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DEADLINE D6 (incl ExQ3, and responses to responses to ExQ2)

In so far as the facts in this statement are within my knowledge, they are true. In so far as the facts in this statement are not within my direct knowledge, they are true to the best of my knowledge and belief.

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1 DEADLINE 6 SUBMISSION

- 1 This submission provides responses to materials from deadline D5.
- 2 This is a comprehensive response and covers many areas, especially those which are most important in distinguishing the differences between my position and that of the applicant. However, due to lack of time, I have not been able to respond to everything.
- 3 I currently have not been able to provide responses to the following:
 - (A) Comments on Winchester City Council's D5 material including responses to Q6.2.3, Q6.2.4, Q6.2.8, Q6.2.9, Q6.2.10, Q6.2.13.
 - (B) Comments on Hampshire County Council D5 material including responses to Q14.2.22
 - (C) Comments on the Applicant's material including its responses to Q6.2.12, Q6.2.14, Q6.2.15, Q6.2.16, Q14.2.7, Q14.2.8, Q14.2.20, Q14.2.21, Q16.2.4
 - (D) Comments on the applicant's REP5-030, section 2.5 "Climate Emergency Policy and Planning (CEPP) - Post hearings submissions including written summaries of oral cases 4 [REP4-042]".
- 4 I respectfully request to the ExA that I am permitted more time to make responses, as necessary, on the above list.
- 5 In this submission, I have also provided updates on the *Boswell* legal case, the CCC Progress report following the Prime Minister's statement of September 20th, the Government response to the CCC 2023 Progress Report and the Transport Committee report on the draft revised NNNPS. These updates follow next.
- 6 For ease, I reproduce material from the ExA in blue and from the applicant in red. Other material is reproduced in black.

2 UPDATE ON *R (Boswell) v Secretary of State for Transport [2023] EWHC 1710*

7 On October 18th 2023, Lord Justice Coulson granted permission for the case to proceed to the Court of Appeal, which could potentially overturn the Thornton J judgement, noting in his Order that the appeal court case ‘has a real prospect of success’. Coulson, LJ’s order is appended at Appendix A. I will keep the ExA and parties informed when a date for the Appeal hearing has been agreed; however, it will not be before the examination closes on 16th November 2023.

8 The applicant has commented on the legal case *R (Boswell) v Secretary of State for Transport [2023] EWHC 1710*. For example in REP4-036 “8.15 Applicant written summaries of oral case for Issue Specific Hearing 3 (ISH3)”, the Applicant writes:

“The Applicant confirmed that the assessment of the Scheme has been undertaken in accordance with the Design Manual for Roads and Bridges and the Environmental Impact Assessment Regulations. The same methodology that has been utilised as those schemes challenged by Dr Boswell previously which have now been dismissed. Therefore, the Applicant considers that it has met the legal tests required of it.”

{Emphasis added}

9 The applicant is no longer in the position to make the underlined claim on the basis on the Thornton, J judgement.

10 Further, I have raised the issue of the assessment of cumulative carbon emissions, at the heart of the *Boswell* case, from the outset of the DCO Examination. For example:

(A) my relevant representation of 13th March 2023¹ stated:

“(4) Significance of GHGs in Chapter 14 is assessed solely on “scheme-only” (DS-DM) estimates [percentage figures in Table 14.7]. This does not comply with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which require that the applicant must provide the cumulative impacts of the project and other existing and/or approved projects. The section “Cumulative assessment approach” (ES 15.3.11 and 15.3.12) does not address this issue because other locally committed development are expressed in both the DS and DM forecasts, and are subtracted out before the assessment based upon DS-DM.”

{Emphasis added}

(B) in my Written Representation (errata version August 18th 2023, [REP4-043]), I highlighted incorrect labelling of tables in Chapter 14 where some columns have been falsely labelled as “cumulative” by the applicant.

¹ As on PINS website at <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR010055/representations/51496>

(C) At the ISH3, and at the request of the ExA I updated the examination on my position on cumulative carbon assessment given the High Court judgement. I stated (in my written summary of ISH3, [REP4-042]):

“In scientific terms, I remain completely convinced that no assessment of the climate change impacts of the cumulative carbon emissions associated with the scheme has been made in Chapter 14 for the M3J9.

...

On the basis of this, my lawyers have applied (on July 28th 2023) with an arguable case for permission to appeal the Boswell judgement above.”

- 11 Lord Justice Coulson’s Order confirms that it is an arguable case.
- 12 It remains my position that categorically, there is no assessment of the climate change impact of cumulative carbon emissions in the ES. The arguments in terms of the presentation of data, and the assessment which is actually made (not a cumulative assessment) are identical in the M3J9 Environmental Statement as with the *Boswell* case. As stated in my RR, the carbon emissions from other related and locally committed development are expressed in both the DS and DM forecasts; however, these carbon emissions are subtracted out before the significance assessment which is based solely upon a carbon emissions figure based on the DS-DM subtraction.
- 13 No evidence which I have provided on the M3J9 application, except the above on there being no lawful assessment of cumulative carbon emissions, depends upon the success of my appeal.
- 14 With Lord Justice Coulson’s permission to appeal, the ExA must take note of the fact that this issue remains live and has yet to be resolved by the Courts: it now will not be resolved before the close of the examination. Further, the judgment of Thornton J cannot be relied upon to support any assertion by the applicant or any parties whilst the matter is still being resolved by the Court of Appeal.

3 UPDATE FOLLOWING NEW DATA FROM CCC

3.1 Clarification of Climate Policy Risk Assessment Data from the CCC 2023 Progress Report

- 15 In my WR [REP4-043], Table 1, I provide a “summary of relevant benchmarks”. These benchmark figures are derived from the CCC 2023 Progress Report for the surface transport and industry sectors. I realise that I previously “short-handed” my explanation of how I derived the data, and that a fuller explanation might be helpful for the ExA and parties. I provide that here.
- 16 First, I should make clear that these benchmarks have been provided, indicatively, as sources of contextual information for the two IEMA contextualisation sources “sectoral reduction strategies” [REP5-031, section 5.1] and “existing and emerging national and local policy or regulation” [REP5-031, section 5.2], as from IEMA guidance Table 1.
- 17 Further, these benchmarks are not provided as a particular form of contextualisation, which I claim to be the only viable contextualisation which is compliant with the IEMA guidance. I am merely submitting that some form of contextualisation for significance assessment is required for the EIA assessment to be IEMA compliant. I have explained why the REP4-037, Appendix A, the applicant’s purported contextualisation of the M3 J9 against the Carbon Budget Delivery Plan (CBDP) does not provide a genuine contextualised significance assessment of the scheme [REP5-031, section 6]. Also see my response below relating to ExQ2/Q6.2.7 on how the applicant has not provided any IEMA compliant significance assessment.
- 18 In this situation of no IEMA compliant significance assessment currently existing, my benchmarks are submitted as serious, but indicative, sources of contextual information. I use them for my own assessment in my previous submissions which is “Major Adverse” using an IEMA aligned process. However, the point is that for the applicant to be IEMA compliant, it is down to the applicant to provide a legitimate and IEMA compliant significance assessment and contextualisation, and it has not done so.
- 19 I now explain the source of the CEPP benchmarks. To start, and for context, I reproduce below the benchmark table from [REP4-043].
- 20 In fact, the provenance of the data was described in [REP4-043], although in a short-hand form. The data was explained in my [REP4-043] WR as being from:
- CBDP, Table 2, as stated in my Table 1 itself for these rows “Domestic Transport Residual Emissions (DTRE, CBDP, Table 2) - 5 years” [row B_2], and “Industry Residual Emissions (IRE, CBDP, Table 2) - 5 years” [row B_7];
 - and as stated in the footnotes under my [REP4-043] Table 1: data for figures in the CCC spreadsheet “Progress in reducing emissions - 2023 Report to Parliament - Charts and data” which accompanied the 2023 Progress Report and was provided at this URL: <https://www.theccc.org.uk/wp->

<content/uploads/2023/06/Progress-in-reducing-emissions-2023-Report-to-Parliament-Charts-and-data.xlsx>

21 For the latter data, the sourcing of data is canonical for each sector, so I will illustrate the precise steps just for the Surface Transport sector. First, here is the table, as previously submitted:

Code	tCO2e	Fourth (2023 to 2027)	Fifth (2028 to 2032)	Sixth (2033 to 2037)
B_1	National Budget - 5 years	1,950,000,000	1,725,000,000	965,000,000
B_2	Domestic Transport Residual Emissions (DTRE, CBDP, Table 2) - 5 years	546,000,000	422,000,000	254,000,000
B_3	Surface Transport (Credible plans - CCC) - Annual average	9,164,654	16,600,000	28,700,000
B_4	Surface Transport (To Be Secured - CCC) - Annual average	3,955,384	24,520,000	45,730,000
B_5	Surface Transport (Credible plans - CCC) - 5 years	45,823,269	83,000,000	143,500,000
B_6	Surface Transport (To Be Secured - CCC) - 5 years	19,776,919	122,600,000	228,650,000
B_7	Industry Residual Emissions (IRE, CBDP, Table 2) - 5 years	340,000,000	207,000,000	111,000,000
B_8	Industry (Credible plans - CCC) - Annual average	1,243,741	1,100,000	1,100,000
B_9	Industry (To Be Secured - CCC) - Annual average	2,301,741	22,973,854	39,148,353
B_10	Industry (Credible plans - CCC) - 5 years	6,218,707	5,500,000	5,500,000
B_11	Industry (To Be Secured - CCC) - 5 years	11,508,707	114,869,270	195,741,764

Table 1: Summary of relevant benchmarks [original]

22 The CCC Spreadsheet Tab “Figure 4.10” provides the data behind Figure 4.10² (for surface transport) of the CCC 2023 Progress Report. The relevant part of the spreadsheet Tab is reproduced below.

	CB4 average (2023-2027)	CB5 average (2028-2032)	CB6 average (2033-2037)
Residual emissions for plot	99.9	75.3	44.2
Unexplained emissions reductions	0	0	0
Credible plans	9.16465378	16.60020366	28.70673659
Some risks	0.722	10.81	30.3
Significant risks	3.225383833	8.953737467	8.426005039
Insufficient plans	0.008	4.758	7
Government pathway	99.9	75.3	44.2
Baseline	113.6	116.8	118.8

Figure 1: Extract from CCC Progress Report 2023, “Fig 4.10” spreadsheet tab

23 These figures are for an average year in each 5-year carbon budget (ie they are annual figures) expressed a MtCO2e (millions of tonnes of CO2).

² This was reproduced as Figure 4 “CCC Progress Report 2023, Fig 4.10 reproduced” in REP4-043.

- 24 Row B_3 “Surface Transport (Credible plans - CCC) - Annual average” is taken from the “Credible Plans” line from the CCC data. For example, for the 4CB, “9.16465378” has been taken from the spreadsheet and converted to tCO₂e (from MtCO₂e) as displayed in row B_3 as 9,164,654 in my Table 1.
- 25 Row B_4 “Surface Transport (To Be Secured - CCC) - Annual average” is the sum of the “to be secured” emissions reductions, this is the sum of the CCC categories: “Some risks”, “Significant risks” and “Insufficient plans”. For example, for the 6CB: 30.3 + 8.426005039 + 7 = 45.73 (MtCO₂e). This is displayed in my table as 45,730,000 when converted to tCO₂e.
- 26 The corresponding 5-year figures for each whole 5-year carbon budgets, are given at rows B_5 and B_6. These are merely the annual figures multiplied by 5.
- 27 The same is done for the Industry sector (based on CCC Progress Report Figure 6.5 and CCC spreadsheet tab “Figure 6.5”) and the Land Use sector (based on CCC Progress Report Figure 9.9b and CCC spreadsheet tab “Figure 9.9”).
- 28 Table 1 of [REP5-031] tabulated the known data, and the unknown and undisclosed data. That submission also noted that the “To be secured” data needed updated following the Prime Minister’s statement on net zero of September 20th.
- 29 I also gave two examples of applying the data for contextualisation: for the M3J9 construction emissions in the 4CB [REP5-031/section 6.5]; and the M3J9 operation emissions in the 6th carbon budget [REP5-031/section 6.6]. Both these contextualisations showed that the M3J9 aligned to IEMA guidance significance criteria for “Major Adverse”. The key test being given at paragraph 63(B) of that submission which concluded that “*the [construction] GHGs [are] most likely contribute to an already large overshoot of the [Industry] sectoral reduction strategy*”. And its parallel at paragraph 66(B) that “*the [operation] GHGs [are] most likely contribute to an already large overshoot of the [Surface Transport] sectoral reduction strategy*”.
- 30 This referred to two cases from three possible cases which I gave at paragraph 59 of [REP5-031], each of which requires testing to fully contextualise the M3J9 project in terms of the delivery risk to the UK climate policy.
- 31 The issue remains for the Secretary of State to reach a reasoned conclusion on this data. And as I submitted, in [REP5-031]:

“In each of the three combinations given above, a failure to address whether the relevant emission type from the M3J9 schemes fit[s] reasonably within the relevant sectoral reduction strategy, and give reasons, would amount to a breach of UK international obligations under section 104(4) [for the NDC], or a breach of statutory duty under section 104(5) [for the carbon budgets]; alternatively a failure to give an adequately ‘reasoned conclusion’ under regulation 21 of the EIA Regulations, including in respect of the up to date position and/or a breach of the public law duty to give reasons.” {typos corrected}

3.2 Update to Climate Policy Risk Assessment Data from the CCC 2023 Progress Report [October 12th 2023]

32 On October 12th, the Climate Change Committee published “*CCC assessment of recent announcements and developments on Net Zero*” on their website³. This updated the data from the CCC’s progress report to Parliament in June 2023 which I had used in my previous submissions as described above. So I now update the relevant tables in the previous submissions, accordingly with the new CCC data. No changes to my conclusions result from this data update. The implications for the Secretary of State’s decision-making process also remain the same as in my previous submissions, and as above.

33 The underlying data has now been updated by CCC for the surface transport and industry sectors, for the 5th carbon budget period (2028-2032). The CCC webpage with the update contains two diagrams with the underlying data provided as a spreadsheet. The second diagram “By sector: changes in the level of risk in Government plans”, and its spreadsheet⁴, is relevant here, and this is the data which I have used in this submission.

34 I now reproduce a revised version of the “Table 1: Summary of relevant benchmarks” for the CCC updated data. The new data is presented in red font, and only applies to the fifth carbon budget.

Code	tCO2e	Fourth (2023 to 2027)	Fifth (2028 to 2032)	Sixth (2033 to 2037)
B_1	National Budget - 5 years	1,950,000,000	1,725,000,000	965,000,000
B_2	Domestic Transport Residual Emissions (DTRE, CBDP, Table 2) - 5 years	546,000,000	422,000,000	254,000,000
B_3	Surface Transport (Credible plans - CCC) - Annual average	9,164,654	16,600,000 22,000,000	28,700,000
B_4	Surface Transport (To Be Secured - CCC) - Annual average	3,955,384	24,520,000 19,200,000	45,730,000
B_5	Surface Transport (Credible plans - CCC) - 5 years	45,823,269	83,000,000 110,000,000	143,500,000
B_6	Surface Transport (To Be Secured - CCC) - 5 years	19,776,919	122,600,000 96,000,000	228,650,000
B_7	Industry Residual Emissions (IRE, CBDP, Table 2) - 5 years	340,000,000	207,000,000	111,000,000
B_8	Industry (Credible plans - CCC) - Annual average	1,243,741	1,100,000	1,100,000
B_9	Industry (To Be Secured - CCC) - Annual average	2,301,741	22,973,854 (underlying data changes, see below)	39,148,353
B_10	Industry (Credible plans - CCC) - 5 years	6,218,707	5,500,000	5,500,000
B_11	Industry (To Be Secured - CCC) - 5 years	11,508,707	114,869,270 (underlying data changes, see below)	195,741,764

Table 2: Summary of relevant benchmarks [updated Oct 27th 2023]

³ <https://www.theccc.org.uk/2023/10/12/ccc-assessment-of-recent-announcements-and-developments-on-net-zero/>

⁴ blob:https://www.theccc.org.uk/a5ff67ee-1530-4994-8819-189d0d23cc9a – please note, it may be best to download this spreadsheet directly from the figures in CCC webpage at the above link.

- 35 Some risk has been taken out of the surface transport sector for the 5CB, and this is due to the Zero Emission Vehicle (ZEV) mandate having now been implemented in legislation. **However, there is still very considerable risks as identified the Table above as “To Be Secured” emissions - 96 million tonnes of CO2 over the 5-year 5CB period – which impose a very serious risk to meeting both the UK National Determined Contribution (NDC) under the Paris Agreement for 2030 and the fifth carbon budget (5CB).**
- 36 Please note that following the ZEV mandate going in the statute, my statement in [REP5-031]/42 has been superseded.
- 37 Given the ZEV mandate is one of the key policy instruments for decarbonisation of the surface transport sector and is now secured in principle, the risks associated with the remaining policies for emissions reductions still remain very considerable. These are quantified by CCC, **for each year in the 5CB**, as: “some risk” 3.8MtCO2e; “significant risk” 9.7MtCO2e; and “insufficient plans” ie no existing policy 5.7MtCO2e.
- 38 In this situation, a decision to introduce additional operation emissions from a new M3J9 road scheme from increases the risks of not achieving the sector trajectory for surface transport. Whilst this trajectory is not a “hard target”, the risks associated with its delivery is relevant information for contextualisation to inform significance assessment and decision making for the scheme. The fact that large amounts of required emissions reductions remain unsecured, at the time of the SoS decision, is highly material, and must be considered in the decision-making process.
- 39 The 4CB data for the Industry sector remains unchanged, so my conclusions on the construction emissions are not affected by these changes. The changes with the CCC update are only for the 5CB⁵. The same applies for the Industry sector construction emissions for the M3J9 in the 4CB - the fact that large amounts of required emissions reductions remain unsecured, at the time of the SoS decision, is highly material, and must be considered in the decision-making process.

⁵ For completeness, the Industry sector appears unchanged at the level of the data for the 5CB in the above table. However, within the “To Be Secured” part there are underlying changes in the data as highlighted by the comment in red. This is due to the recent deal with Tata Steel for industrial electrification in Port Talbot (the related emission savings have shifted from “insufficient plans” to “some risks” in the underlying data behind the “To Be Secured” figure). However, it is still the case that 23 million tonnes of CO2 reductions still require securing for each year in the 5CB (115 million tonnes of CO2 over the 5-year period).

3.3 Changes to data relevant for contextualisation and decision making

40 The Table 1 of my REP5-031 also requires updating, as below. At the time of writing that submission, some items were marked “UNKNOWN” (following the Prime Minister’s statement of September 20th) which are now known as a result of the CCC update.

	tCO2e	Fourth (2023 to 2027)	Fifth (2028 to 2032)	Sixth (2033 to 2037)
B_1	National Budget - 5 years	1,950,000,000	1,725,000,000	965,000,000
CONS	Construction emissions	37,070 ⁶		
B_7	Industry Residual Emissions (IRE, CDBP, Table 2) - 5 years	340,000,000	207,000,000	111,000,000
B_11	Industry (To Be Secured - CCC) - 5 years	11,508,707	114,869,270	195,741,764
	Additional “To Be Secured” after PM’s statement	UNKNOWN ⁷	UNKNOWN 114,869,270	UNKNOWN
	Risk Table viable reductions	UNDISCLOSED ⁸	UNDISCLOSED	UNDISCLOSED
SOL_2	Solus Operational emission	3,411 ⁹	18,427	20,714
CUMU_1	Cumulative Traffic Model (DS) Road Users	4,161,194 ¹⁰	20,198,802	19,186,855
B_2	Domestic Transport Residual Emissions (DTRE, CDBP, Table 2) - 5 years	546,000,000	422,000,000	254,000,000
B_6	Surface Transport (To Be Secured - CCC) - 5 years	19,776,919	122,600,000	228,650,000
	Additional “To Be Secured” after PM’s statement	UNKNOWN	UNKNOWN 96,000,000	UNKNOWN
	Risk Table viable reductions	UNDISCLOSED	UNDISCLOSED	UNDISCLOSED

Table 3: Summary of relevant data [updated Oct 27th 2023]

⁶ As from REP4-043, Table 3 “Table 3: Contextualisation: Construction emissions”

⁷ The CCC has said that it is looking at the numbers after the Prime Minister statement. Currently the additional shortfalls in decarbonisation are “UNKNOWN”.

⁸ The Government has not yet disclosed the Risk Tables either for the CDBP as published on March 30th 2023, or for the CDBP as amended by the Prime Minister’s statement of September 20th 2023.

⁹ As from REP4-043, Table 4 “Table 4: Contextualisation: Operation emissions”

¹⁰ As from REP4-043, Table 4 “Table 4: Contextualisation: Operation emissions”

4 GOVERNMENT RESPONSE TO CCC PROGRESS REPORT

- 41 This was published on October 26th 2023 so I am unable to provide a full update at this submission.
- 42 However, it is worth noting that the current Government has not responded with a positive commitment¹¹ to carry out a systematic review of the roads programme as recommended by the CCC in its Progress Report.

5 TRANSPORT COMMITTEE: DRAFT REVISED NATIONAL POLICY STATEMENT FOR NATIONAL NETWORKS

- 43 On October 17th 2013, the House of Commons Transport Committee published a report on the Draft revised National Policy Statement for National Networks (“**DrNNNPS**”). This is provided at Appendix C.
- 44 The one sentence take-away is that the committee strongly stated¹² that planning policies for major roads (ie in the DrNNNPS), and rail schemes, need clarifying against Net Zero laws.

5.1 Recommendations

- 45 In summary, key recommendations of relevance to this examination were:
- (A) The Government should introduce five-year review periods for the NNNPS, with a shorter term where changes in policy decisions or policy drivers warrant it¹³.
 - (B) The Government should respond to the Climate Change Committee’s recommendation on reviewing the roads programme and explain why this recommendation will or will not be taken forward¹⁴. (The short comment in the Government response to the CCC progress report does not satisfactorily explain why the Government is making no positive commitment to undertake a review so this committee recommendation has not been met by the publication of that document).
 - (C) The draft revised NNNPS should be amended to provide a definition of, and clear and comprehensive guidance on, “residual” greenhouse gas emissions. This

¹¹ At page 185 of the Government response to the CCC Progress report

¹² The Transport Committee published a statement on its website for the report’s publication under the headline “*New planning policies for major road and rail schemes need clarifying against Net Zero laws, says Transport Committee*”, October 20th 2023, <https://committees.parliament.uk/work/7087/national-networks-national-policy-statement/news/197978/new-planning-policies-for-major-road-and-rail-schemes-need-clarifying-against-net-zero-laws-says-transport-committee/>

¹³ Recommendation 2 from the section “Conclusions and recommendations” in the report

¹⁴ Recommendation 4 from the section “Conclusions and recommendations” in the report

definition must make it possible to distinguish clearly between “residual” and unacceptable increases in emissions from an NSIP¹⁵.

- (D) The draft revised NNNPS should be amended to explicitly state the Government’s understanding of the legal precedent for permitting major infrastructure schemes which result in an increase in emissions, where that increase is judged as not likely to harm the achievement of a national target¹⁶.
- (E) The Department for Transport must do more to provide transparency on its approach to assessment and decision making. Specifically, it should: “... *publish the National Transport Model ... publish its own estimated congestion forecasts for the Strategic Road Network ... be more transparent in the decision-making process for potential alternatives to NSIP scheme choices ...*”¹⁷

46 Recommendation 6 of the report (C above) is of particular relevance to this DCO examination, and I will refer to it later under comments on the applicant’s response to Q6.2.17. The recommendation highlights that the level of acceptable residual emissions is not clear in the DrNNNPS and needs to be clarified in any eventual revised NNNPS.

5.2 Next steps towards publication of revised NNNPS

47 Section 9 of the Planning Act 2008 lays out the Parliamentary requirements for a DrNNNPS to proceed to being legislated as the revised NNNPS. s9(5) and s9(4)(b) require that ministers make a formal response to the Transport Committee report. This must happen before a revised NNNPS may be voted on by MPs. The recommendations above, and other ones not listed, require a substantive response from ministers, and at the minimum substantive delay can be expected now before the adoption on statute of a revised NNNPS.

5.3 Implication for this DCO examination

48 In its response to Q6.2.17 [REP5-026], the applicant addresses the “immediate” question “*what weight should be given to the draft NPS NN published 14 March 2023?*”.

49 It should be noted that the Applicant was writing [REP5-026] before publication of the Transport Committee report when it goes on to say:

“The Applicant considers that the extant NPS NN remains the relevant document for decision making, that the draft NPS NN will constitute a relevant planning consideration but cannot be taken to be the relevant policy against which the Scheme should be judged (even when designated).” {emphasis added}

¹⁵ Recommendation 6 from the section “Conclusions and recommendations” in the report

¹⁶ Recommendation 7 from the section “Conclusions and recommendations” in the report

¹⁷ Recommendation 9 from the section “Conclusions and recommendations” in the report

50 Given the substantive recommendations in the Transport Committee report which require a substantive ministerial response, and most likely significant changes to a further draft revised NNNPS, especially on residual GHG emissions which are a key issue of this examination, I submit that the draft NPS NN can no longer be considered a relevant planning consideration.

6 RESPONSE TO APPLICANT'S RESPONSES ON ExQ2

51 Please find my responses to REP5-026 “*Deadline 5 Submission - 8.17 Applicant Response to Examining Authority’s Second Written Questions (ExQ2)*” in the sub-sections below.

6.1 Q6.2.3: Carbon Plan(s): response to applicant’s response

“Please comment on the applicants proposed ‘Carbon Budget Delivery Plan’ shown in their response to Deadline 4, in Appendix A of the Applicant Comments on Deadline 3 submissions [REP4-037].”

52 I previously provided comments on REP4-037, Appendix A at [REP5-031], section 6.

6.2 Q6.2.7: Climate Change: response to applicant’s response

“The Applicant’s Written Summaries of Oral Case for ISH3 [REP4-036] refers to the Response to the RR-096 [REP1-031]. This provides a table to indicate where IEMA assessment principles are addressed within the ES Chapter 14. The Applicant states that the response assesses the scheme under the IEMA guidance (IEMA, 2022), concluding that the scheme is considered to have a minor adverse and not significant effect.

- (i) *Please direct the ExA to where this is specifically set out in the Response to the RR-096. Has the Applicant carried out such an IEMA assessment to achieve that finding or instead sought to identify where the principles have been applied in the ES?*

53 The applicant refers to the response to RR-096 (from Transport Action Network) on pages 64 and 65 of the Applicant Responses to Relevant Representations (8.2, REP1-031) in response to part (i). This states:

“Given that the Scheme is required to align with the Net Zero Highways plan, and that the plan in turn aligns with the UK Carbon Budgets, it can be considered that the reduction measures secured through the application for the Scheme contributes to reducing GHG emissions relative to the UK Carbon Budget trajectory net zero by 2050. Based on this, the Scheme is considered to have a minor adverse and not significant effect in accordance with IEMA guidance.”

54 This statement is false as follows:

- The “Net Zero Highways plan” (“NZHP”) is not a statutory document produced for the purpose of aligning the UK economy with the UK Carbon Budgets. It is the applicant’s in-house company plan, and is of very limited scope and value, and is not part of the legislative and policy frameworks relevant to this DCO examination. It primarily addresses carbon emissions from National Highways “own direct emissions” and from “maintenance and construction” ie emissions from National Highway’s own operations. For emissions from vehicles using National Highways infrastructure, the NZHP itself says the document is merely *setting an ambition* and that “*many of the actions that will deliver this ambition are out of our direct control, but that does not mean we cannot play our part.*” So the NZHP does not lay out a serious and quantified approach to reducing operational emissions from the UK road system as part of the relevant legislative and policy framework – for that one must look elsewhere.
- The statutory plan for meeting the legislated carbon budgets under the Climate Change Act 2008 (“CCA 2008”) is the Net Zero Strategy, updated in March 2023 as the Carbon Budget Delivery Plan (CBDP). This has been described in overview at section 3 of my WR [REP4-043]. Sections 13 and 14 of the CCA 2008 impose linked duties on the Secretary of State respectively to prepare and to report on proposals and policies for meeting the legislated budgets. The CBDP has the intention to fulfil the duty, at section 13 of CCA 2008, to “prepare such proposals and policies” that will enable the carbon budgets under the CCA 2008 to be met. The CBDP does purport to lay out a quantified approach to reducing emissions across all sectors including the domestic transport sector although it is currently under legal challenge relating to the risk assessment made on the relevant proposals and policies being inadequate and not fit for purpose.
- Basing the claim that “*the Scheme contributes to reducing GHG emissions relative to the UK Carbon Budget trajectory net zero by 2050*” on the applicant’s own in-house NZHP is therefore false, as the NZHP provides no statutory basis for such claims. The subsequent conclusion that, based on this false claim, the scheme is “*Minor Adverse*” “*in accordance with the IEMA guidance*” is therefore also false.
- Further it is not clear what “*the reduction measures secured through the application for the Scheme*” are for operation emissions, or where these are explained to the ExA. This relates to Q6.2.22 – where the applicant’s response acknowledges that it has proposed no mitigation of operation emissions.

55 The second part of the ExA’s Q6.2.7 is:

- (ii) *Please comment on Dr Boswell’s conclusion in his written representation [REP4-041] that since he considers that the project*

undermines securing the CBDP and the net zero target, it falls to be assessed as “Major Adverse” on the IEMA significance thresholds.”

56 On the CCC report, the applicant states:

“The recommendations of the CCC in its 6th Carbon Budget Report (CCC, December 2020) demonstrate the likely measures through which the budget will be achieved, none of which advocate for a halt [of] road projects.”
{missing word added}

57 This is a disingenuous mischaracterisation of the CCC report which avoids mentioning CCC recommendation [R2023-148] which states:

“Conduct a systematic review of current and future road-building projects to assess their consistency with the Government's environmental goals. This should ensure that decisions do not lock in unsustainable levels of traffic growth and develop conditions (which can be included in the Roads Investment Strategy 3 process and beyond) that permit schemes to be taken forward only if they meaningfully support cost-effective delivery of Net Zero and climate adaptation.”

In recommending a systematic roads review, the CCC is doing two things. First, CCC quite clearly identified a risk of the current level of road building generating unsustainable levels of traffic growth which could significantly impede the delivery of the carbon budgets. And second, CCC then recommends a very serious action which is proposed to increase the possible success of that risk being mitigated. There is, in fact, considerable urgency for this review as the potential “lock-in” risk may grow and be uncorrectable later (the very definition of lock-in) if a systematic review is not carried out now.

58 The applicant then suggests *“as demonstrated in (i) above, undertaking the assessment in accordance with IEMA guidance would not change the Applicant’s conclusion that the Scheme’s effect would not be significant.”* However, I have already shown above that the response to (i) above is false, so this claim that the “scheme’s effect” would not be significant is also false.

59 It should be noted that the requirement is to assess whether the impact of the scheme’s effect is significant (not the scheme’s effect: the “effect” is just a quantification of the GHGs).

60 I reach a significance assessment of the impact as being “Major Adverse” by considering the emissions from the scheme against the reductions for each sector residual emissions trajectory for the “Credible Plans” and the “To be secured” elements as quantified by CCC and as explained in section 3 of this submission. This is because the CCC report provides the best publicly available risk assessment for the carbon budgets. My approach to making this assessment has been explained in my submissions (particularly section 9 of my WR [REP4-043] and section 6 of [REP5-031]). It is a reasoned approach that considers the

current levels of overshoot as clearly defined by the CCC data, and then aligns the act of adding further emissions of these overshoots from the scheme with the IEMA significance assessment definition [REP5-031/section 6.5 and 6.6]. The approach considers the data now which is the data which would be before the SoS when s/he considers the risk to the delivery of the NDC and carbon budgets.

- 61 As emphasised elsewhere, this is “not” provided as only the possible viable contextualisation. It is an indicative contextualisation. I am merely submitting that some form of contextualisation for significance assessment is required to be IEMA compliant, and the applicant, as discussed here, has not provided it.

6.3 Q6.2.11: Assessment: response to applicant’s response

The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.2 paragraph 43 states that whilst the traffic model was calibrated at a “Base Year” of 2015, the application does not provide data on the GHG emissions associated with the 2015 calibrated traffic model. Table 2: Baseline with scheme GHG figures does not include 2015 figures either for the baseline or ‘With scheme’. Dr Boswell submits that it is important to see this data as it provides context for the changes since 2015 in the regions traffic, and from other developments in the area.

- (i) Please explain why those figures were omitted and why it was not considered necessary to include them.*
- (ii) Please provide those figures to complete the picture or explain why you are unable to do so.*

- 62 The applicant responds:

*(i) and (ii) The greenhouse gas emissions arising from the 2015 traffic model were not included as there is no Do-Something (‘With Scheme’) Scenario for 2015. The emissions generated in 2015 are not required to be able to calculate the difference in vehicle trips (which are the modelling inputs), and therefore enable the difference in emissions between the scenarios to be modelled. This difference is the emissions resulting from the Scheme. The impact assessment is based on Do-Minimum and Do-Something scenarios for the opening (2027) and design year (2042) of the Scheme in accordance with Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021). **Section 14.7 of Chapter 14 (Climate) of the Environmental Statement (ES) (6.1, Rev 2) sets out baseline emission information that provides context relevant to the assessment.***

- 63 As noted in my Post Hearing submissions, it is usual practice to provide this data. The fact that there is no “Do Something” scenario at the calibration “Base Year” has not prevented

the applicant providing this data on other schemes. Examples are provided in Appendix B for the Lower Thames Crossing and the A66. In both schemes, the “With Scheme Scenario”, or “Do Minimum” has been presented in Tables for the “Base Year”, the “Opening Year”, and the “Design Year”. I have examined the Environmental Statement Climate Change chapters for at least ten other highway schemes active in the DCO system over the last 2 years, and I have never previously seen this information omitted as it has been for the M3J9.

64 The information is not provided in order to attempt a DS-DM calculation – this would clearly make no sense when DS doesn’t exist for the Base Year. Rather it is provided to see baseline trends, as the LTC document in Appendix B states at 15.3.36:

“The base year (2016) GHG emissions are used for comparison with GHG emissions in the opening year (2030) and design year (2045) to determine the trend”. {emphasis added}

65 The applicant’s response does not answer the ExA’s questions, either at (i) or (ii): the applicant has provided no adequate explanation of “why those figures were omitted and why it was not considered necessary to include them”, nor provided “those figures to complete the picture”, nor explained “why you are unable to do so”.

66 The figures may be readily calculated from information already available to the applicant, as it has been on these other schemes. It remains important to see this data as it provides context for the changes since 2015 in the region’s traffic, and from other developments modelled in the area.

67 Further the applicant claims that its “impact assessment” accords with “Design Manual for Roads and Bridges (DMRB) LA 114 Climate (National Highways, 2021). The impact assessment is not the point at issue here. The point at issue here is the “Baseline Scenario” on which DMRB LA 114 states at 3.10.1:

“The boundary of the baseline GHG emissions should include current operational maintenance GHG emissions and operational user GHG emissions.”

The current operational user GHG emissions for the Base Year are obtained as part of the calibration process of the traffic model for the Base Year (2015 for the M3J9).

6.4 Q6.2.17: Carbon Budget: response to applicant’s response

The Climate Emergency Planning and Policy post hearing submissions [REP4-042] Section 5.3 Significance assessment and decision making by the SoS states that the SoS has always made DCO road decisions on the assumption that Net Zero, and/or previous¹⁸ climate budgets and targets, is going to be delivered. Dr Boswell’s position is that it is no longer credible, to rely upon the delivery of Net Zero (and the CBDP).

- (i) Please comment on the reliance that can be made by the SoS in relation to DCO road decisions upon the assumption that Net Zero, and/or climate budgets and targets, are going to be delivered.*
- (ii) Please explain your position in relation to the consideration of the significance of carbon emissions from the scheme, and whether it can be assumed that Net Zero and the CBDP will be delivered.*
- (iii) Please comment on whether it must first be established that the UK carbon budgets and targets are secured before it can be determined whether this scheme would have significant impacts on the ability of the Government to meet its carbon reduction targets.*

68 This is a crucial set of questions and the applicant has understandably provided a several page response which I am not going to reproduce fully. The applicant’s response starts by presenting its understanding of my submission (as a series of bullet points). I make these comments on this section of the response:

(A) It is clearly evidenced that the delivery of the carbon budgets and targets “is not secure” (applicant’s first bullet) – this comes from:

- (i) the CCC Progress Report which states:

“The rate of emissions reduction will need to significantly increase for the UK to meet its 2030 NDC and the Sixth Carbon Budget. If the UK is to achieve its NDC, the rate of emissions reduction outside the electricity supply sector must almost quadruple, from 1.2% annual reductions to 4.7%.”

- (ii) the CBDP itself which identified shortfalls in the 2030 NDC and the 6th carbon budget delivery (see: [REP4-043], 67(A) on the missing 8% of emission reductions to meet the NDC, and 67(B) on the whole economy

¹⁸ on the question itself, just a clarification that I respectfully suggest the word “future” instead of “previous” in the introductory paragraph of the question may be intended. The relevant budgets are in the future (eg: the 2030 NDC, or the 6th carbon budget 2033-2037) although that may have been previously set, and this may be what is meant.

shortfall of 32 MtCO₂e over the 5-year 6th carbon budget). Note, these findings of the CBDP assume that the proposals and policies in the CBDP are delivered 100% ie the finding are **before** any risk assessment has been carried out on the proposals and policies.

- (B) It is therefore also clearly evidenced that “the assumption that net zero, and/or previous climate budgets and targets, and the nationally determined contribution is going to be delivered”, is not safe (applicant’s second bullet).
- (C) The Transport Committee report on the DrNNNPS clearly identified the current NNNPS, and paragraph 5.17, as being “out of date” (applicant’s third bullet), and stated:

“The review of the NNNPS was overdue. It was launched to bring the policy framework for major infrastructure schemes up to date, and as a response to legal challenges to schemes prompted by the introduction of significant net zero legislation. The Government should have been proactive and reviewed the NNNPS upon the introduction of net zero targets, and should do so when any changes are made to the net zero target policies.”

The minister giving evidence to the Committee, Richard Holden, MP, Parliamentary Under Secretary of State for Roads and Local Transport also confirmed this stating:

“the key thing is that when major Government policy changes that is when we need to review the NNNPS”

- (D) It is as a consequence of the above out-of-date-ness of the NNNPS, and confusion as how the additional emissions from new schemes should be assessed, that the Transport Committee recommended that the DrNNNPS should be amended to provide a definition of, and clear and comprehensive guidance on, residual greenhouse gas emissions and additional emissions from schemes.
- (E) CEPP submit that the guidance on residual GHGs from schemes can only be credible if it takes significant account of the risk to policies and proposals in the CBDP. As CEPP have said elsewhere this may currently be obtained from the CCC Progress Report and the Risk Tables for the CBDP if the government were to publish them. For ease of communication going forward, I refer to the collective information on delivery risk of the CBDP as “the risk framework”. This risk framework provides information which is both (i) known and usable by the Secretary of State now, and (ii) represents the best risk appraisal of the situation at the time of a SoS decision.
- (F) CEPP have already submitted evidence which goes a long way to illustrate, in an indicative way, how the risk data from the CCC report and its updates may be

used to provide “benchmarks” for residual emissions (see section 3 above). Such benchmarks potentially provide a way to use the risk framework in contextualisation and decision making.

- (G) CEPP’s position is that this risk framework must be engaged in the decision-making process as it is the best risk appraisal, known and usable, to the SoS at the time of decision making.
- (H) “It is first necessary to establish that the UK carbon budgets and targets are secured before being able to claim that a particular scheme does not have significant impacts on climate” (applicant’s fifth bullet). The claim is impossible to credibly make at this time because it is clearly evident that the UK carbon budgets and targets are not secured.
- (I) However, a risk-based significance assessment can be made based on the risk framework that is available from the CCC Progress Report and the CBDP Risk Tables. My contextualisations and benchmarks provide an indicative way to do this using the CCC data. However, my submissions are not provided to suggest this is the only way to do it. It is not down to me to provide it. It is down to the applicant to provide the information necessary for the Secretary of States decision.
- (J) I do derive an IEMA guidance aligned significance assessment of “Major Adverse”. I submit that this is realistic and determined via a reasoned process. However as stated in section 3, for the applicant to be IEMA compliant, it is down to the applicant to provide a legitimate and IEMA compliant significance assessment and contextualisation, and it has not done so.
- (K) Finally, the applicant says “*the question of what reliance that can be made by the Secretary of State on the deliverability of national net zero targets which the Government has a legal duty to deliver is a matter primarily for the Secretary of State*”. These are matters for the Secretary of State, and his/her decision-making process, and it is for this reason that I have, from the outset, respectfully emphasised issues in my submissions for the Secretary of State’s attention, which I also respectfully request are passed on via the ExA’s recommendation report. For example:
- (i) Section 10 of my WR [REP4-043] provides “COMMENTS ON DECISION MAKING FOR THE M3J9” (section title) and “Considerations that must be before the Secretary of State” (first subsection).
 - (ii) [REP5-031] identifies matters relating to the Secretary of State decision making for the M3J9 at these bullets: 38, 45, 48, 61, and 64.

69 The applicant then goes on to discuss NNNPS 5.17 and 5.18. The Transport Committee report confirms from an influential committee of MPs that the NNNPS is a “tired” document, no longer fit-for-purpose and should have been updated pro-actively on the introduction of the net zero legislation. The Government roads minister said himself that review of the NNNPS should happen “with major Government policy changes”, and the committee notes that this did not happen with the introduction of the net zero legislation. It is because this didn’t happen that this DCO examination now finds itself in the situation that:

(A) There is no “test for considering the ‘security’ of meeting the relevant targets” (applicant’s first paragraph on page 53) , in the NNNPS, nor anywhere else.

(B) That the NNNPS confirms “that the Government is legally required to meet its obligations within the national carbon reduction strategy” (applicant’s second paragraph on page 53) whilst the Government of the day in its own CBDP has acknowledged that it cannot demonstrate that it can meet these obligations, and that is before any credible risk assessment has been undertaken.

70 Point (B) poses a conundrum from the SoS because the current policy (the NNNPS) assumes that the Government will meet its legal requirements whilst its own CBDP demonstrates that it is off track to do so. Then the CCC Progress report confirms that it is substantially off-track with four times the rate of emissions reductions required in all sectors except the electricity supply sector.

71 This is why I submit that section 104 Planning Act 2008 has to engage for the M3J9 as there is a realistic and serious possibility that approval of the Scheme would lead to a breach of its international obligations, breach of any statutory duty or be unlawful. The current data before the examination, and which will be before the Secretary of State unless there is further data produced, shows that:

(A) there is a breach in international obligations, as the current figures in the CBDP show that the NDC will not be achieved. Further there is no risk assessment that demonstrates that this breach is not certain.

(B) there is a breach to statutory duty or other law, as the current figures in the CBDP show that the NDC will not be achieved. Further there is no risk assessment that demonstrates that this breach is not certain.

72 As to the reliance to be placed on the NNNPS, this is addressed above.

73 I have already submitted in section 5 that no weight should be given to the DrNNNPS published on 14 March 2023 by the ExA, or the SoS in his/her decision making.

74 On the relevance of ‘security’ of carbon budgets, the applicant says that the same logic as in the *R (on the application of Transport Action Network Limited) v Secretary of State [2021] EWHC 2095 (Admin)* decision where it was held “*the Secretary of State would have known*

the difficulties faced by the UK in meeting carbon budgets four and five and was able to assess this as part of his decision” should apply to the M3J9 decision. The applicant assists my case. In the M3J9 case, the SoS does know the risk framework for the delivery of the CBDP and the carbon budgets and targets, and the breaches identified above. The point is that as s/he does know this, and it has been presented to him/her in these submissions, in the CCC report, in the CBDP itself and its Risk Tables, then the SoS must make a reasoned decision based on all that information. A failure to address whether the emissions from the M3J9 scheme fits reasonably within the CBDP and its risk framework, and give reasons, would amount to a breach of statutory duty under s104(4), s104(5) or s104(6); alternatively a failure to give an adequately ‘reasoned conclusion’ under regulation 21 of the EIA Regulations, including in respect of the up-to-date position and/or a breach of the public law duty to give reasons.

75 On page 56, the applicant says its does not consider that the issue of whether the carbon budgets are secured would impact section 104. However, on the evidence known today, and which would be before the Secretary of State (in the absence of further information emerging), the SoS’ own Government’s CBDP says that (i) there is a missing 8% of emissions reductions required for the NDC in the year 2030, and (ii) there is the whole economy shortfall of 32 MtCO_{2e} over the 5-year 6th carbon budget. Therefore, two conditions which each engage section 104 already exist.

76 On page 56, the applicant describes a comparison of the solus operational carbon emissions from the scheme against national carbon budgets. The applicant has not carried out a cumulative assessment of the impacts from carbon emissions of the scheme. In section 2, I provided an update in *R (Boswell) v Secretary of State for Transport [2023] EWHC 1710* and the issue of cumulative assessment of carbon emissions remains live in the Courts. I submit that the figures presented by the applicant are not a lawful assessment as there is no assessment of the climate change impact of cumulative carbon emissions in the ES.

6.5 Q6.2.18: Carbon Budget: response to applicant’s response

77 The applicant relies upon the DrNNNPS in this section. Please note section 5 on the Transport Committee report: following this report, and the substantial revisions required to it, no weight can be given to the DrNNNPS published on 14 March 2023 by the ExA, or the SoS in his/her decision making.

6.6 Q6.2.19: Carbon Budget: response to applicant’s response

“The Applicant’s Written Summaries of Oral Case for Issue Specific Hearing 3 (ISH3) [REP4-036] in relation to the judgment of the High Court in the case of R (Boswell) v Secretary of State for Transport [2023] EWHC 1710 (Admin) states that the Applicant considers that it has met the legal tests required of it. Please can you explain further and summarise why you consider that the ES cumulative assessment complies with the EIA Regs and that it was appropriate and lawful to assess the carbon emissions of the scheme against the UK’s national carbon budgets rather

than in combination with all other schemes in the UK road programme or the local or regional area?"

78 The question refers to “the ES cumulative assessment”: this does not exist; it has not been done.

79 In section 2, I provided an update in *R (Boswell) v Secretary of State for Transport [2023] EWHC 1710* and the issue of cumulative assessment of carbon emissions remains live in the Courts. It remains my position that categorically, there is no assessment of the climate change impact of cumulative carbon emissions in the ES.

6.7 Q6.2.20: Carbon Budget: response to applicant’s response

“Dr Boswell’s written representations in his Post Hearing submissions [REP4-041], paragraph 142 concludes that any additional emissions from new infrastructure, such as the construction and operation emissions of the M3J9 scheme, would have a material impact on the ability of Government to meet its carbon reduction targets, and paragraph 145 states that “as the CBDP is not secured, and the UK carbon budgets and UK NDC are not secured, the Secretary of State must consider if his/her decision would lead to the UK being in breach of its international obligations, to him/her being in breach of a statutory duty, to him/her being in breach of the law under section 104 of the 2008 Act.”

(i) *Please explain your position in relation to whether the Net Zero Strategy, the CBDP and the UK carbon budgets should be regarded as being secured and the relevance of that question to this particular application.*

(ii) *Please summarise and explain your position in relation to whether one or more of s.104 subsections (4), (5) or (6) would apply should consent be granted for the scheme.*

80 Please see my responses to the applicant’s response to Q6.2.17 above.

6.8 Q6.2.22: Mitigation: response to applicant’s response

“The Climate Emergency Planning and Policy Post Hearing submissions [REP4-042] Section 5.4, paragraph 55, states that the applicant appears to have provided no mitigation proposals for operation emissions. Please confirm whether that is the case and explain why no such proposals have been made and/or why it is not considered necessary to do so.”

81 The applicant has confirmed in its response that it has no proposals for mitigating operation emissions from the M3J9 scheme.

7 ExQ3

7.1 Q 6.3.8: Climate Change: CEPP statement

“The Climate Emergency Planning and Policy Deadline 5 submission [REP5-031] states that emissions were calculated using the Emissions Factors Toolkit (Eft), version 11[2] for construction emissions and operation emissions [REP2-027, paragraph 14.5.25] and that this no longer provides a worst case calculation for the emissions from the project in the 5th and 6th carbon budgets and beyond. It is submitted that following the Prime Minister’s policy change, the emissions need recalculating with a revised version of the Eft toolkit. Furthermore, the additional emissions from the Prime Minister’s policy change will have an impact on the BCR.

Please indicate whether it is agreed that the calculation of emissions and the BCR need to be revisited as a result of this policy change and if so, please provide those calculations. If not, please explain why it is not regarded as necessary to do so.”

{Typo corrected}

82 To save time for the ExA and parties, I (CEPP) provide this pre-emptive statement on this question as I am withdrawing the issue raised in [REP5-031] and which is the basis of the question for the following reason.

Postponing the ban of new sales of petrol and diesel cars from 2030 to 2035 will not affect the modelling of GHG emissions for the scheme. This is because the road traffic forecasts published in Sheet 1.3.9 of DfT’s TAG Databook, which were used in the development of the Emissions Factor Toolkit v11 (EFT, published by DEFRA), did not currently allow for the introduction of the Zero Emissions Mandate. Therefore, the proposed delay to the ban to 2035 would not affect the traffic fleets in the TAG Databook, which in turn would not affect the fleets in EFT and consequently nor would it affect the modelling.

<END OF DOCUMENT, APPENDICES FOLLOW>

8 APPENDIX A: ORDER made by the Rt. Hon. Lord Justice Coulson, 18th OCTOBER 2023 (page 1 of 2 only)

First Appeal

PTA Template 269C1 - First Appeal



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: CA-2023-001482



R (Boswell) –v– Secretary of State for Transport & Arr

CA-2023-001482

ORDER made by the Rt. Hon. Lord Justice Coulson

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision:

Permission to appeal: **GRANTED**

For the avoidance of doubt, the Court of Appeal will **NOT** determine for itself the so-called "secondary issue".

Reasons

1 The appellant's grounds set out what the appellant describes as "a single ground of appeal". The judge may well have been right in her conclusion but I consider that the contrary case making up this single ground has a real prospect of success.

2 That view is further confirmed by the following: i) Holgate J granted JR permission, so recognised the arguability of this point; ii) the judge herself described parts of the relevant assessment as "unhelpfully expressed"; and iii) the judgment in relation to the assessment of combined carbon emissions has potentially wide implications.

2 I refuse to grant permission for the appellant to raise what the skeleton argument describes as the "secondary issue". This is not raised in the Grounds of Appeal because the judge made no determination upon it. In the circumstances, and in particular in the absence of any first instance determination of the issue, it would not be appropriate for the Court of Appeal to determine the point *de novo*. Furthermore, that would inevitably cause additional work, additional cost and potential delay before the appeal on the principal point is heard and resolved.

3 Accordingly, I grant permission to appeal on the so-called "primary issue" only.

Information for or directions to the parties

Mediation: Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? NO

Pilot categories:

- | | |
|--|--|
| <ul style="list-style-type: none">• All cases involving a litigant in person (other than immigration and family appeals)• Personal injury and clinical negligence cases;• All other professional negligence cases;• Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual; | <ul style="list-style-type: none">• Boundary disputes;• Inheritance disputes.• EAT Appeals• Residential landlord and tenant appeals |
|--|--|

If yes, is there any reason not to refer to CAMS mediation under the pilot? NO

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation? NO

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment)
- b) any expedition

Signed: BY THE COURT

Date: 17 October 2023

9 APPENDIX B: BASE YEAR BASELINE DATA FROM OTHER NH SCHEMES

9.1 Lower Thames Crossing (LTC)

83 Extracts from “6.1 Environmental Statement Chapter 15 – Climate”, [APP-153] in LTC Examination Library:

DATE: October 2022

Planning Inspectorate Scheme Ref: TR010032

Application Document Ref: TR010032/APP/6.1

VERSION: 1.0

their designers but whichever pathway they select, Contractors must at least match this maximum level of construction phase emissions. This is considered a worst-case, reflecting the Rochdale Envelope. The worst-case scenario represents current best-practice and results because it can only be delivered by incorporating an extensive range of commercially available, low carbon technologies and approaches.

- 15.3.32 The applied Rochdale Envelope and the Government's net zero policies would provide opportunities for further construction phase carbon emission reductions during the development of the detailed design, construction methodologies, procurement strategy and during the construction phase itself, through implementation mechanisms set out in the Carbon and Energy Management Plan (Application Document 7.19) and summarised in Section 15.5 of this chapter.

Method of establishing existing baseline conditions

- 15.3.33 The existing (road-user GHG emissions) baseline was established using data collection from published sources and the outputs of the transport modelling completed for the Project.
- 15.3.34 The existing baseline for the GHG emissions impact assessment is a 'Do Minimum' scenario, which presents the GHG emissions of the road network without the Project. The 'Do Minimum' scenario has been based on information obtained from the Project's transport model as set out in the ComMA (Application Document 7.7).
- 15.3.35 The baseline year for the GHG emissions impact assessment is 2016 in line with the Project's validated transport model base year as detailed in Appendix B: Transport Model Package, of the ComMA (Application Document 7.7). Using the outputs of the Project's transport model, the baseline year GHG emissions (2016) were estimated using the National Highways speed band emission factors (set out in DMRB LA 105).

- 15.3.36 The base year (2016) GHG emissions are used for comparison with GHG emissions in the opening year (2030) and design year (2045) to determine the trend.**

Forecasting the future baseline ('Without Scheme' scenario)

- 15.3.37 The future (road-user GHG emissions) baseline is the 'Do Minimum' scenario in which the Project does not go ahead. This provides the basis for comparison against which net changes in GHG emissions can be established. Under this scenario, the GHG emissions associated with the future use of the existing road network were estimated, through outputs from the Project's transport model as detailed within the ComMA (Application Document 7.7). The Project's transport model was the basis for forecasting emissions from the road network considering forecast increases in traffic and associated congestion, presenting the GHG emissions for the Project's 2030 opening year, for 2045 (the design year) and for the 60-year appraisal period of the Project.
- 15.3.38 It should be noted that the National End Trip Model (NTEM) Version 7.2 (DfT, 2017) was used in which 2051 is the final year of the DfT traffic growth forecasts. Therefore, GHG emissions are at a level rate from 2051 to 2089 for

15.4 Baseline conditions

GHG emissions

Existing baseline

- 15.4.1 The existing baseline presents the GHG emissions estimated on the road network for the baseline year of 2016, which is the base year for the Project's validated transport model.
- 15.4.2 GHG emissions in the baseline year were calculated using outputs from the Project's transport model (ComMA (Application Document 7.7)) and amounted to approximately 8,869,800 tCO₂e. Table 15.10 presents GHG emissions for the baseline year. A sensitivity test was not completed on this scenario given it is a historic year.

Future baseline ('Without Scheme' scenario)

- 15.4.3 The future baseline identifies anticipated changes to the existing baseline over time in the absence of the Project and is used as a basis against which to predict the potential impacts of the Project. A description of how the future baseline has been considered within the assessment is provided in Chapter 4: EIA methodology.
- 15.4.4 The future baseline conditions for the 'Without Scheme' (Do Minimum) scenario were identified based on the modelled volumes of traffic, and its predicted use (accounting for forecast increases in traffic and associated congestion) for the years 2030 to 2045 as well as the total over the full 60-year appraisal period. This established the baseline against which the resultant Project emissions were subsequently compared, to identify any variation in GHG over time. The GHG emissions for the Do Minimum scenario were forecast using the TAG GHG Workbook (DfT, 2022a) and EFT v11 (Defra, 2021). A sensitivity test to review the effect of the policy measures set out in the Transport Decarbonisation Plan (DfT, 2021a) was also carried out and is compared against the TAG outputs in Table 15.10 to show a more realistic estimate of emissions over the appraisal period.

Table 15.10 Future baseline end-user GHG emissions forecast with TAG GHG Workbook / EFT v11 and transport decarbonisation sensitivity test**

Without Scheme scenario				
Method of forecast	2016 existing baseline	2030 opening year (tCO ₂ e)	2045 design year (tCO ₂ e) (% change from opening year)	60-year appraisal period*
TAG GHG Workbook / EFT v11***	8,869,800	8,900,890	6,891,450 (- 23%)	414,268,636
Transport Decarbonisation Plan upper bound	N/A	8,310,643	1,427,308 (- 83%)	99,083,293

Without Scheme scenario				
Method of forecast	2016 existing baseline	2030 opening year (tCO₂e)	2045 design year (tCO₂e) (% change from opening year)	60-year appraisal period*
Transport Decarbonisation Plan lower bound	N/A	5,617,480	500,236 (-91%)	44,269,175
<p>* It should be noted that the National End Trip Model (NTEM) Version 7.2 (DfT, 2017) was used. 2051 is the final year of the DfT traffic growth forecasts. Therefore, GHG emissions are at a level rate from 2051 to 2089 for the remainder of the 60-year operational assessment.</p> <p>** The presented numbers are the result of model calculations. They should still be considered as estimates however.</p> <p>*** TAG GHG Workbook (DfT, 2022a) and EFT v11 (Defra, 2021)</p>				

- 15.4.5 Table 15.10 presents estimates of how GHG emissions associated with the use of the existing road network would change between the baseline year and future baseline years without the Project. Under this scenario, GHG emissions associated with the use of the road network ('Do Minimum' scenario) in the opening year of 2030 were found to be similar when compared to the baseline year emissions, with a slight increase in 2030.
- 15.4.6 Under the Do Minimum scenario, the TAG GHG Workbook (DfT, 2022a) and EFT v11 (Defra, 2021) showed that there is expected to be a net decrease of 23% in the GHG emissions when comparing the emissions for the 2030 opening year to the 2045 design year. This downward trend suggests that decarbonisation of the UK's fleet is overtaking the projected growth in traffic, therefore resulting in a net reduction of GHG emissions.
- 15.4.7 Within the Transport Decarbonisation Plan (DfT, 2021a), the sensitivity test carried out on the Do Minimum scenario demonstrates the projected effect of the net zero policies in the transport sector. GHG emissions show a greater drop off between 2030 and 2045 with a reduction of between 83% and 91% when comparing the future baseline years.
- 15.4.8 The total (cumulative) GHG emissions over the full 60-year appraisal period was also forecast for the Do Minimum scenario. This highlighted that the policies of the Transport Decarbonisation Plan would reduce road-user emissions between 76% and 89% when compared to the estimates using the TAG GHG Workbook (DfT, 2022a) and EFT v11 (Defra, 2021). GHG emissions reduced from approximately 414.269 to 44.269 million tCO₂e following the implementation of the net zero policies of the Transport Decarbonisation Plan (DfT, 2021a).

Vulnerability of the Project to climate change

Existing baseline

- 15.4.9 Relevant information sources have been reviewed to establish existing and future baseline data and current understanding with regard to climate and

9.2 A66 Northern Trans-Pennine Project (A66)

84 Extracts from “3.2 *Environmental Statement Chapter 7 Climate*”, [APP-050] in A66 Examination Library:

Planning Inspectorate Scheme Reference: TR010062

Application Document Reference: TR010062/APP/3.2

13 June 2022

Revision 1

- expressed in tonnes of carbon dioxide⁴⁷ (tCO₂) and in Appendix 7.1: GHG Emissions Assessment (Application Document 3.4).
- 7.5.15 The assessment of operational phase emissions from vehicles using the highways infrastructure draws on existing traffic modelling information from earlier stages of the Project, as explained in the Combined Modelling and Appraisal Report (Application Document 3.8). This information is used to calculate emissions (using the Emissions Factors Toolkit, version 11 (Department for Environment, Food & Rural Affairs, 2021)⁴⁸) associated with the Traffic Reliability Area⁴⁹ for the baseline, opening year (2029) and design (future) year (2044) under the following scenarios:
- 2019 Baseline scenario
 - 2029 Do-Minimum (DM) scenario: the traffic scenario at the modelled opening year without the Project
 - 2029 Do-Something (DS) scenario: the traffic scenario at the modelled opening year with the Project
 - 2044 Do-Minimum (DM) scenario: the traffic scenario at the design year (15 years after the opening year) without the Project
 - 2044 Do-Something (DS) scenario: the traffic scenario at the design year with the Project.
- 7.5.16 Emissions drawn from the traffic modelling are provided in carbon dioxide (CO₂) not carbon dioxide equivalents (CO₂e). To provide GHG emissions estimates as CO₂e, carbon emissions data has been converted to CO₂e by applying an additional 1% of the CO₂ emissions⁵⁰.
- 7.5.17 The assessment uses the traffic modelling information to calculate the additional GHG emissions associated with the Project (under the 'Do Something' scenario) above the existing anticipated increase in traffic emissions without the Project (the 'Do Minimum' scenario). The assessment calculation subtracts the modelled 'Do Minimum' emissions from the modelled 'Do Something' emissions to provide estimated additional GHG emissions associated with the Project from vehicles using the highways infrastructure.
- 7.5.18 In line with *DMRB LA 114*, the assessment presents the estimated net GHG emissions associated with end-users for the modelled design

⁴⁷ The quantification of land use change GHG impacts produces results expressed as mass of carbon alone. In order to align with the wider GHG quantification it is assumed that all carbon is released in the form of CO₂. Conversion of mass of carbon to an equivalent mass of CO₂ is calculated based on the ratio (by mass) of the molecular weight of CO₂ to the atomic mass of carbon. This ratio is 44/12. Therefore calculated carbon mass has been multiplied by 44/12 to provide an equivalent mass of CO₂.

⁴⁸ Department for Environment, Food & Rural Affairs (2021) Emissions Factors Toolkit

⁴⁹ DMRB LA 105 defines the Traffic reliability area as "the area covered by the traffic model, that the competent expert for traffic has identified as reliable for inclusion in an environmental assessment".

⁵⁰ Assumption of 1.01 conversion factor, assumes petrol and diesel fuels are used in vehicles using the highway infrastructure and is based upon analysis of the BEIS Conversion factors for Fuels, comparing the difference of CO₂ and CO₂e emissions factors on 'Fuels'. This gives an approximate 1% difference in the factors. This uplift of 1% has then been used to convert CO₂ to CO₂e for emissions from vehicles using the highways infrastructure.

7.8 Baseline conditions

Impact of the Project on climate (GHG Assessment)

Current and future baseline

- 7.8.1 This section identifies the GHG emissions without implementing the Project for the current and future baseline (Do-minimum scenarios). In these scenarios it is assumed that no construction activity would take place on any of the roads in the area, aside from maintenance, across the study period.
- 7.8.2 The operation and management of the existing A66 assets likely requires a small number or volume of specialist components (for example, signage) as well as some bulk material (cement, concrete, sand and gravel) for minor maintenance and refurbishment works and repairs of the highway and ancillary infrastructure. This use of materials in the baseline scenario would have embodied emissions associated with them. However, due to the small quantities of materials required, emissions are considered to be minimal and as such have been excluded from further assessment.
- 7.8.3 The estimated baseline GHG emissions for the 'Do-minimum' scenario in the 2019 baseline year, future baseline years (2029 and 2044) and over the study period (60 years) are summarised in Table 7-10: Estimated baseline operational GHG emissions for the study area.

Table 7-10: Estimated baseline operational GHG emissions for the study area

Project Work Stage	Definition	Emissions (tCO ₂ e)			
		2019 baseline scenario (historic)	2029 modelled opening year	2044 modelled future year	Total (over the 60-year appraisal period)
Operation	User utilisation of infrastructure (B9)	1,577,127	1,506,832	1,209,944	74,971,735

Vulnerability of the Project to climate change (CCR assessment)

Existing baseline

- 7.8.4 The Met Office generates climatologies for different areas of the UK (known as climate districts) which include historical regional climate information. The A66 crosses between the North East England and North West England regional climate zones (Met Office, 2016)⁵⁸. As a result, the historical observed weather differs because of topography and atmospheric conditions. Table 7-11: Synopsis of historical climate observations for the North West and North East England regional

⁵⁸ The Met Office generates climatologies based on standard areas (UK climate districts) of the UK. The Project spans across the North West and North East districts as shown on the UK climate districts map. Met Office (2016) UK regional climates

10 APPENDIX C: House of Commons Transport Committee report, Draft revised National Policy Statement for National Networks

17th October 2023

85 Provided as a separate document.

<END OF DOCUMENT>



House of Commons
Transport Committee

Draft revised National Policy Statement for National Networks

Ninth Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 17 October 2023*

Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure of the Department for Transport and its associated public bodies.

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Summary

In March 2023 the Government published a draft revised National Policy Statement for National Networks (NNNPS), its statement of strategic planning policy for nationally significant road and rail schemes. The Government's reasons for the review are the need to account for policy commitments on net zero made since the designation of the existing NNNPS in 2015 and the need to ensure that networks meet current and future demand. By incorporating these into the new statement, the Government expects to reduce delays in obtaining development consent caused by legal challenges to Nationally Significant Infrastructure Projects (NSIPs).

The review process

The draft revised NNNPS was published more than eight years after the current version. The Government should have been proactive and reviewed the NNNPS upon the introduction of net zero targets rather than in response to legal challenges. The Government should introduce five-year review periods for the NNNPS, with a shorter term where changes in policy decisions or policy drivers warrant it. The Government could also consider the modular approach suggested by the National Infrastructure Commission.

Legal challenges to schemes on climate grounds

The draft revised NNNPS attempts to balance the Government's 2050 net zero targets with an infrastructure regime which could potentially increase greenhouse gas emissions. The guidance the document provides on assessing, mitigating and approving the greenhouse gas emissions of schemes could be stronger to align with the pathway to net zero.

The Government should respond to the Climate Change Committee's recommendation on reviewing the roads programme and the draft revised NNNPS; clarity on this issue is important for establishing whether challenges to NSIPs on climate grounds are likely to continue. The document should be amended to provide a definition of "residual" greenhouse gas emissions, and to explicitly state the Government's understanding of the legal precedent for permitting major infrastructure schemes which result in an increase in emissions.

Confidence and transparency

There is concern that the Statement of Need which underpins the draft revised NNNPS does not consider a wide enough range of traffic demand scenarios and that congestion forecasts cannot be thoroughly scrutinised. There is also a lack of faith in the options appraisal process for major schemes and concern that the major infrastructure regime perpetuates a "predict and provide" approach to planning. Greater transparency is needed to promote confidence in the robustness of the regime.

The Department for Transport should publish the National Transport Model so that it can be independently tested and verified, or report on a wider range of future

demand scenarios and publish its own estimated congestion forecasts for the Strategic Road Network. The Department must also be more transparent when considering the potential alternatives to schemes. The Department should also provide examples of how the draft revised NNNPS supports a move away from a 'predict and provide' approach.

Further recommendations

We received several recommendations for amendments to the text of the draft revised NNNPS that would make it more likely to function effectively. These included measures on: promoting biodiversity; delivering associated development; provision for people using and crossing the SRN who are not in motorised vehicles; and the application of the NNNPS to smaller schemes currently consented through the Transport and Works Act.

Restructuring the National Policy Statements for transport

Currently there are separate National Policy Statements for National Networks, Ports and Airports. The Government should consider the merits of restructuring future iterations of the National Policy Statements for transport so that there is an over-arching Transport NPS, with Road, Rail, Strategic Rail Freight Interchanges, Ports, and Airport NPSs sitting underneath it.

1 Introduction

1. National Policy Statements were created under the Planning Act 2008¹ to “provide guidance for decision-makers on the application of government policy when determining development consent for major infrastructure”.² The thresholds for transport projects considered to be “nationally significant” are set out in sections 15 to 30 of the Act. Projects which meet this threshold are known as Nationally Significant Infrastructure Projects (NSIPs). National Policy Statements are aimed at reducing delays in the planning system for major projects by providing clarity about the main issues to be taken into account when applications are decided.

2. The National Policy Statement for National Networks (NNNPS) is the Government’s statement of strategic planning policy for nationally significant road and rail schemes.³ It provides guidance to applicants in preparing, and the Secretary of State in determining, applications for Development Consent Orders in relation to the National Networks. The existing NNNPS was laid before Parliament in December 2014 and designated in January 2015.

3. Department for Transport guidance defines NSIPs in the transport sector which are considered to be part of the national networks:⁴

- new roads which are to form part of the strategic road network (motorways and trunk roads) operated by Highways England [now National Highways].
- new railway lines in England which are to be operated by Network Rail.
- new rail freight interchanges over 60 hectares in area in England.

Review of the NNNPS and our inquiry

4. In July 2021 the Department for Transport announced that the NNNPS would be reviewed.⁵ On 14 March 2023 the Department for Transport laid before Parliament⁶ a draft revised NNNPS⁷ alongside a Habitats Regulation Assessment⁸ and an Appraisal of Sustainability.⁹

5. Under the Planning Act 2008, designation of a new or revised National Policy Statement requires a period for consideration of the proposal to be set out when it is laid before Parliament. This period, which ends on 20 October 2023 for the draft revised NNNPS, encompasses both a public consultation and parliamentary scrutiny. The task of scrutinising the draft revised NNNPS was allocated to us by the House of Commons Liaison Committee. We announced our inquiry on 24 March 2023. We received 27

1 Planning Act 2008, [Part 2](#)

2 Department for Transport, [Draft national networks national policy statement consultation document](#), March 2023

3 Department for Transport, [National Policy Statement for National Networks](#), December 2014

4 Department for Transport, [Nationally significant infrastructure projects in the transport sector](#), April 2020

5 Department for Transport, [Review of National policy statement for national networks](#), July 2021

6 HC Deb, [col 37WS](#) [Commons written ministerial statement]

7 Department for Transport, [Draft Revised national networks national policy statement](#), March 2023

8 Department for Transport, [National Networks National Policy Statement Habitats Regulation Assessment Version 1.0](#), January 2023

9 Department for Transport, [National Networks National Policy Statement, Appraisal of Sustainability Non-Technical Summary](#), January 2023

submissions of written evidence and held two oral evidence sessions, in June and July 2023, at which we heard from campaigners, legal and planning experts and the Parliamentary Under-Secretary of State for Roads, Richard Holden MP. We are grateful to all those who contributed to our work, and to our Specialist Adviser, Martin Clarke, for his assistance throughout the inquiry.¹⁰

Rationale for the review

6. The main reasons given by the Government for reviewing the 2015 NNNPS are the need to account for subsequent policy commitments on net zero and the need to ensure that networks meet current and future demand. By incorporating these into the new statement, the Government expects to reduce delays in obtaining development consent caused by legal challenges to NSIP schemes.

7. The Department for Transport told us that the NNNPS review was a key element of its Action Plan¹¹ for NSIPs, which was published in February 2023 in response to the delays to obtaining development consent to programmes in the Road Investment Strategy 2 portfolio.¹² The Department explained that the Action Plan “sets out reforms that will be implemented to ensure the planning system supports our infrastructure needs”.¹³

Net zero

8. Since the NNNPS was designated in 2015 the Government has committed to decarbonising all sectors of the UK economy and amended the Climate Change 2008 Act in 2019 to introduce a net zero target for the UK economy by 2050.¹⁴ This was a major change to the policy environment in which the NNNPS operates. The Transport Decarbonisation Plan outlines how transport will contribute to reaching the 2050 net zero target.¹⁵ The Department for Transport told us:

[The draft revised NNNPS] provides a clearer framework for assessing the carbon impact of NSIP schemes [...] within the context of the government’s binding carbon targets and net zero. The NNNPS sets out the principles based on which individual projects should be assessed, including the environmental impacts of a proposed scheme.¹⁶

Meeting network demand

9. The Department for Transport told us that the national networks make a “vital contribution” to economic growth, and that there needs to be “an ambitious programme

10 Martin Clarke declared the following interests: employed by Skanska to advise on a DCO application on the A46 Newark Bypass and to advise on negotiations with National Highways regarding appointment to a contract for the Lower Thames Crossing North Kent Roads; appointed by East West Rail as Chair of an Independent Expert Panel to assist with project development.

11 Department for Levelling Up, Housing and Communities, [Nationally Significant Infrastructure Projects \(NSIP\) reforms: action plan](#), February 2023

12 [NPS0025](#)

13 [NPS0025](#)

14 Department for Energy Security and Net Zero and Department for Business, Energy & Industrial Strategy, [Net Zero Strategy: Build Back Greener](#), April 2022

15 Department for Transport, [Decarbonising Transport](#), 2021

16 Department for Transport ([NPS0025](#))

of investment in our networks”.¹⁷ Chapter 3 of the draft revised NNNPS sets out the Department for Transport’s case for the development of the national networks—the Statement of Need. The Statement of Need says that “there are a range of challenges which national networks face, and which may lead to the need to develop national networks further through infrastructure interventions”.¹⁸

10. The draft revised NNNPS says that the national road network “is already under significant pressure” and that traffic congestion imposes “significant economic costs” (estimated at £1.9 billion in 2010). This pressure is “set to increase” due to population increases, economic growth and a fall in the cost of car travel. It concludes that there is a “compelling need for the development of the national road network”.¹⁹

11. For the national rail network, the Statement of Need identified demand pressures and the environment as its two key drivers of need. The draft revised NNNPS says that “passenger demand is predicted to continue to grow significantly and “there is a continued need for capacity and performance improvements on parts of the network”.²⁰

12. The NNNPS also applies to Strategic Rail Freight Interchanges (SRFIs), which enable freight to be transferred between transport modes. The Statement of Need states that SRFIs “optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road”. It identifies the changing needs of the logistics sector, rail freight growth, the environment, and the economy as the drivers of need, and concludes that there is “a compelling need for an expanded network of SRFIs”.²¹

Obtaining development consent

13. The NNNPS has been reviewed against a backdrop of legal challenges to NSIP projects which were included in the second Road Investment Strategy 2 portfolio. Along with other factors, such as inflationary pressures, these challenges have delayed and disrupted the delivery of the portfolio, which we examined in our July 2023 report on strategic road investment.²² There were an initial 33 NSIPs in the Road Investment Strategy 2 portfolio which required approval from the Secretary of State through a Development Consent Order. The National Audit Office reported that by May 2022, National Highways had experienced delays in receiving or applying for development consent on numerous projects, and said that additional work was required to show how road projects complied with evolving government policy relating to the environment.²³

17 Department for Transport ([NPS0025](#))

18 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

19 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

20 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

21 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

22 Transport Committee, Sixth Report of Session 2022–23, [Strategic road investment](#), HC 904, para 62

23 National Audit Office, [Road enhancements: progress with the second road investment strategy, \(2020 to 2025\)](#), November 2022

2 The review process

14. The review of the National Policy Statement for National Networks (NNNPS) was announced in July 2021, with a draft revised document published in March 2023. The announcement came more than six years after the designation of the existing NNNPS, and in the end there were eight years between the designation of the original and the publication of the draft revised version.

Review timescales

15. The National Infrastructure Planning Association²⁴ and Transport Action Network²⁵ told us that the NNNPS should be reviewed once every five years. This would be in line with a recommendation made by the National Infrastructure Commission (NIC) in April 2023 to make five-yearly reviews of the NNNPS a legal requirement.²⁶

16. We asked Richard Holden, Parliamentary Under Secretary of State for Roads and Local Transport, if he thought that it would be beneficial for the NNNPS to be reviewed every five years. He said that “the key thing is that when major Government policy changes that is when we need to review the NNNPS”.²⁷ David Buttery, Roads Strategy Director at the Department for Transport, added that “the actual reviewing of the NPS is quite an undertaking, which means that there is a bit of a disincentive to do it”.²⁸ The NIC has suggested that making the system more flexible would allow the wider policy environment to be reflected in a less burdensome way. In its April 2023 report, the NIC recommended a “modular” approach to updates, where the modules are “attached to legislation” and would not need to be separately consulted on.

17. In some cases, the Department has used the NNNPS review as an opportunity to look ahead and anticipate changes to the policy environment in which the NNNPS operates. These provisions can help to future-proof the way that the NNNPS operates without a wholesale revision and re-designation. For example, the draft revised NNNPS recognises that Environmental Outcome Reports could replace Environmental Impact Assessments from 2025. David Buttery, Roads Strategy Director at the Department for Transport, told us that:

The draft NNNPS before us already acknowledges that we know that environmental outcome reports are coming. It points towards that. We do not believe that change, when it is introduced formally, will require us to come back and do this again.²⁹

18. The review of the NNNPS was overdue. It was launched to bring the policy framework for major infrastructure schemes up to date, and as a response to legal challenges to schemes prompted by the introduction of significant net zero legislation. The Government should have been proactive and reviewed the NNNPS upon the introduction of net zero targets, and should do so when any changes are made to the net zero target policies.

24 National Infrastructure Planning Association ([NPS0024](#))

25 Transport Action Network ([NPS0022](#))

26 National Infrastructure Commission, [Delivering net zero, climate resilience and growth](#), April 2023

27 [Q104](#)

28 [Q104](#)

29 [Q106](#)

19. *The Government should introduce five-year review periods for the NNNPS, with a shorter term where changes in policy decisions or policy drivers warrant it. This does not necessarily mean that wholesale revisions should be made to the NNNPS every five years, but the reviews would provide an opportunity for the Department for Transport to consider the wider policy environment and Government priorities. The Government could also consider the modular approach suggested by the National Infrastructure Commission.*

3 Legal challenges to schemes on climate grounds

20. It was the Department for Transport’s aim to revise the NNNPS in order to support the design of major infrastructure projects in line with net zero targets and thus reduce the scope for legal challenges to schemes. We have heard from both campaigners and planning law experts, however, that the draft revised NNNPS, as it stands, could result in more legal action on net zero grounds.

Greenhouse gas provision in the NNNPS

21. Chapter 5 of the draft revised NNNPS (Generic Impacts) sets out the potential impacts of the major infrastructure under consideration and how these should be measured. The carbon assessment criteria for each stage of an NSIP application (Application, Mitigation and Decision Making) are outlined in paragraphs 5.25–5.37. Crucially, there is also a provision stating that residual carbon emissions as an impact of NSIP schemes are acceptable:

The construction and operation of national network infrastructure will in itself lead to greenhouse gas emissions. [...] while all steps should be taken to reduce and mitigate climate change impacts, there will likely be residual emissions from national networks infrastructure, particularly during the economy wide transition to net zero, and potentially beyond.³⁰

Chapter 5 goes on to emphasise that:

Therefore, approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK’s Nationally Determined Contribution.³¹

22. We heard that the provision in the draft NNNPS which permits the approval of projects which could result in a net increase in greenhouse gases could perpetuate legal challenges to such schemes.³² The objection to the provision in the draft revised NNNPS on these grounds is rooted in what Keith Buchan, Skills Director at the Transport Planning Society, described as a “tension” between NSIPs (particularly road schemes) and the Government’s net zero targets.³³

23. This was highlighted by the Climate Change Committee’s Progress Report to Parliament in June 2023 which recommended that the Government should conduct a “systematic review of current and future road-building projects” and “permit schemes to be taken forward only if they meaningfully support cost-effective delivery of Net Zero and climate adaptation”.³⁴ These recommendations were made in order to ensure that emissions from surface transport remain on track with the Sixth Carbon Budget, which “provides ministers with advice on the volume of greenhouse gases the UK can emit during

30 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

31 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

32 [Q37](#)

33 [Q54](#)

34 Climate Change Committee, [Progress in reducing emissions: 2023 Report to Parliament](#), June 2023

the period 2033–2037” in order to help meet the 2050 net zero target for the UK economy.³⁵ Phil Goodwin, Emeritus Professor of Transport Policy at University College London, told us that the Climate Change Committee’s recommendation “has to be confronted”, and that the NNNPS could be rendered “irrelevant” should that recommendation be accepted by the Government.³⁶

24. We heard some criticism of the greenhouse gas assessment and mitigation provision in the draft revised NNNPS. Julian Worth, Chair of the Rail Freight Forum at the Chartered Institute of Logistics and Transport, said “our overriding reaction to it, and our disappointment, was that it is not sufficiently radical on decarbonisation”.³⁷ Transport Action Network told us that the measures to assess and mitigate emissions were not consistent with the Carbon Budget Delivery Plan.³⁸ Green Alliance said that the draft revised NNNPS “fails to allow for proper scrutiny of greenhouse gas emissions [and direct and indirect impacts] caused by major road-building projects”.³⁹ Dr David Metz expressed concern that “the modelling of the impact of new road investments will systematically underestimate carbon emissions from the additional (induced) traffic” generated by NSIP projects.⁴⁰

25. Transport Action Network, who have brought legal action against NSIP highways schemes, told us that the NNNPS “adopts a head in the sand attitude to the changed policy and legislative landscape”, and “ignores the strategic priorities of the Transport Decarbonisation Plan”.⁴¹ Transport Action Network argued:

The only credible way forward now is for the NNNPS review to be paused pending an independent review of the roads programme. [...] Failing to recognise the inevitable would mean a flood of new legal challenges and threaten public respect for the planning system, at a time when it needs to be increased if we are to deliver the infrastructure that is essential for net zero, which roads clearly are anything but.⁴²

26. We asked the Minister and his officials how the draft revised NNNPS would help to achieve net zero by 2050, given the concerns outlined above. He said:

We have had a huge push. Obviously, this is a planning document for the next few years rather than all the way through to 2050, but we recognise that broader commitment alongside the transport decarbonisation plan.⁴³

David Buttery, the Department for Transport’s Director for Roads Strategy, added:

The Climate Change Committee’s latest recommendations came out after this consultation draft was published, so clearly we could not have taken them into account 100 per cent. [...] We will reflect on it, certainly. That

35 Climate Change Committee, [Sixth Carbon Budget](#), December 2020

36 [Q18](#)

37 [Q65](#)

38 Transport Action Network ([NPS0022](#))

39 Green Alliance ([NPS0007](#))

40 Dr David Metz (honorary professor at UCL Centre for Transport Studies) ([NPS0001](#))

41 Transport Action Network ([NPS0022](#))

42 Transport Action Network ([NPS0027](#))

43 [Q139](#)

is not to say that we will accept what it has recommended, because, clearly, we need to think about it, but we will definitely reflect on it as part of this process.⁴⁴

27. The draft revised NNNPS attempts to balance the Government’s 2050 net zero targets with an NSIP regime which could potentially increase greenhouse gas emissions. While the document provides guidance on assessing, mitigating, and approving the greenhouse gas emissions of schemes, these measures could be stronger to align with the pathway to net zero.

28. The Government should respond to the Climate Change Committee’s recommendation on reviewing the roads programme and explain why this recommendation will or will not be taken forward. The Climate Change Committee’s recommendations do not relate directly to the NNNPS, but acceptance of them would change the policy environment in which the NNNPS operates and, presumably, prompt further review. Obtaining clarity on this issue is important for establishing whether challenges to NSIPs on climate grounds are likely to continue.

Defining “residual” emissions

29. There is further lack of clarity regarding scheme emissions within the draft revised NNNPS. The draft document explicitly states that “approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK’s Nationally Determined Contribution”. However, it does not provide any guidance on what “residual” means and contains no mechanism for distinguishing between “residual” emissions (consistent with meeting carbon budgets) and a level of emissions which would not be consistent with meeting those targets.

30. This lack of clarity could lead to further legal challenges to schemes. The National Infrastructure Planning Association told us that this clause, “if retained, in the revised NNNPS once designated, will continue to be subject to challenge in [its] subsequent application to DCO decision making”.⁴⁵ Keith Buchan, Skills Director at the Transport Planning Society, described the provision for residual emissions as “potentially [...] incredibly dangerous” as it allows any distinction between “residual” carbon and an “increase” in carbon to be blurred.⁴⁶

31. The draft NNNPS permits “residual” greenhouse gas emissions from NSIPs, but does not define what “residual” means, nor does it set out a threshold or limits for a level of emissions that would be deemed “residual”. Accordingly, schemes which are likely to cause an increase in carbon emissions may remain vulnerable to legal challenge.

32. The draft revised NNNPS should be amended to provide a definition of, and clear and comprehensive guidance on, “residual” greenhouse gas emissions. This definition must make it possible to distinguish clearly between “residual” and unacceptable increases in emissions from an NSIP.

44 [Q141; Q142](#)

45 National Infrastructure Planning Association ([NPS0024](#))

46 [Q52](#)

Legal precedent for major infrastructure emissions

33. Mustafa Latif-Aramesh, Legal Director at BDB Pitmans, drew our attention to a judgment which followed the High Court’s rejection of a challenge to the granting of planning permission for a runway extension at Southampton airport in April 2022.⁴⁷ The judgment in respect of that scheme said that:

On the basis of current policy and law it is permissible for [the decision-maker] to look at the scale of the Green House Gas emissions relative to a national target and to reach a judgment, which may inevitably be of a generalised nature, about the likelihood of the proposal harming the achievement of that target.⁴⁸

This judgment was clear in stating that a net increase in operational greenhouse gas emissions is not, in itself, a reason to refuse consent. Mr Latif-Aramesh argued that this judgment can be applicable to NSIP schemes and that amending the draft revised NNNPS to explicitly reflect it would help to avoid further legal challenges on these grounds.

34. This was disputed by Transport Action Network, who told us that this argument “fundamentally misunderstands the role of courts in judicial review, which is to assess the legality of a decision based on the facts available at the time”.⁴⁹ Transport Action Network argued that the judgment may have been different had the data underpinning the Transport Decarbonisation Plan been available at the time; that data has since been published by the Department for Transport.

35. ***The draft revised NNNPS should be amended to explicitly state the Government’s understanding of the legal precedent for permitting major infrastructure schemes which result in an increase in emissions, where that increase is judged as not likely to harm the achievement of a national target.***

47 BDB Pitmans ([NPS0014](#))

48 British and Irish Legal Information Institute, [\[2022\] WLR\(D\) 231](#), [\[2022\] EWHC 1221 \(Admin\)](#), [\[2022\] PTSR 1473](#), May 2022

49 Transport Action Network ([NPS0027](#))

4 Confidence and transparency

36. Much of the evidence that we received highlighted a lack of confidence in the Government’s approach to delivering Nationally Significant Infrastructure Projects (NSIPs) on the National Networks being consistent with its net zero targets. This chapter considers the reasons why there is a lack of confidence in some quarters and what the Department needs to do to demonstrate that the assumptions behind its strategy for decarbonising transport are backed by adequate evidence and analysis.

Evidence base: the National Transport Model

37. The draft revised NNNPS bases its assessment of need for the National Networks on the National Transport Model, which predicts an increase in demand for the Strategic Road Network. We heard the view that the National Transport Model (NTM) does not test a wide enough range of future scenarios and so the Statement of Need, which helps to inform the criteria for scheme assessment and approval, is not sound. Cycling UK argued:

The NTM is seriously flawed in that it fails to model the impact of potential policies that the Government might apply to avert the growth of road traffic (e.g. greater investment in sustainable transport, various road pricing policies or strengthening the role of planning policies in reducing the need to travel). Using the NTM in this way therefore creates a circular argument whereby it is assumed that road traffic will inevitably grow under all possible scenarios, hence transport network capacity must be expanded to accommodate this growth—even though this is inconsistent with achieving net zero.⁵⁰

Keith Buchan, Director for Skills at the Transport Planning Society, told us that “it is widely recognised that there has been progress” in the area of demand forecasting, but “what [the National Transport Model] has not done is produce a wide enough range of scenarios and tested them all.”⁵¹ Phil Goodwin, Emeritus Professor of Transport Policy at University College London, agreed that “there is simply no future modelled to look at zero or minus growth”.⁵² Professor Goodwin also highlighted that the model cannot be independently tested:

It is an incredibly complicated model, and one of its problems is that it is not in the public domain. You cannot, as in the case of the Treasury model, say, “Please can we have the model, and run it and test it, and change the assumptions and see what happens?” You should be able to, I think.⁵³

38. We asked Richard Holden, Parliamentary Under Secretary of State for Roads and Local Transport, why the National Transport Model does not consider a wider range of scenarios and inputs. He said that “we have seen significant traffic growth since 2001”.⁵⁴ David Buttery, Roads Strategy Director at the Department for Transport, added:

50 [Cycling UK \(NPS0020\)](#)

51 [Q55](#)

52 [Q20](#)

53 [Q20](#)

54 [Q120](#)

We have looked at eight scenarios, basically. We could have looked at 10 or we could have looked at 12. There is a point where you have to say, “How many are too many to be useful?” We have tried to do a broad range of plausible outcomes. [...] Lots of people would argue, “Couldn’t you just do this? Couldn’t you just do that?”, but there just comes a practical point where we have to have a set that we think is good enough.⁵⁵

39. We asked whether the Department for Transport would publish the National Transport Model, so that it can be independently tested. The Minister declined to do so as “due to the considerable level of complexity, digital infrastructure used and sensitive inputs”, it is “not appropriate to make the model fully available to the public”.⁵⁶ We also asked if the Department could provide a forecast for congestion on the Strategic Road Network (SRN) specifically. The Minister explained that the National Road Traffic Projections include publicly-available data tables on “Lost Time” (in seconds) by road type, which is used to generate projected SRN congestion. He explained that these figures can be manipulated and used to estimate SRN congestion but did not provide his own Department’s estimates based on the data.⁵⁷

Scheme options and alternatives

40. The existing NNNPS contains a section on “Alternatives”. This says that “all projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options”. It concludes that “the Examining Authority should be satisfied that this assessment has been undertaken”.⁵⁸ The draft revised NNNPS retains a section on Alternatives, but the wording has been amended to say that the options appraisal “*may* include other viable options for achieving the objectives of the project, including (where appropriate) other modes of travel, regulation, or other ways of influencing behaviour” (emphasis added).⁵⁹

41. The draft revised NNNPS also states that where nationally significant road or rail schemes have been identified in “relevant Road or Rail Investment Strategies”, then “proportionate consideration of alternatives will have been undertaken as part of the investment decision making process” and it will “not be necessary” to consider alternatives as part of the scheme’s Development Consent Order examination.⁶⁰ Usually, the consideration of alternatives for a scheme included in a road investment strategy will happen at Project Control Framework stages 0 (strategy, shaping and prioritisation) and 1 (option identification). This process was criticised by Keith Buchan, Skills Director at the Transport Planning Society, as not being transparent enough. He said:

Consideration of alternatives, which is done at a very early stage in most schemes, is done internally. It is unscrutinised. It does not have its own internal champion. It is not done properly. [...] If we were able to bring the consideration of alternatives into the scrutinisable area within the

55 [Q120](#)

56 Correspondence from the Parliamentary Under-Secretary of State, Department for Transport, [relating to National Networks National Policy Statement](#), dated 12 August

57 Correspondence from the Parliamentary Under-Secretary of State, Department for Transport, [relating to National Networks National Policy Statement](#), dated 12 August 2023

58 Department for Transport, [National Policy Statement for National Networks](#), 2014

59 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

60 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

NSIPs, that would be a tremendous way forward for public confidence in the system. Frankly, if you go to a DCO and see the way they are conducted, public confidence in them is very low.⁶¹

Colin Black, Head of Growth and Future Mobility at AECOM, added that consideration of alternatives prior to NSIP schemes was not comprehensive enough:

We rule out the alternatives [for NSIPs] far too quickly. If there is a highway congestion issue, we might look at four different highway alignments, pick the alignment and move forward as part of that options appraisal. What we do not tend to do is take a more integrated approach and see whether we could cater for the demand or we could satisfy the requirements and the objectives of that project in a different way, using a more integrated approach, working with the local authorities and working across a region.⁶²

42. Mr Black also suggested that this approach to identifying and approving scheme options could create conflict between the transport priorities of the Government on one hand, and those of regional and sub-national transport bodies on the other. He said that the draft revised NNNPS:

does not provide clarity on where the balance of the decision should lie if an area, region, group of local authorities or metropolitan area wishes to adopt a vision and validate approach and to reduce traffic in an area, and there is a highway scheme that is seeking to increase traffic substantially.⁶³

43. The risk that regional priorities might not be recognised in the NSIP development process was raised in our recent inquiry into strategic road investment. Our report highlighted that there is no formal role for sub-national transport bodies in developing NSIP portfolios (which is when options consideration would take place) and recommended that the Government should update National Highways' Licence to include a formal engagement process with the sub-national bodies.⁶⁴ Transport for the North, a sub-national transport body, told us that if the scheme options appraisal process accounted more effectively for strategic cases and wider policy commitments, NSIP options might align more closely with regional goals:

This requires a stronger focus on the strategic case for investment and less emphasis on assessing value for money based on 'value of changes in travel time', which can encourage highway scheme promoters to narrowly focus on solutions that facilitate increased motorised traffic demand, rather than on measures to supporting less polluting and healthier modes of travel.⁶⁵

Exceptional circumstances

44. The Alternatives section of the draft revised NNNPS states that "it should not be necessary to consider alternatives [at DCO stage] except [...] in the wholly exceptional

61 [Q46](#)

62 [Q46](#)

63 [Q52](#)

64 Transport Committee, Sixth Report of Session 2022–23, [Strategic road investment](#), HC 904, para 62

65 Transport for the North ([NPS0013](#))

circumstances where case law would require consideration of alternatives”.⁶⁶ Mustafa Latif-Aramesh, Legal Director at BDB Pitmans, told us that “the Government could give an illustrative list of examples of unexceptional or exceptional circumstances.” He explained that this would “prevent examinations being bogged down” by removing the need to explore whether a given circumstance was indeed exceptional.⁶⁷

Predict and provide?

45. The ‘predict and provide’ approach to transport pursues the demand-led supply of transport infrastructure. In other words: predict future demand for travel, and provide appropriate transport supply to meet that demand. In the Department for Transport’s written evidence to this inquiry, it told us that “the Department is clear that the NNNPS is not based on a ‘predict and provide’ model of road provision”.⁶⁸ The Government has previously distanced itself from a predict and provide approach in its Transport Decarbonisation Plan: “we need to move away from transport planning based on predict and provide to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes”.⁶⁹

46. Evidence that we received disputes the Department for Transport’s assertion that the draft revised NNNPS is not based on a predict and provide approach. Phil Goodwin, Emeritus Professor of Transport Policy at University College London, described the draft NNNPS as a “predict and provide core, surrounded by decarbonisation language”.⁷⁰ Glenn Lyons, Professor of Future Mobility at the University of the West of England, said:

This NNNPS revision is tantamount to a perpetuation of the predict and provide paradigm of transport planning which was already living on borrowed time. Its authors appear to have constructed a narrative intent on underlining an inevitability of road traffic growth that in turn lends weight to justification of capacity enhancement schemes. [...] Long live predict and provide it seems.⁷¹

47. The Department has rejected this view and has asserted that, although the NNNPS refers to the forecasts from the 2022 National Road Traffic Projections, which all predict that traffic on the SRN will grow, the draft NNNPS is a way to ensure that demand at the highest end of the scale could be met if required in future.⁷² The Minister told us that “it is not a ‘predict and provide’ approach”.⁷³ We asked whether forecasting traffic levels and building accordingly was a description of a predict and provide approach; he responded “I do not think that it is”.⁷⁴ When we asked for his definition of predict and provide the Minister said:

What we look at is the system on where we are, where things are, as they are at the moment, and then we go through a huge amount of work to validate

66 Department for Transport, [Draft revised national networks national policy statement](#), March 2023

67 [Q46](#)

68 Department for Transport ([NPS0025](#))

69 Department for Transport, [Decarbonising Transport](#), 2021

70 [Q4](#)

71 Professor Glenn Lyons ([NPS0004](#))

72 Department for Transport ([NPS0025](#))

73 [Q128](#)

74 [Q132](#)

what we are saying in that space. That is where the road scheme programmes come from. That is very much a policy decision space as to how we tackle that. A “predict and provide” approach is not what we are driving on.⁷⁵

48. **There is concern from some interested parties that the National Transport Model, which underpins the Statement of Need, does not consider a wide enough range of traffic demand scenarios and that the National Transport Model and congestion forecasts are not published in ways that permit thorough scrutiny of their assumptions. There is also a lack of faith in the options appraisal process for NSIPs before they reach Development Consent Order stage. Finally, there is concern that, while the Department for Transport talks about moving away from ‘predict and provide’, in reality the NSIP regime perpetuates that approach. For promoters of schemes, opponents and the wider public to have confidence in the robustness of the revised NNNPS, greater transparency is needed.**

49. *The Department for Transport must do more to provide transparency on its approach to assessment and decision making. Specifically, it should:*

- *publish the National Transport Model so that it can be independently tested and verified, or model and report on a wider range of scenarios where traffic levels on the SRN are a) reduced and b) maintained at current levels and ambition for rail patronage is increased, as we recommended in our report on strategic road investment;*
- *publish its own estimated congestion forecasts for the Strategic Road Network;*
- *be more transparent in the decision-making process for potential alternatives to NSIP scheme choices, for example at Project Control Framework stages 0 and 1 for road schemes.*
- *provide a list of “exceptional circumstances” which would necessitate consideration of alternative schemes during the Development Consent Order examination process; and*
- *provide examples of how the draft revised NNNPS supports a move away from the ‘predict and provide’ approach to developing NSIPs.*

5 Further recommendations

50. We received several recommendations for amendments to the text of the draft revised NNNPS that would make it more likely to function effectively.

Biodiversity

51. In 2018 the Government published the 25 Year Environment Plan, which was last updated in 2023. The plan aims to “protect threatened species and provide richer wildlife habitats” and “calls for an approach to agriculture, forestry, land use and fishing that puts the environment first”.⁷⁶ In 2022, an Environment Act introduced a target for “halting the decline in our wildlife populations through a legally binding target for species abundance by 2030 with a requirement to increase species populations by 10 per cent by 2042”.⁷⁷

52. Despite the Government’s longstanding aims and targets for biodiversity, the draft revised NNNPS omits clause 5.29 of the current NNNPS relating to Sites of Special Scientific Interest.⁷⁸ Clause 5.29 states:

The Secretary of State should ensure that the applicant’s proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest, are acceptable.⁷⁹

Mustafa Latif-Aramesh, Legal Director at BDB Pitmans, told us that the removal of this clause “gives rise to a potential argument that impacts [on biodiversity] cannot be mitigated or that mitigation should not be provided”.⁸⁰

53. ***The draft revised NNNPS should be amended to include an equivalent to Clause 5.29 of the current NNNPS. If the Government declines, it must explain why, and how this is compatible with Government policy on promoting biodiversity.***

Associated development

54. ‘Associated development’ is defined in the Planning Act 2008 as development which is associated with a principal development.⁸¹ The Government has guidance for applicants on associated development which provides examples of general types of associated development, but “it is for the Secretary of State to decide on a case by case basis whether or not development should be treated as associated development”.⁸²

76 HM Government, [A Green Future, Our 25 Year Plan to Improve the Environment](#), 2018

77 Department for Environment, Food & Rural Affairs and Natural England, [Delivering on the Environment Act: new targets announced and ambitious plans for nature recovery](#), March 2022

78 BDB Pitmans (NPS0014)

79 Department for Transport, [National Policy Statement for National Networks](#), December 2014

80 BDB Pitmans (NPS0014)

81 Planning Act 2008, [Section 115](#)

82 Department for Communities and Local Government, [Planning Act 2008 Guidance on associated development applications for major infrastructure projects](#), April 2013

Delivering associated development

55. In our report on the road freight supply chain, published in May 2022, we identified the planning process as a key source of delay to the provision of vital logistics infrastructure such as motorway service areas and driver rest facilities.⁸³ We recommended that the Government should reform the planning system to make it easier to deliver driver rest facilities and ensure that decisions for new facilities are not left to individual planning authorities. In its response, the Government told us that it “recognises the need for modernisation and reform to the planning system”.⁸⁴ In July 2023, the Department for Transport opened a call for evidence on freight, logistics and the planning system.⁸⁵

56. During this inquiry, we heard that associated development could be more effectively delivered if it was included as part of major infrastructure. Colin Black, Head of Growth and Future Mobility at AECOM, explained:

In terms of efficiency and achieving policy objectives, it would be much more helpful if they were incorporated as a requirement within the scheme, rather than our having to deal with them separately. It takes years after a major scheme has been approved to provide all the ancillary infrastructure that is required to support it.⁸⁶

Keith Buchan, Skills Director at the Transport Planning Society, said that he “agreed 100 per cent” with Mr Black’s assessment.⁸⁷ Transport Action Network suggested that associated development should itself be considered nationally significant infrastructure.⁸⁸

57. David Buttery, Roads Strategy Director at the Department for Transport told us that:

our current view is that, no, we should not [include associated development as part of major infrastructure]. Because the Development Consent Order process is meant for big infrastructure, it brings a lot of the assessment work and the public engagement up front.⁸⁹

Richard Holden, Parliamentary Under-Secretary of State for Roads, added that putting driver rest sites that had already been proposed through the Development Consent Order process, rather than through a local planning process, could significantly delay improvements for lorry drivers.⁹⁰

58. In its response to its call for evidence on freight, logistics and the planning system, the Department for Transport should address whether some types associated development which are vital to the road freight supply chain, such as driver rest facilities or service areas, would be more effectively delivered if considered part of major infrastructure and approved by Development Consent Order. In our 2022 inquiry on

83 Transport Committee, First Report of Session 2022–23, [Road freight supply chain](#), HC 162 incorporating HC 828 of Session 2021–22

84 Transport Committee, Second Special Report of Session 2022–23, [Road freight supply chain: Government response to the Committee’s First Report](#), HC 701

85 Department for Transport and Department for Levelling Up, Housing and Communities, [Freight, logistics and the planning system: call for evidence](#), July 2023

86 [Q60](#)

87 [Q60](#)

88 Transport Action Network ([NPS0022](#))

89 [Q151](#)

90 [Q151](#)

the road freight supply chain we heard that the process of building a new motorway service area can take a decade, and that the planning process is a key source of delay; the Government needs to cut through this quagmire to deliver the facilities that are desperately needed.

59. Robbie Owen, Board Secretary and Director at the National Infrastructure Planning Association, told us that the updating the NNNPS to clarify what ancillaries should be “properly associated” with major infrastructure would reduce time spent deliberating during the approval process. This is currently only provided as supplementary guidance. Mr Owen said:

The key point is that a judgment always has to be made by a project promoter as to what it will include in the application by way of ancillary or associated development. The NPS should provide clarity on the policies, just as it does in relation to the main component of the scheme. [...] That would be very helpful.⁹¹

60. *The Government should amend the draft revised NNNPS to clarify, by way of providing a list of examples, what would normally be deemed to be ‘associated development’ for schemes which meet the threshold for nationally significant infrastructure.*

Integration with non-motorised transport

61. CPRE Peak District and South Yorkshire told us that the draft revised NNNPS is not sufficiently integrated with national level land use policies, local plans or national policies for walking and cycling, and that the Government should develop a “holistic integrated national transport strategy”.⁹² Transport for the North emphasised that major infrastructure projects in urban areas are likely to share transport corridors with public transport and people walking and cycling, and that greater clarity should be provided on “balancing the needs of different modes within a limited availability of road spaces.”⁹³

62. We also heard that the draft revised NNNPS does not adequately outline acceptable standards for vulnerable road users. Cycling UK told us that the draft revised NNNPS “fails” to cite a requirement for cycling provision to be made in accordance with the National Highways design standard CD 195, ‘Designing for Cycle Traffic for motorways and trunk roads’.⁹⁴ The function of CD 195 is to provide:

requirements and advice relevant to the motorway and trunk road network for the design of infrastructure for cycle traffic. It is intended to be used by highway design professionals to facilitate the convenient and safe movement of cycle traffic, where cycling is legally permitted.⁹⁵

63. While cycling is typically not permitted on motorways or trunk roads themselves, there are often crossing points on the Strategic Road Network for people walking, cycling and riding horses, and adjoining infrastructure for vulnerable road users. Cycling UK

91 [Q60](#)

92 CPRE Peak District and South Yorkshire ([NPS0010](#))

93 Transport for the North ([NPS0013](#))

94 Cycling UK ([NPS0020](#))

95 Highways England [National Highways], [CD 195 - Designing for cycle traffic](#), 2021

argued that the absence of the requirement for CD 195 has resulted in “inadequate” cycling provision for motorways and trunk roads.⁹⁶ In the case of the A428 Black Cat to Caxton Gibbet road scheme, the DCO Inspector said that “far more could have been done to provide for non-motorised users” but that there was no compulsion on National Highways to do so.⁹⁷ National Highways’ guidance is therefore “intended” to be used, but there is no requirement for this to be done.

64. *The draft revised NNNPS should be amended to include a stronger requirement for scheme applicants to adhere to the cycling infrastructure design standards set out in CD 195.*

Application to non-NSIP schemes

65. The NNNPS only applies to Nationally Significant Infrastructure Projects (NSIPs), but we heard that its influence could be helpful in providing a more solid policy basis for smaller schemes or for those that are complex and large in scale but do not meet the Planning Act threshold for being classed as nationally significant. An example of such a scheme is the Transpennine Route Upgrade, a multi-billion pound project to upgrade the 76-mile Transpennine rail line between York and Manchester.⁹⁸

66. Robbie Owen, Board Secretary and Director at the National Infrastructure Planning Association, told us that the draft revised NNNPS was a “missed opportunity” to provide stronger policy support for rail projects beneath the NSIPs threshold, by linking the NNNPS to the primary consenting regime for rail projects which falls under the Transport and Works Act 1992. He said:

this NPS is capable of being a very material consideration when it comes to deciding applications for Transport and Work Act orders. We think that it would be really helpful to guide all concerned, not just applicants, if the NNNPS were clearer on the extent to which it applies to non-DCO rail projects.⁹⁹

67. Transport Action Network agreed that the NNNPS could help deliver the consenting of infrastructure beneath the NSIP threshold, and also emphasised that at present, the NNNPS is often the only policy available to guide smaller scale transport schemes. Transport Action Network said:

Additional supportive policy is required for schemes that may proceed via Transport and Works Act orders, such as trams, other light rail, trolley bus networks and electric road systems (for lorries and potentially coaches) and other urban public transport systems. The opportunity should be taken to rethink the name of this NNNPS to come up with something more inclusive and integrated.¹⁰⁰

96 Cycling UK ([NPS0020](#))

97 The Planning Inspectorate, [A428 Black Cat to Caxton Gibbet Road Improvement scheme - Examining Authority's Report of Findings and Conclusions, May 2022](#)

98 Network Rail, [Transpennine Route Upgrade](#)

99 [Q59](#)

100 Transport Action Network ([NPS0022](#))

68. Colin Black, Head of Growth and Future Mobility at AECOM, said that explicitly showing how the NNNPS could guide smaller projects out of its scope is a “very valid” concept that could bring better scrutiny “to smaller schemes.”¹⁰¹ He said that, currently, there is effectively a “two-tier system” where projects which are not nationally significant but still of “substantial and significant size” receive “a different level of rigour” in terms of scrutiny.¹⁰²

69. We also asked the Minister and his officials whether the NNNPS could be clearer about how it applies to smaller schemes. Dan Moore, Rail Strategy and Rail Analysis Director at the Department for Transport, did not agree that this would be necessary. He told us:

My view on this is that the system is reasonably clear already. Ultimately, if it does not meet the thresholds in relation to the Planning Act, it is a Transport and Works Act scheme. It is very clear to promoters exactly where they need to go. [...] I have not heard a large call over the years for a substantial change there.¹⁰³

70. The NNNPS could be a helpful document when making decisions on transport schemes which are not classed as nationally significant but are still large scale or regionally important. These schemes are currently consented through the Transport and Works Act and receive a less rigorous level of scrutiny.

71. The draft revised NNNPS should be amended to include provision which makes it clear how the NNNPS could be a relevant policy consideration for non-NSIP schemes which are currently consented under the Transport and Works Act.

101 [Q58](#)

102 [Q58](#)

103 [Q152](#)

6 Restructuring the National Policy Statements for transport

72. Currently there are separate National Policy Statements for National Networks (designated in January 2015),¹⁰⁴ Ports (designated in January 2012)¹⁰⁵ and Airports (designated in June 2018).¹⁰⁶ We heard that a more effective way to structure the National Policy Statements for transport could be to have one over-arching “Transport” National Policy Statement, with separate modes catered for by sub-statements. The Government may want to consider the multi-modal strategic approach taken by the Scottish Government.

73. The focus throughout this inquiry has primarily fallen on the national road network, with rail and strategic rail freight interchanges taking a back seat. Robbie Owen, Board Secretary and Director at the National Infrastructure Planning Association, said that attention for each mode in the NNNPS could be more “sharply focused” if each had its own statement.¹⁰⁷ The National Infrastructure Planning Association told us that:

Government transport policy might be more clearly and coherently articulated were the transport National Policy Statements restructured in a way that mirrors the suite of energy National Policy Statements. For example, an Overarching Transport NPS (TR-1) setting out the Government’s policy for the delivery of major transport infrastructure, together with sector-specific NPSs for road (TR-2), rail and SRFIs (TR-3), ports (TR-4) and airports (TR-5).¹⁰⁸

74. David Buttery, Roads Strategy Director at the Department for Transport, told us that the National Policy Statements for transport are organised as they are because “what we have done is to put the two bits that are caught by the DCO regime together to try to get that multi-modal thinking where it triggers this part of the Planning Act”.¹⁰⁹ It is not clear why ports and airports are not also grouped in this way, as they too are considered nationally significant and “caught” by the DCO regime. Airports and ports are also accessed by road and rail and are presumably also worthy of multi-modal consideration; at present the Ports and Airports National Policy Statements stand on their own.

75. *The Government should consider the merits of restructuring future iterations of the National Policy Statements for transport so that there is an over-arching Transport NPS, with Road, Rail, Strategic Rail Freight Interchanges, Ports, and Airport NPSs sitting underneath it, and provide a clear rationale if it opts not to do so.*

104 Department for Transport, [National Policy Statement for National Networks](#), December 2014

105 Department for Transport, [National Policy Statement for Ports](#), January 2012

106 Department for Transport, [Airports National Policy Statement](#), June 2018

107 [Q43](#)

108 National Infrastructure Planning Association ([NPS0024](#))

109 [Q109](#)

Conclusions and recommendations

The review process

1. The review of the NNNPS was overdue. It was launched to bring the policy framework for major infrastructure schemes up to date, and as a response to legal challenges to schemes prompted by the introduction of significant net zero legislation. The Government should have been proactive and reviewed the NNNPS upon the introduction of net zero targets, and should do so when any changes are made to the net zero target policies. (Paragraph 18)
2. *The Government should introduce five-year review periods for the NNNPS, with a shorter term where changes in policy decisions or policy drivers warrant it. This does not necessarily mean that wholesale revisions should be made to the NNNPS every five years, but the reviews would provide an opportunity for the Department for Transport to consider the wider policy environment and Government priorities. The Government could also consider the modular approach suggested by the National Infrastructure Commission.* (Paragraph 19)

Legal challenges to schemes on climate grounds

3. The draft revised NNNPS attempts to balance the Government's 2050 net zero targets with an NSIP regime which could potentially increase greenhouse gas emissions. While the document provides guidance on assessing, mitigating, and approving the greenhouse gas emissions of schemes, these measures could be stronger to align with the pathway to net zero. (Paragraph 27)
4. *The Government should respond to the Climate Change Committee's recommendation on reviewing the roads programme and explain why this recommendation will or will not be taken forward. The Climate Change Committee's recommendations do not relate directly to the NNNPS, but acceptance of them would change the policy environment in which the NNNPS operates and, presumably, prompt further review. Obtaining clarity on this issue is important for establishing whether challenges to NSIPs on climate grounds are likely to continue.* (Paragraph 28)
5. The draft NNNPS permits "residual" greenhouse gas emissions from NSIPs, but does not define what "residual" means, nor does it set out a threshold or limits for a level of emissions that would be deemed "residual". Accordingly, schemes which are likely to cause an increase in carbon emissions may remain vulnerable to legal challenge. (Paragraph 31)
6. *The draft revised NNNPS should be amended to provide a definition of, and clear and comprehensive guidance on, "residual" greenhouse gas emissions. This definition must make it possible to distinguish clearly between "residual" and unacceptable increases in emissions from an NSIP.* (Paragraph 32)

7. *The draft revised NNNPS should be amended to explicitly state the Government's understanding of the legal precedent for permitting major infrastructure schemes which result in an increase in emissions, where that increase is judged as not likely to harm the achievement of a national target. (Paragraph 35)*

Confidence and transparency

8. There is concern from some interested parties that the National Transport Model, which underpins the Statement of Need, does not consider a wide enough range of traffic demand scenarios and that the National Transport Model and congestion forecasts are not published in ways that permit thorough scrutiny of their assumptions. There is also a lack of faith in the options appraisal process for NSIPs before they reach Development Consent Order stage. Finally, there is concern that, while the Department for Transport talks about moving away from 'predict and provide', in reality the NSIP regime perpetuates that approach. For promoters of schemes, opponents and the wider public to have confidence in the robustness of the revised NNNPS, greater transparency is needed. (Paragraph 48)
9. *The Department for Transport must do more to provide transparency on its approach to assessment and decision making. Specifically, it should:*
- *publish the National Transport Model so that it can be independently tested and verified, or model and report on a wider range of scenarios where traffic levels on the SRN are a) reduced and b) maintained at current levels and ambition for rail patronage is increased, as we recommended in our report on strategic road investment;*
 - *publish its own estimated congestion forecasts for the Strategic Road Network;*
 - *be more transparent in the decision-making process for potential alternatives to NSIP scheme choices, for example at Project Control Framework stages 0 and 1 for road schemes.*
 - *provide a list of "exceptional circumstances" which would necessitate consideration of alternative schemes during the Development Consent Order examination process; and*
 - *provide examples of how the draft revised NNNPS supports a move away from the 'predict and provide' approach to developing NSIPs. (Paragraph 49)*

Further recommendations

10. *The draft revised NNNPS should be amended to include an equivalent to Clause 5.29 of the current NNNPS. If the Government declines, it must explain why, and how this is compatible with Government policy on promoting biodiversity. (Paragraph 53)*
11. *In its response to its call for evidence on freight, logistics and the planning system, the Department for Transport should address whether some types associated development which are vital to the road freight supply chain, such as driver rest facilities or service areas, would be more effectively delivered if considered part of major infrastructure*

and approved by Development Consent Order. In our 2022 inquiry on the road freight supply chain we heard that the process of building a new motorway service area can take a decade, and that the planning process is a key source of delay; the Government needs to cut through this quagmire to deliver the facilities that are desperately needed. (Paragraph 58)

12. *The Government should amend the draft revised NNNPS to clarify, by way of providing a list of examples, what would normally be deemed to be ‘associated development’ for schemes which meet the threshold for nationally significant infrastructure. (Paragraph 60)*
13. *The draft revised NNNPS should be amended to include a stronger requirement for scheme applicants to adhere to the cycling infrastructure design standards set out in CD 195. (Paragraph 64)*
14. *The NNNPS could be a helpful document when making decisions on transport schemes which are not classed as nationally significant but are still large scale or regionally important. These schemes are currently consented through the Transport and Works Act and receive a less rigorous level of scrutiny. (Paragraph 70)*
15. *The draft revised NNNPS should be amended to include provision which makes it clear how the NNNPS could be a relevant policy consideration for non-NSIP schemes which are currently consented under the Transport and Works Act. (Paragraph 71)*

Restructuring the National Policy Statements for transport

16. *The Government should consider the merits of restructuring future iterations of the National Policy Statements for transport so that there is an over-arching Transport NPS, with Road, Rail, Strategic Rail Freight Interchanges, Ports, and Airport NPSs sitting underneath it, and provide a clear rationale if it opts not to do so. (Paragraph 75)*

Formal minutes

Tuesday 17 October 2023

Members present:

Iain Stewart, in the Chair

Jack Brereton

Paul Howell

Karl McCartney

Grahame Morris

Gavin Newlands

Draft Report (*Draft revised National Policy Statement for National Networks*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 75 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

[Adjourned till tomorrow at 9.30 am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 28 June 2023

Rosie Allen, Policy Adviser, Green Alliance; **Professor Phil Goodwin**, Emeritus Professor of Transport Policy, University College London (UCL); **Ralph Smyth**, Consultant, Transport Action Network [Q1–39](#)

Robbie Owen, Board Secretary and Director, National Infrastructure Planning Association; **Colin Black**, Head of Growth and Future Mobility, AECOM; **Keith Buchan**, Skills Director and former Chair, Transport Planning Society; **Mustafa Latif-Aramesh**, Legal Director, BDB Pitmans [Q40–63](#)

Wednesday 19 July 2023

Steve Gooding, Director, RAC Foundation; **Martin Tugwell**, Chief Executive, Transport for the North; **Julian Worth**, Chair of Rail Freight Forum, Chartered Institute of Logistics and Transport [Q64–101](#)

Richard Holden MP, Parliamentary Under-Secretary of State, Department for Transport; **David Buttery**, Roads Strategy Director, Department for Transport; **Dan Moore**, Rail Strategy and Rail Analysis Director, Department for Transport [Q102–152](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

NPS numbers are generated by the evidence processing system and so may not be complete.

- 1 ASLEF ([NPS0002](#))
- 2 BDB Pitmans ([NPS0014](#))
- 3 CPRE Peak District and SOuth Yorkshire ([NPS0010](#))
- 4 Campaign for Better Transport ([NPS0021](#))
- 5 Climate Emergency Policy and Planning (CEPP) ([NPS0016](#))
- 6 Cycling UK ([NPS0020](#))
- 7 Department for Transport ([NPS0025](#))
- 8 England's Economic Heartland ([NPS0015](#))
- 9 Friends of Carrington Moss ([NPS0008](#))
- 10 Getlink Group ([NPS0006](#))
- 11 Green Alliance ([NPS0026](#))
- 12 Green Alliance ([NPS0007](#))
- 13 Hawker, Richard ([NPS0023](#))
- 14 Lyons, Professor Glenn (Mott MacDonald Professor of Future Mobility, University of the West of England, Bristol) ([NPS0004](#))
- 15 Metz, Dr David (honorary professor, UCL Centre for Transport Studies) ([NPS0001](#))
- 16 Midlands Connect ([NPS0012](#))
- 17 National Infrastructure Planning Association ([NPS0024](#))
- 18 Rail Freight Group ([NPS0003](#))
- 19 Sustrans ([NPS0011](#))
- 20 Thames Crossing Action Group ([NPS0017](#))
- 21 Transport Action Network ([NPS0027](#))
- 22 Transport Action Network ([NPS0022](#))
- 23 Transport for West Midlands ([NPS0018](#))
- 24 Transport for West Midlands ([NPS0019](#))
- 25 Transport for the North ([NPS0013](#))
- 26 What Works Centre for Local Economic Growth ([NPS0009](#))
- 27 Woodland Trust ([NPS0005](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2022–23

Number	Title	Reference
1st	Road freight supply chain	HC 162
2nd	The Integrated Rail Plan for the North and Midlands	HC 292
3rd	Fuelling the future: motive power and connectivity	HC 159
4th	Implementation of the National Bus Strategy	HC 161
5th	Maritime 2050	HC 160
6th	Strategic road investment	HC 904
7th	Self-driving vehicles	HC 519
8th	Minimum service levels for rail	HC 1153
1st Special	UK aviation: reform for take-off: Government response to the Committee's Fifth Report of Session 2021–22	HC 542
2nd Special	Road freight supply chain: Government response to the Committee's First Report	HC 701
3rd Special	Road Pricing: Government Response to the Committee's Fourth Report of Session 2021–22	HC 1178
4th Special	Fuelling the future: motive power and connectivity: Government response to the Committee's Third Report	HC 1382
5th Special	Maritime 2050: Government Response to the Committee's Fifth Report	HC 1420
6th Special	Implementation of the National Bus Strategy: Government response to the Committee's Fourth Report	HC 1431
7th Special	The Integrated Rail Plan for the North and Midlands: Government response to the Committee's Second Report	HC 1729

Session 2021–22

Number	Title	Reference
1st	Zero emission vehicles	HC 27
2nd	Major transport infrastructure projects	HC 24
3rd	Rollout and safety of smart motorways	HC 26
4th	Road pricing	HC 789
5th	UK aviation: reform for take-off	HC 683

Number	Title	Reference
1st Special	The impact of the coronavirus pandemic on the aviation sector: Interim report: Government Response to the Committee's Fifth Report of Session 2019–21	HC 28
2nd Special	Road safety: young and novice drivers: Government Response to Committee's Fourth Report of Session 2019–21	HC 29
3rd Special	Trains Fit for the Future? Government Response to the Committee's Sixth Report of Session 2019–21	HC 249
4th Special	Safe return of international travel? Government Response to the Committee's Seventh Report of Session 2019–21	HC 489
5th Special	Zero emission vehicles: Government Response to the Committee's First Report	HC 759
6th Special	Rollout and safety of smart motorways: Government Response to the Committee's Third Report	HC 1020
7th Special	Major transport infrastructure projects: Government Response to the Committee's Second Report	HC 938

Session 2019–21

Number	Title	Reference
1st	Appointment of the Chair of the Civil Aviation Authority	HC 354
2nd	The impact of the coronavirus pandemic on the aviation sector	HC 268
3rd	E-scooters: pavement nuisance or transport innovation?	HC 255
4th	Road safety: young and novice drivers	HC 169
5th	The impact of the coronavirus pandemic on the aviation sector: Interim report	HC 1257
6th	Trains fit for the future?	HC 876
7th	Safe return of international travel?	HC 1341