

Environmental Information Regulations (EIR) Request
Received: 08/08/2023

Published: www.theccc.org.uk/about/transparency

Date: 06 September 2023

Ref: Sent by email from enquiries@theccc.org.uk

Climate Change Committee

1 Victoria Street,
Westminster, London,
SW1H 0ET

w theccc.org.uk

Your request:

Please provide all correspondence, and any relevant research data, between CCC staff and all other experts and stakeholders, including government departments (for example, DESNZ, DfT and DLUHC), on the issue of the 2022/2023 DRAFT "National Policy Statement for National Road and Rail Networks (NN NPS)".

Our response:

Thank you for your request. We have handled your request under the Environmental Information Regulations (EIR) 2004. Please find our response below.

The information requested has been considered environmental information, given it covers measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment.

Under regulation 5(3), personal information from junior CCC staff and external contacts has been removed.

All relevant correspondence that refers to 2022/2023 DRAFT "National Policy Statement for National Road and Rail Networks (NN NPS)" is set out in date order in annex A.

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Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on the CCC website, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the CCC website.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. If you are not content with the outcome of the review, you may apply directly to the Information Commissioner for a decision. In keeping with our transparency policy, the information released to you will be published on www.theccc.org.uk. Please note that this publication will not include your personal data.

Kind regards,
Climate Change Committee



Annex A – correspondence

Email chain 1

From: [Name redacted] <[email redacted]>
Sent: 27 May 2022 13:34
To: [Name redacted] <[email redacted]>
Cc: [Name redacted] <[email redacted]>
Subject: Climate and the roads programme

Hi [Name redacted]

Hope all's well with you.

With your annual report a month away, I was wondering whether it was a good time to catch up?

There are three important things that have happened since we were last in contact.

1. TAN failed to obtain permission for a judicial review against DfT's refusal to suspend the carbon test in roads policy, pending review of the NNNPS. So unless you can show an individual road scheme will blow a hole in UK wide carbon budgets, scheme GGE is not relevant in planning decisions.
2. Approvals by SoS of major road schemes in the last few weeks have simply ignored the TDP policy of modal shift/using cars less, while they twist IEMA guidance to ignore cumulative impacts. Moreover they suggest Shapps is against changing the carbon test in the new NNNPS.
3. Last week's judgment on Southampton Airport expansion appears to extend this principle here to cumulative impacts in all non-spatial targets in the context of what is "significant" in EIA terms (undermining those targets about to set under the Environment Act 2021 too).

So the situation is that climate impacts are at best largely irrelevant to decision-taking in the planning system. In TAN's court hearing, the SoS's lawyer accepted that advice to the SoS that emissions needed to stay "stable in the medium term" was a mistake but no alternative justification was given to replace this. It's a right mess.

Going forward, there are three opportunities relevant to the recommendations in your annual report:

i. Refresh of National Policy Statement

The draft national networks NPS is due to be consulted upon this summer. We'd like to see a change from the current test that gives no weight in practice to carbon and a focus on road-building over sustainable travel, to a presumption against road-building, and, in favour of net zero infrastructure like city regional public transport, as recommended by the NIC. This would mirror how the BEIS Committee called for energy NPSs to recognise the urgent need for net zero infrastructure, which the Government agreed to in its Energy Security Strategy. As that strategy ignored transport, DfT may not be willing to budge here, however.

ii. Updating of Road Traffic Forecasts 2018

DfT still seems unclear whether the pre-net zero Road Traffic Forecasts 2018 will be revised as part of consultation on the new NPS. This will be the moment of truth whether previous growth forecasts or using cars less will win out.

iii. Levelling Up and Regeneration Bill

How the Environmental Outcome Reports that will replace SEA & EIA will assess and appraise carbon in future plans and schemes will be vital to get right. There's a great opportunity here for requirements for structured open data to help assess cumulative impacts. There is also an important read across here to the CCC's call for a net zero test for decision-making but, in light of the TAN and Southampton legal decisions, it will be difficult for this to be effective in practice without considered drafting.

Beyond my work with TAN, I led [organisation redacted] involvement in the biggest studies in the Zero Emissions Road Freight Trials and also a scoping study on the potential of coaches to cut longer distance car travel. Happy to chat with you too about those positive solutions and why National Highways' Net Zero Plan falls so short, if useful.

Best wishes

[Name redacted]

On 17/02/2022 11:13, [Name redacted] wrote:

Hi [Name redacted]

Thanks for getting in touch. We've done a bit of work in-house looking at the impact of road building and emissions and we hope to have something on this in our June Progress Report. We're also in the stages of thinking about what a Net Zero test should look like in this area. It might be useful to have a chat when we're a bit more advanced on this.

Best wishes

[Name redacted]

[Role redacted]

Climate Change Committee

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From: [Name redacted] <[email redacted]>

Sent: 16 February 2022 12:14

To: [Name redacted] <[email redacted]>

Cc: [Name redacted] <[email redacted]>

Subject: Climate and the roads programme

Hi [Name redacted]

Hope all's well with you and that you had a chance to recover after the busy time around COP26.

I'm emailing again on behalf of Transport Action Network to update you regarding our challenges to the roads programme, given a number of developments this month.

First the bad news: unfortunately we lost the challenge I flagged in my email below. Moreover the judgment places a big question whether there would be any real judicial oversight, were the Government to agree to your flagship recommendation of a net zero test:
<https://transportactionnetwork.org.uk/campaign/legal-action/ris2-legal-action/>

In any event TAN has called to reopen RIS2, not least to reconsider it in light of the NDC and CB6 increased ambitions, since that JR only related to policy in place in March 2020. If some of the £27bn RIS2 funding is to be reallocated to sustainable travel, this is the required process. There's been media pick up such as here:

<https://www.newcivilengineer.com/latest/shapps-urged-to-re-open-ris2-as-project-delays-and-enforced-pauses-cause-uncertainty-15-02-2022/>

We are due to meet with the Office of Rail and Road (ORR) at the end of the month to discuss how it plans to ensure National Highways meets its environmental obligations, so I wanted to see if CCC had had any engagement with it. Despite its new sustainability policy, ORR's recent consultation on how it would monitor RIS3 (covering up to 2030) made no mention of the challenge of 2030 and 2035 climate targets.

The attached submission to the recent ORR consultation is not public yet, we wanted to see where we got to in a conversation with ORR first, so please don't share beyond your colleagues. It builds on various critical reports from the NAO, including one highlighting how departments are failing to work together to deliver long term environmental objectives. In particular, we argue that the ORR should not simply review efficiency (how cheap and on time road schemes and renewals are) but also effectiveness of NH in achieving wider governmental environmental objectives, not least climate and modal shift. TAN is also seeking to influence RIS3, following National Highways Net Zero Plan that, like airports proclaiming carbon neutrality while increasing flights, seeks to increase motor traffic while claiming to be green.

Finally while we have been raising climate issues within the review of the national networks NPS review and helping coordinate cross-NGO input. The big issue for climate is ending the policy (similar to that used to justify Bristol Airport expansion) that requires scheme emissions to be ignored unless they are so big to threaten compliance with carbon budgets. Separate to that work, TAN is at the High Court on the 24th seeking a JR of the SoS's July 2021 decision not to suspend the NPS pending the review, a decision made on the basis that transport emissions should be kept stable in the medium term.

You will see that we have been relying on your excellent review of the NZS and TDP, it would be useful to know whether CCC has capacity to be engaged in the wider decision-making this year and what information might be helpful to feed into your other work. Happy to chat or email, whatever works best.

Look forwards to hearing from you

Best wishes

[Name redacted]

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Email chain 2

From: [Name redacted] <[email redacted]>

Sent: 27 May 2022

To: [Name redacted] <[email redacted]>

Cc: [Name redacted] <[email redacted]>

Subject: Re: SoSfT letter rejecting shifting funding from road-building

Hi [Names redacted],
Hope all's well with you both.

We spoke in the summer and you suggested we catch up after you published your progress report. The change of government and the economic pressures pose an opportunity to look at these issues again: this month's fiscal event poses a threat to sustainable travel funding as well as opportunities to cut the roads programme and move forward on road pricing to fill the fiscal hole from fuel duty declining. The public consultation on RIS3 that was due to start this month was already delayed before the fall of Liz Truss and, with new ministerial responsibilities not yet confirmed, may even slip into next year. The consultation on the NPSNN due to start in the summer is similarly delayed. So this month would be a good opportunity to speak.

As part of a legal challenge against one of the largest carbon emitting schemes in RIS2, National Highways are arguing there is nothing in the TDP stating its ambitious roads programme should be cut as a result of climate change commitments, indeed that it expressly contemplates road improvements coming forward in order to deal with rising demand for road space. We hope to be able to say indeed share something more publicly from the case very shortly but I'd be happy to talk your through where we're at in the meantime. There are some particular challenges on cumulative impacts on climate with the lack of guidance beyond what IEMA has issued and the lack of any targets below national level.

In response to an EIR request, National Highways has disclosed that its so-called net zero highways plan has assumed a maximum potential for modal shift of a mere 1% up to 2050 (set against the context of rising traffic levels) and that it simply excluded the Transport Decarbonisation Plan's commitments to increase average road vehicle occupancy by 2030 and encourage modal shift of freight from road to more sustainable alternatives. I have requested an internal review from NH for further info. Prof Greg Marsden, who I've been helping with his appeal to the ICO regarding DfT's refusal to disclose the data for the TDP, thought this might be relevant for your forthcoming updates.

Regarding your comment about the importance of using "all available levers used to reduce traffic growth", there are a number of important ones missed in the CCC's 2022 progress report, while some of those suggested are unlikely to have substantive impacts. I'd be happy to sign post these.

Finally, in relation to the net zero test, the Better Planning Coalition did try to secure an amendment to the Levelling Up and Regeneration Bill to deliver it. Informed by TAN's efforts at the coalface (or whatever the net zero acceptable alternative saying is), it was obvious their wording would have negligible impact, indeed could be counter-productive by hindering an effective test reaching the statute books. How the Bill's proposed replacement of SEA & EIA with Environmental Outcome Reports will be critical too. Around this, we have also been discussing with other lawyers the need and opportunities for aligning CB5 to the NDC, which would give businesses greater confidence to invest to decarbonise faster. With the Bill about to move to Report Stage in the Commons, it would be good to speak about this soon too.

I look forward to hearing from you.

Kind regards

[Name redacted]

On 04/07/2022 17:46, [Name redacted] wrote:

Hi [Name redacted]

Thanks very much indeed for your response. I'm very sorry for your loss and was touched by how this year's progress report was dedicated to [name redacted], a lovely gesture. Clearly a lot of work went into the report, I dread to think how long the 2030 version may end up at this rate.

Regarding RIS3, promises about improved environmental outcomes have been made since RIS1 was published in 2014. The commitment to monitor road user carbon emissions was made that December, written into various other documents but quietly dropped at the start of 2020 when it became clear of the risks to scheme delivery. There are some major governance issues.

Besides the forthcoming consultation on RIS3, DfT is set to consult on a new road & rail NPS after recess. I met with the team leading the review last week, flagging the need for both a strong net zero test but also supportive policy for electrification (including for charging at freight driver facilities). There is a lot of wishful thinking yet no evaluation of the 2014 NPS impact on carbon etc. Indeed the NAO has just highlighted how the strategic road network will still be breaching 2010 AQ limits in 2030. I do hope the CCC has some capacity to engage with this review.

With holidays approaching, it would be great to try to get a date in the diary for meeting, happy to meet face-to-face in London or online.

Look forward to hearing from you.

Best wishes

[Name redacted]

On 18/06/2022 14:16, [Name redacted] wrote:

Hi [Name redacted],

Many thanks for your emails and apologies for the delay in responding to you, we've been snowed under in the run up to the publication of our annual progress report and unfortunately, [name redacted] passed away last month. It was very sudden and unexpected and we are all deeply saddened by the news, but I wanted to let you know as you'd been trying to reach her.

Your points are helpful, thank you. I'd broadly agree with your two points below and this is something we have highlighted this year:

We emphasize throughout our report and recommendations that limiting traffic growth is equally as important, and that electric vehicles must not be the sole focus with action needed on demand and modal shift. Specific targets should be set and all available levers used to reduce traffic growth. We also highlight that conventional vehicle efficiency remains important and that efficiency regulations should at least match the efficiency improvements required under EU legislation.

We also note that the RIS3 policy paper acknowledges the need to deliver improved environmental outcomes, but there is no explicit recognition of the need to reduce car demand growth, or the fact that a majority of cars driving during the RIS3 period will still be carbon-emitting, or of the role that road expansion plays in driving this, and that this needs to be resolved in the next stage of the RIS3 process.

Our progress report has now been finalised ahead of publication at the end of the month, so it would be useful to setup a chat at some point next month when [Name redacted] is back off leave to discuss road building and the Net Zero test in more detail.

Many thanks and best wishes,

[Name redacted]

[Role redacted]

Climate Change Committee

m [Tel redacted]

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From: [Name redacted] <[email redacted]>

Sent: 15 June 2022 11:26

To: [Name redacted] <[email redacted]>

Subject: SoSfT letter rejecting shifting funding from road-building

Dear [Name redacted]

I'm following up from an emails I sent on 27 May and 9 June, while you were on leave. On 9 June, the DfT ministers' private office circulated the attached letter, including to Chris Stark, to justify not reallocating funding from the roads programme, something the CCC's 2021 progress report called for.

In particular, DfT's letter makes two especially untrue assertions, namely that:

1. The Government has "clear policies and proposals" to meet the NDC and interim carbon budgets, "including through the adoption of zero emission vehicles".
2. The TDP "does not change the strategic or policy aims of the RIS": despite the TDP calling for using cars less and accelerating modal shift.

On 1, even the SoS's foreword to the TDP acknowledges EVs aren't enough to meet interim budgets. Indeed, as you'll be aware, CCC's review of the NZS

highlighted the need for detailed policy on traffic reduction in addition to ZEVs, if 2030 & 2035 targets were to be credible.

On 2, there is clearly a fundamental contradiction between a roads programme based on ever increasing traffic and a decarbonisation plan seeking to reduce it but ministers are sticking to a head in the sand approach. We cannot have modal shift in practice (in terms of mileage hence not journeys) without private motor traffic reduction, given the limited capacity of public transport networks, their starting point of lower modal share, plus the even lower base in terms of miles travelled by active travel.

With DfT due to consult soon on RIS3, the next stage of the £90bn roads pipeline planned for 2020-2035, I hope that this is of use for your 2022 progress report. I would be very happy to answer any questions by email, phone or meeting (I'm based in London).

Kind regards

[Name redacted]

[Role redacted]

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Email chain 3

From: [Name redacted] <[email redacted]>
Sent: 15 February 2023 15:52
To: [Name redacted] <[email redacted]>
Cc: [Name redacted] <[email redacted]>
Subject: Monday's meeting between CCC and TAN

Hi [Name redacted],

It'll just be me from the CCC side.

Happy with your proposed agenda. The only two things I'd add would be to maybe touch on the Welsh decision and proposed process on road-building (which we may cover in items 4 and 5) and a brief update on our current research and publication plans.

Best,

[Name redacted].

[Name redacted]

[Role redacted]

Climate Change Committee
m [Tel redacted]
theccc.org.uk | @theCCCuk

From: [Name redacted] <[email redacted]>
Sent: 15 February 2023 12:32

To: [Name redacted] <[email redacted]>
Cc: [Name redacted] <[email redacted]>
Subject: Monday's meeting between CCC and TAN

Hi [Name redacted]

Hope all's well with you and that you've been able catch up with sleep as well as transport.

I just wanted to check in before our meeting 2pm on Monday, which [name redacted] put in your diary while you were on leave, as it would be good to agree an agenda in advance. Might anyone else from CCC that might be attending?

From our side, items could be:

1. Introductions
2. Revision to NZS & CCC's oversight of govt policies /delivery
3. Inconsistency between National Road Traffic Projections and TDP data (which TAN helped Prof Marsden secure)
4. Consultation on review of National Policy Statement on National Networks
5. Consultation on RIS3
6. Implications of and learnings from TAN's legal challenges for an effective net zero test

NB Both consultations were due earlier 2022 and senior DfT officials told MPs this month they are due "shortly".

Transport Action Network is giving oral evidence to the Transport Committee's Strategic Road Inquiry on 1 March. While the written evidence we have submitted has not yet been published so we are not supposed to share it, we would be happy to share with you on a confidential basis. Do let me know if there is anything else that would be useful to share with you in advance.

Happy also to talk about freight decarbonisation as I was involved in the DfT's ZERFT and am writing up a report for climate NGO Possible about recommendations.

I look forward to hearing from you

Kind regards

[Name redacted]

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