

A57 Link Roads Scheme Examination

Representation and response on behalf of the Peak District National Park Authority to Examining Authority questions tabled as part of the Issue Specific Hearing 2 Agenda

Introduction

This document comprises a response on behalf of the Peak District National Park Authority to matters discussed at the Issue Specific Hearing 2 on Wednesday 9th and Thursday 10th February 2022. The response also contains written answers to questions from the Examining Authority included within the Issue Specific Hearing 2 agenda and directed to the Peak District National Park Authority or towards Local Authorities; where deemed appropriate.

Item 4 – Landscape, Visual and Green Belt

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 that location?

Should the Applicant provide an assessment of the visual impacts?

Would it be helpful to have a night-time photomontage?

Peak District National Park Authority Response

Yes, an assessment of visual impacts from this view-point would be valuable. This location is on the edge of the National Park boundary and looks across to the scheme location. The view represents the transition of the landscape from the National Park and its rural fringe towards the urban landscape of the scheme's location.

A night-time photomontage would be helpful to consider potential effects on dark skies. The Special Qualities of the Peak District National Park are defined within the Peak District National Park Management Plan (2018-2023) ([National Park Management Plan 2018-2023 \(peakdistrict.gov.uk\)](https://www.peakdistrict.gov.uk)). The third of these Special Qualities is 'Undeveloped places of tranquillity and dark night skies within reach of millions'.

Peak District National Park (PDNP)

Receptors, baseline and assessment methodology

Peak District National Park Authority [REP2-048 and REP2-055], the National Trust [REP2-080], the Campaign for National Parks [REP2-049] and CPRE Peak District and South Yorkshire [REP3-031] raised concerns about the Applicant's consideration of receptors, baseline and assessment methodology for PDNP, including for:

- *the great weight to be given to conserving National Parks and their highest status of protection in the National Policy Statement for National Networks (NPSNN) for and the National Planning Policy Framework*
- *the Special Qualities of the PDNP*
- *the definition of landscape receptors*
- *the perceptual issues important to landscape character*
- *the wider aspects of tranquillity, in addition to noise*
- *the materiality of “slight effects” and the sensitivity of the PDNP*
- *the basis of professional judgement*

The Applicant [REP3-028 pages 41 to 44] responded to Peak District National Park Authority at Deadline 3.

- o) Please could Peak District National Park Authority outline any outstanding concerns that it has regarding the Applicant’s consideration of receptors, the baseline and the assessment methodology for PDNP?
- q) Please could Peak District National Park Authority provide a written response for Deadline 4, on Wednesday 16 February 2022?

Peak District National Park Authority Response

We have a number of outstanding concerns.

Paragraph 8.2.5 and 8.2.6 of the Peak District National Park Local Impact Report, references the National Planning Policy Framework 2021 (paragraphs 176 and 177). With reference to the National Planning Policy Framework and the Design Manual for Roads and Bridges, the applicant’s response is that *‘it is possible that the two documents may conflict’*. It would appear that the applicant acknowledges the misalignment between the documents. It would appear to be the case from the applicant’s assessment methodology that the DMRB ‘outweighs’ the NPPF?

Our view is that this is not the case and the NPPF should have precedence in cases of conflict.

It is also worth noting that the assessment methodology does not allow for an adequate judgement to be made regarding potential effects of the scheme on the statutory purposes on National Parks (‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks’) as defined by the Environment Act 1995. There is a need to “have regard to NP purposes” under section 62 of the environment act ([Environment Act 1995 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1995/43/section/62)) as a public body undertaking functions which are having impacts on the special qualities of the National Park.

We consider that this scheme has the potential to result in impacts on the special qualities of the Park and that the methodology put forward by the applicant does not adequately consider this issue. As a result, the magnitude of potential effects is not adequately addressed by the assessment.

Para. 176 of the NPPF states ‘.... *development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’*.

In responding to paragraph 8.2.2 of the Peak District National Park Local Impact Report, the applicant notes that there are effects on the National Park ('the effects on the PDNP are indirect'), and by definition therefore the effects are not just confined to the National Park's setting.

In responding to paragraph 8.2.6 of the Peak District National Park Local Impact Report, the applicant notes '*The scheme lies approximately 2km from the PDNP. Therefore, it is not considered to be relevant to the scheme*'.

This statement:

- a) conflicts with the applicant's statement in 8.2.2 that there are effects on the National Park; and
- b) while may have some relevance to para 177, it conflicts with para 176 (which expressly considers the setting of National Parks).

In responding to paragraph 8.2.8 of the Peak District National Park Local Impact Report, the applicant responds in general terms (that 'The assessment methodology is informed by DMRB and GLVIA3'), but this response does not address the specific question raised in paragraph 8.2.8.

Our comment in paragraph 8.2.8 of the Local Impact Report questions the basis of the judgements used by the applicant in their assessment (they have not considered that 'effects of even slight / low magnitude have the potential to result in substantial effects on sensitive receptors').

This is the heart of the issue, we believe that the assessment has not given adequate consideration to the assessment of potential effects on the landscape of the National Park or its setting.

Effects

Peak District National Park Authority [REP2-048 and REP2-055], the National Trust [REP2-080], the Campaign for National Parks [REP2-049] and CPRE Peak District and South Yorkshire [REP3-031] raised concerns about the Applicant's assessment of effects for PDNP, including in relation to:

- *the increases in traffic on the A57 Snake Pass, whether they should be considered as a "slight increase" and whether that has led to an underestimation of indirect effects*
- *the effects on the Special Qualities of the PDNP*
- *the effects on the appreciation of dark skies from within the PDNP*

The Applicant [REP2-021, REP3-028 pages 44 to 45] responded to Peak District National Park Authority at Deadline 3.

- s) Please could Peak District National Park Authority outline any outstanding concerns that it has regarding the Applicant's assessment of effects?
- u) Please could Peak District National Park Authority provide a written response for Deadline 4, on Wednesday 16 February 2022?

Peak District National Park Authority Response

Regarding the applicant's response to paragraphs 8.2.14 and 8.2.15 of the Peak District National Park Local Impact Report. The Peak District National Park Authority's position

relates to the issue outlined in paragraph 8.2.8 of the Local Impact Report. We believe that the assessment put forward by the applicant does not adequately consider and does not use the requisite level of professional judgement in its determination of effects of the scheme. Even slight effects could have a substantial effect on a highly sensitive receptor.

Regarding the applicant's response to paragraph 8.2.18 of the Peak District National Park Local Impact Report. We believe that the Landscape Character Type character areas used are too large to adequately assess effects. Effects are likely to be more localised and this scale of receptor is too large to identify localised effects. Our view is that a site-specific landscape character assessment (based on the published Landscape Character Types) should have been carried out.

Regarding the applicant's response to paragraph 8.2.19 of the Peak District National Park Local Impact Report, 'No change' is selected for the magnitude of change by the assessment.

We believe that this response should be viewed in the context of the IEMA guidance discussed in paragraph 8.2.8 of the Peak District National Park Local Impact Report. In addition, we would note that despite the assessment acknowledging an increase in vehicle numbers in the opening year of 960 AADT (A628T) and 1,150 AADT (A57 Snake Pass), it states that there is 'no change'. Whilst this may represent a negligible or a slight magnitude of change, it should not be described as 'no change'.

It is also important that consideration is given to perceptions of change. For the visitor to the National Park seeking tranquillity, the impact of additional vehicles may be profound. This could be from the sound of additional vehicles, the reflection of light on windscreens or bodywork, roadside litter (a particular problem along the A628(T)) or the smell / taste of exhaust fumes. Nor is this limited to crossing points or for walking and cycling routes that closely parallel the road network. The physical geography of the valleys of the National Park through which these routes pass can channel noise so that is projected throughout the valley and along its edges. The greater the number of vehicles the greater the impact on tranquillity and the perceptions of tranquillity.

Item 5 – Biodiversity, Ecological and Geological Conservation

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

The increase in traffic volumes on the A628 (T) Woodhead Pass and A57 Snake Pass are approaching 1000 vehicles Annual Average Daily Traffic (AADT).

- f) In considering potential effects to the SPA qualifying bird features (i.e. ground breeding birds) from increased traffic leading to collision of vehicles and birds, the Applicant concluded in their Habitats Regulations Assessment Screening Report [REP2-004] that the potential for likely significant effects could be excluded as suitable breeding habitats would be located away from the affected road network and that species would be habituated to existing roads. Would the Peak District National Park Authority and the National Trust comment on their concerns in the light of Natural England's representation?

Peak District National Park Authority Response

Neither Natural England's representation, nor their subsequent comments on the applicant's responses, have commented on the risk of collision between vehicles and birds. We can only assume that this is an omission.

The applicant contends that there will not be a significant risk on two grounds: -

- Suitable breeding habitat would be located away from the road network. This is a speculative opinion with no evidence provided to support it. Whilst there is research suggesting that bird population densities diminish near roads (see below), no information is provided, for example, on the proximity of nesting SPA species to the road network; nor is account taken of the risk to birds foraging more widely across the site.
- Species will be habituated to existing roads. Again, this is an un-evidenced statement of opinion. Research (see, for example, [REDACTED] and [REDACTED] suggests that birds of prey and some owl species (which could potentially include Merlin and Short-eared Owl) may be particularly vulnerable to vehicle collisions, and their small populations mean that the impact of any collision is significant. We accept, however, that there is not a likely significant effect on Golden Plover due to their feeding behaviour and reduced significance of individual collisions given their larger population.

In addition to the risk of collision with vehicles affecting the SPA-qualifying bird species, the comments below (Q h) regarding visual and noise disturbance are equally applicable to the SPA species; indeed, we would regard the disturbance issues as potentially more significant for the SPA species than collision with vehicles.

The Design Manual for Roads & Bridges (DMRB) documentation on Habitats regulations Assessment [REDACTED] states that: -

- The precautionary principle shall be applied in reporting through all HRA stages.
- Recourse to the precautionary principle may be relevant when there are "potentially negative effects", or there is "insufficiency of the data, which makes it impossible to determine with sufficient certainty the risk in question".
- Adverse effects should be reported in the HRA in the absence of evidence to the contrary.

Where significant effects are likely or there is uncertainty, DMRB (fig. 2.3) recognizes the need for an Appropriate Assessment.

We are therefore of the opinion that no evidence is presented to substantiate the conclusion that there will not be a likely significant effect on the SPA-qualifying species; that uncertainty therefore remains re the potential for the proposals to have a significant impact on SPA species (Merlin, Short-eared Owl re bird-vehicle collisions, and these species plus Golden Plover re visual and noise disturbance); that these issues have therefore been wrongly scoped out of further consideration; and that the lack of a full Appropriate Assessment of these potential impacts therefore means that the legislative requirements of a Habitats Regulations Assessment have not been adequately addressed.

We are also concerned that any effects on the designated sites alongside the A628(T) have not been assessed due to the 1,000 vehicle threshold not being met within the predicted opening year traffic flows.

- h) Would the Peak District National Park Authority and Natural England comment on the Applicant's responses [REP2-028] in regard to concerns raised by the Peak District National Park Authority [REP2- 048 8.6.2] on the effect on the wider range of wider range of birds for which the Dark Peak Site of Special Scientific Interest qualifies, such as Curlew, Snipe and Dunlin, together with impacts on Mountain Hare?

Peak District National Park Authority Response

The applicant has dismissed concerns about increases in noise and visual disturbance to SPS-qualifying species and other bird species for which the SSSI qualifies on four grounds:

- 1) Whilst the applicant accepts that predicted noise levels have the potential to cause low to moderate behavioural change, it is claimed that these changes are possible with or without the scheme. Whilst this is true, it would seem reasonable to conclude that the level and significance of these impacts will be greater with the scheme, which is predicted to generate an increase in traffic levels (e.g. 38% increase on the A57).
- 2) The applicant suggests that the resident populations of birds will be habituated to existing noise levels. This is a subjective opinion with no evidence at all submitted to support it. For example:
 - No information is provided on the impact of existing traffic on current bird populations. We suggest that, based on available research evidence (see below), it is very likely that bird densities diminish nearer the road- i.e. that birds are displaced by disturbance rather than habituating to it. Research suggests that such avoidance zones can extend as far as 1km or more from a road for some species, with population reductions of 30-100% in these zones.
 - Even if birds had habituated to some degree to existing levels of traffic disturbance, there is no evidence that they would habituate equally to increased levels. Research suggests that disturbance effects increase with traffic volume up to a threshold, which may be in the order of an average daily traffic volume of 30,000 vehicles a day.
 - No reference is made to scientific literature or research around roads and bird disturbance, which indicate that many bird species show reduced density adjacent to roads; and that the degree of those effects increases with increasing traffic volume. For example: -
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- 3) *The existing roads already have a high level of use and therefore a significant effect is unlikely.* No evidence is provided to support this opinion. As referred to in point 2) above, research indicates that there is a progressively increasing effect of road disturbance on bird population densities up to a threshold level of disturbance. Whilst information on the disturbance effects on different species of birds is very incomplete, available research suggest that current traffic volumes on this road network is likely to

fall below any such threshold, so any increase in traffic volume is likely to have an increased disturbance impact. The consequences of this are likely to be both a reduction in bird populations within the “avoidance zone” along the road corridor, and an increase in the width of the avoidance zone.

- 4) *The Site Improvement Plan for the South Pennine Moors SPA does not outline visual and noise disturbance as a potential pressure or threat.* Site Improvement Plans are not intended to be comprehensive nor to predict all potential pressures that could arise.

The applicant has dismissed a significant impact on Mountain Hares on several grounds:

- 1) *Roadkill is not listed as a potential threat in the Article 17'35 report on Mountain Hare.* The report ([UK conservation status assessment for S1334 - Mountain hare \(Lepus timidus\) as part of the Fourth Report by the United Kingdom under Article 17 of the EU Habitats Directive \(jncc.gov.uk\)](#)) covers the UK as a whole and is not specific to the Peak District, where the applicant acknowledges that there is evidence that Mountain Hares occasionally fall victim to road traffic...including the A57 and A628. In any event, the report lists “Other human intrusions and disturbance not mentioned above” - which by implication includes roads - as a Medium-level threat.
- 2) *The applicant considers it likely that Mountain Hares are habituated to the existing high levels of road usage.* No evidence is presented to support this opinion; indeed, the recognition that there is evidence of road casualties at existing levels of use would suggest that any such habituation is at best incomplete.
- 3) *Mountain Hares are predominantly nocturnal and therefore unlikely to be affected.* Whilst they are nocturnal, this makes them even more vulnerable when they are caught in headlights. The fact that there are existing road casualties illustrated that their nocturnal habits do not make them immune to road kill, and unless the proposal is likely to significantly affect the proportions of day-time : night-time traffic, any increase in traffic is likely to result in a proportionate increase in road kill.
- 4) *There is a minimal increase in vehicle passes.* It is accepted that current traffic levels cause some mortality. If there is an increase in traffic flow of 38% on the A57, for example (hardly a “minimal increase”), then it would be reasonable to conclude that a 38% increase in Mountain Hare mortality is likely.

We are therefore of the opinion that, contrary to the applicant’s largely unsubstantiated view, evidence suggests that visual and noise disturbance would have a significant effect on the range of bird species for which the Dark Peak SSSI has been designated, resulting in reduced population levels along the road corridors; and that increased mortality of Mountain Hares is likely as a result of increased collision with vehicles.

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.

- 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?

Peak District National Park Authority response

In isolation it may be acceptable to consider the emissions insignificant but the development will not be completed in isolation and therefore it is necessary to consider cumulative effects caused by past, present and foreseeable actions together with the additional impact of the development. The development also needs to be considered as a component of the wider National road building programme. The degree of significance is also affected by the current governments performance in meeting its climate change targets for transport related emissions where relatively little progress has been made in recent years. Therefore, the emissions should be considered significant and mitigated as part of the scheme.

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?

Peak District National Park Authority response

The designated sites of the Peak District Moorlands are comprised of peat bogs. According to the International Union for Conservation of Nature (IUCN) “*peatlands are the largest natural terrestrial carbon store. They store more carbon than all other vegetation types in the world combined*”. However, “*damaged peatlands are a major source of*

greenhouse gas emissions, responsible for almost 5% of global anthropogenic CO2 emissions" ([REDACTED])

The Peak District and the southern Pennines has played host to an ambitious programme of moorland restoration. The 'Moors for the Future Partnership' combines scientific research with remedial measures aimed at addressing the impacts of pollution on the southern Pennine moorland.

Sustained high levels of atmospheric nitrogen deposition originating from fossil fuel burning associated with transport, industry and domestic heating, continues to overload these moorlands with nutrients, and particularly along busy link roads such as the M62, A628(T) and A57 Snake Pass corridors, affecting the health of the peatlands, encouraging invasive plants alien to this habitat and reducing their capacity for carbon capture. This effect is spatially limited and (assuming the predicted uptake of EV and other Low emission vehicles is achieved) also likely to reduce over time. However, during the scheme's opening year this is likely to have a negative effect on the health of moorland adjacent to the A628(T) and A57 Snake Pass corridors.

It should be noted that salt and tyre deposits, road tar erosion and other chemical wash off from vehicles also have negative impacts on the moor where they are not adequately directed into roadside drainage systems.

Item 7 – Air Quality

Air Quality Management Areas (AQMAs)

Tintwistle AQMA

The Applicant [REP2-021 Q7.15] explained that no receptors have been assessed in the Tintwistle AQMA as they were screened out in accordance with DMRB LA 105. Changes in traffic of 960 AADT being below the threshold of 1,000 AADT.

gg) Do High Peak District Council or Peak District National Park Authority have any comments?

Peak District National Park Authority response

The Tintwistle AQMA lies inside the Peak District National Park boundary, with National Park residents living within the area of the AQMA. We are therefore concerned that an assessment of the potential effects of the scheme on the Tintwistle AQMA have been screened out because of the predicted AADT for Tintwistle with the scheme is 40 vehicles below the threshold for assessment. Given the possibility of the scheme negatively affecting the Tintwistle AQMA we would have expected a precautionary approach to be taken.

Dinting Vale / Glossop AQMA

A single receptor has been considered in the Dinting Vale / Glossop AQMA, and assessed as having a worsening in air quality due to the Proposed Development.

kk) **Do High Peak District Council or Peak District National Park Authority have any comments?**

Peak District National Park Authority response

The Dinting Vale / Glossop AQMA lies outside of the Peak District National Park boundary, so any impacts on the AQMA fall outside of our sphere of influence. However, the above proviso notwithstanding, given the possibility of the scheme negatively affecting the Dinting Vale / Glossop AQMA, we would have expected a precautionary approach to be taken.

Item 8 – Other Specific Issues

Land use, social and economic, human health

Local social and economic impacts

Concerns have been raised regarding the effect of increased traffic volumes on Snake Pass affecting land stability on the route, and that this could lead to disruption of the business of the National Trust and its tenants. Similarly, concerns have been raised of the potential for increased traffic volumes on Snake Pass to increase the risk of wildfires. The Applicant has sought to address these concerns in their response at Deadline 3.

- g) Would the National Trust, High Peak National Park Authority and Derbyshire County Council submit any comments that they wish to make in the light of the Applicant's response for Deadline 4, on Wednesday 23 February 2022?

Peak District National Park Authority Response

The applicant has dismissed a significant impact from increase in wildfire risk as a result of increased traffic levels on the grounds that only a small proportion of wildfires in the Peak District are related to road use. Whilst the figures in the applicant's response are not an entirely accurate reflection of the evidence presented in our representation, we accept that the proportion of wildfires caused by road use is likely to be low, and that the predicted increase in traffic presents a very small increase in the risk of wildfires.

We therefore accept that the proposal is unlikely to result in a significant increase in the risk of wildfires.