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Examination Principle Issues	**Climate Change**

POST EXAMINATION CONSULTATION – 19th JANUARY 2024

Contents

1 INTRODUCTION

1 This is CEPP's response to the Secretary of State's letter of 5th January 2024.

2 I respond to the Applicant's letter of December 20th 2023 ("Applicant's response to the Secretary of State's seventh Request for Information dated 7 December 2023 (the RfI)") and the section entitled "*Paragraph 4 – comments on submissions from IPs relating to induced HGV traffic*".

2 INDUCED HGV TRAFFIC

3 The applicant's response is helpful in laying out that it has used a simple factoring method for forecasting future HGV movements, and also how the applicant considers that it has followed the TAG guidance.

4 I disagree that the applicant has followed TAG guidance, and also maintain my previous submission that the freight growth associated with the A66 Northern Trans-Pennine Project scheme <u>has been underestimated</u>. As the freight growth has been underestimated, the GHG emissions from the project have also been underestimated. Consequently, the levels of GHGs enumerated for the scheme are not a reasonable worst case, and the GHG assessment is flawed. And hence, <u>the Secretary of State has not been given accurate information on which to make a reasoned conclusion on the environmental impacts of the scheme</u>.

5 I now explain why.

2.1 *The simple factoring method used for freight modelling*

6 At the bottom of PDF page 8 of its December 20th letter, the applicant states:

> "*Aligning with the advice in TAG unit 1.1 and M4.1, <u>simple factoring methods</u> have been used to forecast future HGV movements. Therefore, <u>as described in paragraph 5.2.33</u> of the Combined Modelling and Appraisal Report (CMAR) [APP-237], forecast HGV growth is based on that found in RTF18 published by DfT, which is based on results from the NTM. LGV and HGV growth from the RTF18 data used for forecasting are provided in Table 5-5 and Table 5-6 of the CMAR. As noted above RTF18 data comes from the GBFM and is the only available data. This data has been applied to the assessment for the Project, and the results of this growth are shown in Tables 5-15 to 5-17 of the CMAR.*" {emphasis added}

7 However, there is a problem in following the applicant's description above because "paragraph 5.2.33" does not exist in the Combined Modelling and Appraisal Report (CMAR) [APP-237].

8 I assume this to be a typo, although rather confusing, because the statement above "*… forecast HGV growth is based on that found in RTF18 published by DfT, which is based on results from the NTM. LGV and HGV growth from the RTF18 data used for forecasting are*

provided in Table 5-5 and Table 5-6 of the CMAR" appears to be consistent with paragraphs 5.4.1 and 5.4.2 of the CMAR [APP-237] which immediately precede Table 5-5 and Table 5-6. I continue on the assumption that the applicant intended to refer to paragraphs 5.4.1 and 5.4.2 of the CMAR [APP-237] not the non-existent paragraph 5.2.33.

9 As explained below, I do not accept that the simple factoring method as described, complies with the *"advice in TAG unit 1.1 and M4.1"* as claimed in the quoted paragraph above.

2.2   TAG Unit M4.1, major developments and the simple factoring method

10 On PDF page 7 of its December 20th letter, the applicant quotes from paragraphs 7.3.18 and 7.3.19 of TAG Unit M4.1. Paragraphs 7.3.18 and 7.3.19 come under a section "Reference Forecast – Freight Traffic" in TAG Unit M4.1, and provide guidance on the situation where a simple factoring method may not be appropriate.

11 In relation to this, the applicant states:

> *"TAG Unit M4.1 Forecasting and Uncertainty also goes on to identify (paragraph 7.3.19) that simple factoring methods may not be appropriate where a major development such as a distribution centre or retail park is proposed since that will affect freight demand. However, this is not the case in relation to the Proposed Development."* {emphasis added}

12 The applicant is correct to note that the TAG guidance is advising that simple factoring methods based on annual regional traffic forecasts from the National Transport Model (NTM) and Road Traffic Forecasts 2018 (RTF18) cannot provide adequate modelling of freight movements where additional freight traffic will be attracted by major developments being proposed will influence that the proposed development.

13 However, the applicant is incorrect to then rule out that such developments exist for the Proposed Development.

14 CEPP notes that paragraph 5.3.20 of the CMAR provides a list of residential and employment sites which *"are of particular interest in terms of their size and location in the A66 corridor area, all of which are included in the core scenario"* {emphasis added}. This lists the following employment sites:

- C2615 – Scotch Corner Designer Outlet – 822 estimated jobs (under "A66 route")

- C2618 – Scotch Corner Garden Centre – 822 estimated jobs (under "A66 route")

- C2457– Eden 41 Business Park – 420 estimated jobs (under "North Penrith")

- C630 – Employment development at Ingenium Parc – 1,536 estimated jobs (under "Darlington")

15 These sites are all in the "Core Area" for the core scenario of the A66 corridor area. These sites were also all highlighted of being of particular interest because of their "size and location" in CMAR/5.3.20. These sites clearly have the potential to be significant enough to create additional freight demand <u>beyond the simple factoring method based on RTF18 data</u>.

16 For this situation, the TAG Unit M4.1 paragraph 7.3.19 states:

> *"There may be circumstances where such simple factoring methods may not be appropriate because a major development, such as a distribution centre or retail park, will affect freight demand. <u>TAG does not currently provide guidance on this; analysts who wish to use an alternative approach are advised to engage early with the Department.</u>"*

17 The applicant has omitted doing any modelling of the freight, HGV and LGV, growth due these large employment sites identified by the applicant itself in the core scenario. This means that the actual growth of HGV demand has not been correctly modelled by the applicant. The consequences of this are that the actual growth of HGV demand:

- is not reflected correctly in the tables, based on the VDM model, estimating GHGs in Chapter 7 of the Environmental Statement; and

- has not been properly assessed for its traffic impacts.

18 Despite the scheme clearly going beyond the current TAG guidance (TAG Unit M4.1/7.3.19) in this respect, the applicant has provided no evidence that it engaged with the DfT about this matter. The applicant appears to just decided to ignore the additional HGV demand from the large employment sites in the core scenario. And the applicant appears to have retrofitted the argument about the simple factoring method being fit for the purpose of the EIA assessment.

19 CEPP, therefore, submits that the applicant's "Conclusion" section on page 10 of its December 20th letter is false for, at least, these reasons:

- The applicant falsely states "*There has been no failing in the Applicant's assessment, as TAG guidance has been followed*" as the TAG guidance in TAG Unit M4.1/7.3.19 has not been followed as described above.

- The applicant describes the modelling "*… growth in freight has been modelled through the application of RFT18 growth factors thus incorporating outputs from the GBFM*". This simple factoring method does not accurately model the growth in freight because the additional freight growth from large employment sites in the core scenario, and within the A66 corridor area. These sites have simply been ignored by the applicant.

- The applicant falsely states "*This has been assessed, using the best available and most robust data*.". This is false because the data is not robust, as it does not

model the additional freight growth from large employment sites in the core scenario.

- Further the modelling does not provide a reasonable worst case for the modelling of GHGs for the reasons given.

20 Consequently, the levels of GHGs enumerated for the scheme are not a reasonable worst case, and the GHG assessment for the EIA is flawed. It follows that the Secretary of State has not been given accurate information on which to make a reasoned conclusion on the environmental impacts of the scheme. The scheme cannot then be lawfully determined.

3   SIGNED
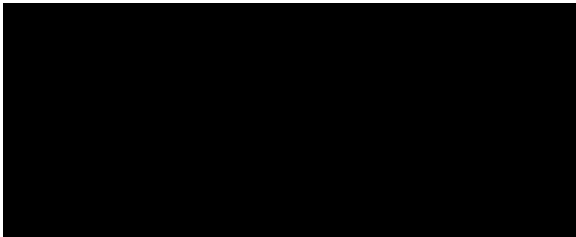
Dr Andrew Boswell,
Climate Emergency Policy and Planning, January 19ᵗʰ, 2024