

From: [Chris Todd](#)
To: [A428 Black Cat](#)
Subject: Submission in response to SoS letter dated 28 July, 2022
Date: 09 August 2022 13:42:07
Attachments: [TAN response for supplementary consultation 28 July - A428 Black Cat to Caxton Gibbet - FINAL.pdf](#)

Dear Madam / Sir,

Please find attached our submission in response to SoS's letter dated 28 July, 2022. Please acknowledge receipt of this email.

Kind regards,

Chris Todd
Director
Transport Action Network
providing grassroots support



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Submission for:

**Secretary of State's supplementary
consultation of 28th July 2022**

for

**A428 Black Cat to Caxton Gibbet Road
Improvement Scheme**

1 Introduction

- 1.1 The Secretary of State in his letter of 28 July, 2022 requested comments from Interested Parties on the Applicant's response and further update to the Secretary of State's consultation letter of 13 July, 2022. This submission responds to that request and comments on the Applicant's response as well as highlighting new information that should be taken into consideration, not least as it substantially undermines the case for the new road.

2 Construction and sequestered carbon emissions

- 2.1. In Table 2 (page 6) of the Applicant's Response¹ it is stated that the land clearance emissions are now 11,412 tCO₂e. However, during the Examination, National Highways produced a spreadsheet with updated values for land use change and clearance [REP4-048]. In this, the total loss during construction was 17,533 tCO₂e. Without any explanation, or evidence, this value has been dramatically reduced. This is simply not credible and the Applicant should provide the reasoning for this apparent significant change.
- 2.2 The Applicant says that its approach to assessing its emissions is conservative as it will take many years for some of the vegetation lost to find its way back into the atmosphere. However, that assumes this vegetation is just left to decompose in perfect aerobic conditions. It ignores the fact that when vegetation decomposes in imperfect, anaerobic conditions, it produces methane, which is a far more potent greenhouse gas than carbon dioxide. Therefore, there is no evidence to support the Applicant's assertion that its estimates are conservative, especially when they have suddenly been reduced from what was presented at the Examination.
- 2.3 It should be noted that in any case, this land clearance figure did not include carbon lost due to soil disturbance.
- 2.4 As a point of information, it should be noted that Table 2 has incorrect percentages as these haven't been updated, aside from the land clearance value, to reflect the revised values in the table.

3 Cumulative emissions

- 3.1 The Applicant still has not, as far as we are aware, provided a cumulative assessment of the carbon emissions for this scheme alongside other developments happening around the same time. This means that its Environmental Statement still does not conform to the

¹ 9.129 Applicant's Responses to the Secretary of State's Consultation Letter dated 13 July 2022, National Highways

Environmental Impact Regulations. It is not sufficient to state that its assessment is inherently cumulative. While it is a cumulative total, it is not a cumulative assessment of the impact that all these changes would have together on the existing environment. That requires all the changes to be totalled together and that total then compared to the existing levels of carbon emissions. As the Applicant has been asked to comment on issues relating to carbon impacts and timing, it would have been the perfect opportunity to address this issue.

4 Significance of carbon emissions

4.1 The Applicant's response to issue 1 in Table 1-1 states that the different construction and opening dates does not "affect the conclusion on significance". We would like to reiterate that the Applicant is not following EIA guidelines as we have previously outlined, nor has it produced any reasons why it is not following this advice.² In addition, the Applicant also ignores the IEMA guidance when making its assessments of significance for carbon emissions, but instead follows guidance written by itself. We highlighted this in our submission for Deadline 6 – expansion on Issue Specific Hearing 4 appearance (14 December 2021) which for some reason doesn't appear to be in the Examination library, although it is on the website.

4.2 Since then, IEMA has issued updated advice, but this does not alter our criticism of the Applicant on this issue. The latest advice continues to stress that any carbon emissions might be considered to be significant. It also states:

"A project that follows a 'business-as-usual' or 'do minimum' approach and is not compatible with the UK's net zero trajectory, or accepted aligned practice or area-based transition targets, results in a **significant adverse** effect."³ [their emphasis]

4.3 This road clearly falls into the business as usual category, even if there are some minor attempts to reduce construction carbon. It is not aligned with Net-Zero or indeed our international obligation to reduce emissions by 68% by 2030 as part of the UK's Nationally Determined Contribution.

5 Other issues

5.1 Since the Examination concluded on 18 February, there has been significant change at both a domestic and global level. Shortly after its conclusion, Russia invaded Ukraine and

² Deadline 4 submission: Response to the Examining Authority's request for views on the RIS2 High Court Judgement and other issues – A428 Black Cat to Caxton Gibbet Road Improvement, Section 3 - Transport Action Network, 4 November 2021 [REP4-073] and Deadline 5 submission: Responses to the Examining Authority's Second Written Questions (WQ2) and comments on the Proposed Development – A428 Black Cat to Caxton Gibbet Road Improvement, Section 3, Transport Action Network, 16 November 2021 [REP5-025]

³Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2nd edition, Section VI, page 25 - Institute of Environmental Management & Assessment (IEMA), February 2022

already high energy prices went even higher. Fuel prices at the petrol pumps have approached and remained close to £2 a litre. In addition, with population forecasts lower post Brexit, GDP projections looking ever gloomier⁴ and inflation heading for 13%. Car ownership has also fallen since Covid first started⁵. All of these factors are affecting travel demand in a way that was not envisaged when the business case for this scheme was drawn up, or indeed the traffic projections upon which it was based. Given that this is an important consideration in determining the overall benefit of the scheme, this needs to be recalculated in the light of these many substantial changes, ahead of any decision on the draft DCO.

- 5.2 Alongside these demand side pressures, the construction industry is facing even higher inflationary rises, pushing up the cost of construction projects significantly. This further undermines the benefits of any scheme.
- 5.3 In addition to all the financial pressures and changes, the High Court recently ruled on the Government's Net-Zero Strategy and found that the Government had not fully quantified how its Net-Zero Strategy would deliver net-zero. In the judgement "*considerable weight*" was given to the Climate Change Committee's (CCC) advice. In the absence of certainty around meeting net-zero and reducing emissions quickly enough, it would appear perverse to be approving carbon intensive infrastructure projects such as the A428 scheme. The Climate Emergency is not something that can be paused and action delayed while another road is built. With record temperatures in the UK and Europe, along with water shortages and drought, we can't carry on with a business as usual approach to transport projects.
- 5.4 With regards to CCC advice, it recently said in its 2022 Progress Report⁶ that:

*"Limiting traffic growth. Electric vehicles must not be the sole focus, with action also needed on demand and modal shift. The Government has made the significant step of acknowledging the need to limit traffic growth and has provided significant funding to some key areas, but it has not set a specific ambition or used all its available levers. It now needs to go further to set this aspect of the sectoral pathway in motion. **Reducing traffic is important as it can offer immediate emissions reductions while the fleet is transitioning to ZEVs, reduce the emissions associated with ZEV production, and deliver a range of ongoing co-benefits including lower congestion, better air quality, and cost savings.**" (page 114)*

- 5.5 It also said, amongst many other relevant quotes:

"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.

⁴ GDP growth in the UK economy is predicted to be 0.5% in 2023, down from 1.2% forecast in April 2022 from: GDP – International Comparisons: Key Economic Indicators – House of Commons Library, 5 August, 2022

⁵ Less is more: Changing travel in a post-pandemic society, section 1.4 - CREDS, March 2022

⁶ 2022 Progress Report to Parliament – Climate Change Committee, 29 June 2022

Both the Scottish and Welsh Governments have recently committed to no longer invest in road-building to cater for unconstrained increases in traffic volumes.” (page 140)

5.6 The CCC, in its recommendations, said the Government must:

“Set out measurable targets for the contribution that reducing car travel will play in delivering transport's Net Zero pathway.” (page 145)

5.7 Therefore, with this advice about needing to manage demand coupled with the fact that the Government isn't able to show how it can meet net-zero, the Government needs to take these concerns seriously. This affects this application as the need for less traffic, undermines the basis upon which this road has been justified. The concern is so great that the CCC is saying that the significant road building should not take place absent a fully compliant strategy.

5.8 In conclusion, there has been so much change since the case for the road was made that, that the basis for proceeding with the road needs to be fully re-evaluated. It is worth reminding the Secretary of State that England's Economic Heartland has a 5% traffic reduction target for cars that will be undermined by building this road, due to the extra traffic it will generate.

9 August 2022

Chris Todd
Director
Transport Action Network

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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