



Written Representation A66 Northern Trans-Pennine

1. Introduction

Transport Action Network (TAN) submitted a Relevant Representation (RR-035) on the DCO application for the A66 Northern Trans Pennine scheme and registered as an Interested Party (IP). This is our Written Representation (WR).

2. Climate change

2.1 TAN is pleased that the Examining Authority (ExA) made climate change one of the Principle Issues for this examination.

2.2 Climate change is the most pressing environmental issue of our time, presenting an existential threat to human life and biodiversity.

2.3 We are concerned, however, that the climate impact of this scheme will be difficult for the ExA to assess due to a number of issues.

2.4 Firstly, despite climate change being the single most important environmental issue influencing all other environmental impacts, there is no statutory environmental body (SEB) tasked with scrutinising the climate change claims made by the Applicant. Natural England, the Environment Agency and Historic England all scrutinise the claims made by the Applicant for other environmental issues (such as biodiversity, flooding and the impact on the historic environment) to varying degrees depending on resources. However, the SEB's remit does not include carbon emissions. The remits of the newly formed Office for Environmental Protection (OEP) and the Climate Change Committee (CCC) unfortunately do not include challenging and scrutinising climate change assertions made by scheme promoters at examinations. This is a serious omission in English planning consenting procedures.

2.5 Secondly, we are concerned that the Applicant is not being clear about the climate change impact of this scheme, and due to the lack of challenge and scrutiny from an expert statutory body (which is exclusively focused on climate change), it will be easier for the Applicant to confuse and obscure the true impact of the carbon emissions resulting from the scheme.

2.6 It will be left to small organisations like TAN, scientists like Dr Andrew Boswell and ordinary people to challenge the climate change assertions made by the Applicant. Given the weight the ExA attaches to climate change during this examination (making it a Principle Issue) and the lack of statutory scrutiny, we ask that the ExA allows full exploration by IPs about the carbon impact of the scheme, and to respectfully acknowledge the contribution by IPs to undertake this important task in the absence of SEBs.

2.7. To assist the streamlining of the examination and to help it run more efficiently, TAN would like our representations on climate change at hearings to be made by Dr Andrew Boswell of CEPP, who is also registered as an IP and is an expert on climate science, policy and law. We ask the ExA to allow Dr Boswell to fully make the arguments on our behalf, including the complete absence of cumulative impact assessment, and the absence of any comparisons of emissions with local, regional and sectoral budgets.

2.8 The latest Emissions Factor Toolkit (EFT v11) and TAG v1.20 all already account for the uptake of electric vehicles. The DfT's Transport Decarbonisation Plan (TDP) is vague and contains no detailed, quantifiable policies. National Highways "Net Zero Highways" is irrelevant as it largely focused on NH's corporate emissions, which are miniscule compared to the emissions caused by the construction and operation of this scheme.

3. National Policy Statement for National Networks (NPSNN)

3.1 TAN had to initiate judicial review proceedings three times in 2020 and 2021 before the Secretary of State for Transport finally acknowledged in July 2021 that the National Policy Statement for National Networks (NPSNN) is woefully out of date on climate change and traffic forecasts, and finally agreed to review it. The new NPSNN was supposed to be passed by Parliament and in place by 'Spring 2023', yet a draft has not yet been published and consultations have not been initiated.

3.2 In the meantime examinations are being conducted and consenting decisions are being taken in a policy vacuum using an outdated and impotent NPS, giving rise to potentially unlawful decisions. We ask the ExA to acknowledge that the NPSNN is currently under review as it's out of date on climate change law and policy, and therefore to attach the appropriate level of weight to the outdated climate parts of the NPSNN.

4. Traffic forecasts

4.1 The modelling for the proposed scheme was done using a previous version of TAG. We request that the ExA asks the Applicant to re-run the appraisal using the latest version (v1.20, November 2022), and to deposit this new appraisal in the examination library as a new Combined Modelling and Appraisal (ComMA) report.

4.2 Last week (12 December 2022), the Department for Transport (DfT) finally published the long-awaited road traffic projections. These had not been updated since 2018. These forecasts will change the National Transport Model (NTM) and the appraisal for the proposed scheme. Please could the ExA request the Applicant redo the modelling and appraisal using the latest road traffic projections, and to deposit this new appraisal in the examination library.

5. Poor value for money

5.1 The business case for this scheme is worse than marginal. It is not known how or why this scheme is being progressed by National Highways and the DfT as it is classed as 'Poor' value for money in the DfT's value for money framework, and should not have been progressed for that reason alone. TAN can only assume that it is being progressed for political reasons, not for transport, economic or safety reasons.

5.2 The scheme would cost more to build than it would ever deliver in economic benefits as it has a negative benefit-cost-ratio (BCR). The initial BCR for the scheme is only 0.48 meaning that for every £1 spent on building the scheme, it would only deliver a 48p return. Using a best-case scenario and taking into account all the claimed, wider economic benefits (which are disputed), the BCR is still inflated to only 0.92, meaning it would only return 92p for every £1 spent.

5.3 There is a very strong presumption in planning policy (NPPF and NPSNN) against building in protected areas such as an Area of Outstanding Natural Beauty (AONB) unless there are overwhelming benefits, and there are “exceptional circumstances”. Given the poor BCR and the low benefits this scheme brings, this test has not been met.

5.4 In the midst of a cost-of-living crisis, it is obscene to spend £1.49 billion (APP-289) on a project that will increase carbon emissions and air and noise pollution, and destroy and pollute protected habitats.

6. Failure to consult adequately and properly

6.1 TAN is extremely concerned about the rushed and very poor consultation for this scheme, and the underhand way that National Highways mishandled consultation prior to the DCO submission. We are very disappointed that the Planning Inspectorate accepted the application given the serious concerns we raised with PINS prior to the acceptance decision.

6.2 TAN monitors and participates in many NSIP road consultations and supports communities around England, meaning that we have considerable experience of normal and best practice. We have never witnessed such appalling consultation as that conducted at the pre-application stage for this scheme. We wish to ensure the ExA are aware of the very serious failings at the consultation stage for the A66 which has resulted in a very poor scheme being presented at examination. We can present further evidence on this if required.

6.3 National Highways (NH) rushed the statutory consultation, meaning significant changes were made post-statutory consultation, and important aspects of the scheme design being missed out of the statutory consultation. This resulted in the Applicant holding multiple supplementary consultations after the statutory consultation, often overlapping and/or back-to-back. These supplementary consultations contained significant changes to the scheme design (including raised viaducts at the AONB boundary and locations of 21 compounds within a very sensitive landscape), but were conducted in secrecy. NH did not publicise the consultations on the scheme page, on their dedicated social media, nor on the NH national consultation page. This is in stark contrast to the treatment of every other NH NSIP. The consultation documents were only available to those who were given the links in a hand-delivered leaflet, and the links were not advertised online or publicly, meaning that unless you were in possession of a leaflet you couldn't respond, nor could national bodies like TAN gain access to the documents nor comment. Important regional bodies such as Friends of the Lake District were not consulted properly, and were not invited to stakeholder meetings.

7. Misrepresentations by the Applicant

7.1 We have noticed that TAN's comments made in our RR (RR-035) have not been included in the Applicant's response to RR's (PDL-010-013). We commented on climate change, the poor value for money, inadequate consultation and many other issues. However NH have failed to include our RR comments in their response. We are concerned that NH are therefore not representing the responses from objectors accurately.

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Rebecca Lush

Transport Action Network

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

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