



Response to

**Evidence by Dr Andrew
Boswell for the Examination
of the A66 Development
Consent Order**

Transport Action Network (TAN) would like to support the evidence submitted by Dr Andrew Boswell throughout the A66 examination and the Secretary of State's post-examination consultations.

In particular we support his submissions dated 8 September 2023, 22 September 2023, 5 October 2023, 19 October 2023, which include the lack of cumulative assessment of Greenhouse Gases, the risk to the UK's ability to meet its climate target, and the failure of the Applicant to assess induced HGV traffic.

The carbon emissions from this scheme are considerable as we have raised throughout the examination. In particular the construction emissions are extremely large and fall within the fourth and fifth carbon budgets. There is considerable risk that the UK will not meet its national and international climate obligations, and this scheme increases this risk. A full cumulative assessment of the scheme's emissions has not been carried out, contrary to the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("**EIA Regs**").

It is completely inadequate that the Applicant dismisses and fails to engage with the advice of the Climate Change Committee (which recommended a "systemic review" of current road schemes) and the Transport Select Committee (which recommended "cancelling complex, costly enhancement projects", such as the A66 which is in the Government Majors Projects Portfolio and is estimated to cost at least £1.5 billion): "***The Applicant remains of the view that the commentary on government policy of this nature is not specific to the DCO Application***"

The Applicant has also failed to assess induced HGV traffic. This is especially unacceptable as the Applicant has justified the scheme (in the Case for the Scheme, and in the Strategic Case) as a strategic freight route. The Applicant has therefore only included and considered the 'benefits' of increasing HGV traffic along the route, but has not assessed, quantified or costed the harms of encouraging and increasing HGV traffic along the route.

The legal position

Section 104 of the Planning Act 2008 ("**the Planning Act**") requires that the Secretary of State must not grant the DCO if doing so "would lead to the United Kingdom being in breach of any of its international obligations" (104 (4)), "would be unlawful by virtue of any enactment" (104 (6)), and "the adverse impact of the proposed development would outweigh its benefits." (104 (7)).

Section 122(3) of the Planning Act 2008 also requires that permission should only be granted and property acquired compulsorily if “there is a compelling case in the public interest for the land to be acquired compulsorily”.

Regulation 21 (1) (b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“**EIA Regs**”) require the Secretary of State must “reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, any supplementary examination considered necessary”


Regulation 21 (2) of the EIA Regs require that “The reasoned conclusion referred to in paragraph (1)(b) must be **up to date** at the time that the decision as to whether the order is to be granted is taken, and that conclusion shall be taken to be up to date if in the opinion of the Secretary of State it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development described in the application.”

We request this evidence is put before the Secretary of State and is considered in his decision making.

6 November 2023

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 and rail services, damaging road schemes and large unsustainable developments


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