultation.

Since the consultation and our letter to you of 9th February 2020 on this issue, more information has been revealed. We have therefore revised and updated our comments on the adequacy of the consultation. We believe that the consultation with the local community did not fulfil the statutory requirements and that the decision on the scheme was predetermined by the Secretary of State for Transport.

We have shared this letter with Derbyshire County Council and High Peak Borough Council. We understand that as the final step [indicated in the [Community Consultation FAQ document](#)] we can send comments directly to the Inspectorate and they can be considered by the Inspectorate in addition to any statutory Adequacy of Consultation Reports provided by the relevant local authorities. We would be most grateful if on that basis our letter could be kept on file and used by the Inspectorate to inform its decision on whether or not to accept the scheme for a development consent order.

Many thanks.

Anne

Anne Robinson

Campaigner
CPRE Peak District and South Yorkshire



w: <https://www.cprepsy.org.uk/>

a: Victoria Hall, 37 Stafford Road, Sheffield, S2 2SF



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24 May 2021

Dear Planning Inspectorate

Proposed A57 Link Roads previously Trans Pennine Upgrade Programme (TPUP) TR010034

We wrote to the Planning Inspectorate in early February 2021 outlining our view that the consultation on the A57 Link Roads was not adequate. Since then further information has come to light requiring us to revise and update that view. We believe that the consultation was not carried out in accordance with the Statement of Community Consultation and that the outcome of the decision on the scheme was predetermined. Taking all these issues together it appears that the Gunning principles have not been met. We therefore urge PINS to reject the DCO application. This letter is also being sent to the relevant local authorities.

1. Consultation not in accordance with Statement of Community Consultation

The Planning Act 2008 places the applicant under a duty to consult local authorities (s. 42), to consult the local community (s.47) and to publicise the consultation (s.48). We believe that the 2020 consultation on the A57 Link Roads was inadequate under s.47 (7) '*The applicant must carry out consultation in accordance with the proposals set out in the statement,*' which is the Statement of Community Consultation (SoCC). There are three reasons for this inadequacy - (a) the impact of the Covid pandemic; (b) confusion over what was being consulted on; (c) lack of information from which to make an informed response. We emailed Highways England with our initial concerns about the consultation on 6th November 2020 and received a reply on 24th November 2020. At the same time we alerted High Peak Borough Council and Derbyshire County Council to our concerns.

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(a) Impact of Covid pandemic on 2020 consultation with local community

Highways England has held three public consultations on road building in the area - a non statutory consultation in 2017¹ and two statutory consultations in 2018² and 2020³. (The scheme went under the name of the Trans-Pennine Upgrade until 2020 when it became the A57 Link Roads.) The 2018 statutory consultation was conducted under normal conditions. We have compared the 2018 and 2020 statutory consultations in order to show that Highways England did little to mitigate the impacts of the lockdown.

The 2020 consultation was launched the day the country went into a national lockdown in order to cope with the Covid 19 pandemic⁴ which continued throughout the consultation. People had to stay at home and only leave it for specific purposes (which did not include consultation on a major infrastructure project), keep a social distance of 2 metres and wear a face mask outside the home; meetings indoors were not allowed unless they were part of your household. All non-essential retail and indoor leisure outlets closed and everyone was asked to work from home if at all possible.

In the 2020 SoCC, page 3, Highways England's *'approach reflects a number of factors of particular relevance both to COVID-19 and the project:*

- *The considerable elderly population in the consultation area, requiring a mix of online and offline engagement options*
- *People who do not have access to cars and who therefore rely on public transport, cycling or walking*
- *People who are unable, or choose not, to leave the house due to the pandemic*
- *Key workers, and those who are not able to work from home during the pandemic*
- *People who do not have access to the internet or are less internet literate*

¹ Trans Pennine Upgrade Programme Non statutory Consultation Report Oct 2017.
<https://highwaysengland.citizenspace.com/he/trans-pennine-upgrade-programme/> The 2017 event was preceded by a small public awareness in Hollingworth and Tankersley in 2016.

² <https://highwaysengland.citizenspace.com/he/trans-pennine-upgrade/>

³ <https://highwaysengland.co.uk/our-work/north-west/a57-link-roads/#overview>

⁴ <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/government-confirmedall-rules-second-lockdown-19203215>

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- *People who have lower literacy levels, or for whom English is not their first language*
- *People who require the consultation materials in an alternative format’.*

The 2020 SoCC then states ‘*The following mitigation efforts have been prepared to reduce these concerns, as far as possible’ (our comments in red):*

- *‘Holding a six-week consultation period, rather than the minimum 28 days required’ - The 2020 consultation was the same length - 6 weeks - as the 2018 statutory consultation which explained that ‘We want to make sure that the local community, residents, local interest groups, businesses, visitors and road users, have the opportunity to fully understand the scheme and comment on our proposals’ (SoCC 2018 para 12⁵). Therefore no mitigation appears to have been delivered.*
- *‘Posting the consultation brochure and response form to a wide area to ensure that local residents who don’t have access to the web page receive a copy’ - For the 2018 statutory consultation a public consultation leaflet and details of the planned exhibitions were delivered to homes and businesses in the consultation zone seven days before the start of the consultation period. Consultation brochures were sent directly to residential and commercial properties in close proximity to the scheme⁶. The 2020 SoCC identifies the consultation zone in which the Brochure and feedback form were delivered to all homes and businesses. Padfield and Old Glossop residents were excluded from the consultation zone for both statutory consultations. Both these communities would use the same roads to exit Glossopdale as the adjacent Hadfield and Glossop communities, and should therefore have been included in the ‘wide area’. In addition, communities such as Matley and those further north alongside the A6108 towards Stalybridge were excluded, inappropriately in our view, given the known interaction of traffic on this road with that on the A57 and A57T, and the change in planned infrastructure at Roe Cross⁷. The consultation materials can hardly have been distributed to a ‘wide’ area, given these settlements are less than a mile from the scheme. Highway’s England’s response to this concern was⁸ ‘Although hard-copy brochures*

⁵ Trans Pennine Upgrade Public Consultation Report 2018

⁶ Trans Pennine Upgrade Public Consultation Report 2018 - no numbers given

⁷ The omission of the Stalybridge communities does not fulfil para 74, Planning Act 2008: Guidance on the Preapplication Process, 2015 ‘Where a proposed application changes to such a large degree that the proposals could be considered a new application ... applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient information to enable them to understand the nature of the change and any likely significant impacts...’

⁸ Email to CPRE PDSY 24 November 2020

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and questionnaires have only been distributed to the residents and businesses who are likely to be directly affected by the scheme both during construction and in operation, as I said above, the consultation has been widely publicised and we would be delighted to hear from anyone with a view about the proposed scheme changes'. This response is far from satisfactory and does not address the issue of how people can engage without access to the internet. Given the inability for people to attend a physical event, more provision should have been made to distribute hard copies of the materials to all nearby local communities and those further east alongside the trunk road to the M1.

- *'Encouraging people to go online to view all our material' - all 3 consultations encouraged people to view the consultation material on line, so this approach provided no additional benefit to what had previously been provided, and disadvantaged those without access to the internet.*
- *'Replacing face-to-face events with online webinars featuring question and answer sessions and also telephone events where people can speak to a member of the project team, to support people without internet/computer literacy' - the online webinars were not interactive; the audience were invited to submit questions but not to ask them or allowed to interact with the Highways England team (see below). In 2018 there were six public exhibitions which 'gave people an opportunity to view the proposals, talk to the project team and provide comments'⁹. The webinars did not meet the needs of people without access to the internet or who are less internet literate. Engaging with Highways England by phone was offered for all 3 consultations so this was not an additional compensatory provision.*
- *'A flythrough video showing the proposed scheme and promoting the consultation' - a flyover over video was available with the 2017 and 2018 consultations.*
- *'Sending people free hard copies of the consultation brochure and response form on request' - the least that could be done when Highways England expected people to view hard copies of documents in small local retail outlets (post offices) totally unsuitable for reading them. Only 3 of the 4 retail outlets listed in the SoCC were available - Bradbury Community House was closed throughout the consultation. This compares poorly with the 2018 statutory consultation when materials were deposited and available to view at 7 locations in Tameside, 7*

⁹ Trans Pennine Upgrade Public Consultation Report 2018 2.3.5
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locations in Derbyshire, 4 locations in Barnsley and one location in Sheffield¹⁰. These included libraries, community centres and local authority offices¹¹, more appropriate places to read hundreds of pages of technical information.

- *‘Offering alternative language and format versions of the consultation materials on request’* - the least that is required if hard to reach communities are to be engaged in a consultation.
- *‘Frequently Asked Questions available online and sent out with the consultation materials’* - It was not sent out with the brochure to the recipients with whom we spoke. This promise to send out FAQ with the consultation materials conflicts with the table on page 7 of the SoCC, which makes no such promise.
- *‘Engaging with the departments who deal with equalities matters at Tameside Metropolitan Borough Council, Derbyshire County Council and High Peak Borough Council to inform the consultation approach’*.

Local residents expressed their concerns about the consultation continuing during the lockdown through the media¹², to local councillors and through Highways England’s webinars. Highways England responded that it wanted to avoid any delays, and is following best practice, as endorsed by the Consultation Institute¹³.

High Peak Borough Council’s response¹⁴ to our email of concern is as follows:
‘Subsequent to your email we have engaged directly with Highways England on the concerns about the timing of the consultation exercise and whether it should be postponed or extended. However, we did not get much traction as they pointed out that the current consultation period is already longer than the statutory period. In terms of the consultation area, they have been taking extra action in the omitted areas to raise awareness although they will not be extending the area for distribution of flyers. Apparently, Cllr Ollie Cross has been liaising with them directly on this issue in relation to his ward. I am told we will get a written reply to these concerns.’

¹⁰ Online information re consultation and in 2018 SoCC 2018 para 15

¹¹ As required by para 57, Planning Act 2008: Guidance on the Preapplication Process, 2015

¹² Tameside Reporter 12 Nov 2020 Letters page 18 <https://www.questmedianetwork.co.uk/november-2020-newspaper-archive/>;
<https://www.questmedianetwork.co.uk/news/tameside-reporter/what-concerns-local-people-about-the-current-mottram-bypass-plans/>

¹³ <https://www.consultationinstitute.org/services/consultation-reset-service/>

¹⁴ Email from Neil Rodgers, Executive Director Place, 17th November 2020

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Highways England made no special arrangements for the consultation during the Covid-19 pandemic except organising 3 webinars. It also expected people to view hard copies of documents in cramped local retail outlets totally unsuitable for reading them, with one of the 4 venues closed throughout the lockdown. We believe that Highways England grossly underestimated the impact of Covid on people's ability to engage. Not only were people trying to cope with existing under the Covid restrictions, but they were also not able to meet and discuss the proposals. Contact was fleeting from 2metres distance and wearing a mask, in fear of catching the virus and with other more pressing concerns to worry about. Local communities were denied the opportunity for informal discussion between neighbours and friends, and for public meetings and exhibitions where they could ask questions, hear the views of others, and scrutinise large scale maps and plans. Webinars, which did not allow deliberation, debate or rational discussion with the audience, and individual phone calls are no substitute for any of these. This is a highly controversial scheme which, in Highways England's own words, has been under development for 50 years. To promote understanding of what is proposed, consultation should have been delayed allowing everyone to engage through face to face meetings, exhibitions and informal community discussion.

(b) Confusion as to what scheme was being consulted upon

At a meeting with PINS on 2 February 2021 'the Applicant explained that a number of the responses received comprising objections to the proposed scheme had been focused upon an incorrect assumption that the scheme formed part of a larger programme of work across the Pennines. The Applicant clarified that the emerging application was for a discrete, committed scheme with discrete objectives associated with the network at Mottram. It was not associated with any wider programme of development of the Strategic Road Network in the region'.

We also understand that some people were unaware that the proposal did not include a bypass of Hollingworth and Tintwistle.

In all 3 consultations the information surrounding the scheme has always referred to the Trans-Pennine Route between Manchester and Sheffield. Thus, the objectives of the scheme, as presented in the PEIR Vol 1 para 2.2.1 for the statutory consultation in November 2020, were:

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- Connectivity - by reducing congestion and improving the reliability of people's journeys through Mottram in Longendale, Hollingworth and Tintwistle and also between the Manchester and Sheffield city regions.
- Environmental - by improving air quality and reducing noise levels in certain areas, through reduced congestion and removal of traffic from residential areas. The scheme is also being designed to avoid unacceptable impacts on the natural environment and landscape in the Peak District National Park.
- Societal - by re-connecting local communities along the Trans-Pennine route.

The objectives in the PEIR Vol 1 are not 'discrete' (as claimed by Highways England), embrace the entire route between Manchester and Sheffield, refer to Hollingworth, Tintwistle and the National Park, and suggest a broad geographical remit. The first sentence explaining the 2020 scheme in its SoCC page 2 and repeated on page 3, and also in the Brochure page 3, continues this broad remit; *'We've developed a project to improve journeys between Manchester and Sheffield, as this route currently suffers from heavy congestion which creates unreliable journeys.'* The diagram Extent of Trans-Pennine Upgrade in the 2020 Brochure identifies the Trans-Pennine Route between M67 Manchester and M1 South Yorkshire.

Announcements in the media would also have fuelled this confusion. The Secretary of State for Transport, Grant Shapps (the decision maker for the scheme) in a video on the local MP's facebook page¹⁵ on the day the consultation opened promised *'This investment will cut journey times, lower pollution and keep traffic away from rural villages. It will also improve connectivity between two key northern cities: Sheffield & Manchester.'* The only rural village from which traffic would be kept away would be Mottram. Anyone hearing the plural villages could have been misled into believing the scheme also kept traffic away from Hollingworth and Tintwistle. The local press repeatedly started articles with the line that the A57 and A628 between Manchester and Sheffield currently suffer from heavy congestion, creating unreliable journeys. Local MPs identified that the scheme would form part of a bigger scheme in the future, as did the 2017 and 2018 brochures. It is therefore hardly surprising that people may have been confused about what exactly was being proposed between Manchester and Sheffield. It is quite disingenuous for Highways England to suggest

¹⁵ <https://www.facebook.com/watch/?v=363662251513484>

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that those opposed were confused when many of those in favour may also have been confused.

(c) Lack of information to make an informed assessment of the impact of the scheme

(i) Lack of information about impacts on Hollingworth and Tintwistle

The most serious omission from all documentation was the impacts of the scheme on Hollingworth and Tintwistle. The 2017 and 2018 consultations raised key concerns around these two villages. In 2017 a large number of respondents argued that the plans are inadequate because they do not bypass Hollingworth and Tintwistle and therefore do not properly address the problem¹⁶. Analysis of the 802 responses showed clear support for measures to improve key routes such as the A57T and A628T, with the aim of relieving traffic through the villages of Hollingworth and Tintwistle. This was reflected in overwhelming support for a bypass around the villages of Hollingworth and Tintwistle.

A key concern raised during the 2018 consultation¹⁷, that Highways England declared it *'is unable to resolve'*¹⁸, was that Hollingworth and Tintwistle are not part of the solution. *'The current proposed scheme would introduce measures to alleviate the issues currently being encountered in the Mottram area. Additional studies have been highlighted by Transport for the North to enhance the future connectivity between Manchester and Sheffield that will look to address the issue in the adjacent villages. There is no commitment to any other scheme at this time. An update to the Roads Investment Strategy RIS is expected early 2020'*.

Impacts of the scheme on Hollingworth and Tintwistle were raised again during the 2020 consultation through the webinars. Examples of posts on the webinar chats include: *'If one of the benefits of this scheme is to improve Manchester-Sheffield journeys, then why isn't it clear about what that benefit will be? Where is the analysis of how much time will be saved with the new roads, at different times of day/ on different days of the week? And what will be the cost of this, in terms of road safety for Hollingworth and Tintwistle?'*

¹⁶Trans Pennine Upgrade Programme Non statutory Consultation Report Oct 2017 4.10.3

¹⁷ Trans Pennine Upgrade Report 2018 4.2.1

¹⁸ Trans Pennine Upgrade Report 2018 4.2.1

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'I found the answer to the question on A628 flows very unsatisfactory. It looked like a game of pass the parcel between the respondents. I don't think you can hide behind the brief you were given, you must have figures on the impact for Hollingworth and Tintwistle'.

Highways England refused to engage with questions on solutions or a bypass extension for Hollingworth and Tintwistle, stating that the scheme for wider relief is still an early concept design stage. Given that traffic along the entire Trans-Pennine route will be affected by the scheme this is a serious oversight.

(ii) Lack of information to inform responses

As noted above this is the second statutory consultation on the scheme. The first statutory consultation in March 2018 consultation was also inadequate¹⁹ in that there was little information as to the impacts of the scheme on the environment or the community. As a result High Peak Borough Council, Derbyshire County Council and the Peak District National Park Authority all submitted holding objections.

In that context the 2020 consultation (SoCC p4) states that *'this consultation will focus on changes to the A57 Link Roads scheme since the last public consultation in 2018:*

- *Improvements to the design*
- ***Extra information we now have about anticipated environmental impacts.***
(our emphasis)

We are carrying out an Environmental Impact Assessment for the scheme and we're publishing a Preliminary Environmental Information Report which will be made available online as part of the consultation material to assist well-informed responses to the consultation. There will also be specific questions referring to it in the feedback form.

The report will provide information about the potential environmental effects of the scheme, including updates on air quality and noise and the measures proposed to reduce those effects. Possible mitigation measures include replacement planting,

¹⁹ We brought this to the attention of the Planning Inspectorate and relevant local authorities by letter dated 11th March 2018
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archaeological works, mammal crossings, landform design and water treatment measures.

Additional information about the scheme, including detailed maps/plans and information about associated benefits, will be included in our public consultation brochure and online on the project web page.’ (emphasis added)

On the SoCC p5 Highways England then states *‘Following the consultation in 2018, we’ve improved our designs taking these issues into account and we also have more information about key environmental impacts including air quality, noise and traffic. (our emphasis) We’d like your views on these changes, before we submit our DCO application to the Planning Inspectorate.’* Seven months before the consultation started Highways England had made a similar promise to us in an email of 23 March 2020 to supply air quality, noise and traffic flow data to the public engagement exercise²⁰.

As for the 2018 statutory consultation, the 2020 Preliminary Environmental Information Report (PEIR) appeared to be work in progress. Apart from baseline information regarding noise and air pollution, the 2020 PEIR added little to the PEIR accompanying the 2018 consultation. There was no transport assessment or traffic modelling results, and the full appraisal of the impacts of the scheme on cultural heritage, landscape, biodiversity, noise and vibration, air quality, carbon emissions, and road drainage and the water environment are missing. The PEIR Nontechnical Summary states that all of the environment surveys and assessments are still ongoing, the results of which will be detailed in the Environmental Statement. Neither the public nor the statutory consultees had the information available to them to make the

²⁰ Thank you for your email dated 19 February 2020 regarding the article about the Trans Pennine Upgrade in the Manchester Evening News.... Works continue to develop the plans for the A57 Link Roads scheme and we are currently looking to appoint a new supplier, that will act as both designer and constructor for the scheme. As part of their onboarding process the supplier is currently reviewing the previous works presented to the public in at the statutory consultation event in early 2018. Some minor changes to the scheme are proposed and these are being assessed by Development Consent Order (DCO) advisors and Legal teams to determine if a statutory consultation is required, prior to the submission of a DCO application later this year.

However, 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.

Kind regards
Ryan Rawson
Regional Investment Programme (RIP) North
Assistant Project Manager

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'well-informed responses' Highways England posits in the SoCC. Traffic flow data is essential to understand the impacts of the scheme on all aspects of the environment. Except for a handful of percentage increases in traffic flows mentioned in Table 11-13 of the PEIR there is no information about traffic as promised in the SoCC.

Derbyshire County Council, High Peak Borough Council and the Peak District National Park Authority all submitted holding objections (as they did to the 2018 consultation) based on lack of information in the PEIR and the absence of any traffic modelling or transport assessment. In our view it seems totally 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 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.

The public were similarly concerned about the lack of information. At all 3 webinars a number of people asked for the traffic modelling, for example, a post on the webinar chats: *This is a farce! Is it correct that when the public consultation is finished, then you will have the traffic modelling figures. How are you going to inform the public?* Highways England responded that it is unable to make the modelling available as it is a preliminary assessment. If it is that preliminary how could they be consulting on a designed scheme?

(iii) Omissions from the Brochure

The glossy Brochure distributed in hard copy to all homes within the consultation zone is likely to have been the only document that most people sourced for information. The Brochure (pp19-21) identified that the potential environmental impacts were for the future - '*we'll assess the impacts*' - but Highways England claimed to have already reduced '*the environmental impact of the new road.*'

The impression is given that additional information (to that in the PEIR) would be supplied in the Brochure which in fact supplied less information. The Brochure has a simplistic and different version of the objectives compared to those presented in the PEIR Vol 1 para 2.2.1²¹. There was no mention of greenhouse gas emissions (which

²¹

- Reduce congestion and improve the reliability of people's journeys - through Mottram in Longendale and between Manchester and Sheffield

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would increase during construction and operation of the scheme, PEIR NTS 11.2.1), despite local authorities in the area having declared a climate emergency and many local people being concerned about addressing this. There was no mention in the Brochure of impacts on population and human health, on road drainage and water environment, and of the cumulative impacts, all of which appear in the PEIR NTS. The AQMA along the A628/A616 through Langsett was not mentioned in any documentation, as *'the A616 through Langsett is not one of the roads where we anticipate noteworthy traffic changes due to the scheme²²'*. Thus Highways England is relying on interim traffic flow data to exclude the Langsett AQMA, but at the same time it anticipates that scheme *'refinements will lead to some reassignments effects'*.

The Brochure also gave misleading information. With respect to air quality, it stated that there would not be any significant adverse effects from the scheme, for people, designated ecological sites, or in any of the AQMAs. The PEIR, Vol 1, 5.6.8 found in the opening year there are expected to still be exceedances of the annual mean NO₂ AQS objective at 33 receptors, leaving residents to endure illegal air pollution. The flyover video was unrealistic and could have misled people as to the impacts of the scheme. At the Mottram Moor new junction, where traffic flows pre-Covid and for the last 15 years have been ~33,000 vehicles per day, about 10 vehicles were shown and gave a misleading impression of the scheme in operation. The failure to supply information about the impacts of the scheme will have resulted in uninformed and potentially misled responses.

On 24th November 2020, following technical difficulties in liaising with Highways England via Microsoft Teams, we emailed a list of questions to address the lack of information. We received a reply on 16th December, the day before the consultation closed, that was unsatisfactory.

-
- Reduce noise levels and pollution for neighbouring properties - by reducing the amount of traffic from the existing A57 through Mottram in Longdendale
 - Re-connect local communities and create better conditions for pedestrians, cyclists and equestrians - in Mottram in Longdendale
 - Reduce delays and queues that impact the community - affecting residents, businesses and public transport in the area

²² Email to CPRE PDSY 16th December 2020

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2. Outcome of the scheme was predetermined

We believe that the result of the consultation was pre-empted by a public statement made by the decision maker for the scheme, the Secretary of State for Transport Grant Shapps. In a minute long video on Robert Langan MP's facebook²³ on the day the consultation opened, November 5th 2020, the Secretary of State talked about the scheme as if it was already determined. The full text of what he said is below - the emphasis is ours.

'We're working harder than ever to level up infrastructure and deliver for the Northern Powerhouse ready for us to build back better from this pandemic. And that's why I'm pleased to announce the next stage in the £228million Mottram Bypass. Now this investment will cut journey times, lower pollution and keep traffic away from rural villages. It will also improve connectivity between two key northern cities: Sheffield & Manchester.'

Now my colleague Robert Langan MP has relentlessly campaigned for this scheme, in fact Rob is an excellent local champion.

This project will lower congestion through Mottram, Stalybridge and High Peak - and it will help improve air quality too. The new route will assist drivers, residents and as well as businesses who use this key road every single day.

So I'd like to encourage everyone to have their say on this road's future and I look forward to seeing those plans progress.'

The use of 'will', as opposed to would, indicates a strong intention or assertion about the future and that it is inevitable the scheme will go ahead. The Secretary of State is also 'looking forward to seeing those plans progress'. He was not looking forward as to how they might progress. The Gunning Principles require that 'consultation must take place when the proposal is still at a formative stage'. Where decision-makers are called upon to talk about a proposal before the formal decision is made (e.g. public meetings to discuss the proposal; correspondence with constituents) they are advised to use more nuanced language (e.g. talk about 'if' the scheme goes ahead).

²³ <https://www.facebook.com/watch/?v=363662251513484>

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3. Gunning principles have not been met

The Gunning principles²⁴ define that a consultation is only legitimate when four principles (in bold below) are met. Taking all the issues we have explored above we believe that the Gunning principles have not been met, as follows.

1. The proposals are still at a formative stage - As described above, in a video the decision-maker the Secretary of State for Transport appeared to predetermine the final decision on the scheme. The decision-maker cannot consult on a decision that it has already made. Otherwise, consultation is not only unfair - the outcome has been pre-determined - but it is pointless.

2. 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. In Highways England own words some consultees were confused and misled. We have shown above that the objectives of the scheme, the poverty of information about the impacts of the scheme, the information available in the brochure and public pronouncements made during the consultation about the future of the scheme could have had the effect of precluding an 'informed and intelligent response' to the disadvantage of a party that may be affected by the decision. That Derbyshire County Council, High Peak Borough Council and the Peak District National Park Authority submitted holding objections supports this view.

3. There is adequate time for consideration and response - There must be sufficient opportunity for consultees to participate in the consultation. Highways England allowed 6 weeks for a 2018 statutory consultation under normal conditions. It used the same time period for a statutory consultation under the most difficult conditions created by a pandemic and when there was no urgency to proceed.

4. 'Conscientious consideration' must be given to the consultation responses before a decision is made - Decision-makers should be able to provide evidence that they took consultation responses into account. The consultation report for 2020 has yet to be published but the fact that solutions for Hollingworth and Tintwistle were

²⁴ <https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>
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raised repeatedly through the 2017 non-statutory and the 2018 and 2020 statutory consultations, and no specific measures for these villages have been proposed, suggests these concerns were, and still are being, ignored. Equally damning is the fact that for the second statutory consultation, as for the first, Derbyshire County Council, High Peak Borough Council and the Peak District National Park Authority all submitted holding objections, based on similar grounds in both instances. This suggests that Highways England did not do 'what is right' and address those concerns before re-consulting.

4. Conclusion

We have compared the 2020 statutory consultation for the A57 Link Roads to the previous 2018 statutory consultation and found it was similar. Our assessment shows how little was done to mitigate for the restrictions of the Covid pandemic (despite Highways England's assurances and claims). Hence, many people may well have been denied the chance to engage. There was also little information from which to make an informed response to the potential impacts of the scheme, and some information was misleading. Amongst those who did respond there was confusion over what was being consulted on. Even if Highways England had produced an exemplary engagement process, they cannot claim to have consulted when they did not give people the information required to make an informed response. Finally on the day the consultation commenced the decision-maker appeared to pre-empt the decision on the scheme.

For all the above reasons we believe that the 2020 statutory consultation on the A57 Link Roads with the local communities did not fulfil the SoCC and did not meet the Gunning principles. We urge PINS to reject the application for a DCO.

Yours sincerely,

Anne Robinson
Campaigner

President: Dame Fiona Reynolds

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