

Submission Deadline 9. Examination, A66 Transpennine route

A66 Northern Trans-Pennine Project TR010062

Dr Mary Clare Martin, on behalf of the residents of [REDACTED]

IP number 20032263

This submission responds to some of the points made by National Highways in their "Closing Submission". It responds with continued concerns about the impact of the proposed dual carriageway on the elderly, vulnerable residents of [REDACTED], as well as more general concerns about the impact of the dual carriageway on the local area, and on the environment and climate change.

Issues regarding the likely impact of the dual carriageway on elderly people

Pages 56-58 of the NH Closing statement, under the heading "Inequalities" address some of the concerns which family members besides myself and local representatives have raised about the impact of the building of the dual carriageway near to the house of my parents at [REDACTED]. Thanks for acknowledging the concerns of our family and community.

National Highways have carried out a series of assessments, as acknowledged in the documents cited in 7.1.5.

We have claimed that the current DCO plans infringe the Human Rights Act 1998 and Equality Act 2010 in that elderly, vulnerable people will not be able to live in their property without serious loss of quality of life. While the revised DCO plans, involving the removal of the Langrigg Junction, are an improvement (7.1.6. to 7.1.7), the effects will be as follows:

Long term: There will still be a dual carriageway and an access road between the current A66 and the house, but about 50 metres away rather than 15 metres.

Short term. The effects of the noise, disruption, air pollution during construction in an open field, on two vulnerable ninety year olds with multiple health problems, where noise will carry will almost certainly be deleterious, with nothing to shut out the noise of construction works outside. There is only a wire fence, in places 15 feet from the house, separating the house from the nearby

field. Anyone who has stood in that field, as the ExA did at the ASI, would see how noise will carry. The timetable in the ES also indicates that the works will be continuous, from early in the morning until the evening, and possibly even longer.

For old people in their nineties who are relatively housebound, this will be an unbearable situation. It is compounded by the almost certain loss of value of their property, for which no compensation will be available until a year after the works are completed. This means that, should they eventually need to pay more for different kinds of care, they will have lost part of the value of their property through no fault of their own.

It is only just over 2 years since the intention to depart from the original plans of building the dual carriageway right next to the current A66 (released in 2020), was communicated to my parents. While these issues were addressed in ISH1, post-meeting note, p. 17 (referred to in Closing statement 7.1.15), no reference was made to the fact that the change in plans for the dual carriageway and the inclusion of an access road (March 2021, a change from Spring 2020), gave very little time to consider the possibility of moving house. Successive lockdowns made such a prospect even more impractical.

We have said repeatedly that the amendment to the DCO of removing the Langrigg Junction is an improvement (7.1.6 to 7.1.7) as regards the final outcome. This does not change the fact that construction works will take place near the house of two old people in their nineties, and that it will be unbearably noisy, polluting, will ruin the views on a permanent basis for posterity, and will make it impossible for them to live a reasonable life in extreme old age.

Route choice: AONB. Much has been made of the value of the AONB. Yet, as nearby residents, my parents and other residents will be cut off from walking on the AONB unless they are driven there via the Flitholme underpass, as they will not be allowed to cross the dual carriageway. It should be noted that the AONB is currently only open to the public only one weekend a month, that for many years the army closed all public access to the ranges opposite [REDACTED], and presumably this ban could operate again.

I have raised the issue of inequalities under the Human Rights Act 1998 on grounds of age and disability. I am disappointed this has not been taken seriously by National Highways. The Human Rights Act states that people should be

allowed to enjoy their property in peace unless it is in the public interest. The grounds for being in the public interest are very slender. The dual carriageway has low BCR, the safety improvements are minimal, and the main advantage is for business by slight reduction of journey time.

National Highways cite that impact on population and human health are only considered at a community rather than an individual level by the EIA regulations (7.1.13 onwards) . Does this not discriminate against people who live in isolated rural areas, as the implication is that judgments will only be made on the grounds of numbers? The fact that only a small number of households will be affected by the new roads in the Broomrigg/Langrigg area does not minimise the effect it will have on the individuals who do live there.

We have followed the parish councils in repeatedly arguing for an alternative route, for the dual carriageway to go north of the current A66. Various versions have been proposed, including the Billy Welch Straight Line , proposed and favoured by the gypsy community, and Warcop parish council. The petition for a northern route on change.org now has over 1000 signatures. A northern route was overwhelmingly supported by members of Warcop and Musgrave parishes when a survey was conducted in December 2020. As stated, the current A66 was an arbitrary boundary when the AONB was established, and the land is of poor quality and has been used for firing for decades. A case has already been made for incursions into the AONB/MOD land in many parts of the project.

The responses in pp. 56-58 of the closing statement seem to attempt to minimise the effect of the dual carriageway and access road by alleging omissions on my part. On the one hand it is suggested that an assessment cannot be made because information about health, including mental health, is not available. It is suggested that I failed to suggest an alternative methodology for assessing the mental health impact. Rather than putting the onus on the public to prove that certain scenarios pose significant dangers to health, the public should be confident that publicly funded organisations will avoid the negative, possibly lethal impacts of their actions. Yes, there have been 3 visits to the house, but 2 of these were requested by National Highways. As regards information flow, there has been no direct opportunity for the residents of [REDACTED] to view the Examination

documents as they are not computer literate: they have to rely on their children who do not live nearby.

General Concerns

There are a number of general concerns about the construction of the dual carriageway which have been raised by other agencies throughout the process. Concerns about flooding have still not been settled with the Environment Agency and concerns about historic monuments with Historic England .

We are also concerned about the wholly inadequate provisions for the gypsy community for Brough Hill Fair.

Since the beginning of the planning for the road, National Highways did not respond to consider measures for improving safety without dualling, as suggested repeatedly by the Friends of the Lake District. Yet such measures are now part of government policy for RIS3. My question about why speed cameras have not been installed along the A66 as a safety measure has still not been addressed.

It has been frequently repeated , most recently at Deadline 8, that the dual carriageway will benefit business (Lord Inglewood, on behalf of Cumbria Enterprise Partnership.) The most precious and unique feature of this area is the beautiful landscape, which is being visited by people from overseas. It has been noted (e.g. at ISH1 , that the Lake District National Parks do not wish to have any more cars visiting, due to the pressure of visitors. The engineering works and general disruption caused by the building of the A66 dual carriageway will destroy rather than enhance the natural beauty of the area and arguably have a negative effect on tourism.

I have previously raised the carbon emissions from the scheme, and that they are not compatible with the UK meeting its climate budgets and targets. I agree with Dr Andrew Boswell in his Deadline 8 submission that it is clear from the ES, and is not disputed, that A66 scheme creates additional carbon emissions: over 500,000 tonnes of CO2 from construction, and of the order of 35,000-40,000 additional tonnes of CO2 annually from 2029 to 2037, critical years for the 5th and 6th carbon budgets.

It is also clear from Dr Boswell's evidence on the revised Net Zero Strategy (NZS) that there is no evidence that delivery of this critical climate policy under the Climate Change Act 2008 is secured. In fact, the evidence strongly supports the opposite case that the NZS is unlikely to be delivered successfully, and, in any case, the risks to delivery have not been adequately assessed.

At the time of his/her decision, the Secretary of State should consider the latest evidence on the revised NZS, the status of any on-going legal challenge to it, any related reports from the Transport Select committee (eg on the draft NNNPS), the 2023 CCC Progress Report, any updates to the Green Alliance Net Zero Policy Tracker, Professor Marsden's research (as provided by Dr Boswell to the examination) and Dr Boswell's submission.

I especially highlight that in the extreme state of uncertainty about delivery of the NZS, any additional emissions from a proposed transport scheme are significant enough to "have a material impact on the ability of Government to meet its carbon reduction targets".

As the application has an applicable national policy statement (ie the existing NNNPS), section 104 of the Planning Act 2008 ("the 2008 Act") applies to the decision making. The secretary of State must decide an application in accordance with the relevant NPSs except to the extent s/he is satisfied that to do so would lead to the UK being in breach of its international obligations (s104(4)); be in breach of any statutory duty (s104(5)); be unlawful (s104(6)).

As far as s104(4) is concerned, the scheme adds over 500,000 tonnes CO₂ from construction before 2029, and this creates a strong risk that the UK will fail to deliver its 2030 National Determined Contribution (NDC) under the Paris agreement. An 8 MtCO₂ shortfall on the NDC has already been noted in the Carbon Budget Delivery Plan (CBDP) – the A66 scheme makes the possible shortfall worse by over another 0.5MtCO₂. Therefore, the scheme risks the UK being in breach of its international obligations, and the SoS cannot have any legal certainty that approving the scheme will not lead to the UK being in breach of its international obligations.

As far as s104(5) is concerned, the statutory duty to deliver the 5th and 6th carbon budgets depends upon the successful delivery of the NZS. Ample evidence has been provided by Dr Boswell that the delivery of the NZS is far from secure, and the risks to delivery have not been adequately assessed. Therefore, the scheme risks, by adding new construction and operation emissions, the UK being in breach of a statutory duty, and the SoS cannot have any legal certainty that approving the scheme will not lead to him/her being in breach of a statutory duty.

As far as s104(6) is concerned, the legal requirement to deliver the 5th and 6th carbon budgets under the Climate Change Act 2008 depend upon the successful delivery of the NZS. Ample evidence has been provided by Dr Boswell that the delivery of the NZS is far from secure, and the risks to delivery have not been adequately assessed. Therefore, the approving of the scheme, which adds new construction and operation emissions, risks breaching the law, and the SoS cannot have any legal certainty that approving the scheme will not be a breach of the law.

I respectfully request that the ExA record these points in the Examination Report and requests that the SoS considers them in his/her decision making."
