

A57 Link Roads Development Consent Order Hearing Sessions

Hearing Session 1: Draft Development Consent Order

Derbyshire County Council's written summary of oral submissions at hearing session and post-hearing written submissions requested by the ExA

ITEM 4: PARTS 1 TO 7

Article 2(1) Interpretation - commence

Pre-commencement activities are those that are excluded from the definition of "commence". The Applicant [REP2-021 Q1.7] said that precommencement operations are minor and are either de minimis or have minimal potential for adverse effects. a) Please could the local authorities comment?

DCC Oral Submission:

- Having looked at the Definition of Commence in Article 2 (1), Derbyshire County Council would consider that many of the pre-commencement works listed are minor operations and are likely to have minimal potential for environmental impacts.
- As Derbyshire County Council understands it, those pre-commencement works would not be consulted on as part of the discharge of Requirements in the DCO. In that context, it would appear appropriate that the impacts of pre-commencement works are considered in the Environment Management Plan, which should also identify any proposed mitigation measures, which will then be subject to consultation with the relevant authorities.

Archaeology

- Derbyshire County Council particularly notes that archaeological investigation and mitigation works are specifically listed as being exempt from the 'commencement' definition in Article 2 (1).
- As noted in the County Council's Local Impact Report, this is an area where there may be significant potential for archaeological remains to exist.

- So, it is important that archaeological investigations and mitigation works and the need for a Written Scheme of Investigation are secured either by the DCO and / or the Environment Management Plan and that the County Council is consulted accordingly, which is the point the ExA appears to be raising in question b) and c) to the applicant.
- In this respect, Derbyshire County Council notes that archaeological investigations and a Written Scheme of Investigation are set out under the provisions of Requirement 10 and a requirement for consultation with the relevant planning authorities BUT that consultation is in the context of the word 'commence' and not 'pre-commencement'.
- So the key point from the County Council's point of view is that some clarity is needed on this matter as to when the Written Scheme of Investigation is to be submitted to the County Council for comments either through the DCO Requirements or Environment Management Plan or both.
- Pre-commencement would appear to be the most appropriate time for the Written Scheme to be submitted for comment to the County Council as pre-commencement works would appear to have the potential to significantly impact on archaeological remains on the site of the scheme.

Article 10 – Street Works Derbyshire County Council [REP2-051 Q1.15] said that it operates a permit scheme and requested three months' notice of any works. I) Please could the Applicant respond? Would the dDCO disapply the permit scheme?

DCC Oral Submission:

- Through the County Council's experience of dealing with another DCO for a major highway scheme recently, as far as the County Council understands, the DCO would disapply the County Council's Street Works Permit Scheme.
- Derbyshire County Council has no issues with this and understands that the DCO would allow the applicant and its contractors to enter any street in the County Council's administrative area affected by the scheme.
- The key concern for the County Council is that there is coordination and liaison with the County Council to avoid any conflicts, for example, if any other statutory undertakers are proposing to carry out works to the same streets at the same time as works within the A57 scheme and that are subject to DCC's Permit Scheme.
- Any advanced notice in terms of proposed works is essential and a pre-start meeting between the County Council and the applicant or its contractors would

be advantageous so that the works can be properly considered and managed and so that communication can be managed with local residents if complaints are received.

- In consultation with the County Council's Network Management Colleagues on this issue, they have suggested 3 months' notice would be beneficial.

Article 12(5) - Construction and maintenance of new, altered or diverted streets and other structures – responsibility for maintenance m) Please could the Applicant and Derbyshire County Council update on any requirements for Derbyshire County Council to maintain any highway works that would be constructed as part of the Works?

DCC Oral Submission:

- Derbyshire County Council consider that future maintenance considerations together with commuted sums possibly, could be developed through the emerging Construction Management Plan and that these issues could be addressed by means of Statements of Common Ground.

Articles 14(6), 18(11), 19(8), 21(6) – Deemed consent The ExA is concerned that there is the potential for a lack of awareness about a guillotine being in place when the consents would be applied for. It is beneficial for consents to be properly considered and, therefore, for them not to be given by default unless reasonable measures have been taken. The ExA is concerned that the 28-day period appears to be less than some parties are comfortable with and is minded that highlighting the guillotine in any application for consent would be helpful for ensuring that the timescale for dealing with consents is reasonable. The Applicant does not appear to have provided a compelling reason why providing a statement to highlight the guillotine would cause it difficulty.

o) Please could the Applicant and the local authorities comment? Is this a matter that the parties should take away to discuss and attempt to seek agreement? Please could an update be provided for Deadline 5, on Wednesday 23 February 2022

DCC Oral Submission:

- From Derbyshire County Council's point of view, the 28-day period and guillotine appears to be reasonable but should be considered as an absolute minimum.
- That provision is clearly set out in the Draft DCO Articles 14 (6), 18 (11) 19 (8) and 21 (6) and is clear.

- BUT many County Council colleagues who will in due course have to deal with applications by the applicant for various consents may not be familiar the DCO process or even what a DCO is.
- It will be important, therefore, that in any consent application made by the applicant to the County Council that attention is clearly drawn to the 28-guillotine provision so that the County Council is absolutely clear on its obligations.
- The County Council would also make the point that the consideration and granting of some consents may be more complex and lengthy than others and so some flexibility may be needed to account for this.
- That flexibility could be built into the DCO. i.e. 28 days seen as an absolute minimum but if necessary, could be subject to negotiation between the applicant and the County Council or other interested party.

Item 5: SCHEDULES 1 and 2

Requirement 4 – Requirement 4(1) and (2) second iteration EMP

The Applicant [REP2-021 Q1.33] said that it had no objection to there being a requirement for consultation on the second iteration EMP with the local highway authorities and the Environment Agency, as well as with the relevant planning authority, should the local authorities and Environment Agency require this.

v) Please could the local authorities and the Environment Agency comment?

DCC Oral Submission:

- This questions was asked to the County Council in the First Written Questions and the County Council indicated that in its opinion is was important that the Council was consulted on the Second Iteration of the EMP.
- This would give the County Council more certainty and clarity if any significant amendments were made to the First iteration of the EMP and would give the County Council the opportunity to comment accordingly.
- So yes the County Council's welcomes the applicants confirmation that consultation will be undertaken on the second iteration of the EMP.

Requirement 4(2)(c) - second iteration EMP - Working hours

The ExA [PD-009 Q1.34] suggested that the following be added after Requirement 4(2)(c): • “Provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of the specified hours, 8 except for

any emergency works, which are to be notified to the relevant local authorities as soon as is practicable.” •

“Any other work carried out outside the specified working hours or any extension to the working hours will only be permitted if there has been prior written agreement of the relevant environmental health officer and provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement.”

Their inclusion appears to be supported by Derbyshire County Council [REP2-051 Q1.34]. The Applicant raised concerns about restrictions to their flexibility.

y) Please could the Applicant provide more detail on their concerns and suggest how the wording might be adjusted?

z) Please could the local authorities comment?

DCC’s Oral Submission:

- From the County Council’s point of view, this is really a matter of communication and how the County Council engages with the local community on the scheme during the construction phase.
- As this is a highway scheme, it is highly likely that members of the public who are concerned about exceptional working hours on the scheme could assume that as it is a highways scheme it is Derbyshire County Council’s responsibility and they will more than likely contact the County Council in the first instance to make their complaints.
- The County Council has a dedicated Highways Hub, which has a team that deals specifically with complaints by the public about highway matters, particularly noise and nuisance.
- It is important, therefore, that the applicant provides advanced notice to the County Council of any non-emergency works to the scheme that are proposed outside those permitted by the DCO so that the County Council is aware of the proposed works and can manage communication with the local community accordingly.

Requirement 4(4) and 4(5) – third iteration EMP.

The ExA [PD-009 Q1.35] suggested that provisions be added for the third iteration EMP to be required to: • be submitted to and approved in writing by the Secretary of State • be consulted on with relevant planning authorities, the local highway authorities and the Environment Agency • be substantially in accordance with the measures for the management and operation stage in the first iteration EMP • incorporate the measures for the management and operation stage referred to in the ES as being incorporated in the EMP.

The Applicant [REP2-021 Q1.35] responded that those are covered by the DMRB. The ExA considers that the provisions are key to the proper implementation of the EMP and therefore seeks certainty that they will be followed. Their inclusion in Requirement 4 appears to be supported by Tameside Metropolitan Borough Council [REP2-056 Q1.35], Derbyshire County Council [REP2-051 Q1.35], and the Environment Agency [REP2-052] Q1.35], except that they didn't comment in relation to the Secretary of State.

aa) Please could the Applicant suggest appropriate wording?

bb) Please could the local authorities comment

DCC Oral Submission:

- In its response to this matter in the First Written Questions, Derbyshire County Council considered that such consultation would be beneficial on the third iteration of the EMP so that the County Council is aware of any significant amendments that have been made to the second iteration of the EMP, and particularly as the third iteration will include details of maintenance, monitoring and aftercare, which are of interest to the County Council.
- It also appears to be logical for consistency reasons that the third iteration is substantially in accordance with the First iteration so that the scheme is implemented largely in accordance with the First iteration of the EMP that would be approved as part of the granting of the DCO.

Requirement 5 – Landscaping

cc) Please could the local authorities comment on whether it is sufficient to require the landscaping to be in accordance with an approved scheme? Or should the landscaping scheme be approved at a specified time, for example before pre-commencement works or before construction works commence?

DCC Oral Submission:

- This is an issue which the County Council has commented on in its response to the First Written Questions.
- Consultation and discussion on this matter has been undertaken with the County Council's Landscape Architect, who is a well-respected professional in the County and deals with landscape and visual impact matters on many large-scale development projects, including providing expert advice to all the Local Planning Authorities in the County.
- In his opinion, ideally the landscape scheme should be approved prior to commencement of the construction works to ensure that works make provision for the approved landscaping.

- He makes the point that in his experience of dealing with large-scale development schemes, on too many occasions landscape proposals have to be significantly amended after the construction phase because the site hasn't been left in an appropriate condition for the required landscaping or on occasions, insufficient land has been left available post construction to accommodate all of the proposed landscaping.
- Approval of a landscaping scheme prior to construction would provide more clarity and certainty to all parties, particularly to the chosen construction contractors who will be employed to construct the scheme.

Requirement 8 - Surface and foul water drainage

Tameside Metropolitan Borough Council [REP2-056 Q1.41] and Derbyshire County Council [REP2-051 Q1.41] suggested that the local highways authorities should be consulted.

hh) Please could the Applicant update Requirement 8 accordingly? The Environment Agency [REP3-037] commented in relation to the Environmental Permitting Regulations. ii) Are the Applicant and the Environment Agency satisfied that the matters raised are covered by the Environmental Permitting Regulations and that no update is needed to Requirement 8

DCC Oral Submission:

- Derbyshire County Council commented on this matter in its response to the First Written Questions.
- It made the point that in the County Council's experience of dealing with the discharge of requirements for another Highways DCO scheme, consultation on Surface and Foul Water Drainage matters has been beneficial to the County Council as Lead Local Flood Authority.
- It is noted that such consultation with the LLFA is included under Requirement 8 of the DCO.
- As consultation on surface and foul water drainage with the Lead Local Flood Authority is included in Requirement 8, on reflection that is probably sufficient for the County Council rather than additional consultation with the Highways Authority too as the LLFA deals with most, if not all, matters relating to highway drainage.

Requirement 9(2) – Flood risk assessment

The Environment Agency [REP3-037] recommended that they should be consulted in relation to works proposed in accordance with the flood risk assessment and otherwise in accordance with the flood risk assessment. They

also stated that all works should be carried out in accordance with an approved flood risk assessment regardless of whether affected landowners accept any exceedances of flood levels. They said that the flood risk assessment must show that risks would not be increased elsewhere. Tameside Metropolitan Borough Council [REP2-056 Q1.42] and Derbyshire County Council [REP2-051 Q1.42] made similar comments.

jj) Please could the Applicant comment and suggest how Requirement 9 should be updated?

DCC Oral Submission:

- This was a matter on which the County Council commented on the First Written Questions.
- Consultation and discussion has been undertaken with colleagues in the Lead Local Flood Authority Team on this matter and in their opinion they said that they would welcome consultation on any works that were not in accordance with an approved Flood Risk Assessment for clarity and certainty and for the opportunity to comment on or raise concerns about any works that may result in problems for flood risk in the wider area.

Requirement 10 – Archaeological remains

The ExA [PD-009 Q1.35] suggested that requirements be added for • any matters to be consulted and/ or agreed in writing with the Secretary of State or the County Archaeologist • any programme of archaeological reporting, post excavation and publication to be consulted on and/ or agreed in writing 10 • suitable resources and provisions for long term storage of any archaeological archives to be consulted on and/ or agreed in writing.

Their inclusion is supported by Tameside Metropolitan Borough Council [REP2-056 Q1.43], Derbyshire County Council [REP2-051 Q1.43], and High Peak Borough Council [REP2-053 Q1.43].

kk) Please could the Applicant comment and suggest how Requirement 10 should be updated? The Applicant has submitted a Written Scheme of Investigation [REP1- 034].

ll) Please could the Applicant comment on whether this should be referenced by Requirement 10 and included as a certified document in Schedule 10?

mm) Do the local authorities have any comments on the Written Scheme of Investigation? Should be included in Requirement 10 and Schedule 10

DCC Oral Submission:

- The County Council commented on this matter in its response to the First Written Questions.

- Consultation was undertaken with the County Council's Archaeologist on this point and he was clear that he thought it was important that he was consulted on the Written Scheme of Investigation for the scheme.
- That is common practice in Derbyshire on all planning applications for developments that are considered likely to have a significant impact on archaeological remains.
- He was also clear that he thought it was important that consultation was also carried out with him as with the three other archaeological matters.
- It is noted that Requirement 10 of the Draft DCO requires consultation on the Written Scheme with the relevant 'planning authority'.
- In Derbyshire County Council's case, the County Archaeologist is based in another Service Directorate separate from the Planning Service so amendment to Requirement 10 would provide clarity and certainty to the County Council and the applicant that the right person is consulted at the right time on the Written Scheme.

Requirement 12(1) Details of consultation – minimum period

The Applicant and local authorities have suggested consultation periods ranging from 14 days to 28 days.

nn) Please could the Applicant, local authorities and the Environment Agency comment further?

Can a consultation period be agreed? The ExA may ask more questions or invite more oral submissions.

DCC Oral Submission:

- In Derbyshire County Council's experience of dealing with the discharge of Requirements for a DCO for another Highway scheme in the County, 14 days for consultation is too onerous and that 28 days is both reasonable and generally workable.
- Some requirements which have required discharge by the County Council can be a lot more complex than others, so it is not ideal having a standard timescale for consultation, for example 28 days.
- The County Council has found in its dealings with National Highways on the other DCO that NH has given the County Council a degree of flexibility when it has struggled to meet a deadline that they have set for consultation on Requirements.

- But as a general principle, Derbyshire County Council would consider 28 days to be appropriate.

ITEM 6: SCHEDULES 3 TO 10

Schedule 3, 4 and 5

The Applicant has updated Schedule 3 and 4.

a) Have Tameside Metropolitan Borough Council and Derbyshire County Council reviewed the latest versions [REP3-002]? Do they have any further comments?

DCC Oral Submission:

- Yes Derbyshire County Council has reviewed the latest versions of Schedules 3 and 4 and has no further comments to make.

A57 Link Roads Development Consent Order Hearing Sessions

Hearing Session 2: Issue Specific Hearings

Derbyshire County Council's written summary of oral submissions at hearing session and post-hearing written submissions requested by the ExA

ITEM 3: TRANSPORT NETWORKS AND TRAFFIC, ALTERNATIVES, ACCESS, SEVERANCE,

Traffic modelling

- a) To what degree are the Applicant, local highway authorities and interested parties in agreement regarding the scope and detailing of the traffic model and what are the remaining areas of dispute?***
- b) What level of detailed modelling is appropriate for Manchester and Sheffield?***
- c) Would more detailed modelling of Manchester and Sheffield be appropriate. If so, why and if not, why not?***
- d) To what extent has the Applicant considered policies aimed at traffic restraint (including encouraging routes that avoid the National Park), reducing reliance on motor vehicles and encouraging active travel within the traffic model, and any effects of the introduction of the Greater Manchester Clear Air Zone? Are these reflected in the model?***
- e) Has the Applicant considered the effects of autonomous vehicles on congestion within the traffic modelling?***
- f) What further implications, if any, would a change to the use of autonomous vehicles have for air quality and noise?***
- g) Would a change to autonomous vehicles have any effects on the Case for the Scheme?***
- h) Do the above parties have any comment on those matters above?***
- i) Can the Applicant explain which routes traffic is moving from to provide the increase in traffic volume on the A57 Snake Pass?***

Traffic effects outside of the Order Limit

Effects within Glossop

Traffic flows within Glossop are predicted to increase as a result of the DoSomething scheme when compared to those under the Do-Minimum.

j) What consideration has the Applicant given to mitigating any effect of this increase on severance and public transport?

k) What consideration has been given by the Applicant to any effects on current levels of traffic passing through residential streets?

l) Do the local authorities have any comments?

Effects in Tintwistle, Hollingworth/Hadfield

Derbyshire County Council [REP2-051 Q3.21, Q3.22 and Q14.4] raise concerns that traffic may divert off the A628 through the residential areas, or that traffic levels will increase on Woolley Lane if vehicles turn left at the Gunn Inn Junction, rather than carry on to the Mottram Moor Junction. 7

m) What consideration has the Applicant given to the potential effects of such movement through the residential areas or on the junction of Wooley Lane with Wooley Bridge and Hadfield Road?

n) If necessary, how could these effects be addressed?

o) Do the local authorities have any comments?

DCC's Oral Submissions a) to o)

- The traffic model used in the appraisal of the scheme was developed from the Trans-Pennine South Regional Traffic Model (TPS RTM) augmented by locally observed traffic data taken from a number of sources. The County Council considers that the appropriate study area for simulation to the transport networks of traffic is broadly satisfactory in that its primary purpose is to assess the implications of a major scheme on the Strategic Highway Network, the scheme being somewhat distant from Glossop, however, it is acknowledged by Derbyshire County Council that the traffic model does have imperfections. However, the County Council is broadly satisfied in terms of the model's suitability and fitness for purpose, given that the purpose of the model as far as the Local Highway Authority is concerned is in regard to consideration of the incremental effects of this scheme upon its roads.
- The County Council believes that there is a significant demand for travel between Glossop, the Glossop area, and Greater Manchester. The route by which most of these movements is made is via the A57. The congestion and consequent environmental impacts have been clearly well documented. Consequently, and particularly at peak times it is considered that traffic will seek

to meet this demand by a number of alternative routes particularly through Charlesworth, Broadbottom and through Gamesley for example. These are along routes that are not particularly suitable.

- The primary effects of the scheme are to reduce or eliminate a significant bottleneck through Mottram. Consequently, traffic will be attracted onto the A57 corridor through Glossop as demonstrated by the traffic modelling. There will, however, be some increases in traffic as a result of the secondary effects of traffic reassignment on local roads particularly those parallel to the A57, Dinting Road for example. However, the County Council does not believe that this is necessarily induced traffic more a case of local traffic using alternative routes.
- National Highways have provided the County Council with capacity assessments of all the main nodes along the A57 through Glossop. An examination of this capacity assessment suggests that although traffic flows will be greater there will be some reserve capacity. Consequently, and with the exception of Shaw Lane, there is no hard evidence to suggest significant reassignment of traffic.
- As it is likely that autonomous vehicles would be electrically powered, and not powered by conventional internal combustion engines (ICE) there would be beneficial impacts upon air quality or noise. However, at the time of writing autonomous vehicles are very rare.

Effects within the National Park

p) What consideration has the Applicant given to the effects of increases in traffic identified within the traffic modelling for the Do-Something scheme, when compared to those of the Do-Minimum scheme with reference to highway safety and severance?

q) If necessary, how could these be addressed?

r) Do the local authorities have any comments?

DCC Oral Submission:

- Derbyshire County Council has previously undertaken a number of safety measures and feel that opportunities for conventional intervention have largely been exhausted particularly in regards of the Snake Pass. The County Council is of the view that average speed cameras may provide further means to address its concerns. Discussion between the Applicant and County Council is ongoing in this regard. This could be considered further through the emerging construction management plan and could perhaps in the meantime be addressed by means of a future Statement of Common Ground.

ITEM 4: LANDSCAPE, VISUAL AND GREEN BELT

Study area, baseline conditions; overall methodology and mitigation

National Planning Policy Framework and local policy

The Applicant [REP2-021 Q5.1] has set out its consideration of the July 2021 update to the National Planning Policy Statement.

a) Are the local authorities satisfied with the Applicant's explanation? Tameside Metropolitan Borough Council [REP2-056 Q5.7 and Q5.15] identified documents that the Applicant should consider in its assessment. The Applicant [REP3-021 pages 54 to 57] responded at Deadline 3.

b) Is Tameside Metropolitan Borough Council satisfied that the Applicant has identified relevant local policy?

DCC Oral Submission:

- Yes. Derbyshire County Council has reviewed the applicant's response to the implications of the updated version of the National Planning Policy Framework, particularly the implications of changes to chapters 9 and 12 of the Framework.
- Many amendments to the Framework were textual amendments rather than any substantial change in policy principles particularly relating to a firmer approach to protecting and enhancing the environment and promoting a sustainable pattern of development. Other changes related to the use of design codes and the important contribution of trees in new developments.
- The County Council would consider that the applicant's assessment of the changes on the scheme due to the revision of the NPPF are appropriate and so it has no further comments.

Viewpoints Tameside Metropolitan Borough Council [REP2-056 Q5.4 and Q5.15] raised concerns about the viewpoints selected for the night-time assessment and considers that the 2km study area for visual impact omits some key theoretical viewing points. The Applicant [REP3-021 page 54] responded at Deadline 3.

e) Does Tameside Metropolitan Borough Council have any outstanding concerns about the selection of viewpoints? During its second Unaccompanied Site Inspection [EV-012] the ExA noted the views of the area of the Proposed Development from the B6015 north of junction with Padfield Road adjacent to public access land.

f) Please could the Applicant, High Peak Borough Council and Peak District National Park Authority comment on the value of views from 9 that location? Should the Applicant provide an assessment of the visual impacts? Would it be helpful to have a night-time photomontage

DCC Written Submission:

- Derbyshire County Council's Landscape Officer has not had the opportunity to visit the location at the junction of Padfield Road and the B6015 referred to by the ExA, but through the use of Google maps and streetview, it can be seen that this is an elevated location some distance away from the proposed

development site. Derbyshire County Council does not think it unreasonable of the ExA to request further information relating to the potential visual effects at this location given that it reflects views from open access land but it is the County Council's view that any assessment of visual effects at this distance in the context of a wider panoramic view is unlikely to be significant.

- The development might be more noticeable at night so a night-time photomontage could be helpful in considering these effects but there will be other lights in the view so again the County Council wouldn't expect the visual impacts to be significant. The photomontage might be of greater value in demonstrating how the proposed mitigation could be effective e.g. the absence or choice of street lighting, planting, etc.

Mitigation - planting

The Applicant [REP2-021 Q5.5 and Q5.18] has said that the height and maturity of planting, screening during winter months and details of replacement trees to fill voids will be identified during detailed design.

i) Please could the Applicant clarify what has been assumed in the assessment and how that mitigation is secured. Should the mitigation include commitments in relation to the mix of species, size, density and maintenance and in relation to the Environmental Masterplan [APP-074 Figure 2.4]?

j) Please could the local authorities comment?

DCC's Written Submission:

- Items (i) and (j) – this request relates to the submission of details from the applicant as part of the detailed design relating to the height, maturity and winter screening of proposed planting seeking clarity as to what assumptions have been made in the assessment.
- It also questions whether the mitigation planting should include commitments in relation to species, size, density and maintenance.
- In Derbyshire County Council's opinion, clearly the selection of species will have a bearing on how the proposed mitigation would integrate with the character of vegetation in the wider landscape, and the species selection, size and planting densities will have an effect on the level of visual mitigation and the rate at which that mitigation would be achieved – for example fast growing species at high planting densities would potentially screen the development more quickly.
- Establishment and ongoing maintenance will also be key to the success of the proposed mitigation by ensuring that new planting establishes quickly and is then properly managed to fulfil its design objectives.

- So a clear understanding of the maintenance and management proposals is an important consideration in understanding whether the proposed mitigation is likely to fulfil its objectives.

Derbyshire County Council's Landscape Architect [REP2-046 page 42 to 43] has suggested that the proposed planting could have the effect of drawing attention to the route rather than mitigating any adverse effects.

k) Please could the Applicant respond?

l) Does Derbyshire County Council consider that the Environmental Masterplan [APP-074 Figure 2.4] should be updated during the Examination? The Applicant submitted an outline Landscape and Environmental Management Plan [REP3-022] at Deadline 3.

DCC Written Submission

- This picks up on Derbyshire County Council's Landscape Architect's response that the proposed planting could have the effect of drawing attention to the route rather than mitigating any adverse effects.
- Derbyshire County Council's Landscape Architect made this point because the proposed landscaping, from the information he has reviewed in the Environmental Masterplan, appears to map the linear nature of the new road corridor rather than 'knit' into the grain of the receiving landscape.
- The concern at this stage from the County Council's point of view is that the red line boundary has been drawn very tightly around the proposed development corridor and as such provides very little scope for other mitigation proposals such as more extensive earth raising (to give the effect of false cuttings) that could be returned to agriculture with reinstated field boundaries that integrate into the fabric of the surrounding landscape. In addition, additional mitigation might have been developed by securing more offsite planting closer to sensitive visual receptors where the screening might have been more effective than planting immediately adjacent to the road corridor.
- Unfortunately, because of the file sizes the County Council's Landscape Architect has been unable to upload the latest landscape masterplans for the scheme to draw attention to a particular treatment at a particular location but he did stress to the applicant's agents at earlier meetings the need to develop landscape proposals that were a response to the character of the immediate and wider landscape and not just simply an attempt to hide the road. Where the landscape remains essentially open in character, he remains unconvinced that linear belts of trees is the appropriate design solution.
- If there are modifications that can be made then yes the Environmental Masterplan should be updated.

m) Do the local authorities have any initial comments on the plan, including in relation to the consideration and explanation of boundary treatments, the maintenance regime, monitoring, and remedial actions during operation?

Does it provide enough detail at this stage to ensure that the assessed mitigation and benefits would all be delivered?

n) Please could the local authorities provide written comments on the plan for Deadline 5, on Wednesday 23 February 2022?

DCC Written Submission:

- Derbyshire County Council's Landscape Architect has now had the opportunity to review the Landscape and Environment Management Plan.
- No fundamental concerns are raised about the Plan in terms of its approach. The main comments relate to some of the detailed aspects of the plan.
- At section 5.1, a general landscape management objective would be to "Maintain the effective screening of the development where that is a key landscape design objective" – this is to ensure that trees aren't thinned or felled to achieve other objectives for example. This is reflected in the management approach at paragraphs 6.5.3 and 6.5.4 but could be made more explicit in the opening management objectives.
- With regard to Table 6.6, the County Council is not convinced that the Native Woodland Mix as proposed reflects woodland typically found in the locality of the scheme or the wider landscape and the Council would urge the applicant and their consultants to review planting and management guidance set out in appropriate landscape assessments such as the 'Landscape Character of Derbyshire' publication (www.derbyshire.gov.uk/landscape) or other relevant documents e.g. habitat creation guides. The County Council would anticipate woodland to be dominated by oak and birch with hazel and hawthorn. Furthermore, sycamore is particularly prevalent along road corridors in this particular area and if it was to be included in a woodland mix, it does offer very quick and effective visual screening. Similar comments apply with regard to proposed native hedgerow mixes.
- With regard to 'Individual Trees' listed at Table 6.18, it is the County Council's view that there are too many species listed, many of which are not characteristic of the immediate or wider landscape and this is very much a case where the statement "less is more" is particularly relevant. Too many trees proposed are of an ornamental or semi-ornamental character, which again is inappropriate for a road scheme that extends primarily through areas of open countryside.
- Section 7 deals with 'General Maintenance' during the initial 5- year establishment phase and the County Council is satisfied that this includes all

the main maintenance operations it would expect to see in the establishment of newly planted areas.

- At section 7.2.9 and 7.2.10 there is reference to 'Inspection reports' and 'Annual Inspection' but it is not clear from the LEMP who will review the reports and who would attend the annual inspection to ensure all aspects of the scheme are being delivered – It is assumed that there would be some Local Authority involvement in these inspections.

Design

Key elements

The Applicant [REP2-021 Q5.20 and Q6.2] has set out the principles of its approach for the design of key elements. In simplified terms the secured mitigation is for the detailed design to be consulted on with the local authorities.

v) Please could the Applicant and the local authorities comment on the importance of the aesthetic appearance of the Proposed Development in the context of its visibility, including from residential and other receptors that currently overlook the Green Belt?

w) Please could the local authorities comment on the secured mitigation? In principle, has enough detail been provided of the mitigation measures at this stage, to ensure that the assessed mitigation would all be delivered? Has enough consideration been given to opportunities for enhancement.

DCC Oral Submission:

- Derbyshire County Council has not made any significant representations on the overall design of the scheme except on the structural and functional design of the road junction and proposed landscaping measures in terms of mitigation.
- Clearly, however, there are aspects of the design such as street lighting and other highway infrastructure, such as signage, that could assist in the aesthetics of the scheme and potentially mitigate against adverse environmental effects, particularly on the openness of the Green Belt. These are matters that could be addressed through 'design codes' or a 'design approach document'.
- On the basis of what has been presented in the Landscape and Environment Management Plan, Derbyshire County Council would consider that sufficient detail has been provided on the mitigation measures at this stage, to ensure that the assessed mitigation would all be delivered.

Aspects to be adopted

The Applicant [REP2-021 Q5.22] said that the measures needed to secure the design of details of finishes to the scheme, street furniture and other hard landscaping would be finalised during detailed design and are secured by Article 12 of the dDCO.

x) Are the local authorities satisfied with the Applicant's approach?

DCC Written Submission

- Item (x) – this question relates to the applicant's approach to providing details on the detail of finishes, street furniture and hard landscaping, which is proposed to be left until the detailed design stage.
- This is probably acceptable from the County Council's point of view in that these features are likely to be fixed in terms of locations and extent but again the production of a 'design code' or design approach document would provide assurances as to the overall approach to the detailed design rationale.

Mitigation

The Applicant [REP2-021 Q5.23] has set out the process that led to the development of the current design, including the involvement of a Chartered Landscape Architect, the Design Council, National Highway's Design Panel and consultation with stakeholders.

y) Please could the Applicant comment on the desirability of implementing the following measures to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the Proposed Development:

- a "design champion" to advise on the quality of sustainable design and the spatial integration of the works
- a "design review panel" to provide informed "critical-friend" comment on the developing sustainable design proposals
- an approved "design code" or "design approach document" to set out the approach to delivering the detailed design specifications to achieve good quality sustainable design
- an outline, including timeline, of the proposed design process, including consultation with stakeholders and a list of proposed consultees.

Derbyshire County Council [REP2-051 Q5.23] have said that implementation of any or all of the measures would assist in determining post-consent approvals (including the discharge of requirements) in 12 relation to achieving good design.

Tameside Metropolitan Borough Council [REP2-056 Q5.23] said that the measures would be useful.

z) Please could High Peak Borough Council comment?

aa) Do the local authorities consider that an outline “design code” or “design approach document” should be developed and agreed during the Examination? Please could the Applicant comment?

bb) Please could the Applicant suggest how the measures might be secured?

DCC’s Oral Submission

- Derbyshire County Council’s view is that a design code or design approach document would be very helpful because the overall design of the new road in its entirety will dictate to some extent the environmental impact of the scheme for example signage (extent, size, location), street lighting (extent, height, type), boundary design (extent, type), etc.

Green Belt

Inappropriate development

The Applicant [REP2-021 Q4.1] has set out its consideration of whether the temporary works could be considered inappropriate. With reference to Planning Policy Guidance, it has also set out its consideration of the impact of the proposal on the openness of the Green Belt.

cc) Do the local authorities have any comments on the Applicant’s consideration of temporary works, openness, or whether the Proposed Development would constitute inappropriate development?

The ExA may ask more questions or invite more oral submissions.

DCC’s Oral Submission

- The starting point for consideration of this issue is paragraph 150 of the NPPF. That paragraph is clear that certain forms of development are ‘not inappropriate’ in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These forms of development include b) engineering operations; c) transport infrastructure which can demonstrate a requirement for a Green Belt location. Both are key elements of the A57 Link Roads scheme.
- It has to be noted that the NPPF does not define in any more detail what engineering operations or transport infrastructure actually entail but the County Council would consider temporary works to enable the construction of a highway scheme to fall within the provisions of paragraph 150 of the NPPF.
- Derbyshire County Council has recently dealt with another DCO for a major highway scheme elsewhere in Derbyshire which was located partly located within the Green Belt. The principle of that scheme was deemed to be appropriate development in the Green Belt, including the pre-commencement and temporary works subject to requirements for extensive landscape and visual impact mitigation to minimise the impacts of the scheme on the openness of the Green Belt.

- Subject to the more detailed comments the County Council has made on certain aspects of the scheme relating to landscape and visual impacts, the County Council considers that the applicant has sought to ensure that the design of the scheme minimises its impact on the openness of the Green Belt as far as possible.
- As noted, some are the works, particularly the pre-commencement works are temporary in nature so that their impacts on the Green Belt will endure only for a limited period, particularly during the construction period of the scheme.

ITEM 5: BIODIVERSITY ECOLOGICAL AND GEOLOGICAL CONSERVATION

Increases in Traffic Volume within the Peak District National Park and Habitat Regulations Assessment

- Derbyshire County Council understands that the duration of significant effects at Shire Hill Woodland would be of a short-term duration, consequently, the County Council is not minded to raise further concerns in regard of this issue.

ITEM 6: CLIMATE CHANGE

Significant effects

The Applicant [REP2-021 Q8.3] said that it has complied with DMRB LA 114 for the assessment of significant effects. This states that “the assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets”.

The Applicant also said that there are no recognised thresholds for assessing level of significance in EIA. Paragraph 5.18 of the NPSNN states that “any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets”. The ExA notes that the DMRB provides guidance, while the NPSNN is national policy.

e) Please could the Applicant comment on whether the NPSNN sets the criteria for what should be considered a significant effect?

f) Are the local authorities aware of any recognised thresholds for assessing level of significance?

g) The Applicant has stated [REP1-019 paragraph 14.3.20] that professional judgement has been applied in determining significant effect. Please could the Applicant clarify its methodology for the assessment of significant effects, including the basis of any professional judgements?

DCC’s Oral Submission:

- Consultation has been undertaken with a number of County Council colleagues who have expertise in climate change matters. Colleagues are not aware of any recognised thresholds for assessing level of significance.
- However, they have made the point that DMRB LA 114 states that, to help establish level of significance:

“Bench marking of project performance shall be undertaken by comparing GHG emissions to other highway projects”, and “In comparing highways projects, GHG emissions should be normalised to take account of differences in size and scale”.

- Derbyshire County Council would ask the question, therefore, whether this benchmarking exercise should be undertaken as part of the assessment.

Chapter 14 of the ES [REP1-019] states that the Proposed Development would release an additional 38,970 tCO₂e into the atmosphere during construction, and 401,026 tCO₂e over 60 years of operation.

h) In the context of net zero by 2050, please could the Applicant and the local authorities comment on whether, in EIA terms, it appears reasonable for the releases to be considered “not significant”?

Is it reasonable for the planning balance? Should requirements for mitigation be on the basis that there are significant effects?

DCC’s Oral Response:

- This goes back to the benchmarking issue raised by the County Council above.
- Without understanding how the projected level of CO₂ emissions generated by the A57 Link Roads scheme compares to other similar schemes, it is difficult to comment on the significance of the emissions.
- However, Derbyshire County Council’s view is that any project that increases emissions could be classed as ‘significant’ and that appropriate mitigation measures should therefore be explored and implemented.

Mitigation measures and PAS 2080: 2016

The Applicant [REP2-021 Q8.10 and Q8.11] provided an overview of PAS 2080: 2016. It described a comprehensive process involving the pro-active participation of all stakeholders to a strategy defined by the asset owner. The process would require carbon to be quantified, reduced by applying a carbon reduction hierarchy, and managed by a Carbon Management Plan.

k) Please could the Applicant outline its strategy for the use of PAS 2080: 2016? Would it involve setting targets for carbon savings and, if so, how would those targets be established? How would carbon savings be prioritised

against cost and programme? How would the use of the process be independently verified? How would the outcomes of the process be reported?

l) Please could the local authorities comment on the suitability of PAS: 2080: 2016 for mitigating carbon releases from the Proposed Development during the construction phase? Should its use be secured as necessary mitigation?

DCC's Oral Submission:

- As Derbyshire County Council understands it, PAS 2080 provides a common language and framework for managing whole-life carbon management specifically for infrastructure projects.
- Its use will ensure consistency in methods for reporting and managing carbon thereby informing the delivery of carbon reductions and additional benefits.
- The County Council is aware that advocates of PAS 2080 point out that it does provide carbon figures, including embedded carbon, for a development proposal and is therefore a valuable tool in progressing towards national targets and determining whether or not a scheme is 'worth it' in terms of carbon emissions.
- Derbyshire County Council considers, therefore, that its use should be included as a mitigation measure, with independent verification of its use assured.
- The County Council notes that PAS 2080 helps to guide mitigation measures but does not specifically identify them and so a detailed assessment of the impacts and measures to mitigate them is still needed, with PAS 2080 used as the overarching framework.

m) Please could the Applicant comment on whether the use of PAS: 2080: 2016 should be mandated for all relevant parties? How should its use be secured?

n) Do the local authorities consider that an outline of the Applicant's strategy for the use of PAS 2080: 2016 and outline Carbon Management Plan should be developed and agreed during the Examination? What role should the local authorities have? Please could the Applicant comment?

DCC's Oral Submission:

- Derbyshire County Council's view is that an outline strategy for the use of PAS 2080 should be developed and agreed during the Examination, in order to ensure the appropriate approach, language and framework is being applied.
- Derbyshire County Council's role sits within the 'value chain' and will therefore have a role to play in sense-checking the common approach or system, and the behaviours to deliver low carbon infrastructure.

Operational phase

Mitigation measures

Derbyshire County Council [REP2-051 Q8.14] and Tameside Metropolitan Borough Council [REP2-056 Q8.14] suggested that there were further opportunities to mitigate carbon during construction, including:

- creating a network of cycleways and footways that would encourage active travel and reduce the reliance on vehicle use**
- potential for renewable energy installations and generation**
- opportunities for habitat creation and protection in relation to offsetting and resilience**
- behavioural change and cooperation between local authorities, residents and businesses to reduce carbon emissions**

The Applicant [REP3-021 page 16] responded to Derbyshire County Council at Deadline 3.

o) Are the local authorities satisfied that appropriate carbon-reduction measures been secured for the operational phase? If not, what other measures should be secured? Could it be helpful for the Applicant to engage with a local behaviour change group during the Examination? The ExA may ask more questions or invite more oral submissions.

DCC's Written Submission:

- Derbyshire County Council is generally satisfied with the measures secured for carbon reduction, with a number of additional items that were suggested in its response to the first written questions.
- Derbyshire County Council would make the general point that carbon mitigation measures are largely considered by the applicant in the context of the red-line boundary of the scheme and not in the wider area. Financial contributions, for example, from National Highway's Dedicated Funds Scheme, could be explored towards the creation and enhancement of cycleways and footways outside the scheme's red line boundary that complement the segregated cycle and footpath links proposed as part of the Scheme. This has been considered through the DCO for the A38 Derby Junctions Scheme. Derbyshire County Council would be happy to liaise with the applicant to explore further what opportunities may exist to improve or enhance the cycle and footpath network in the wider area.
- Renewable energy installations and generation within the Scheme's boundary could be considered further for example, electric vehicle charging infrastructure, solar and or wind power installations to power electronic signage or illuminate non- electronic signage.

- Habitat creation and protection to enhance carbon sequestration and climate resilience could be considered further.
- Derbyshire County Council would support engagement by the Applicant with a local behaviour change group during the Examination.