



Response to:

**The Examining Authority's second
round of questions and other
comments**

for

**A428 Black Cat to Caxton Gibbet
Improvement Scheme Examination 2021**

1 Introduction

1.1 The Examining Authority has asked the following question Q2.4.1.1

Assessment of effects

The ES states that the Proposed Development will produce 208,380 tCO₂e during construction [APP-083, Table 14-9] with an increase of approximately 3,313,499 tonnes in emissions of CO₂ associated with the affected road network over the 60 year appraisal period [APP-254, Paragraph 4.4.7]. The ES concludes that this will have no significant effects on Climate either during construction or operation [APP-083] [APP-085].

- a) Applicant, indicate what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects.*
- b) Applicant, how do the forecast levels of CO₂ emissions compare to other RIS1 or RIS2 road schemes?*
- c) Applicant, provide a comparison between the Proposed Development and other road scheme(s) where the carbon emissions have been assessed to have significant effects.*
- d) Applicant, how would the expected CO₂ emissions from the Proposed Development be mitigated from 2050 when the UK is committed to becoming carbon neutral [APP-083, Paragraph 14.2.4]? Explain how any uncertainties in terms of national mitigation measures linked to carbon budgets are assessed.*
- e) TAN, at ISH3 [EV-047] you drew a parallel between the assessment and significance of effect of the Proposed Development on the historic environment, and the effect of carbon emissions from the Proposed Development on climate change. What evidence can you provide to the ExA to demonstrate that there is an accepted and appropriate way of drawing a parallel between the assessment methodology and significance of effects between historic environment (or any other receiving environment) and carbon emissions. Make reference to NPS NN, EIA regulations 2017 or any other Government legislation, policy document, and industry guidance and best practice.*
- f) Applicant, what are the commuting routes that would inform consumer user benefits for the Proposed Development?*
- g) Applicant, what are the implications of the cancellation of the Oxford Cambridge Expressway in March 2021 on the Proposed Development. Is any of the evidence that informed the decision to cancel the Oxford Cambridge Expressway relevant to the evidence supporting the need for the Proposed Development?*

1.2 TAN will focus on responding to part e) but will also comment on National Highways responses to the other parts of the question and on construction emissions.

2 Is there an accepted and appropriate way of drawing parallels between different impact assessments?

- 2.1 The answer to this question (Q2.4.1.1e) is that there is not an accepted way, as far as we are aware, of comparing impact assessments of different environmental or other factors. This is not normally something that is done as each feature is assessed on its own merits, relative to the environment it exists in. The point we were making by doing this was to highlight that the impact of carbon emissions is being treated uniquely compared to any other environmental or heritage asset. No other environmental factor, or indeed social or economic factor, is treated in this way and this would appear to be perverse. This is even more so in the current environment post COP26 and the declaration by Parliament of a climate emergency.
- 2.2 As we have already stated [REP1-097], the economic benefits deriving from the scheme, when compared to GDP, come out at a smaller percentage than to the scheme's carbon emissions compared to the UK's carbon budgets. This would suggest that the carbon impacts are more damaging than the economic benefits are beneficial. Assessing money and finance in this way is perhaps more appropriate as money, like carbon emissions, isn't necessarily tied to a specific geography.

3 Failure to produce a proper assessment of carbon emissions

- 3.1 As we flagged up in [REP4-073] guidance on EIR addresses the problematic nature of assessing climate change impacts at a global level and the need to assess carbon emissions against local and regional targets. Yet National Highways appear blind to this guidance and the need to do a proper and full EIR. This needs to happen regardless of the ridiculous carbon test set in the NPSNN.
- 3.2 Paragraph 4.15:

*“The Directive specifically requires an environmental impact assessment to identify, describe and assess effects on human beings, fauna and flora, soil, water, air, **climate**, the landscape, material assets and cultural heritage, and the interaction between them. Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 sets out the information that should be included in the environmental statement including **a description of the likely significant effects of the proposed project on the environment, covering the direct effects***

and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects.”
[our emphasis]

3.3 In paragraph 5.17 states:

*“Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely **significant climate factors** in accordance with the requirements in the EIA directive.”* [our emphasis]

3.4 The EIA guidance also has a specific section on climate change mitigation¹ which states:

“The assessment should take relevant greenhouse gas reduction targets at the national, regional, and local levels into account, where available.”

3.5 Slightly more detail was given in earlier EIA guidance² which states:

“The complexity of climate change and biodiversity should not deter you from analysing direct and indirect impacts the proposed project could have on trends in key issues.”

and

*“Judging an impact’s magnitude and significance must be context-specific. For an individual project — e.g. a road project — **the contribution to GHGs may be insignificant on the global scale, but may well be significant on the local/regional scale**, in terms of its contribution to set GHG-reduction targets.”*
[our emphasis]

3.6 National Highways have failed to provide any assessments as to how the new road’s emissions will impact on any local and regional targets. They have only estimated some of the carbon emissions linked to the new road and then only assessed these against totals at a UK level. The EIR guidance clearly states that they should do more than this, but this aspect of the assessment is completely missing.

¹ Paragraph 1.3.2, page 39, Environmental Impact Assessment of Projects: Guidance on the preparation of the Environmental Impact Assessment Report – European Union, 2017

² Paragraph 4.4.2, page 40, Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment – European Union, 2013

4 Comment on National Highways' responses to Q2.4.1.1

- 4.1 The applicant's response to Q2.4.1.1a [REP4-037] is confusingly presented but relies on ignoring EIR guidance which sets out issues around significance and the need to assess at a local and regional level (see paragraphs 3.5 above and in REP4-073). National Highways relies on DMRB guidance LA114 which was published in October 2019 to defend its position. However, LA114 was written to conform to the NPSNN which has now been determined to be in need of review³, especially with regards to climate change and need. Neither conforms to EIR guidance and predetermines what "significant" represents, in an apparent attempt to remove the ability to properly assess a scheme's carbon in its full context.
- 4.2 As National Highways has failed to produce an Environmental Statement (ES) in line with EIR guidance, it is unable to answer Q2.4.1.1c satisfactorily. It avoids assessing local and regional impacts, relying on comparing the emissions of new roads to UK carbon budgets to be able to dismiss them as inconsequential. So, it is not surprising it can list no other schemes where carbon impacts have been deemed significant.
- 4.3 National Highways' response to Q2.4.1.1g about the cancellation of the Oxford to Cambridge Expressway states that this was based on value for money reasons. As the value of carbon was updated by BEIS in September 2021⁴ and the Government wants analysts *"to account for these values in all relevant scheme analysis at the earliest opportunity"*, these new values should be used to update the scheme's economic calculations. Given that the rises in the value of carbon are quite substantial and the scheme's carbon emissions are particularly large, the scheme's financial assessment could be significantly impacted upon. We recommend the ExA ask the Applicant to resubmit its economic appraisal for the scheme, using the new carbon values, with an adjusted BCR.

5 Comment on construction emissions

- 5.1 National Highways has produced a spreadsheet with updated values for land use change and clearance [REP4-048]. This is helpful to see more of the detail behind the negative 13,061 tCO₂e being the new total for land use change and clearance. However, this is slightly misleading because it hides the significant impact that the scheme will have in the 3rd or 4th carbon budgets. That's because 17,553 tCO₂e will be released into the atmosphere when the land is cleared and with land use change. This will happen during construction and needs to be included then and not hidden by

³ Announced in Decarbonising Transport: A Better, Greener Britain – DfT, July 2021

⁴ DfT announcement, updated 11 October, 2021

carbon gains that are expected to happen over the 60 year lifetime of the project. In any event, it is unlikely that there will be significant carbon sequestration for quite some time, particularly for woodland, which could take 10 years or more to really start to capture carbon in any significant quantity. We raised this issue in REP1-097. It represents further carbon emissions that will impact on local and regional targets in the early stages of the project that are currently being both hidden and ignored.

- 5.2 It is also worth noting that this calculation is likely an underestimate as it assumes no soil loss [REP4-042]. This may be true, but soil movement releases carbon and so even if the soil is not lost, carbon is likely to be lost due to the disturbance. This is as true for planting as it is for removal of habitat.
- 5.3 Therefore, the construction emissions as stated in REP4-042 should be recalculated as follows: the amount removed for sequestration should be added back onto the construction emissions total as this carbon capture won't happen during the construction period. Then the amount NH calculate will be lost due to land clearance and land use change should also be included. This gives a new total of at least 201,170 + 13,061 (amount taken off for sequestration over 60 year period) + 17,553 (amount of CO₂e lost due to clearance and land use change during construction) = 231,784 tonnes CO₂e lost, or emitted, during construction. This is the short-term loss of carbon that will happen during the 3rd or 4th carbon budgets (depending when construction starts) and is some 15% higher than acknowledged by NH. Even then this is likely to be an underestimate.
- 5.4 National Highways claim [REP3-007] that the method they have used does not allow them to cater for any temporal aspects of land use change, but as we have demonstrated above, it is perfectly possible to at least assess emissions associated with construction in a more realistic way.

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Transport Action Network provides free support to people and groups pressing for more sustainable transport in their area and opposing cuts to bus services, damaging road schemes and large unsustainable developments

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