

M3 Junction 9 Improvement

Scheme Number: TR010055

8.5.1 Errata sheet - Applicant response to Written Question 14.1.10

APFP Regulations 5(2)(q)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

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Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**M3 Junction 9
Development Consent Order 2023

**8.5.1 Errata Sheet to Applicant response to Written Question
14.1.10**

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1 Introduction

- 1.1.1 This document has been submitted at Deadline 4 following a request from the Examining Authority at Issue Specific Hearing (ISH3) which took place on 08 August 2023. It was noted by the Applicant in ISH3 that the Applicant's response to **WQ 14.1.10**, to the Examining Authority's Written Questions published on 25 May 2023 was inadvertently omitted. This erratum is to provide the response to WQ 14.1.10 to the Examining Authority.
- 1.1.2 Responses to Examining Authority's Written Questions can be found in **Applicant Response to the Examining Authority's First Written Questions (ExQ1) (8.5, REP2-051)**.

2 Applicant response to Written Question 14.1.10

2.1 Policy and Need

ExQ1	Question to:	Question:
Q14.1.10	NPSNN The Applicant	<p>The Case for the Scheme [APP-154] Table 3.2 in relation to the NPSNN strategic objective to provide 'Networks which support the delivery of environmental goals and the move to a low carbon economy' refers to ES Chapter 14 (Climate Change), paragraph 14.10.16, which concludes that the scheme is not anticipated to give rise to a significant effect on climate.</p> <p>Please explain why it is considered to be a reasonable and appropriate approach to consider the increase in the magnitude of emissions from the scheme as a percentage of the UK's 4th, 5th, and 6th carbon budgets in isolation?</p>
Applicant Response		
<p>There is no legislated methodology that should be followed to assess the likely significant effects of a Scheme. The Design Manual for Roads and Bridges (DMRB) and the Institute of Environmental Management & Assessment (IEMA) guidance are both widely used to assess climate change in EIA. For a road scheme, the UK-wide industry standard methodology to use for assessments are those set out within the DMRB. National Highways follows these standards to ensure consistency in how all road Schemes are progressed and the outcomes evaluated. As a result, the assessments undertaken within Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) were undertaken in accordance with DMRB LA 114 Climate (Highways England, June 2021). The DMRB in turn follows the <i>National Policy Statement for National Networks (NPS NN)</i>. The <i>National Policy Statement for National Networks (NPS NN)</i> sets the national policy framework against which decision makers can evaluate the outcomes of proposed road infrastructure project.</p> <p><i>R (on the application of Boswell) v Secretary of State for Transport</i> [2023] EWHC 1710, considered the approach of assessing the carbon emissions across three decisions of the Secretary of State. The three decisions related to three schemes on the</p>		

A47, being the A47 Blofield to North Burlingham, A47 North Tuddenham to Easton, and the A47/A11 Thickthorn Junction. The High Court judgment considered the approach to assessing carbon emissions against the Carbon Budgets alongside IEMA guidance (IEMA, 2022) and recent caselaw. It held, at paragraph 79, that “*the decision makers chose to assess the significance of carbon emission against a national target (UK carbon budgets). Other benchmarks were considered but discounted. The benchmark for the assessment of significance was a matter of judgement for the decision maker and was not challenged before the Court. As the primary judges of fact, the views of the Planning Inspector and the Secretary of State are entitled to considerable weight (R (Bowen West) v Secretary of State (Laws LJ at §28, 29 and 30). More specific to the carbon context, the use of national carbon budgets as a benchmark for the assessment of carbon emissions has been confirmed as a lawful approach (R (GOESA) v Eastleigh Borough Council).*” The assessment undertaken within **Chapter 14 (Climate)** of the **Environment Statement (ES) (6.1, Rev 2)** follows the same approach as the A47 schemes and therefore is considered to be in accordance with the decided legal principles relating to carbon assessment.

As noted in **Paragraphs 14.5.33-35** of **Chapter 14 (Climate)** of the **Environmental Statement (ES) (6.1, Rev 2)**, the methodology is consistent with the decision-making requirements set out in paragraphs 5.17 and 5.18 of the *National Policy Statement for National Networks (NPS NN)*, including the requirement that for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government’s Carbon Budgets.