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Examination Principle Issues	<ul style="list-style-type: none"> • Climate Change • Scope of Development and Environmental Impact Assessment • Others as indicated in text

DfT Consultation 3: 17th January 2023

I am an independent scientist and environmental consultant, working at the intersection of science, policy, and law, particularly relating to ecology and climate change. I work as a consultancy called Climate Emergency Policy and Planning (CEPP).

In so far as the facts in this statement are within my knowledge, they are true. In so far as the facts in this statement are not within my direct knowledge, they are true to the best of my knowledge and belief.

1 INTRODUCTION

1.1 Response to consultation letter, 10th January 2023

- 1 This response addresses Item 7 “Carbon emissions during construction”.
- 2 I also provide an update on the High Court cases on three other A47 schemes in which I am the claimant, and which are relevant to the A47WAN scheme.

2 CARBON EMISSIONS DURING CONSTRUCTION

- 3 The Applicant states in Chapter 14 of the Environmental Statement (ES) at 14.6.2 [APP-052] that the embodied carbon of Proposed Scheme materials and emissions associated with construction activities are defined in terms of lifecycle stages, detailed in Section 7 of Publicly Available Specification (PAS) 2080:2016, Carbon Management in Infrastructure. The Applicant lists PAS 2080 modules (A1-3), (A4), and (A5) as relevant to construction emissions from the scheme.
- 4 The Applicant has not demonstrated that it has accounted for all the emissions in each of these PAS 2080 modules. The response given to question 1.1.11 in REP2-035 is waffly and does not satisfactorily answer the question posed by the ExA. Specifically, the issue around data on fuel consumption is evaded.

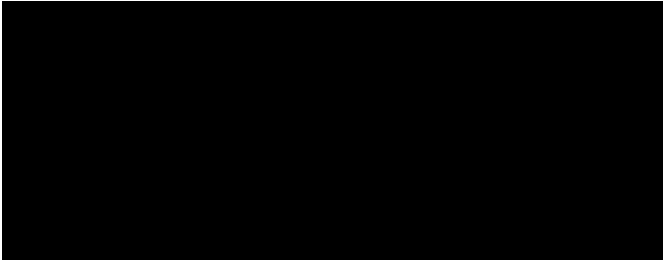
- 5 The concluding sentence “It would not be expected that plant emissions from other sources would materially influence the carbon estimates for construction” is a vague opinion and does not demonstrate whether the assessment of construction emissions reflects a "worst case" estimate across all relevant PAS 2080 modules.
- 6 The assessment needs to be updated.

3 UPDATE ON R(BOSWELL) V SEC OF STATE FOR TRANSPORT CO/2837/2022, CO/3506/2022 & CO/4162/2022

- 7 These are three claims before the High Court in which there is a ground (Ground 1 in each case) which relates to the issue of cumulative carbon assessment.
- 8 On 14 December 2022, the Honourable Mr Justice Holgate granted permission to apply for judicial review for Ground 1 in each of CO/2837/2022, CO/3506/2022 & CO/4162/2022, and the High Court hearing is now listed for May 10th and 11th.

3.1 Relevance to A47WAN

- 9 In REP8-043, I noted that the A47WAN scheme had no cumulative carbon assessment in breach of the EIA regulations, similar to other schemes progressing through the DCO planning regime. This included the three A47 schemes in the above legal cases.
- 10 I wish to state that my comments in REP8-043 were based on a forensic examination of the Environmental Statement, and re-emphasise that categorically, there is no assessment of the impact of cumulative carbon emissions in the ES. This is clear from Table 14-10, and use only of DS-DM data in the assessment. Categorically, no such cumulative assessment has been attempted. Importantly, I emphasise that it is not that a cumulative assessment of carbon emissions has been attempted, and I disagree with the way it has been done. It is that a cumulative assessment of carbon emissions has not been done at all in the ES and the Application.
- 11 With respect to the absence of an assessment of cumulative carbon impacts of the A47WAN scheme, the SoST cannot make a reasoned conclusion, under the EIA Regulation 21(1)(b), on the significant effects of the proposed development on the environment as a significant, and mandatory, part of the required information is missing from the ES.



Dr Andrew Boswell,
Climate Emergency Policy and Planning, January 17th 2023

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