The national networks national policy statement: 2023 draft

Introduction

Thank you for responding to our consultation on the 2023 draft of the National Networks National Policy statement [opens in a new window].

Closing date is 6 June 2023.

View all the questions

You can find a list of all the questions we are asking in the consultation document on the GOV.UK consultation page [opens in new window].

Print or save a copy of your response

At the end of this questionnaire, you have the chance to either print or save a copy of your response for your records. This option appears after you press 'Submit your response'.

Save and continue option

You have an option to 'save and continue' your response at any time. If you do that you will be sent a link via email to allow you to continue your response where you left off.

It's very important that you enter your correct email address if you choose to save and continue. If you make a mistake in the email address you won't receive the link you need to complete your response.

Accessibility statement

Read our accessibility statement for SmartSurvey forms [opens in a new window].

Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation on the 2023 draft of the National Networks National Policy statement. Our DfT online form and survey privacy notice [opens in a new window] gives more information on how your personal data is processed in relation to this survey.

In addition to the information outlined in the privacy notice we are asking from organisations their name, for identification

Personal details

1. Your (used for contact purposes only):

name? Chris Todd

email?

2. Are you responding: *

[ ] as an individual? (Go to 'Proposals')
[x] on behalf of an organisation?

Organisation details

3. Your organisations name is?

Transport Action Network

Proposals

The following questions focus on the contents of the draft national networks national policy statement (NNNPS) and the accompanying documents.

The NNNPS sets out the need for, and our policies to make, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. The NNNPS includes:

- chapter 1: Introduction
- chapter 2: Importance of national networks
- chapter 3: Statement of Need
- chapter 4: General Principles and Considerations
- chapter 5: Generic Impacts

We are also consulting on the accompanying documents of the:

- Appraisal of sustainability which assesses the environmental, social and economic impacts of the NNNPS
- Habitats regulation assessment which examines the potential effects of the NNNPS on protected habitat sites which are part of the national site network (for example special areas of conservation and special protection areas)

You can find the draft national networks policy statement and the supporting documents on the GOV.UK consultation page [opens in a new window].

NNNPS process

The NNNPS sets out the need for, and our policies to make, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England.

We are asking whether the information within the revised NNNPS provides sufficient information to those involved in the NNNPS process to be able to make an informed decision on an application.

The:

- Strategic Road Network is comprised of motorways and major 'trunk' A-roads in England and is managed by National Highways
- Strategic Rail Network is comprised of all the rail lines and stations within England and is managed by Network Rail
- Strategic Rail Freight Interchanges are made up of large multi-purpose freight distribution centres connected to both our rail and strategic road network

4. In your view does the draft NNNPS provide suitable information to those engaged in the process of submitting, examining and determining applications for development consent for nationally significant infrastructure projects on the:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
strategic road network?					X	
strategic rail network?					X	
strategic rail freight interchanges?				X		

Explain why, referring to specific sections of the NNNPS in your response.

First, TAN disagrees with the framing of the question, as the needs of other key participants have been explicitly ignored. In particular, local authorities, communities, NGOs as well as other developers (for instance of housing, the location of which and density will be influenced by transport infrastructure) ought to be considered alongside those of promoters, examining authorities and ministers. It is telling how their needs have been effectively ignored by the framing of this question and the broader consultation.

In summary, TAN believes that the draft NNNPS is unfit for purpose, even for those it is explicitly supposed to serve, as it is:

- **already well out-of-date:** besides not being reflective of wider policy such as levelling up and new environmental targets, it fails to include key commitments on world class active travel networks and enhanced public transport outside London.
- **neither honest nor justified:** it makes assertions that either lack evidence or are clearly untruthful, such as in relation to carbon.
- **not integrated:** it fails to consider the needs of projects below the NSIP threshold that still in practice need to rely on an NPS for policy support, such as Transport and Works Act Order applications.
- **lacking in usability:** the draft is significantly worse than the current NNNPS, which was already a decade behind other policy such as the NPPF in the way it is set out.

Nonetheless, TAN welcomes the acknowledgement in the RIS3 consultation that road-building, in particular adding lanes between junctions, should be the last resort and that “only building when the problem cannot be fixed by other approaches” should be the starting point. This comes close to the progressive policy adopted following the Welsh Roads Review in Wales. In order that this can swiftly be incorporated, the roads part of the existing NNNPS should be suspended, pending a review that fundamentally revises the draft NNNPS, for a subsequent fresh consultation.

Transitional provisions

The transitional provisions in paragraphs 1.16-1.17 are designed to reduce legal challenges before the new NNNPS is designated but so poorly thought out that they will do the opposite. Many amendments in the draft NNNPS are intended to reflect legislative changes, which, as a matter of law, take precedence since the Examining Authority is required to consider legislation in force at the time of their recommendation and the Secretary of State at the time of their decision. Trying to pretend otherwise will hinder, not help.

A further challenge is that the draft simply fails to appreciate that the Levelling Up and Regeneration Bill is about to make radical changes to local planning, including partly replacing the NPPF with National Development Management Policies. This is odd as it at least mentions Environmental Outcome Reports, another provision of that Bill, and will increase potential for delays. There is a wider lack of integration even with matters that DfT is leading on, such as the long awaited rail freight target, road safety framework and local transport plan guidance. At the very least the consultation document should have explained how these would be incorporated.

Usability

The changes to the structure of the draft NNNPS, is very rambling compared to other planning policy, such as the NPPF, PPGs, etc which have been published in a web-based format for many years.

The draft NNNPS is poorly structured and written, with long paragraphs jumbling multiple issues, making it challenging to assess what the key tests are. As we respond below, chapter four would particularly benefit from a rethink, though the changes to earlier chapters are not an improvement to the current version. The current approach is not user-friendly, creating difficulties and uncertainty, whatever one’s role in the planning process.

Modern infrastructure is increasingly required to be multi-functional, with policy requirements evolving in ever faster and more complex ways, rather than just a length of engineering going from A to B. No one can understand all areas in depth, which is why major NSIPs increasingly require a panel of inspectors. Much clearer structure, with the assistance of diagrams, showing decision flow charts and how different policies integrate, would increase clarity and certainty for all.

Developing national networks

The NNNPS details the process and considerations for the development of national networks.

We are asking whether the information provided within the draft revised NNNPS is clear on the need for the development of national networks, and our policy for the need to develop national networks.

You can view and download the draft NNNPS document on the GOV.UK consultation webpage [opens in a new window].

5. Does the draft NNNPS adequately set out:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
the need for developing national networks?					x	
our policy for addressing the need for the development of national networks?					x	

Provide comments on improvements referring to specific sections of the NNNPS in your response.

Although chapter three should be the foundation of the NNNPS, the Statement of Need (SoN) is utterly unfit for purpose. It fails to consider uncertainty, it is not justified, rather it simply makes assertions, and it fails to recognise that major change is required to deliver government policy.

Uncertainty and scenarios

With infrastructure taking years to build and having a design life of sixty or more years, it is important that decision-making considers how circumstances may change and prioritises "least regrets" options. The current NNNPS was designated in an era of stability, whereas we are now in an era of instability, but there is minimal reflection of this fundamental change in the draft.

The foundation of need, especially for infrastructure with a 60+ year lifespan, should involve considering a wide range of scenarios how the future may turn out. That is the approach taken by other bodies, such as Network Rail and also the Government Office for Science, which set out four scenarios for 2050, two of which involved less driving, one with a reduction of 20%[1]. By contrast, the National Road Traffic Projections (NRTP) were constructed to assume traffic growth (even when clearly not compliant with net-zero), meaning that the draft NNNPS could conclude at paragraph 3.31 that "continued absolute traffic growth is likely under all scenarios".

A major cause of this, besides not including key government promises for levelling up, public transport and world class active travel (presumably as it has still not been worked out what these mean in practice), is that all but one of the forecasts assume a 30% drop in the cost of driving, while public transport fares continue to rocket. The failure to replace fuel duty as the fleet electrifies, despite the Treasury's Net Zero Review saying this would be fiscally unsustainable, "leads to higher car use, more congestion and reductions in the use of other modes including public transport)". The Eddington Transport Study of 2006 highlighted the importance of considering the impacts on transport demand of future introduction of road pricing when taking investment decisions: the fact that the current government is not considering such a policy is irrelevant.

Drivers of need

As with other sections of the draft, this is poorly structured, with a general section covering road and rail issues then separate sections covering road then rail. This requires a wholesale revision. The starting point should be different scenarios, as set out above, and then honesty about the radical changes, in particular modal shift, required to meet wider government

[1] https://www.gov.uk/government/publications/net-zero-society-scenarios-and-pathways--2

policies, whether levelling up, environmental gain, zero harm or net zero. The conclusion of this section - that there is a generalised need for any type of development to national networks anywhere in the country - is simply unsustainable, in both senses of the word. The SoN should instead be justifying what type of infrastructure is needed in what types of places.

With those comments in mind, we set out our views on the content currently in this section. First, the content on network performance is inherently flawed: even with record road spending, congestion is set to double on the SRN. This undermines the 'need' for road building when it is failing to solve the problem it is supposedly required for. This will entail huge economic and social costs and divert attention and resources from delivering on real solutions. The failure to even acknowledge this, let alone consider credible options to deal with it shows how flawed the NNNPS is.

The assertion that evidence on induced demand is limited is untrue: fifteen years ago the DfT acknowledged that "new capacity can fill up quickly – at the top end of the scale, traffic levels can increase by up to 8–10 per cent every year" and there has been ever more evidence published since. TAN supports the conclusions of the paper submitted by Prof Phil Goodwin and Lisa Hopkinson that we have inputted into.

The text on economic growth is especially weak and vague about the potential of transport infrastructure. The reality is that while some forms of investment can help, such as public transport schemes that improve urban agglomeration[2] there is a lack of real world evidence for the economic benefits of road-building in mature transport networks. The Levelling Up White Paper simply notes a few road projects on a page, as if they have been pasted into try to make National Highways feel included, but there is no justification whatsoever for them in relation to the missions and metrics that are the core of levelling up.

Regarding resilience, the draft NNNPS is likely to require substantial change following the publication of the Third National Adaptation plan, not least with 2023 weather exceeding the predictions of many models. With many of its earthworks and structures nearly two hundred years old, the rail network is at particular risk of climate change and impacts can be especially disruptive due to the lack of suitable alternative routes, mindful of electrification and gauge clearance. The recent closure of Nuneham Viaduct over the River Thames provides a timely reminder. Climate risk varies across the country and across infrastructure, so a spatial assessment of the need for resilience by corridor is urgently required to prioritise investment and ensure sufficient resources are provided to address this. Paragraphs 4.32-33 regarding the Paris Agreement adaptation goal should be moved to become part of the statement of need, to make adaptation a strategic consideration, in its own right, rather than only being considered once a scheme has come forward.

The environmental section is incredibly weak here: besides being the shortest it is the least strategic, ignoring the need for change nationally, instead focusing on mitigation at the scheme level. For net zero, there is a need to enable modal shift, from air as well as from road, to increase occupancy and to manage demand and speeds. Modal shift and increasing occupancy are explicit TDP commitments, yet while the draft and AoS laud the TDP as being comprehensive, they fail to actually reflect this key priority. The failure runs through to the targets set under the Environment Act 2021 (and presumably the additional ones in the Environment Improvement Plan).

Significant modal shift to active travel, meaning motor traffic reduction, is required in urban areas to meet air quality targets, and major reductions in severance of both major transport corridors and the roads that feed into them. The UK is decades behind its neighbours here. In

[2] This recent study links the expansion of Manchester's Metrolink system to productivity increases across the sub-region: https://www.northernpowerhousepartnership.co.uk/greater-manchesters-productivity-resurgence/

2010 the German Federal Agency for Nature Conservation mapped out nationally important habitat arteries and corridors as well as “unfragmented functional areas” with a low density of road traffic. This enabled it to estimate that transport corridors severed habitat arteries in 9,257 cases, from which a programme of action could be drawn up. Similar exercises are required to assess water pollution from road run-off.

In terms of safety, the draft fails to acknowledge that the Vision Zero target of 2040 is not set to be achieved by National Highways. With only three road periods left before the target year, it is essential to refocus investment from a few major schemes to a far greater number of smaller packages of measures for the worst rated and performing sections of single carriageway. Indeed, this is exactly what the Welsh Government has just done in its roads review. While the RIS3 consultation starts talking this up, the reality is the funds will not be available to deliver this if major road schemes continue to be prioritised and consented.

Finally, the conclusion is flawed, as the types of potential development are so different, some having alternatives, others less so, it does not make sense to assert a compelling generalised need for development, presumably meaning schemes above the NSIP threshold. Furthermore, while the conclusion refers to a fully integrated system, there is no policy about this.

Road network

This section is especially weak, with no figures on how much congestion is expected to increase overall on the SRN, despite the proposed increases in road capacity. The current NNNPS at least in table 1 set out options for addressing need, which needs to be retained, albeit with changes to accept the need for demand management through road space reallocation (such as bus lanes) and road pricing.

The core scenario NRTP does not take into account policies like the zero emissions mandate, because an additional consultation has been opened into it, which is forecast to significantly increase traffic and congestion further. The starting point for any congested corridors should be a combination of widening travel choices, such as improving public transport, enabling car sharing and improving active travel and managing demand, such as through reallocating space to bus and high occupancy lanes. Adding road capacity simply moves congestion along the SRN and to local roads that feed the SRN, so should be the option of last resort. Unlike the far older rail network, there are few if any locations where major schemes currently need to be prioritised for climate adaptation: this is more of a maintenance and renewals issue but is still likely to require additional funding.

What is noticeable by its omission is a focus on user needs, such as driver facilities, including locations for charging heavy duty vehicles, public transport and ride sharing interchanges. Currently these need to come forward through the local planning system but where they serve the SRN, they are better considered as national infrastructure, informed by route strategies as local plans do not have the evidence base for longer-distance travel that by its nature goes beyond the local area.

The key policy text - as opposed to a summary of existing commitments - is really paragraphs 3.46 to 3.47. This requires fundamental change to make adding capacity for general traffic the

last resort, as is now the case in Wales[3]. The opportunity should be taken to expand here on this.

There also needs to be a recognition here of the impact that expanding road capacity can have on the business case for public transport improvements and continued viability of existing services. At present the issue is completely ignored as though there is no interaction between the two.

The RIS3 consultation states the following, which should also be the core of the policy for addressing need:

“Our investments should first and foremost, make the most of our network, by: maintenance & increased choices….It is only after these steps that we improve our network, working cleverly and efficiently to improve safety and performance, by:

- increasing capacity through technology
- providing more physical space at junctions
- providing more physical space on the main carriageway”

Rail

The rail policy is not strategic and also requires substantial change. The initial problem is the lack of any aspirations for modal shift and what this means for long-term growth of the rail network. There is simply information about the impact of the pandemic, which will soon become irrelevant if it is not already. The long awaited rail growth target should at least set out detail for freight, but a similar target is needed for passenger mileage too. This is likely to require differentiation between local markets, such as the impact of the mission to level up public transport outside London, and longer distance passenger travel and freight. Without stretching targets, ambitious rail enhancements will face a Catch 22 of being unable to show value for money. The rail sector itself has not shown ambition, with Network Rail aiming for half the growth rate this decade as has been seen since before privatisation.

As noted above, rail has much greater resilience challenges than road, and this is an area where much stronger and more detailed policy is required, backed by greater resource allocation. The environment section requires a fundamental rewrite: it is supposed to set out what the driver of need is but largely sets out what environmental standards a scheme would need to meet. For instance, not only can rail deliver carbon savings through modal shift but it can also reduce noise and severance (for wildlife as well as humans) by enabling a shift to sustainable travel in designated landscapes and habitats.

Although the draft acknowledges the importance of rail for delivering agglomeration and higher density development, this is not carried through to the policy on need, while there is no link made whatsoever to levelling up and its public transport mission. This is a major oversight. Earlier this year, France announced billions of extra rail investment to deliver creating RER (rail metro) networks for its regional cities[4]. This comes on top of an extensive high speed rail network and tram networks in many more cities than the UK, accelerating its lead over the UK.

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[3] Welsh Government response to the Roads Review (WG, 2023)
[4] France to Invest €100 Billion in Railway Infrastructure (Railway News, 2023)

The policy should be strengthened to aspire for rail to be the backbone of mobility, and set out strategic aspirations for city-region networks (including light rail), longer-distance passenger and freight markets.

Rail freight

France is seeking to double the use of rail freight by 2030 while the EU as a whole is aiming for rail to take a 30% modal share of freight by then. If the UK is to catch up with its neighbours and, after all, given the closeness of trade ties there are strong economic as well as environmental arguments to do so, it needs a far more ambitious approach. Freight bodies have highlighted how smaller rail freight interchanges (RFIs) are failing to gain planning approval[5]. Such RFIs are essential to ensure rail freight can serve all UK regions and to reduce transhipment distances by road. The final NNNPS should include more detailed spatial policy, including smaller RFIs, to unlock this potential, since local plans will rarely have the evidence base or potential to consider strategic freight needs.

General policies and considerations

The General Policies and Considerations within the NNNPS chapter provides planning guidance for applications on the national road and rail networks.

We are asking whether the information provides sufficient clarity to applicants, which may be in the form of references to other policy documents or guidance.

You can view and download the draft NNNPS document on the GOV.UK consultation webpage [opens in a new window].

6. In your view, is there any information missing from the "General Principles and considerations" chapter?

Yes	X
No (Go to ‘Supporting freight facilities’)	
Don't know (Go to ‘Supporting freight facilities’)	

Information missing from General Principles and considerations

7. Provide comments on missing information, referring to specific sections of the NNNPS in your response.

Division between chapters 4 and 5

The division of issues between chapters four and five does not make sense. For instance, climate adaptation is a “general policy” in chapter four but climate mitigation covered as “generic impacts” in chapter five. Likewise, biodiversity net gain is in the former while biodiversity and nature conservation in the latter. This not only creates unnecessary complexity and confusion for readers, it also means that the way the NNNPS covers key policy areas, including safety, national security, resilience, good design, health and

[5] https://www.mdst.co.uk/draft-nps-nationalnetworks

accessibility is flawed, leading to poor outcomes. In contrast to chapter five where each topic has a coherent structure setting out an introduction, what an applicant needs to assess, mitigation and then what the decision-maker needs to consider, broken down into sub-issues where appropriate, there is no such coherence in topics left in chapter four. We would strongly recommend that chapter four is focused on processes and frameworks, with substantive topics covered in chapter five.

Levelling up and local aspirations

A new section on interaction with devolved administrations, sub-national bodies and local authorities is needed, as this has consistently been poor. This was highlighted by much evidence to the Transport Committee's 2023 inquiry on strategic road investment. Besides including levelling up missions, this should also consider how to manage sub-national and local aspirations, particularly where they might differ from a scheme's objectives, such as to cut traffic, reduce air pollution and achieve net zero before 2050.

The draft NNNPS appears to argue that spending on road schemes can help level up the United Kingdom. This is wrong for three reasons. First, as the statement of need, which starts with the assertion in 3.2 that "[p]opulation growth and economic growth are the most critical influences", clearly continues to drive investment into higher performing areas. Second, since there is extensive evidence that road-building between weak and stronger areas tends to further increase rather than reduce these differences.

Third, there is a fundamental disconnect with how levelling up is actually defined in part 1 of the Levelling Up and Regeneration Bill. Neither the draft NNNPS nor the AoS engage substantively beyond general references to the government's levelling up agenda in paragraph 2.1 and to the Levelling Up White Paper in paragraph 3.7. These ignore the detail of the missions, however. Although the improving local public transport mission is the most obviously relevant one, but has little to do with road building[6], there are other missions that are connected, such as pride of place, wellbeing, skills and employment, which better public transport and active travel have a key role to help deliver. By contrast road-building often sucks the vitality out of town centres by drawing out shops and jobs to out of town developments, or by degrading the local environment by overwhelming it with more traffic.

Clearly major changes are required to integrate these missions within the NNNPS before it is designated, which should be through a new levelling up overview section in chapter 4, before integrating the missions into chapter 5. Overall this fundamental disconnect between the draft NNNPS, setting the framework for one of the biggest areas of public spending, and this flagship government priority is both staggering and scandalous.

By only imagining futures where road traffic and congestion grow, and public transport stalls or withers, the draft NNNPS sets itself against the aspirations of communities and constituencies across England for better transport. Moreover, by failing to acknowledge let alone integrate government commitments to level up public transport by 2030 and deliver a world class cycle network by 2040, while heavily caveating all sustainable travel policies, the draft undermines both local ambition and national commitments to accelerate modal shift.

[6] There is a tiny mention of road schemes on p182 of the White Paper but there is no functional link made between them and the headline missions in over 300 pages.

Local planning

The draft not only includes the National Road Traffic Projections but effectively prohibits questioning of them[7]. Paragraph 4.7 on local transport models states that "[t]he Examining Authority and the Secretary of State do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand." DfT officials have justified this saying that as NSIPs are national schemes, national policy should take priority over local.

Many local authorities, cities and sub-national bodies have targets to achieve net zero well before 2050 and to reduce traffic too. The problem here is not simply about the imposition of major road schemes to cater for more traffic in areas seeking to do the opposite. More broadly, the wider set of forecasts and assumptions designed to support road-building nationally undermine spatial planning and business cases for sustainable travel schemes locally. For instance, the transport proposals of recently approved local plans focus on providing for predicted increases in motor traffic, prioritising developer contributions to deliver this, with sustainable modes an afterthought, whether in terms of detail or funding.

Draft guidance on local transport plans, including requirements for "quantifiable carbon reductions" was due to be consulted upon then finalised last year[8]. There are increasing suspicions the delays are due to the fundamental incompatibility of such reductions on local roads with RIS schemes generating more traffic[9], especially where they seek to unlock car-dependent development. There are historic tensions between the requirements placed on local authorities to cut air pollution, while National Highways was largely exempted until recently.

Active travel

The policy is barely changed from the current NNNPS, which has led to poor outcomes in many recent schemes. For the Norwich Northern Distributor Road, an uncontrolled crossing for walking and cycling across a 70mph dual carriageway were deemed acceptable, while a recent decision on the A47, the Secretary of State overruled the recommendation in deciding that lengthy diversions were acceptable. Paragraph 5.265 states that severance concerns should be addressed, unless unviable to do so and paragraph 5.272 that mitigation should "proportionate and reasonable". The problem is that viable is not defined while existing hostile conditions suppress active travel, creating a chicken before egg situation. Even where schemes do include facilities, they can be indirect, requiring using as many as six separate crossings to get around a junction, or as with the flagship A14 scheme, not well integrated into the surrounding networks

The wording in paragraph 5.264 is vague and caveated. The policy should be changed to future proof schemes with active travel facilities that meet DfT LTN 01/20 guidance, unless there are exceptional circumstances, and to help deliver Local Cycling and Walking Infrastructure Plans (LCWIPs) and the Rights of Way Improvement Plans (RoWIPs). Rather than "considering opportunities" for sustainable modes, their use should be maximised and

[7] Via section 104(3) of the Planning Act 2008.
[8] Local Transport Plans: Decarbonisation (Hansard, 19 May 2022)
[9] Paragraph 2.8 asserts that SRN frees up local roads: while this may be the case on the day of opening of new schemes for particular roads, over time traffic increases overall.

more detailed guidance as to what an “integrated transport outcome” is required, including freight. The RIS3 consultation tentatively talks this language of choice and cycleways but, unless the draft NNNPS is changed as we suggest, it risks remaining as ineffective aspirations rather than binding text.

Public transport

Regarding public transport, there is strong potential but even less planning than for active travel: funded Bus Service Improvement Plans have largely focused on improving or maintaining existing services serving town centres, rather than integrating with potential longer distance services and coaches, such as through new interchanges by the SRN. Integration of car sharing is even further behind, with National Highways and DfT unable to say what they have done since this was announced as a TDP goal in 2021.

There is also no guidance as to how to assess the socio-economic impact of road schemes on parallel public transport routes, despite the risk of reversing modal shift.

Alternatives

Paragraph 4.18 asserts that “proportionate consideration of alternatives will have been undertaken as part of the investment decision making process” for RIS schemes and paragraph 4.19 that alternatives do not need to be considered unless there are “wholly exceptional circumstances”. There are multiple flaws with this policy. First, because of the siloed nature of funding, wider options are unlikely to be considered. Second, many schemes have been in the pipeline for years and pre-date major policy shifts in government policy, such as net zero, nature recovery and levelling up. This is all the more likely with schemes being shifted to the right as a result of cost pressures. Thirdly, Treasury Green Book guidance on business cases now emphasises the strategic case over the economic case, arguing that schemes that do not fit with wider government priorities should not be long listed.

Finally, the RIS3 consultation emphasises the need to consider all options before road capacity expansion, a position that is fundamentally different to the draft NNNPS. These paragraphs on alternatives therefore require deletion.

Design

The 2021 draft energy NPSs asserted that good design could solve many problems but without any evidence to back this up. While we welcome that design is explicitly a “material consideration” (4.26), this policy falls far short compared to the NPPF, as its paragraph 134 makes bad design grounds for refusal. The principles set out here, while a starting point, are simply too vague, abstract and couched in conditional terms, to make a difference. Moreover, major transport infrastructure has great impacts on the layout, density and setting of development that it unlocks, including the feel of a place. This ought to be recognised explicitly.

It is frequently difficult to obtain clarity as to what the design policy is trying to achieve, with it referring to other issues like health and accessibility, then those paragraphs referring back to good design. We would recommend focusing the content on design in this chapter on *process* at the various stages of scheme development, including far greater interaction with local design guidance, settlement hierarchies and sense of place, with policy on *substance* and

linked outcomes, in the next chapter. The former could include different levels of expectation for design processes for small, medium and large schemes, such as in relation to appointment of design champions and use of design panels. Supplementary guidance is required to explain how best to integrate national infrastructure with local design aspirations.

Safety and health

The aspiration of zero collisions by 2040 is a stretch target, yet the policy in 4.55-59 simply requires reasonable steps to minimise risks and contribute to (not deliver) an overall reduction in casualties. It is even worse for people walking and cycling as a token improvement could lead to the policy test being satisfied even if the overall outcomes are worse: by contrast those wheeling and riding on or across the SRN are simply forgotten. A fundamentally different approach is required to design out road danger, including on local roads that feed into the SRN. Otherwise there is a real likelihood that schemes will increase danger on the wider road network by inducing more traffic.

Missing content

There are three particular areas that need strategic direction in this chapter, through the addition of their own sub-sections. First, around impacts beyond scheme boundaries. While many forms of infrastructure have impacts beyond their scheme boundaries, transport schemes lead to changed flows on surrounding roads, typically in the case of road schemes inducing more traffic, which in turn has wider impacts, whether increased congestion, severance, or pollution, or reduced safety. Even other forms of linear infrastructure such as electric lines do not cause these impacts. Paragraph 5.275 focuses mitigation measures on the "immediate surrounding" of the scheme but impacts may be far further, such as traffic generated on the wider road network.

The draft at paragraph 3.33 suggests that road schemes unlock "the creation of new communities underpinned by sustainable transport". While in most cases the communities are underpinned by roads and barely served by alternatives, the key point here is the lack of assessment of the impacts of this wider development: car-dependent housing entails greater capital and operational carbon, for example. Bigger roads can also undermine the economic viability of public transport.

Second, regarding cumulative impacts, which are briefly noted in paragraph 4.11. IEMA guidance highlights the importance of contextualising greenhouse gas emissions, rather than simply comparing them to a national carbon budget[10]. With new species and air quality exposure targets being national as opposed to being tied to particular locations, similar contextualisation will be required for assessing compliance with them and to avoid a plethora of legal challenges. This will be of particular importance to get right for the new Environmental Outcomes Reports to be credible and effective.

Finally, guidance is needed on interaction with the energy system since, with the move to electrify transport, it is no longer possible to deal with transport and energy in separate silos. With transmission constraints identified as a major blockage to decarbonising the grid, there may be opportunities for well integrated schemes to reduce cost, landscape impact and

[10] Updated EIA Guidance on Assessing GHG Emissions (IEMA, 2022)

connections times. This may include integration of generation such as solar on national networks.

8. Provide any supporting evidence of your view.

[Attach any additional document evidence to your response.]

Comments:

Supporting freight facilities

9. Does the NNNPS support development of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
freight facilities on the strategic road network, including lorry parking facilities?					X	
freight interchange infrastructure that encourages modal shift from road to rail?					X	

Explain why, referring to specific sections of the NNNPS in your response.

Freight facilities on the SRN

By only requiring new facilities as part of other proposed developments rather than planning positively for new facilities where there are gaps, there will be minimal change. While the EU has committed to charging points by 2030 every 60-80 km for HGVs and coaches, National Highways will only consider delivering them from 2030, preferring to use up its funding and capacity during RIS3 with yesterday's road schemes. Additional driver and charging facilities are urgently required for a rapid and just transition.

Relying on local planning authorities to plan for national facilities on strategic roads is not credible. NSIP thresholds need to be changed to include these facilities and a revised NNNPS to set out policy if not spatial detail as to where such sites are needed.

Freight interchange infrastructure

Smaller RFIs (i.e. those currently beneath the NSIP threshold) are vital to reduce transhipment by road and ensure rail freight can reach smaller outlying markets. Such proposals have not secured approval via local decision-making. There should also be consideration of supportive policy for such smaller RFIs and for reducing the NSIP threshold to accommodate them.

Strategic Rail Freight Interchanges (SRFIs)

The Strategic Rail Freight Interchanges section (paragraphs 4.78 to 4.87) provides planning guidance relating to SRFIs. The revised NNNPS seeks to ensure that SRFIs are appropriately located, and that the operational rail connection elements are brought forwards in a timely manner.

We are asking whether the information within the revised NNNPS provides sufficient clarity to applicants, which may be in the form of references to other policy documents or guidance.

You can view and download the draft NNNPS document on the GOV.UK consultation webpage [opens in a new window].

10. In your view, are the changes to the SRFI section useful for the NNNPS?

Strongly agree	
Agree	
Neither agree nor disagree	
Disagree	
Strongly disagree	X
Don't know (Go to 'Environmental ambitions')	

Strategic Rail Freight Interchanges (SRFIs) reasoning

11. Explain why, referring to specific sections of the NNNPS in your response.

The starting point needs to be a proper evidence base, including a rail freight target but also considering how freight flows are likely to change, particularly due to net zero necessitating a more circular economy, less food waste and more localisation. The current NNNPS although published in 2014 relied on a ten year old evidence base. The new NNNPS needs to be forward looking, maximising opportunities to rapidly and radically cut carbon and energy use by freight.

To maximise modal shift, a network of smaller RFIs is needed, in order to maximise access by rail, minimise transhipment by HGV and plan positively for e-bike freight, which may have a critical role in achieving particulate exposure as well as carbon targets. We set out suggestions in the answer to the previous question.

Environmental ambitions

The current NNNPS was designated in 2015 [opens in a new window] – before the UK's legal commitment to net zero emissions by 2050 [opens in a new window], and implementation of the Environment Act 2021 [opens in a new window]. The revised NNNPS has sought to reflect these changes to UK legislation which would be relevant when considering the development of the national road and rail networks.

We are asking whether the information within the revised NNNPS provides sufficient clarity to applicants, including in the form of references to other policy documents or guidance.

12. Does, in your view, the NNNPS adequately address:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
carbon considerations in the development of national networks?					X	
wider environmental targets in the development of national networks?					X	

Explain why, referring to specific sections in your response.

The DfT claims that "the draft revised NNNPS is reflective of existing government policy and legislation" with its press release boldly asserting that the draft has been amended to deliver climate and wider environment targets. These are all demonstrably untrue. Not only does the draft compel decision-makers to ignore operational carbon emissions, its AoS explicitly ignored new environmental targets.

There are three cross-cutting issues in relation to carbon and wider environmental considerations:

1. Resetting the needs case: a decisive shift from high carbon infrastructure to that urgently required to deliver modal shift, higher occupancy and electrification.
2. Rethinking NSIP thresholds: to deliver strategic priorities rapidly rather than cater for past predictions.
3. Testing for decision-makers: a strong presumption against consenting high carbon infrastructure and in favour of infrastructure for modal shift and efficiency, considering other negative impacts beyond the tailpipe, such as resource and land use efficiency.

Carbon

User emissions from the SRN are responsible for a tenth of UK CO2 emissions, and the draft NNNPS undermines efforts to rapidly reduce them. Paragraph 3.10 states that "[t]he latest climate change projections show that by the 2050s, annual temperatures will rise", seemingly oblivious to the fact that this year we are likely to breach 1.25C above historic trends already, with weather extremes smashing records and destroying ever more lives and livelihoods each year. Radical reductions in emissions are therefore needed this decade, not simply "by 2050". Indeed reductions by 2030 and for five yearly carbon budgets are already required by international and domestic law. With surface transport still the biggest sector in terms of direct emissions, even more so if emissions beyond the tailpipe are considered, there is consensus from the RAC Foundation to the Mayor of London that traffic reduction is urgently required[11].

With even the Carbon Budget Delivery Plan showing the UK missing climate targets (and on the reckless assumption all policies will be delivered 100% on time), the core policy in paragraphs 5.34 to 5.37 of ignoring the negative climate impacts of road-building is more untenable than ever.

The draft relies frequently on the TDP, yet fails to include policies that support its priorities, not only modal shift and increasing occupancy, but also measures to enable the electrification of road freight. The projections the draft NNNPS relies on do not align to the TDP's priority to use cars less and shift freight to rail.

Research for the Scottish Government found that the TDP would only reduce transport emissions by 5-40% by 2030[12], most likely at the lower end of the range. Paragraph 2.21 asserts that "much of [TDP] has already been delivered or is in progress" but forthcoming analysis of the data underpinning the TDP, which was released this January, suggests that most of the potential ambition in the TDP has now been lost. This is in direct contradiction to what the Government is saying on the TDP, including in this draft NNNPS.

[11] Car miles and cutting carbon (RAC Foundation, 2023) and Mayor's Transport Strategy Addendum Proposal 24.1 (GLA, 2022)
[12] Page 10 in Decarbonising the Scottish transport sector (Element Energy, 2021)

TAN helped academics secure publication of the data underpinning the TDP, the analysis of which concluded that most of the TDP's ambition has been abandoned and that "England is currently in a false prospectus on transport and climate change"[13]. The RIS3 consultation refers to "the backdrop of the UK's long-term commitments to net zero carbon and improving the natural environment" but there are crucial targets this decade that England is set to miss. To have a chance of meeting them, many proposed road schemes need to be cancelled, with modal shift and electrification schemes developed and delivered at pace instead.

The assertion that reducing congestion reduces carbon is simply not borne out by NH's own Post Opening Project Evaluations, since the extra road space and increased speeds often have the opposite impact. Additionally, the modelling in the National Road Traffic Projections, flawed as it is, shows congestion worsening despite significant road capacity increases.

The RIS3 consultation places reliance on "our Net zero highway plan which sets out how we will take immediate and sustained action to cut carbon… We are just beginning on this journey". This is doubly untrue. RIS1 in 2014 committed to targets to reduce user carbon, which the RIS3 consultation acknowledges makes up 98.3% of emissions from the SRN, yet nine years later nothing has happened and the plan still makes no commitment to address this, simply relying on the 2050 economy wide target.

Continuing delivery setbacks in other sectors, whether agriculture, where policy is still lacking, or energy where the deployment assumptions are extremely ambitious, increases pressure for transport, the largest sector, to deliver reductions at least in line with national targets of 68% by 2030 and 78% by 2035, rather than being given further largesse to delay. Furthermore, with the pace of climate change exceeding many models and the IPCC calling for developed states to bring forward net zero to as soon after 2040 as possible[14], there is at least a compelling case to consider more ambitious economy-wide decarbonisation pathways.

Net zero test

The CCC's flagship recommendations in its 2021 review of the Net Zero Strategy were for a net zero test to ensure "all policy and planning decisions are consistent with the path to Net Zero" and for more emphasis on demand management[15], two recommendations it continues to highlight. As noted above the need for demand management is not only ignored, the text relating to it in the current NPS is removed in the draft NPS. Instead the draft states at paragraph 5.37 that "approval of schemes with residual carbon emissions is allowable and can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution." This appears to have been written ignorant of the Carbon Budget Delivery Plan, which accepted that policies were in place to meet only 92% of reductions necessary for the Nationally Determined Contribution in 2030 and that miscalculations regarding hybrid cars and HGVs were largely to blame[16].

While tailpipe emissions are significant, net zero will require very significant reductions in other emissions, including from construction, manufacture and operation of motor vehicles and infrastructure. The CCC's 2022 progress report to Parliament set out a monitoring framework that started to engage with these issues. Although National Highways is seeking to reduce its wider emissions (but not user emissions, relying on the DfT to do this instead), these can still

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[13] https://www.creds.ac.uk/publications/reverse-gear-the-reality-and-implications-of-national-transport-emission-reduction-policies

[14] https://press.un.org/en/2023/sgsm21730.doc.htm

[15] Independent Assessment: The UK's Net Zero Strategy (CCC, 2021)

[16] Carbon Budget Delivery Plan (DESNZ, 2023)

increase pressures in meeting ever tighter carbon budgets. Transport has major impacts too on land use, especially the sprawl unlocked by highways schemes. Net zero requires major changes in land use, such as for farming, afforestation, bioenergy and renewable energy, while loss of land is expected too[17]. These emerging factors must also be considered for compliance with net zero.

In 2022 the BEIS Committee strongly criticised the draft energy NPSs for failing to be explicit on the importance of the net zero target in consenting decisions and for not delivering the step change to deliver the infrastructure needed for net zero urgently, such as by fast-tracking onshore wind[18]. This all pales in comparison to the draft NNNPS, which ignores the commitments in the TDP and, by instructing decision-makers to ignore climate impacts, is actively hostile to net zero. As with the energy NPS, the NNNPS needs to make net zero core in decision-making and expand in scope to fast-track other infrastructure needed to decarbonise.

The revised NNNPS must unambiguously express that the prime consideration for planning consent for NSIPs for transport is the overall contribution to mitigating climate change and reducing emissions. In particular this must mean aligning the statement of need with the TDP's first priority of accelerating modal shift, to give people and freight more and better travel choices, and including a strong presumption against capacity expansion for general traffic.

Infrastructure for net zero

In order for transport to be on a pathway to net zero, we urgently need additional infrastructure for sustainable and electrified transport. The thresholds for transport NSIPs should be amended via statutory instrument urgently to include:

- Large charging hubs, including driver facilities, along the SRN and Major Road Network. This category should also be defined to include coach interchanges and park & share and other multi-modal hubs (as the RIS3 consultation proposals but inexplicably not until 2050) to encourage intermodality between driving, cycling, car sharing and bus / coach.
- Smaller RFIs, to help extend the reach of rail freight.
- Strategic cycle routes, such as superhighways off existing highways, to connect up settlements, to maximise the potential of e-bikes[19]. The RIS3 consultation proposes "more extensive opportunities to introduce segregated provision for non-motorised users along our network…acquiring more land to create physically segregated 'link' paths alongside, and away from, our highways", which in turn will need supportive policy in the draft NNNPS as longer schemes could fall above the threshold.

The NNNPS is often the only applicable policy, whether or not NSIP thresholds are changed. The Leeds trolleybus scheme was rejected in 2016 due to a lack of supportive national policy, electrification and rail upgrades proceeding via Transport & Works Act orders while smaller scale rail freight interchanges and lorry driver facilities are rejected in the local planning system. Network Rail was criticised for delays to Great Western electrification caused by it

[17] See tables 9 & 10 in Net Zero Society: scenarios and pathways (GOS, 2023)
[18] Business Committee says Government should 'be explicit on net zero target' in its approval process for major energy infrastructure (UK Parliament, 2022)
[19] e-bike carbon savings – how much and where? (CREDS, 2020)

applying for over 1,800 consents separately, rather than via a single Transport & Works Act application. Yet there was minimal national policy in support of such an approach, while the scheme passed through dozens of planning authorities with differing local policies.

The new focus on “alternative fuels” is concerning, as emerging evidence points to electrification being essential, while alternative fuels offer less potential to reduce carbon emissions or air pollution. Additional supportive policy is required for schemes that may proceed via Transport & Works Act orders, such as trams, other light rail, trolley bus networks and electric road systems (for lorries and potentially coaches) and other urban public transport systems. The opportunity should be taken to rethink the name of this NPS to come up with something more inclusive and integrated.

Wider environmental targets

The targets set by the Environment Act 2021 (including shorter term targets set through the Environmental Improvement Plan, in addition to those set via the Act itself) are at least as challenging as the 2030 climate target. Rather than consider substantively the challenges posed for transport to help meet them, the draft simply makes general reference to more stringent standards, then at paragraph 5.5 summarises the high level requirements in that Act. There is no mention whatsoever of the targets themselves or how they may affect either the needs case or decision-taking, likewise the AoS ignored the targets too. With some targets being set for 2028, just five years away, this is entirely inadequate and unacceptable.

Not only did the AoS fail to include any spatial assessment, such of existing schemes in RISs, it ignored these targets, even though they had been consulted upon and the final targets were very similar. In any event, the reality is that environmental and social protections (such as against severance) are still weak as they can be usurped by the generalised needs case. We set out further concerns regarding the draft’s failure to consider these targets in our answer to the next question.

Generic impacts

The Generic Impacts of chapter 5 of the NNNPS provide guidance on impacts which are relevant to any national networks infrastructure development, and sets out how these impacts should be considered.

There have been updates made to the chapter to reflect to new policies relating to generic impacts relevant to national network infrastructure.

You can view and download the draft NNNPS document on the GOV.UK consultation webpage [opens in a new window].

13. In your view, is there any information missing from the Generic Impacts chapter (chapter 5)?

Yes	X
No (Go to ‘Appraisal of sustainability (AoS)’)	
Don't know (Go to ‘Appraisal of sustainability (AoS)’)	

Missing information for Generic impacts

14. Provide comments on missing information, referring to specific sections of the NNNPS in your response.

Like the preceding content, chapter five provides an inadequate framework as it is not integrated with key government priorities and legislation. In particular, the targets set in the 2023 Environmental Improvement Plan have not been substantively incorporated while there is no mention of the levelling up missions either. Note though that while they are covered in this chapter, impacts on greenhouse gas emissions are dealt with in our answers to question 5, and on transport networks in question 11.

Air quality

The policy on air quality is inadequate. Paragraph 5.22 would allow increases in pollution affecting compliance with air quality limits, so long as they were not deemed significant. In contrast, paragraph 5.24 would require decision-makers to give weight to nature-based solutions, even if they were insignificant in their effects. It should be the other way around. There should also be a requirement to consider alternatives, especially if they might deliver compliance sooner.

There are more serious difficulties in relation to the new air quality exposure targets. As explained in our previous answer, policy is required to contextualise these, otherwise every promoter will say although their scheme may increase exposure to air pollution, the impacts are not significant at the national level, therefore nothing need be done. There is a lack of evidence here as to how traffic levels may affect compliance with the newly set targets for 2028: the NRTP only forecasts *tailpipe* emissions of particulates, despite the majority of traffic emissions in cities coming from tyre, brake and road wear.

Biodiversity and nature restoration

Although there is similar wording in the current NNNPS that avoidance should come first and that compensation should be the last resort, DfT has taken the line in recent decisions such as the A428 that uncompensated loss is not harm, fatally undermining the mitigation hierarchy. The policy needs to be strengthened to be 100% clear that BNG is not an alternative to avoidance, as Defra's Lawton Review of 2010 made clear. Thirteen years later, the increasing difficulty of restoring and creating habitats as the climate becomes more extreme, as evidenced by the increasing failure rates of tree planting[20].

While we welcome the mention of local nature recovery strategies (LNRSs), as part of the objective to restore nature rather than simply mitigate its decline, the policy for decision-makers is too weak. Despite the word local in their name, LNRSs propose new habitats and connectivity that will be vital at the national level as the nature recovery network is made up of LNRSs[21]. There is a lack of guidance to ensure appropriate weight is given to their aspirations.

Finally the 2030 species target will be at least as challenging to meet as the 2030 climate target, if not more so given the rate nature is declining. This is even before the impacts of ever more extreme weather are felt. Simply adding in biodiversity units may be ineffective in

[20] https://www.bbc.co.uk/news/uk-england-cambridgeshire-65018423 Note that these numbers are from 2021, with many more trees assumed to have died during the record heat waves of 2022.
[21] Nature Recovery Network (Defra, 2022)

creating the coherent ecological corridors and networks of habitat to give species a chance. Further appraisal and policy is required.

Noise

There is a lack of consideration in the AoS and draft NNNPS as to how the impact of the rising traffic levels it is trying to accommodate will increase noise overall. So while it might be possible that some locations with new infrastructure actually see a reduction in noise, the vast majority of the network will see a deterioration and hence the assessment of noise should be marked as a significant negative impact. Loss of traffic noise was, after all, one of the few positives of the lockdowns that resonated with the public. Proposed mitigations of insulation will be increasingly ineffective as warmer temperatures mean people leave their windows open more. This is another reason why the overall policy direction should be to limit traffic rather than enable it to grow.

Socio-economic

The policy here is very one-sided, considering only the potential benefits of schemes, despite extensive evidence that road schemes can lead to job losses in weaker regions. In addition, by being focused on job creation, it fails to consider the impacts on more vulnerable groups, such as older people.

We suggest more detailed policy here or in a new section on levelling up missions, considering how schemes impact on the missions and metrics, including ways to mitigate adverse impacts and to maximise potential synergies.

Land use

As the Government Office for Science study on net zero 2050 (see above) highlights, climate mitigation and adaptation mean multiple pressures on land use. Transport has major impacts directly on land use and even more indirectly through the types and density of development it unlocks. Policy is required not just to avoid lock in to high carbon infrastructure but also to avoid spatially inefficient infrastructure such as major roads.

15. Provide any supporting evidence of your view.

[Attach any additional document evidence to your response.]

Comments:

Appraisal of sustainability (AoS)

The Appraisal of Sustainability (AoS) examines the likely social, economic and environmental effects of the NNNPS.

The AoS identified:

- uncertain effects related to greenhouse gas and air quality emissions
- significant positive effects on the economic impacts, user experience and safety.

The report subsequently sets out:

- measures to mitigate and monitor the uncertain and significant effects
- enhancements for all effects stated

You can view and download the draft NNNPS document and the supporting documents on the GOV.UK consultation webpage [opens in a new window].

16. Do you agree or disagree with the findings of the AoS?

Strongly agree	
Agree	
Neither agree nor disagree	
Disagree	
Strongly disagree	X
Don't know (Go to 'Habitats regulation assessment (HRA)')	

AoS findings

17. Explain why, referring to specific sections of the AoS in your response.

The AoS is supposed to "[e]xamine the likely social, economic and environmental effects of designating an NNNPS (and the reasonable alternatives to the NNNPS)". Unfortunately this AoS provides minimal insights as it appears largely based on assertions, written to justify the draft NNNPS. It mostly fails to consider how to avoid substantial harm and to maximise benefits for sustainability.

The failures to monitor the effectiveness of the current NNNPS, assess the spatial and cumulative impacts of the roads programme and the refusal to consider reasonable alternatives to the policy, or genuine range of transport future scenarios, all appear to be a deliberate attempt to avoid substantive scrutiny of the draft NNNPS.

The AoS is fundamentally flawed, so much so that it cannot simply be amended. Unless it is carried out afresh, by genuinely independent body, it will not be credible and there will be serious questions about the lawfulness of this key process.

Reasonable alternatives

The selection of reasonable alternatives is the crucial foundation for a credible appraisal but was fundamentally flawed here for three reasons. First, the alternatives "need to be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparisons can be made"[22]. Here the scenarios were "not vastly different in their approach. Rather, they present subtle variations"[23]. In particular, record investment in road-building and constrained investment in rail[24] were assumed in all scenarios, while demand management was excluded as even being a possibility. It is not surprising that the scenarios were scored very similarly, given how similar they in fact are.

[22] Reference ID: 11-038-20190722 in Strategic environmental assessment and sustainability appraisal (DLUHC, 2020)
[23] Paragraph 1.1.1 in AoS Appendix 1: Development of alternatives
[24] Enhancements were taken out of rail CP5 and instead supposed to be announced via a separate Rail Network Enhancement Pipeline, which, many years later, has still not been published.

Second, the scenarios are made even more objectionable since measures that are commitments in the TDP and legislation have been ignored. The changes needed to deliver London-class public transport or world class active travel necessitate radical changes in funding and policy but only "greater emphasis / promotion" were considered. Finally, none of the scenarios are effective in tackling the key challenges, showing that a genuine set of alternatives is required.

Significance scoring

The significance scoring is simply not credible, whether its overall finding of "no significant adverse effects of the policy", its scoring of the beneficial impacts or underplaying of negative impacts. If there had been credible, reasonable alternatives, this would be even clearer. There are three major causes here. First, the lack of any assessment of the effectiveness of the existing NPS and in particular the assertions made in its 2014 AoS[25]. For example, it asserted then that the original NPS would have some benefits in tackling the transport sector's carbon emissions, yet they have plateaued since. Second, the assessment was high level and generic, rather than of the effects of the NPS on the RIS programme that DfT emphasises the stability and certainty of. While that may have been understandable in 2014, before RIS1 was published, it is unacceptable in 2023.

The third issue is the lack of any impartial assessment by genuinely independent assessors. The DfT's "independent" consultants are Ramboll who have been contracted by National Highways and its predecessors since 2006 on its sustainability and environmental performance[26] and WSP, recently awarded a contract of up to £3.6bn[27]. In 2020, following numerous corporate scandals, the Financial Reporting Council told accountancy practices to separate out their audit work from consulting[28]. By contrast, there is no such separation in place for sustainability auditing and, regarding climate, there is no statutory body scrutinising net zero claims in the planning system.

Significant positive effects were scored for economic impacts, user experience and safety. Much of the RIS2 spend is now for schemes with a low or poor economic case, while there is minimal evidence of the economic benefits of road schemes in mature economies, compared to the growing evidence of the benefits of improving local public transport. Nonetheless this was rated double plus. User experience is likewise rated double plus on the basis of the NNNPS *reducing* congestion and improving journey times, despite congestion increasing in all National Road Traffic Prediction scenarios, with the central case likely to be as much as doubling of congestion on the SRN. The only scenario to offer any halt to rising congestion was the behavioural change scenario up to 2040, showing traffic restraint is possible with different policies. Finally safety was also given the highest rating on the basis "new highways developments *provide an opportunity* to make significant safety improvements" (emphasis added). This is despite safety largely plateauing and growing arguments on the need to

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[25] National networks national policy statement: appraisal of sustainability (DfT, 2014)

[26] This information has now been deleted from Ramboll's website but is still archived here: https://web.archive.org/web/20220817081544/https://ramboll.com/projects/ruk/national-highways-sustainability-advice.

[27] The other consultancy, WSP, was key in delivering its so-called Net Zero Highways plan, which TAN has dismissed as greenwash for failing to minimise user emissions. https://www.wsp.com/en-gb/news/2021/wsp-awarded-three-design-contracts-on-national-highways-scheme-delivery-framework

[28] https://www.frc.org.uk/news/february-2021/operational-separation-of-audit-practices

spread safety investment more widely than on a few large isolated developments with minimal impact across the whole of the network.

By contrast the assessment alleges uncertain effects related to greenhouse gases, both for construction and operation. This is not credible given the extensive evidence of road schemes increasing carbon emissions and the context of the UK being set to miss its 2030 target. The explanation quotes the CCC to say the TDP is “reasonably comprehensive”, while leaving out its concerns about the need to reduce traffic and the lack of demand management. In any event, this is wrong even on the explicit approach set out in the AoS regarding the precautionary principle, requiring uncertain effects to be scored as negative.

Other discrepancies

Noise: The AoS makes contradictory statements on noise saying that there is no perceivable noise difference above 30 km/h (between EVs and ICEs)[29] yet in the same document states “Electrification of the vehicle fleet may have a positive impact on vehicle noise.”[30] The former statement is correct and therefore highlights that with projected increasing traffic levels, noise will increase. The increased noise levels across the whole of the road network (and beyond the SRN) is the environmental impact that the AoS should be looking at, not the impact of individual schemes on the small parts of the SRN that are being upgraded. At the very least this impact should be scored as negative.

Severance: Severance is claimed as neutral for the draft NNNPS yet many schemes make things worse, for example A358 Sparkford-Ilchester and A47 Wansford to Sutton and rarely are there any actual improvements.

Habitats regulation assessment (HRA)

The initial Habitats Regulation Assessment screening exercise plus the appropriate assessment and consideration of the alternatives, determined that there were no feasible alternative solutions to the NNNPS and adverse effects remained possible. It was therefore necessary to consider Imperative Reasons of Overriding Public Interest (IROPI) and compensatory measures.

The IROPI was of an economic and social nature, subsequently regulation 107 of the Habitats Regulations [opens in a new window], will apply to the NPS.

You can view and download the draft NNNPS document and the supporting documents on the GOV.UK consultation webpage [opens in a new window].

18. Do you agree or disagree with the findings of the HRA?

Strongly agree	
Agree	
Neither agree nor disagree	
Disagree	
Strongly disagree	X
Don't know (Go to ‘Public Sector Equality Duty’)	

[29] Paragraph 10.2 in AoS Appendix 2
[30] Paragraph 10.4 and Table 20-1 in AoS Appendix 2

HRA findings

19. Explain why, referring to specific sections of the HRA in your response.

We reject the assertions that there are no feasible alternatives, for reasons set out in our comments on need. In particular, given that road-building would make carbon and other environmental targets further out of reach, there can be no public interest in road schemes damaging internationally protected habitats.

To be lawful, the HRA will need to be carried out afresh and should be spatial.

Public Sector Equality Duty

The Public Sector Equality Duty (PSED) requires public bodies to consider the needs of people in relation to characteristics protected by the Equality Act 2010. Development applications must demonstrate due consideration for the PSED and wider obligations under the Act. The NNNPS supports applicants to consider this through its policies, including but not limited to accessibility, community severance and good design (paragraph 4.77).

You can view and download the draft NNNPS document on the GOV.UK consultation webpage [opens in a new window].

20. Do you think the NNNPS could further support the aims of the PSED, particularly relating to the characteristics protected by the Equality Act 2010?

Yes	X
No (Go to 'Final comments')	
Don't know (Go to 'Final comments')	

Improving PSED support

21. Provide details of how the NNNPS could further support PSED aims, specifying the protected characteristic where possible and providing any supporting information you wish to be considered.

[Attach any additional document evidence to your response.]

Comments:

The consultation's approach to PSED has been entirely inadequate. The starting point should be a comprehensive analysis of inequalities in transport. Children, older people, the disabled and some ethnicities (Black people are more likely to live in inner cities and not own cars), are less likely to drive but more likely to suffer from negative impacts of pollution, severance and road danger. This assessment should consider likely future trends, such as how a shift to EVs without introducing road pricing would increase inequality.

A reduction in these inequalities then ought to underpin the needs case, for instance improving public transport, including enabling more coach services through priority lanes, and increasing opportunities for active travel, including wheeling.

Policy for decision-takers also requires a significant emphasis throughout on reducing inequalities, such as how approving road schemes typically makes public transport less attractive and competitive, leading to decline. The socio-economic section is especially weak,

only considering positives, such as jobs, not who might benefit from them, let alone the needs of those whether through age or disability may not be working. It will be important to integrate this with levelling up missions, such as around health and access to local public transport.

Final comments

22. Any other comments?

Even judges have complained that the phrase “national networks” NPS is a mouthful and it is certainly not self-explaining. NNNPS symbolises a bureaucratic rather than a user-focused approach that is long in need of replacement. We would suggest either renaming this to the integrated transport NPS or the surface transport NPS: while rail and road NPS is also an option, it would be less inclusive of user needs for wider facilities etc. The threshold requirement that only schemes proposed by the Secretary of State for Transport can be road NSIPs is unique in the Planning Act 2008. We believe this should be removed, enabling local authorities to seek development consent for longer off-road cycle routes, reducing the compulsory purchase barriers to delivery.

Paragraph 4.48 assumes “environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator.” This is wholly at odds with the limited resources of regulators and lack of enforcement in practice, which is creating a growing public sense of outrage. Wider reform is required to ensure adequate funding and powers for regulators, if environmental ambitions are to be achieved.

Please provide a more user-friendly comments form: the layout of this template is not converted well by Google Docs, which many consultees use. The structure is not user-friendly either, for instance questions could be more clearly broken down into respective chapters of the draft.