

A66 Northern Trans-Pennine Project

TR010062

7.33 Applicant's Response to Deadline 3 and 4 Submissions

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 5

Planning Act 2008

14 March 2023

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure)
Rules 2010**

A66 Northern Trans-Pennine Project
Development Consent Order 202x

**7.33 APPLICANT'S RESPONSE TO DEADLINE 3 AND 4
SUBMISSIONS**

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This document identifies submissions made at Deadline 4 of the Examination of the A66 Northern Trans-Pennine Project (the Project) and signposts the reader to the documents submitted by National Highways (the Applicant) where the Applicant has responded to the issues raised.
- 1.1.2. This document also includes the Applicant's Response to the submission made by Climate Emergency Policy and Planning (CEPP) at Deadline 3.
- 1.1.3. The Applicant has reviewed the submissions made by Interested Parties at Deadline 4 of the Examination and the table below signposts to the document where the response to the issues raised can be found. The table covers those documents that raise issues in respect of the A66 DCO application and submissions of the Applicant but does not cover communications to the ExA at Deadline 4 regarding requests to or confirmation of attendance at Hearings or site visits.

2. Applicant's Response to Deadline 4 Submissions

Table 1: Deadline 4 Submissions and reference to the Documents that provide a response to the matters raised

Submission by and Link	Applicant's Response
Cross Lanes to Rokeby Community liaison group Considerations regarding the Blue Route at Rokeby.	The issues have been addressed in the Applicant's Response to Relevant Representations Part 2 of 4 (Page 88 – RR-051) (PDL-011) and Issue Specific Hearing 1 (ISH1) Post Hearing Submissions (including written submissions of oral case) at section 2.1 Scheme 08 (Cross Lanes to Rokeby) (REP1-066).
Cross Lanes to Rokeby Community liaison group Discussion points on impact of Blue Route on Rokeby Park.	
Cumbria County Council and Eden District Council Response to the Examining Authority Written Questions for Deadline 4	The Applicant's position on issues raised by the Councils is set out in an updated joint Statement of Common Ground with both Councils that is submitted at Deadline 5. In addition, a revised Draft DCO (Rev 3, 5.1 Draft DCO (clean and tracked)) is submitted at Deadline 5.
Cumbria Tourism Letter of support	The Applicant acknowledges the support for the Project.

<p>Dr Mary Clare Martin and Mrs Joy Thompson Comments on agenda items for CAH2.</p>	<p>The Applicant has responded to the issues raised by Dr Mary Clare Martin at CAH2 in the Compulsory Acquisition Hearing 2 (CAH2) Post Hearing Submissions (including written submissions of oral case) at section 4.1 Affected Persons who requested a CA Hearing and wish to make oral representations, submitted by the Applicant at Deadline 5.</p>
<p>Durham County Council Response to The Examining Authority's Written Questions</p> <p>Durham County Council Cover letter</p>	<p>The Applicant's position on these issues is set out in an updated Statement of Common Ground with Durham County Council, submitted at Deadline 5.</p>
<p>Environment Agency Response to Written Questions of the ExA</p>	<p>The Applicant's position on these issues is set out in an updated Statement of Common Ground with the Environment Agency, submitted at Deadline 5.</p>
<p>George F White Request to attend ASI, CAH2 and ISH3 Hearings and notes of the points to be made.</p>	<p>The Applicant has submitted the following documents that address issues raised in the submissions made by George F White:</p> <ul style="list-style-type: none"> • 7.27 Applicant's Response to Deadline 3 Submissions (REP-014). • Compulsory Acquisition Hearing 2 (CAH2) Post Hearing Submissions (including written submissions of oral case) – See section 4.1 Affected Persons who requested a CA Hearing and wish to make oral representations, submitted by the Applicant at Deadline 5. • Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submissions of oral case) NB: includes Appendices A, and C-F (see section 5 Flooding and Drainage and Section 10 Any other Business), submitted by the Applicant at Deadline 5. • Issue Specific Hearing 3 (ISH3) Post Hearing Submission – Response to Examining Authority's Request Under Agenda Item 10: Replacement Sites Considered for Brough Hill Fair (Document Reference 7.32).
<p>Gypsy and Traveller Representatives (Brough Hill Fair) Convention for the Safeguarding of the Intangible Cultural Heritage</p>	<p>The Applicant has submitted the following documents at Deadline 5 that are relevant to the submissions made by the Gypsy and Traveller Representatives and provide a response to some of the issues raised:</p> <ul style="list-style-type: none"> • An updated Statement of Common Ground with the Gypsy and Travellers Representatives (Rev 3), submitted at Deadline 5. • Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submissions of oral case) NB: includes Appendices A, and C-F. • Appendix F – Agenda Item 7.1 Intangible Cultural Heritage of the Fair, appended to the ISH 3 Post Hearing Submissions (including submissions of oral case) main document. • Issue Specific Hearing 3 (ISH3) Post Hearing Submission – Response to Examining Authority's Request Under Agenda Item 10: Replacement Sites Considered for Brough Hill Fair (Document Reference 7.32).
<p>Gypsy and Traveller Representatives (Brough Hill Fair) Provides further information in relation to the "Billy Welch route" with plans</p>	
<p>Gypsy and Traveller Representatives (Brough Hill Fair) Provides a response to Written Questions including PC 1.3 Brough Hill Fair (to the Applicant)</p>	

<p><u>Gypsy and Traveller Representatives (Brough Hill Fair)</u> Sets out concerns over the safety of horses on the proposed site through responding to the Brough Hill Fair Technical Note [REP3-045]</p>	
<p><u>Gypsy and Traveller Representatives (Brough Hill Fair)</u> Chapman v United Kingdom (27238/95), (2001) judgement of the European Court of Human Rights</p>	
<p><u>Gypsy and Traveller Representatives (Brough Hill Fair)</u> Buckley v United Kingdom (20348/92), (1997) judgement of the European Court of Human Rights</p>	
<p><u>Historic England</u> Historic England's response to: the ExA's questions circulated on 31 January [PD-011], the Applicant's revised draft Environmental Management Plan, the Applicant's revised draft DCO submitted at deadline 2 and the Applicant's comments on HE's Written Representations</p>	<p>Issues are addressed through an updated Statement of Common Ground with Historic England, submitted at Deadline 5.</p>
<p><u>Louise Taylor-Kenyon</u> Further information on a northern route within the AoNB that the party states requires further consideration</p>	<p>The route being promoted is similar in terms of alignment to that being proposed by Billy Welch and also by Warcop Parish Council. The Applicant's consideration of these similar routes can be found in the following documents:</p> <ul style="list-style-type: none"> i) The updated Statement of Common Ground with the Gypsy and Travellers Representatives (with respect to the 'Billy Welch Route'), submitted at Deadline 5. ii) The response provided for Agenda item 5.0 at Issue Specific Hearing 2, as recorded on page 50 to 57, submitted at Deadline 1 (7.3 Issue Specific Hearing (ISH2) Post Hearing, REP1-009); and

	iii) Pages 5 to 10 of 6.5 Applicant's Response to Relevant Representations Part 2 of 4 (PDL-011), with respect to the Warcop Parish Council route.
George F White LLP on behalf of Mr J Richmond A further clarification to the response to written question CA 1.12	The Applicant acknowledges the clarification provided.
Natural England Response to the Examining Authority's Written Questions and requests for information	Issues are addressed through an updated Statement of Common Ground with Natural England, submitted at Deadline 5
North Yorkshire County Council and Richmondshire District Council Response to Written Questions	Issues addressed through an updated Statement of Common Ground with the Councils, submitted at Deadline 5
William Lloyd Brough Hill Fair Prescriptive Rights – Response to National Highways Deadline 1 Submission – REP1-009	The Applicant's position is set out in an updated Statement of Common Ground with the Gypsy and Travellers Representatives, submitted at Deadline 5. Please also see the following submissions: <ul style="list-style-type: none"> • Issue Specific Hearing 3 (ISH3) Post Hearing Submissions (including written submissions of oral case) NB: includes Appendices A, and C-F. • Appendix F – Agenda Item 7.1 Intangible Cultural Heritage of the Fair, appended to the ISH 3 Post Hearing Submissions (including submissions of oral case) main document; and • Revised Draft Development Consent Order (Clean and Tracked) – see Relocation of Brough Hill Fair.
William Lloyd Brough Hill Fair Summary – Response to National Highways Deadline 1 Submission – REP1-009	
William Lloyd Brough Hill Fair Photo Evidence – Response to National Highways Deadline 1 Submission- REP1-009	
William Lloyd Issue Specific Hearing 2 (ISH2) Post Hearing Submissions (summary of the party's case and list of submitted documents)	
William Lloyd Statement of Truth	

3. Applicant's Response to Climate Emergency Policy and Planning Deadline 3 Submission [REP3-068]

- 3.1.1. The Applicant agreed at ISH3 to confirm in writing its response to [REP3-068], including to confirm where the Applicant has already addressed the comments made in [REP3-068] or where the Applicant considers a new response is required.
- 3.1.2. The table below provides the Applicant's comprehensive response to [REP3-068], setting out new text or directing the reader to where response text has already been provided, and sets out this information in tabular form for convenience.

Table 2: Applicant's Response to CEPP [REP3-068]

[REP3-068] Text	Applicant Response	Relevant Document(s)
<p>[REP3-068] Section 2.1 & 2.2: Assessment of significance in accordance with the NPSNN – Legal and Policy and The Scale and Logistical Impact of Net Zero</p>	<p>The Applicant notes CEPPs comments and considers it has already addressed these matters in p. 76-78 of Appendix 1 of the Applicant's Response to Written Representations made by other Interested Parties [REP2-017]. The Applicant notes also, particularly in response to paragraphs 7(A) and 10 of [REP3-068] that the NPSNN is the Government National Policy Statement against which the Project is to be assessed, in particular paragraphs 5.17 and 5.18, and that DMRB LA 114 is an industry standard specific to transport schemes (please see pages 76 and 82 of [REP2-017]).</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Section 2.3-2.5: False claims of compliance, Summary of Likely significant effects assessment for the A66 Project and Contextualisation against local, regional or sectoral targets</p>	<p>The Applicant notes CEPPs comments and considers it has already addressed these in substance within the Applicant's [REP2-017] submission. For the contextualisation response please see pages 78 – 81 of [REP2-017] and the Applicant's response to the Examining Authority's Written Question CE.1.5 [REP4-011]; for compliance and summary of likely significant effects assessment please see pages 84-86 of [REP2-017] The Applicant wishes to make the following brief additional points on specific issues (set out in the rows below):</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017] and Applicant's response to the Examining Authority's Written Question CE.1.5 [REP4-011]</p>
<p>[REP3-068] Section 2.3, Paragraph 20(A): <i>"There is a serious question of how much the Applicant should investigate into whether their carbon assessment is adequate: currently, the Applicant has closed its mind to examining how applying</i></p>	<p>In response to these comments, the Applicant notes that it has previously set out a detailed explanation of how its assessment has been carried out in accordance with the 2017 EIA Regulations, the NPSNN, and with DMRB LA 114 – please see Appendix 1 to [REP2-017] in particular p. 76-78 (NPSNN), p. 78-81 (2017 EIA Regulations) and p. 78 and p. 82 (DMRB LA 114).</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>

<p><i>IEMA contextualisation could improve the reliability of its assessment, despite me laying out in detail why it would improve reliability in my Written Representation [REP1-013].</i></p> <p><i>Although the IEMA Guidance is not on a statutory footing, it is the primary guidance on assessing the significance of greenhouse gas emissions within the UK. By doggedly refusing to use the IEMA guidance, as it is intended, the Tameside principle – that a public body has a duty to carry out a sufficient inquiry prior to making its decision - may be breached, should this DCO examination proceed to a decision without adequate inquiry into the application of the IEMA methodology.”</i></p>	<p>In addition, the Applicant notes that the position with regard to contextualisation has also previously been addressed starting from p. 78 of Appendix 1 to [REP2-017]. To reiterate passages of the IEMA guidance that the Applicant provided in its [REP2-017] submission that CEPP has not addressed in [REP3-068] (emphasis added):</p> <p><i>“The specific context for an individual project and the contribution it makes must be established through the professional judgment of an appropriately qualified practitioner drawing on the available guidance, policy and scientific evidence”; and,</i></p> <p><i>“It is down to the practitioner’s professional judgement how best to contextualise a projects GHG impact”.</i></p> <p>And in particular with respect to contextualising against local, sectoral or regional budgets: <i>“Emphasis of GHG emissions are not geographically circumscribed so a geographic budget (below a national budget...) is not very meaningful” it’s unclear whether emergency local authority or regional budgets will add up coherently to the UK budget.”</i></p> <p>Further on contextualisation against local budgets, the Applicant also notes the recent judgment of the High Court in <i>Bristol Airport Action Network Co-Ordinating Committee v Secretary of State for Levelling Up, Housing and Communities</i> [2023] EWHC 171 (Admin), where Justice Lane rejected that there is any basis in law to assess a project against local carbon budgets. Please see the further discussion of this judgment in [REP4-011] in response to the Examining Authority’s question CE.1.5.</p> <p>Accordingly, the Applicant has conducted the GHG assessment for the A66 Project wholly in accordance with law, applicable guidance and transport-specific standards (DMRB) as well as policy (in particular, the NPSNN). There is no merit to the claim that the Applicant’s assessment is anything other than wholly adequate, policy-compliant and robust, as is supported by the excerpts outlined throughout the Applicant’s submissions including those repeated above.</p>	<p>Appendix 1 of 7.8 Applicant’s Response to Written Representations made by other Interested Parties [REP2-017]</p> <p>See also the Applicant’s response to CE.1.5 in the Applicant’s Response to Written Questions [REP4-011].</p>
<p>[REP3-068] Section 2.3, Paragraph 21: <i>With respect to the second set of points a), b), c) and d) on PDF page 80 of [REP2-017]. A number of relevant</i></p>	<p>The Applicant’s position with regard to local, regional or sectoral carbon assessment is provided starting from p.78 of Appendix 1 to [REP2-017] and in [REP4-011] in response to the Examining Authority’s question CE.1.5.</p>	<p>Appendix 1 of 7.8 Applicant’s Response to Written Representations</p>

<p><i>budgets exist, and I gave examples of using them as benchmarks in my contextualisations in [REP1-013]. Essentially a), b) and c) do not exist as insurmountable, practical obstacles: they are fabricated obstacles presented to bolster the Applicant's inaction. Once again, the Applicant's dogged refusal to use the IEMA guidance as it is intended, the Tameside principle may be breached</i></p> <p><i>should this DCO examination proceed to a decision without adequate inquiry into the IEMA methodology and relevant local, regional and sectorial budgets. Points a), b) and c) are covered by this.</i></p> <p><i>On point d), this is a red herring. The "baseline" being discussed would better be referred to a benchmark. It is essentially a number for comparison purposes. It is the divisor when a percentage figure is calculated for assessment purposes – the quantity of carbon emissions is the numerator. It does not need to either include, or not, the emissions from the scheme, as it is just a reference comparison (like a carbon budget is at the national level). There is no potential for double counting in using a benchmark for this purpose.</i></p>	<p>The Applicant notes but does not accept CEPP's comments with regard to the points a) – d) on p. 80 of [REP2-017]. The Applicant notes further that, in any event, no such baseline, or benchmark, has been adopted by Government or Parliament and that as a matter of law the position is as held in <i>Bristol Airport Action Network Co-Ordinating Committee v Secretary of State for Levelling Up, Housing and Communities</i> [2023] EWHC 171 (Admin), where Justice Lane rejected that there is any basis in law to assess a project against local carbon budgets. Please see the further discussion of this judgment in [REP4-011] response to the Examining Authority's question CE.1.5.</p>	<p>made by other Interested Parties [REP2-017]</p> <p>See also the Applicant's response to CE.1.5 in the Applicant's Response to Written Questions [REP4-011].</p>
<p>[REP3-068] Section 3.1: Cumulative Impact Appraisal – Legal and policy context</p>	<p>The Applicant notes CEPP's position and considers that these points have been addressed in the Applicant's submission [REP2-017] particularly pages 81 – 84. The Applicant wishes to expand on specific aspects of [REP3-068] as follows (set out in the rows below):</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Section 3.1, Paragraph 25(B):</p>	<p>The Applicant notes that the statutory requirement for cumulative assessment, as set out in Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 Regulations) is for an environmental</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations</p>

<p><i>“The Applicant quotes (PDF page 83 [REP2-017]) DMRB Chapter LA 104 on Environmental assessment and monitoring. However, with respect to paragraph 3.22.1 of LA 104, the same problem arises as (A) above. The applicant has included the elements listed by 3.22.1 1), 2) and 3) in the traffic models. However, the Applicant has made the error to assuming that the DM scenario model, which critically already contains those cumulative elements, is the baseline with which to compare the DS scenario. The result is that the effects and impacts of those cumulative elements are subtracted out, leaving a Scheme only assessment which does not discharge the 2017 Regulations, nor the DMRB LA 104, requirement(s) for cumulative assessment. Once again, the Applicant has followed a process to construct its traffic model which could lead to a cumulative assessment, but, in reality, breaches compliance with DMRB LA 104 by subtracting out all the cumulative elements.”</i></p>	<p>statement to include the following [emphasis added] (please see from p. 81 of Appendix 1 to [REP2-017]:</p> <p><i>“a description of the likely significant effects of the development on the environment resulting from, inter alia-(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources”.</i></p> <p>Therefore, the focus of an environmental statement is upon whether the proposed development itself is likely to have a significant effect upon the environment of itself and/or in combination with other existing and/or approved projects.</p> <p>The A66 Project assessment fully complies with the 2017 Regulations and has been carried out in accordance with DMRB LA 104, and in particular please see the assessment of cumulative effects provided within the ES (Chapter 15: Cumulative Effects) [APP-058].</p> <p>As was discussed at ISH3, the GHG assessment is based on the traffic modelling, and the Applicant has set out on pages 82 - 83 of [REP2-017] that the traffic model complies with 3.22 of DMRB LA 104.</p> <p>The Climate Chapter [APP-050] sets out both the Do-Minimum (DM) and Do-Something (DS) scenarios for GHG emissions associated with vehicles using the highways infrastructure, as provided in Table 7-23. Both DM and DS scenarios include emissions associated with other developments, as discussed within the Cumulative Impact Appraisal section of [REP2-017], page 83. By subtracting one from the other, removing wider emissions, it is possible to ascertain emissions associated with the Project. This approach to providing cumulative assessment emissions for both DM and DS is consistent with that set out in the DMRB LA 114 Climate standard, and the approach required under the 2017 EIA Regulations.</p> <p>The Applicant notes that the approach adopted in the cumulative assessment of the A66 Project, of assessing against national carbon budgets, was also adopted</p>	<p>made by other Interested Parties [REP2-017]</p>
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	<p>in the M25 Junction 10 and A417 Missing Link decisions, as set out in more detail in [REP2-017], page 84.</p> <p>Accordingly, the approach to cumulative assessment of GHG emissions undertaken by the Applicant for the A66 Project, which approach is outlined above, in the ES Chapters [APP-050] and [APP-058] and in pages 81-84 of [REP2-017], is fully in accordance with the 2017 Regulations.</p>	
<p>[REP3-068] Paragraph 25(D): interpretation of IEMA guidance on approach to cumulative assessment</p> <p><i>“The second IEMA quote “effects of GHG emissions from specific cumulative projects therefore in general should not be individually assessed, as there is no basis for selecting any particular (or more than one) cumulative project that has GHG emissions for assessment over any other” does not help the Applicant either. This refers to not assessing other projects individually. The Applicant has not done this, and nor have I ever suggested that they should. What the Applicant has done is to include other projects in the traffic modelling for the project. The incorrect, and unlawful, step on the part of the applicant is, having done this, to then subtract out the cumulative effect as described.”</i></p>	<p>As stated in [REP2-017] and above, the Applicant notes that the statutory requirement for cumulative assessment, as set out in Schedule 4 of the 2017 Regulations is for an environmental statement to include the following [emphasis added] (please see from p. 81 of Appendix 1 to [REP2-017]):</p> <p><i>“a description of the likely significant effects of the development on the environment resulting from, inter alia-(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources”.</i></p> <p>Therefore, the focus of an environmental statement is upon whether the proposed development itself is likely to have a significant effect upon the environment of itself and/or in combination with other existing and/or approved projects.</p> <p>The quoted statement from IEMA is referring to the difficulty of including specific individual projects within the cumulative scenario, i.e. how it is near impossible to prioritise some projects over others accurately within a cumulative scenario considering the receptor for the GHG assessment is the global climate. The Applicant's approach to cumulative assessment is detailed in the row item directly above. The Applicant's assessment of potential cumulative Climate impacts as presented in Chapter 7 of the ES [APP-050] fully accords with the requirement under the 2017 Regulations. The Applicant has followed DMRB LA 104 in carrying out its assessment, and further details of this assessment are provided in [APP-050] and on p. 82 of Appendix 1 to [REP2-017].</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Paragraph 26: <i>“At section 5.6 of [REP1-013], I identify 4750 jobs and 3545 houses which are locally committed development in the core</i></p>	<p>The modelling undertaken has been carried out in line with TAG Unit M4 Forecasting and uncertainty. Paragraph 3.2.1 of TAG Unit M4 states: ‘It is fairly straightforward to define the core scenario, which should be based on:</p> <ul style="list-style-type: none"> • NTEM (National Trip End Model) growth in demand, at a suitable spatial area; 	

<p><i>scenario. This is not the complete total of additional development which should be cumulatively assessed for carbon with the scheme as the Applicant has used thresholds which eliminate smaller sites from being included.”</i></p>	<ul style="list-style-type: none"> • sources of local uncertainty that are more likely to occur than not; and • appropriate modelling assumptions.’ <p>The Combined Modelling and Appraisal Report (Document Reference 3.8, APP-238) states in paragraphs 5.5.12 and 5.5.13 that balancing areas were used to control the background growth to a level which results in an overall growth, including the development trips, in line with NTEM. Balancing areas are collections of zones, in this case representing grouped District areas, where the demand will be constrained to an overall growth level for each forecast year. The balancing areas used are shown in Figure 5-4. The ‘External Model Areas’ balancing area represents areas where there are no explicitly modelled developments. The balancing areas were used in the traffic model as part of a standard approach to forecast demand development process.</p> <p>Within the fully modelled area there are balancing areas covering Eden, Richmond, Darlington and Stockton, and Durham.</p> <p>The National Trip End Model (NTEM) model forecasts the growth in trip origin-destinations (or productions-attractions) up to 2061 for use in transport modelling. The forecasts take into account national projections of:</p> <ul style="list-style-type: none"> • population • employment • housing • car ownership • trip rates <p>This top-down process is used by the Department of Transport to provide a best long-term estimate of total trip making, including that from smaller sites, based on response to demographic and economic trends.</p> <p>Therefore, as the demand has been controlled to NTEM growth at a suitable spatial area the inclusion or otherwise of smaller proposed development sites would not increase the total number of trips within the traffic model or Greenhouse Gas assessment.</p>	
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<p>[REP3-068] Section 4.1: Reference to 'errors' in the quantification of impacts and contextualisation of emissions – Overestimation of construction emissions</p>	<p>The Applicant notes CEPP's position and considers that these points have been addressed in the Applicant's submission [REP2-017] particularly pages 84 – 86 To confirm, the Applicant rejects CEPP's position and considers its assessment to be highly precautionary as it has essentially modelled all of the construction emissions against both the 4th Carbon Budget and the 5th Carbon Budget, with operational emissions, which are smaller than construction emissions, attributed to the 6th Carbon Budget.</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Section 4.2: Inclusion of operational emissions within the 5th Carbon Budget Period</p>	<p>Please see response above and p. 85 of Appendix 1 to the Applicant's submission [REP2-017].</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Section 4.3: Inclusion of maintenance emissions within the operational emissions reporting</p>	<p>The points within CEPP response were addressed within the previous submission at Deadline 2. As described in Chapter 7 of the ES [APP-050] and Appendix 1 of the Response to Written Representations the assessment of operational emissions has included both maintenance and replacement emissions (PAS 2080 module B2-B5) and end user emissions (PAS 2080 module B9). The approach to this evaluation of significance is set out in paragraph 7.5.23 of Chapter 7 of the ES [APP-050].</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>
<p>[REP3-068] Section 5: The Net Zero Strategy</p>	<p>The Applicant notes that it has provided a detailed analysis of climate legislation and policy on pages 76 – 78 and p. 86 of Appendix 1 to the Applicant's Response to Written Representations made by other Interested Parties [REP2-017].</p>	<p>Appendix 1 of 7.8 Applicant's Response to Written Representations made by other Interested Parties [REP2-017]</p>