



A57 LINK ROADS

TR010034

DEADLINE 4 FEBRUARY 16TH 2022

RESPONSES TO ISSUE SPECIFIC HEARING 2 FEBRUARY 9TH AND 10TH

CPRE Peak District and South Yorkshire Branch

Unique Reference: 20029243

CPRE PDSY DEADLINE 4 SUBMISSION – RESPONSE TO ISSUE SPECIFIC HEARING 2

The structure of the document is as follows.

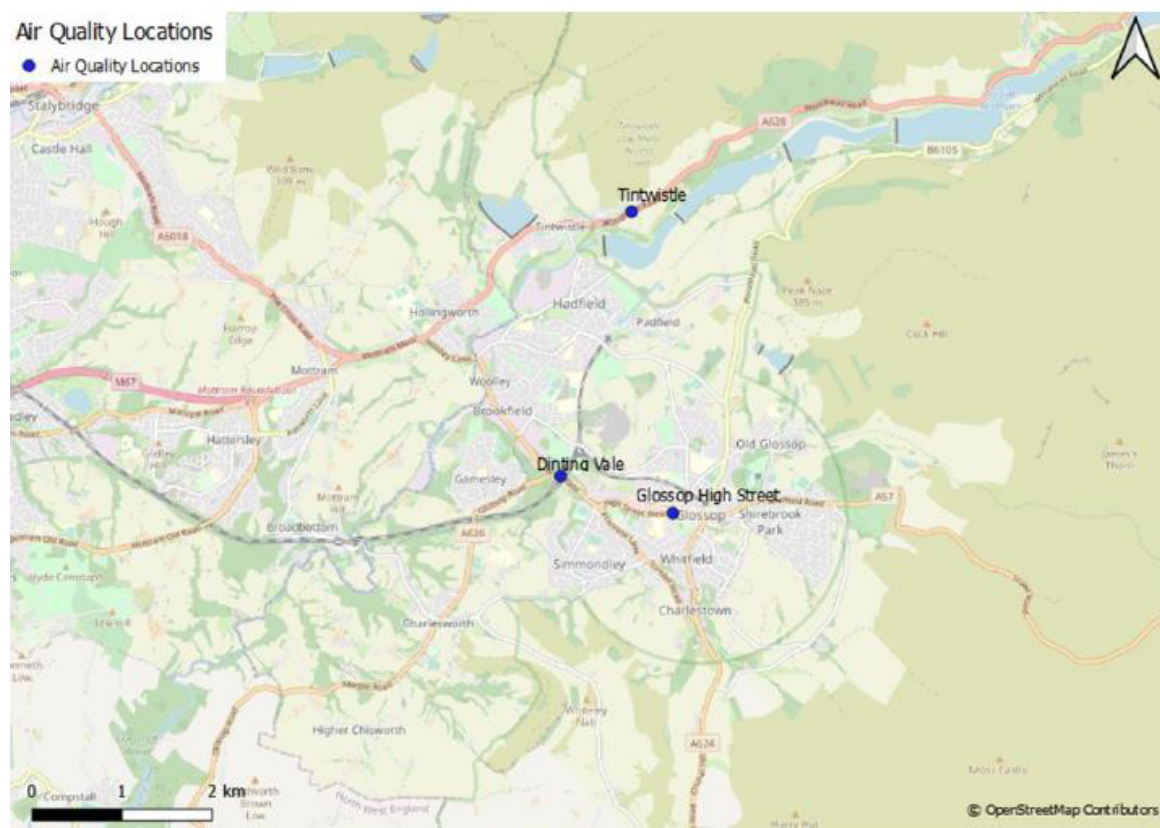
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ISH Item 3 and Item 7 - Traffic data and modelling

We do not believe that the results of the traffic modelling represent the worst case scenario. The answer we received from NH during ISH 2 did not answer our question. We remain concerned about the traffic data used to inform the model and how the traffic model has been applied.

In ISH 2 Item 7 Air Quality (and in REP2-069, pp23-24) we raised the issue of the model refinement undertaken to address three areas of air pollution within Glossopdale. Changes in traffic flow and speed as a result of the scheme were predicted to cause exceedances of the AQ strategy objectives for annual mean nitrogen dioxide (NO₂) at these locations. In NH's own words, these exceedances could jeopardise development consent for the scheme (REP2-090 paras 7.3.1-7.3.3 and Figure 7.1 below, pp519-521 of 790 in pdf).

Figure 7-1 - Air quality issue locations



We noted that in both Tintwistle and Dinting Vale AQMAs modelled flows in 2025 'do minimum' did not appear to reflect observed traffic flows (DfT counts) between 2015 and 2019 and requested an explanation. NH responded - *'As I understand it, that relates to an assessment that predated the assessment that was undertaken for the scheme that's before you. And then of course, the assessment that has been done for this scheme reflects the proper changes to the design and etc, that were brought, rolled forward in that intervening period.'*

This response does not answer our question. The data we are using is taken from the assessment of the scheme that is before the Examination, not an assessment that predated it. These are our concerns about the assessment of the scheme that is before the Examination.

- a) Collection of data in 2020/2021
- b) Data used in the traffic model for the air quality study
- c) Modelled flows do not reflect traffic growth
- d) Extraordinary changes in modelled traffic flows

a) Data collected 2020/2021

The base model for the scheme has been prepared from a traffic model developed using 2015/2016 traffic flows (APP-185, Transport Assessment Report 2.3.2). *'The 2015 Base model has been retained as it is considered disproportionate to update it given that the model base is still compliant with DfT Guidance, also because **any new 2020/21 data would be atypical because of the pandemic**'* (APP-185, 2.2.2; our emphasis).

However, during 2020/2021 NH collected additional data (APP-185, 2.3.4) to expand the modelled network, to include Mottram Road (A57) and Stockport Road (A560) to the south-west, the A6018 to the north, and the A57 towards Glossop to the southeast; and to verify vehicle volumes on the A57 for environmental assessment purposes. Turning counts in Glossop were also taken to facilitate the improvement of the network detail in the immediate local area; and TomTom journey time data was used to provide data for the validation of the extended network. No data from 2020/2021 is supplied in the DCO documents. This data is, in NH's own words, 'atypical' as it was collected during the Covid pandemic when traffic flows were drastically reduced. Therefore the data and the traffic model relying on it require robust scrutiny as they impact directly on the environmental assessment.

b) Data used in the traffic model

We also now understand from evidence presented by HPBC to ISH Day 2 Item 7 Air Quality Session 2 that, for assessing air quality, rather than verifying the model against data collected for a given year *'the majority, or some of the data, or at least a quite considerable amount of the data was not from year 2018. But it was back corrected in many cases from 2019, or even forward projected from 2015-16. This invariably will introduce additional error in the accuracy of those measurements.'* We have not been privy to any of this data and have therefore been misled by the statement in the ES Ch.5 Air Quality that the base year for model verification was 2018 (para 5.3.19). The introduction of these additional errors increases our concern about the inconsistent approach towards the air quality assessment.

c) Modelled flows appear to underestimate traffic growth

The baseline traffic flows in 2015 taken from automatic traffic counts (ATC) and used in the modelling are given in APP-185 Figure 3.6 and Table 3.8, but are confined to roads immediately adjacent to the scheme. The small number of observed AADTs from 2015 is all we have to compare with the scheme's 2025 and 2040 modelled 'do minimum' scenario.

We are not given figures for the A628T east of Hollingworth or for the A57 south of Brookfield.

According to NH traffic forecasts show traffic growth. *'The Do-Minimum modelling undertaken predicts that vehicle flows on the highway links within the study area will continue to increase in a Do-Minimum scenario. Between 2025 and 2040, vehicle flows on all links except for the B6174 are forecast to increase'* (APP-185, 4.1.1).

On the trunk route, comparison of NH's baseline observed 2015 figures with the 2025 AADT modelled figures show that in this 10 year span there appears to have been no traffic growth. For some links (shaded in the table below) the traffic flows are virtually the same in 2015 (observed) as those modelled in 2025. The only data we have from 2015 on the A57 is the Brookfield link, so we cannot make the same comparison on this route.

Location	Traffic counts AADT		
	NH ATC	Modelled 'do minimum'	
	2015	2025	2040
M67	28,500	28,500	31,600
A57T Hyde Rd	19,300	19,200	20,500
A57T Mottram Moor in Mottram	18,300	18,400	18,700
A57T Mottram Moor	29,200	29,200	31,050
A628T Hollingworth	15,950	15,950	16,650
B6174 Broadbottom Rd	9,600	9,150	10,050
Market St Mottram	4050	3,750	3,200
Stalybridge Rd	5,100	5,350	4,950
Back Moor	10,950	10,900	12,400
Woolley Bridge Rd	8,200	8,350	9,300
A57 Woolley Ln	16,450	16,650	17,950
Roe Cross Rd	14,750	15,250	16,950
A57 Brookfield	14,800	15,200	16,350

d) Extraordinary differences in traffic flows on links where air pollution could jeopardise consent for the proposed development

Baseline traffic flows on the links where air pollution (A57 Dinting Vale AQMA, A57 High Street West and Tintwistle AQMA) could jeopardise development consent for the scheme are not provided. We are told by NH that the change in traffic flows through Tintwistle and Dinting Vale AQMAs between the 2025 do minimum and do something scenario do not meet the criteria for air quality assessment. At face value they do not. However if traffic flows have been suppressed along both routes by model refinement, or if 'atypical' data has been used because it was collected during the pandemic, backdated from 2019 or forward-

projected from 2015-16, then the flows are not representative of the current situation or the likely future.

Compared with the observed DfT counts over 5 years we have two extraordinary drops in traffic flows, 35% on High Street West, a drop of more than 6,000 AADT, and 13% within the Tintwistle AQMA, a drop of more than 2,000 AADT compared with 5 years of observed flows. Differences in traffic flows measured in thousands appears to us to be a significant anomaly within the traffic data and are being used to claim AQMAs do not meet the criteria for investigation. This needs further forensic investigation and bottoming to ensure judgments made are based on reliable and consistent data, that is fit for purpose.

The model refinement undertaken post-2018 took account of *'numerous pedestrian crossings and signalised junctions on the A57 between Glossop Road and Glossop Crossroads... which contributed to the underrepresentation of congestion in the base year model. A review was undertaken to identify those which were most likely to impact congestion, and code them into the mode'* (REP2-090, 2.4.6, page 112/790 in pdf). It would therefore appear that the remodelling reduced traffic substantially on the A57 and redistributed it onto inappropriate local road networks and it is this which has meant the requirements to do air quality assessments in certain areas have not been met. There is no guarantee that in reality traffic will re-distribute as modelled. Therefore the air quality assessment without traffic redistribution should be presented.

Item 4 Effects on PDNP

Significance of indirect effects on the Peak District National Park

With respect to the significance of the indirect effects of the scheme on the PDNP, NH claims that the key methodology for LVIA of road infrastructure is DMRB LA 104. It has scored the significance of the effects as 'negligible' and claimed that the great weight applied to National Park protection as required by NPPF para 176 does not apply in this instance and contradicts DMRB. Para 176 states

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these areas should be limited, while development within their setting should be sensitively located and designed to avoid and minimise adverse impacts on these designated areas'.

NH argues that the first two sentences of paragraph 176 do not apply to the proposed development as the scheme lies outside the National Park. Only the final sentence applies as the scheme is within its setting (REP3-028 pp 41-44).

We disagree. The whole of paragraph 176 in NPPF 2021 must apply to all impacts, direct or indirect, on National Parks. All public bodies, including local planning authorities and the Planning Inspectorate, have a duty to take account of the potential effect of their decisions and activities on National Parks, **including activities undertaken outside National Park boundaries which may affect land within them.**

The two purposes of National Parks have been enshrined in legislation since the National Parks and Access to the Countryside Act 1949 s.5.1 – the purposes are:

- a) To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
- b) To promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

The importance of the two statutory purposes was emphasised in legislation by an amendment – 11A (2) - to the 1949 Act by the Environment Act 1995 s.62. The amendment places a duty on public bodies to have regard to National Park statutory purposes.

Laws are passed by a legislature and signed by an executive – in this case the UK Government. They are binding on everyone and cannot be changed, except by going through the process of legislation again, unless they are struck down by the courts.

Policy is a course or principle of action adopted by, in this case, the Government to ensure compliance with laws and regulations. Thus NPPF para 176 dictates the action required to be taken by developers and decision makers when considering impacts on National Parks. NPSNN 1.18 makes clear *'The NPPF is an important and relevant consideration in decisions*

on nationally significant infrastructure projects, but only to the extent relevant to that project'. The impacts on the PDNP are relevant to this scheme, therefore the relevant sections of NPPF apply including para 176.

The Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance (NPS NN 3.3). As National Parks are a national strategic designation, para 176 should be considered a principle that applies to them all.

Development outside nationally designated areas which might affect them is addressed in NPSNN 5.154. However, to use that paragraph alone fails to meet the totality of the requirements of NPSNN, which includes NPPF as part of the policy framework. As the ExA said in the ISH 2, *'the NPPF is normally an important and relevant consideration for the examination of national infrastructure projects, it will be very rare for it not to be'*.

DMRB LA 104 is only advice, as stated in the foreword, and is therefore not mandatory or required. The legislation surrounding National Parks and the NPPF policies to ensure compliance with the legislation trump DMRB. In our view NPSNN requires the application of NPPF para 176 to determine the significance of the effects on the Peak District National Park.

Great weight applies whether the effects are direct or indirect. NPPF is inclusive but the issue of the degree of harm is where the judgment comes in. The PDNPA and NH have established there is harm, therefore great weight must be applied when considering it. The section 62 duty is to ensure due diligence both in relation to the setting and impacts within the boundary. Indirect effects are not a get-out clause. Traffic increases on roads within the National Park have been documented. That is a material consideration that should be taken into account and great weight must be applied to it.

Finally, the scheme is also substantially challenged by NH's failure to avoid the National Park when planning the scheme, as is required by NPSNN 5.152.

Assessment of indirect impacts on the National Park

The assessment of the impact of the scheme on National Park statutory purposes and special qualities is inadequate. By limiting its assessment to dark sky sites and noise, NH has underestimated the impacts on dark skies, and failed to assess the impacts on tranquillity and landscape. It is therefore in breach of NPSNN 5.146 *'The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquillity and nature conservation'*.

In ES Ch 7 there are frequent references to wildness and tranquillity but no demonstration of how the impacts on either have been assessed. NH has used landscape designations and landscape character types as the landscape receptors which is fine for broad landscape

character assessment but does not address the fine grain of a landscape - the individual elements and features or the aesthetic and perceptual effects.

Dark Skies

With respect to dark skies NH has focused only on the three dark sky sites within the National Park and dismissed them as too far away. This misses the point that it is not about sites – it is about the darkness of the night in the National Park. Much of the Dark Peak is darker than the dark sky sites and offers on a clear night the possibility of seeing the milky way, major constellations, bright nebulas, and meteor showers. The darkness of the night sky within in the Dark Peak, according to CPRE night blight maps, is pictured on page 11, that above the Snake Pass on page 12 and that above the A628T on page 13. Above the Snake Pass the sky is very dark and darker than that at Surprise View, the nearest dark sky site.

The darkness of the night is not just about humans seeing the night sky – light pollution also impacts on wildlife and habitats. Nature needs the night. We are only beginning to understand the effect of light pollution but it is deleterious to large numbers of different species: insects, birds, fish, reptiles and mammals. In view of our limited knowledge we should apply the precautionary principle. However, National Park statutory purposes require us to go further; conserve and enhance means there should be no increase in light pollution, but rather a decrease.

NH's approach has not only failed to meet National Park statutory purposes but also failed to meet the requirements of NPSNN. With respect to artificial light NPSNN 5.86 advises the applicant to consult the relevant local planning authority about the scope and methodology of the assessment. This NH has done and been told by the PDNPA it is inadequate. There is therefore no baseline for the SoS to determine that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from artificial light (NPSNN 5.87). *'This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*.

Tranquillity

Using the single element noise to measure the impacts of the scheme on National Park's landscapes fails to capture the full effects of the increased traffic. Noise is only one element of tranquillity, which is a multi-layered quality of the countryside and part of the natural beauty of the National Park. Tranquillity is the calm experienced in places with mainly natural features and activities. CPRE's maps reflect both physical qualities and elements and the subjective experience of tranquillity – what is tranquillity, what detracts from it and what enhances it. As the tranquillity map of Derbyshire (page 14) shows the landscape around the A57 Snake Pass is one of the most tranquil in the Peak District. It is a natural landscape, wide open blanket bog and heather moorland, with birds such as curlew and golden plover but above all where silence peace and quiet can be found. The landscape around the A628 is less tranquil but the aesthetic and perceptual qualities are strong in the landscapes adjacent to both roads - solitude, inspiration and awe at the astonishing beauty, threat from the terrain or weather. The top detractor from tranquillity according to the

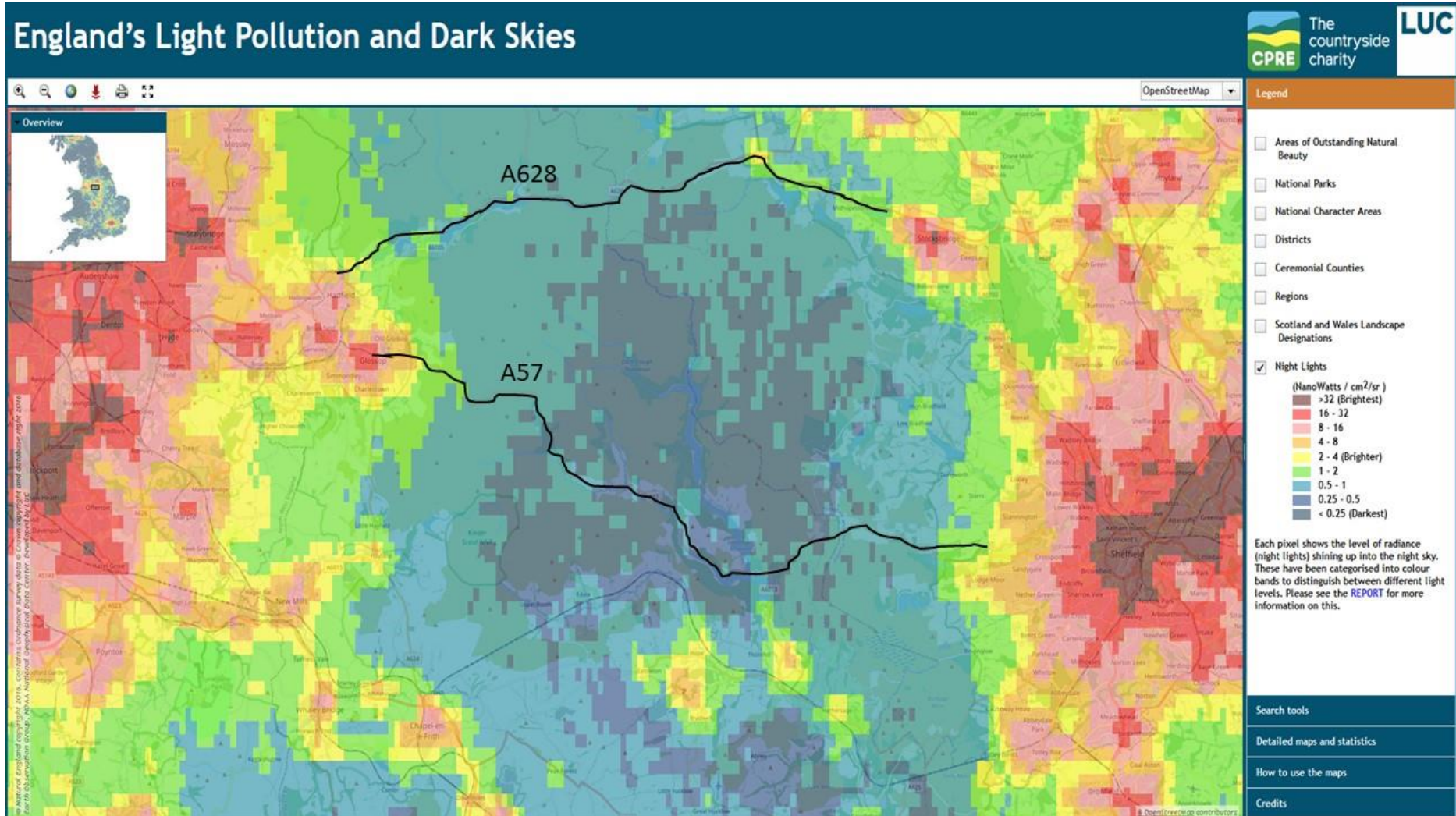
CPRE assessment is hearing constant noise from cars, lorries and motorbikes. Traffic was strongly verified as being something not seen in a tranquil place, and car noise as something

not heard in a tranquil place. If National Park purposes are to be met and tranquillity enhanced then traffic along both routes should be reduced, not increased.

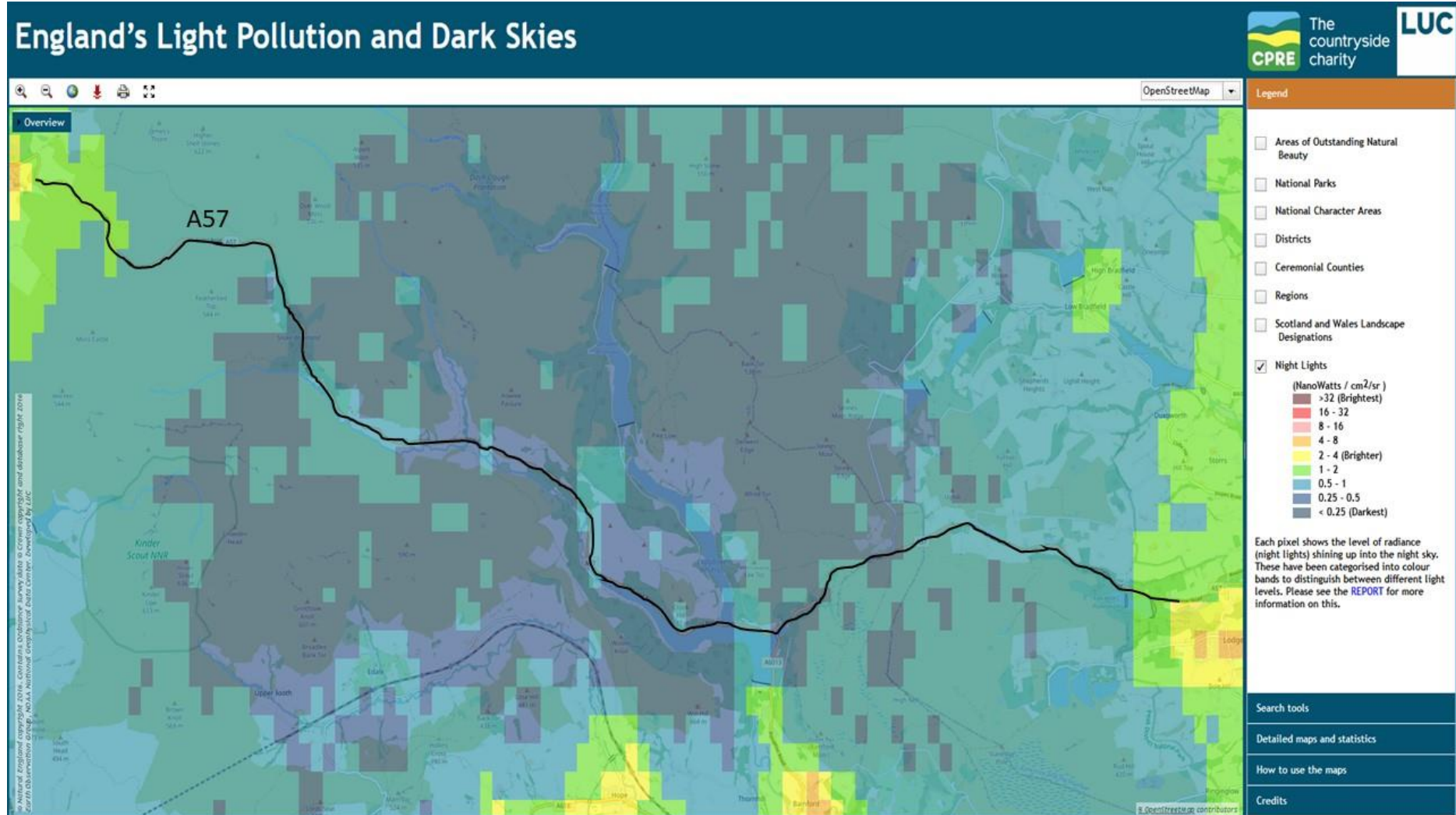
Finally, implementing measures to address the risk of crashes on the A57 Snake Pass, as proposed by Derbyshire County Council, would not only harm tranquillity further – it would not address the need to conserve and enhance tranquillity, as National Park statutory purposes require.

Proposed Mitigation

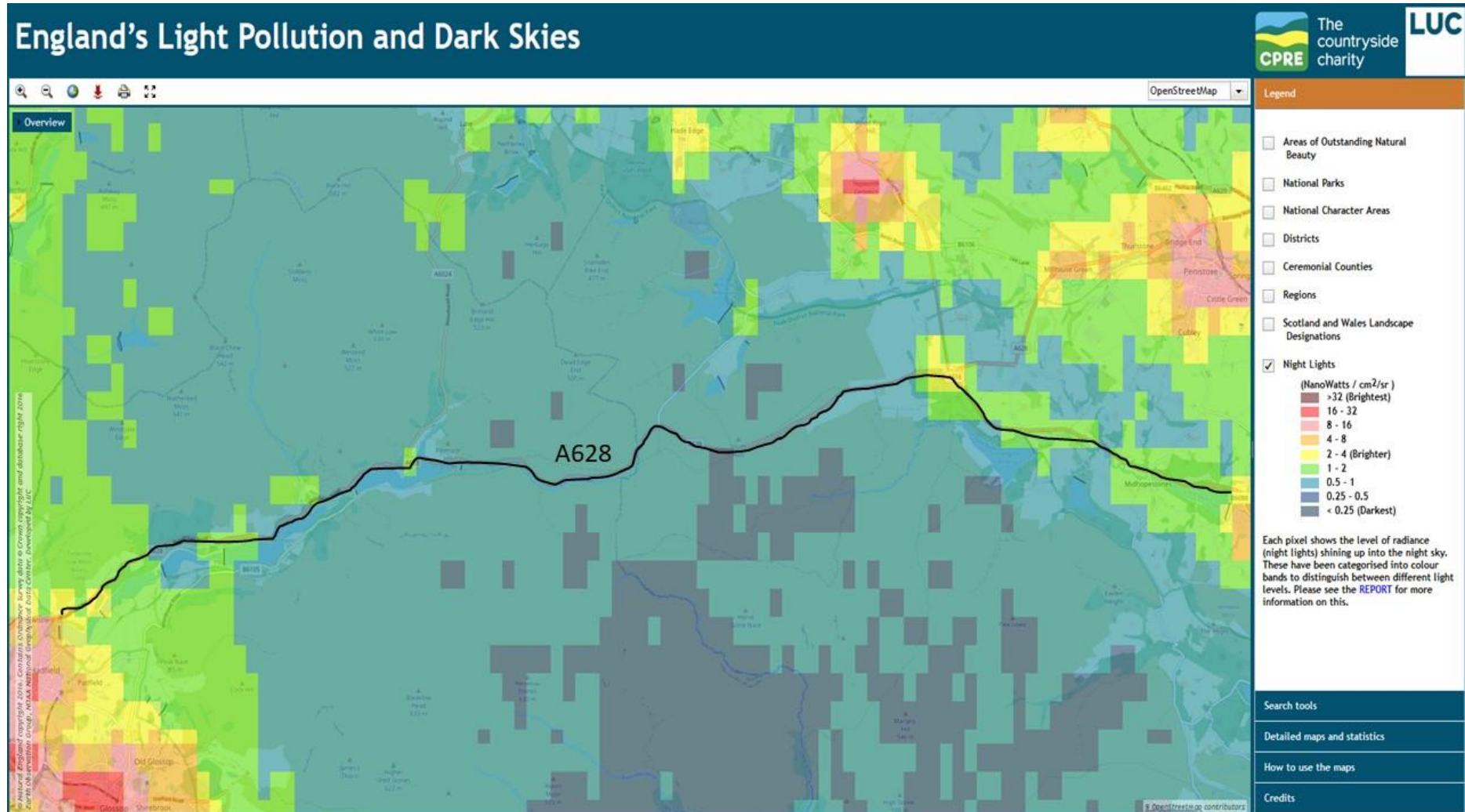
These impacts are not able to be mitigated. Improving the adjacent moorland with sphagnum plugs or planting trees alongside the A628 would not improve the tranquillity or the night sky. Traffic impacts in such a sensitive area as a National Park should be reduced. They should not be condoned or ‘accepted’ by indirect measures that do nothing to reduce their actual impact.



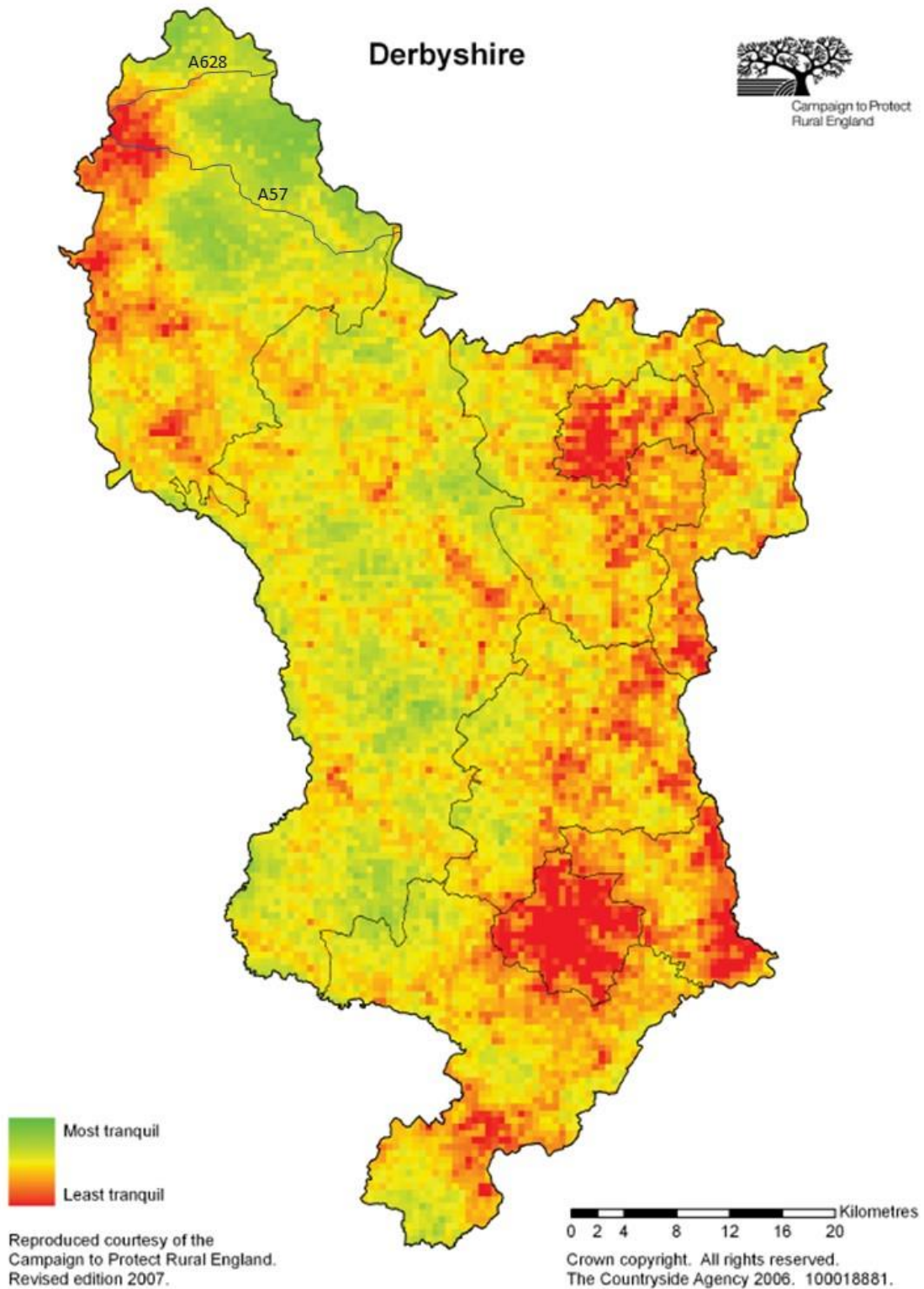
Overview of dark skies in the Dark Peak of the PDNP



Dark skies above the A57 Snake Pass



Dark Skies above the A628T



CPRE Map of Tranquillity in Derbyshire

The A57 and A628T are indicated in High Peak Borough – the remaining grey lines are district boundaries

Item 6 Climate Change

ES appears unlawful

In Item 6 Climate Change the ExA requested the applicant to submit in writing the cumulative effects of GHG emissions. We believe this request should be extended to the whole of the EIA, as currently the ES appears unlawful.

In the context of the EIA Regs, the Environmental Statement presented for the DCO has not fulfilled the requirements with respect to cumulative effects and is therefore unlawful.

PINS Advice Note Seventeen¹ “Cumulative effects assessment relevant to nationally significant infrastructure projects” states

1.2 Schedule 3 paragraph 1(b) of the EIA Regulations, which refers to the selection criteria for screening Schedule 2 development, states that ‘the characteristics of development must be considered with particular regard to...

...(b) the cumulation with other existing development and/or approved development’. Schedule 3 paragraph 3(g), which relates to the ‘Types and characteristics of the potential impact’ also requires ‘(g) the cumulation of the impact with the impact of other existing and/or approved development’ to be taken into account. The EIA Regulations expand the definition set out in Annex III of the Directive, which simply refers to ‘the cumulation with other projects’.

The EIA Reg (5)² requires that an EIA ‘must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors—

- (a) population and human health;*
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC F1 and Directive 2009/147/EC F2;*
- (c) land, soil, water, air and climate;*
- (d) material assets, cultural heritage and the landscape;*
- (e) the interaction between the factors referred to in sub-paragraphs (a) to (d)’.*

And EIA Reg Schedule 4 requires ‘a description of the likely significant effects of the development on the environment resulting from, inter alia— (e) the cumulation of effects with other existing and/or approved projects’³.

Existing and/or approved projects - planning and infrastructure schemes - are identified in ES Chapter 15 Cumulative Effects. Transport Assessment Report 4.1.5 (APP-185) identifies that such projects are included in all three growth scenarios and ES Ch. 1-4 4.2.18 (REP2-005) identifies that such projects are included in the traffic model for both assessment of the future ‘do minimum’ and the future ‘do something’. By including these projects in the

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-17/>

² <https://www.legislation.gov.uk/uksi/2017/572/regulation/5>

³ <https://www.legislation.gov.uk/uksi/2017/572/schedule/4>



modelling both with and without the scheme, it is not possible to assess the cumulative effects of the scheme with these projects - we only know the effects the scheme would have as a standalone development in 2025 and 2040, or in “solus”.

To ascertain cumulative effects as prescribed by the EIA Regs, the traffic model would need to be run without these developments for a both a ‘do minimum’ (without scheme) and a ‘do something’ (with scheme) future, with a third run of ‘do something’ with these developments included. As it is, there has been no cumulative assessment of any element of the EIA, which makes the EIA unlawful.