

A5WTC Public Inquiry: Request by the Commissioner on Consideration of new DMRB Document: LA 105 Air Quality

1 INTRODUCTION

On the first day of the A5WTC public inquiry (Tuesday 18 February 2019), following a point raised by the Alternative A5 Alliance (AA5A) during the session relating to Air Quality, the Commissioner invited the AA5A and the Department to make post hearing written representations on the changes to the DMRB guidelines relating to Air Quality assessments which have been introduced since publication of the ESA 2019.

2. BACKGROUND TO DMRB UPDATE

The Design Manual for Roads and Bridges (DMRB) is a suite of documents which contains requirements and advice relating to works on motorways and all-purpose trunk roads. Overseeing Organisations are Highways England, Transport Scotland, the Welsh Government and the Department for Infrastructure in Northern Ireland. It also includes a suite of technical guidelines for conducting the assessment of different types of environmental impact of road projects.

In April 2017, Highways England undertook a major project of updating the DMRB with the aim of making it clearer, more consistent and easier to understand and implement. It was also intended to ensure compliance with governing legislation such as the 2014 EIA Directive. This has been a very major undertaking. It has involved updating the complete suite of over 350 documents and technical guidelines which make up the manual, with the review due for completion in March 2020.

Since the last major review of the entire DMRB, updates of individual chapters and sectors have taken place, by means of publishing Interim Advice Notes (IANs). Many of the current proposed changes represent consolidation and are intended to improve the structure and organisation of the documents rather than changing the content of the technical guidance. Updates of different parts of the manual have been released on a continuing basis, rather than awaiting publication of a single revised manual. Changes include:

- A new structure to represent the lifecycle of projects from appraisal, design, construction through to maintenance, operation and inspection;
- A new numbering system to reflect the above and the specific discipline covered by the document;
- A new style of clauses to make clear distinctions between requirements and advisory materials; and
- An amalgamation of standards, including interim advice notes (IANs).

2 IMPLEMENTATION OF THE NEW DMRB AND TRANSITIONAL PROVISIONS

A new introductory document within the new DMRB is 'GG 101: Introduction to the Design Manual for Roads and Bridges.' This contains transitional provisions and applies to updated sections of the new manual. The relevant paragraphs are 1.3 and 1.4 which provide as follows:

1.3 Individual documents shall be implemented as soon as they are published in the DMRB except:

1) where otherwise stated in a particular DMRB document;

2) where the contract has reached a stage that, in the opinion of the Overseeing Organisation, use of a new or revised document would result in significant additional expense or delay;

3) where an existing contract has terms which apply specifically to the implementation of new requirements.

1.4 Where the contract has reached a stage that, in the opinion of the Overseeing Organisation, use of a new or revised document would result in significant additional expense or delay, the decision whether to use a new or revised document shall be recorded in accordance with the Overseeing Organisation's procedure.

The Project Team has sought guidance on a definition of the term 'contract' (1.3, 2) from the DfI personnel involved with the DMRB updates and it has been advised that this should be

interpreted to mean the entire road project which is under consideration. i.e. from project inception.

3 FORMAL SUBMISSION TO THE PAC

The A5WTC Specimen Design has been designed and assessed using the DMRB for the various disciplines such as highways, drainage, structures and environmental aspects.

The ESA was published in March 2019 and included an updated Air Quality impact assessment (Chapter 3). It was prepared in accordance with applicable DMRB guidelines relating to Air Quality which were in force at that time: HA 207/07, together with the relevant IANs (See Para 3.2.3, ESA 2019).

Since July of 2019, new and revised DMRB environmental policy guidelines have been published and implemented via DMRB Volume 10: Environmental Design and Management, and Volume 11: Environmental Assessment (28 documents in total to date). These apply across a range of areas of impact assessment. One of the new guidelines is LA 105 (Air Quality) which was issued in November 2019 and is subject to the transitional provisions in GG 101, Para 1.3 and 1.4 (as set out above).

The Department has taken advice about the changes to Air Quality assessment methodology introduced by the LA 105 document. It has largely retained and updated the narrative of HA 207/07. Key changes are:

- the assessment of regional emissions in relation to climate change (i.e. carbon dioxide emissions) has been removed from the air quality assessment approach within LA 105 and is now referenced within LA 114 (Climate); and
- the use of speed banding for each of the modelled road links has replaced the use of daily average speed for each road link for the assessment. However, vehicle emissions factors for both approaches are informed by Defra's emissions factor toolkit (EFT), which has been adopted within the ES 2016 and ESA 2019.

The Department has also taken advice on the likely implications for the A5WTC project of compliance with the revised guidelines in LA 105. The advice is that the new guidelines involve a new means of assessing traffic speeds and would therefore require revised traffic modelling across the entire scheme. However, its air quality experts have advised that this

change in methodology would not be expected to result in a significant change to the conclusions of the existing air quality assessment. It is therefore likely that compliance with LA 105 would probably require a fresh air quality assessment, which in turn may require further revisions to the environmental statement, with further public consultation. It would therefore have the potential to cause significant additional delay and expense to the project.

Prior to publication of the ESA 2019, the A5WTC Project Team carried out annual comprehensive reviews of new and updated DMRB documents introduced during years 2017 and 2018 to determine if they should be included in the A5WTC Employers Requirements for adoption in the scheme construction contracts going forward. These updates related to construction and design standards. A review of the 2019 documents, which now includes new and updated environmental policy documents - introduced since July 2019 – has not yet been completed. Highways England has a current target of completing the DMRB update process of March 2020.

The Department has not yet taken a final decision on whether or not to rely upon the transitional provisions within GG 101 as there are other areas in which updated guidelines within the DMRB might be relevant to existing assessments and methodologies. The Department considers that these may be interlinked and that a decision on whether or not the transitional provisions should be relied upon should be taken cumulatively, rather than by reference to any individual sector in isolation. The most appropriate time at which to take such a decision is when the revision process has been completed.

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