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**Natural England's responses to Examining Authority's Second Written Questions**

<p><b>Question 1.15.</b> NE <b>Requirement 7 – Protected species</b> a) Does Natural England have any comments on the Applicant's suggestion? b) Does Natural England have any remaining concerns regarding dDCO [REP5-006] provisions in relation to protected species?</p>
<p><b>Answer</b></p> <p>Natural England are satisfied with the clarity provided by the Applicant and have no further concerns regarding provisions in relation to protected species.</p>
<p><b>Question 3.5.</b> Local Planning Authorities, Local Highway authority, Environment Agency, Natural England, Historic England <b>Screening thresholds</b> d) Do the local authorities, Peak District National Park Authority and Natural England have any comments that they wish to make about this matter?</p>
<p><b>Answer</b></p> <p>Natural England has no further comments to make with regards to the screening criteria as listed.</p>
<p><b>Question 4.2.</b> Applicant, Natural England <b>Regard to the statutory purposes of Peak District National Park Section 62 of the Environment Act 1995</b> Do the Applicant and Natural England consider that sufficient regard has been given to the statutory purposes of Peak District National Park, consistent with s62 of the Environment Act 1995? Please provide reasoning.</p>
<p><b>Answers</b></p> <p>Natural England whilst noting the Applicant within the submitted Landscape and Visual Impact Assessment TR010034/APP/6.3 ) has given regard to the statutory purposes of the Peak District National Park, on noting the Peak District National Park Authority's comments ([REP4-012] agrees that that for the purposes of S62 of the Environment Act 1995, the National Planning Policy Framework 2021 (paragraphs 176 and 177) which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National</p>

Parks should take precedence in assessing Landscape and Visual Impacts. Natural England supports any recommendations suggested by the Peak District National Park Authority to ensure sufficient regard has been given to the statutory purposes of the Peak District National Park.

**Question 4.6.**

Natural England Derbyshire County Council High Peak Borough Council

**Slight effects and material considerations**

Please could Natural England, Derbyshire County Council and High Peak Borough Council comment? Has enough consideration been given to all relevant guidance, policy, and legislation, apart from the DMRB?

**Answers**

Please see answer to Question 4.2

**Question 4.7.**

Applicant Natural England Derbyshire County Council High Peak Borough Council

**Effects**

Peak District National Park Authority [REP4-012] has raised concerns regarding the consideration of tranquillity, including in relation to light from windscreens/ bodywork, litter, exhaust fumes and noise channelling through valley? c) Please could the Applicant and Natural England comment?

**Answer**

Whilst Natural England concurs that the consideration of tranquillity is a consideration as part of a Landscapes Characteristics and Visual Characteristics, we would defer to the Peak District National Park Authority in the specifics due to local knowledge and local landscape expertise in assessing tranquillity within the Peak District National Park and which abides by the National Park Management Plan.

**Question 4.10.**

Natural England Applicant

**Study area, baseline conditions, overall methodology, and mitigation Statements of Common Ground Deference to advice**

a) Please could Natural England comment on the implications of Peak District National Park Authority's concerns for the matters noted as "Agreed" in their draft Statement of Common Ground with the Applicant [REP2-028]?

b) Please could the Applicant and Natural England ensure that matters that are either agreed or not agreed are set out in the final signed copy of their Statement Ground and submit this before the end of the Examination?

- c) For the avoidance of doubt, please could Natural England clarify that when it defers to Peak District National Park Authority, should the ExA interpret that as Natural England agreeing with Peak District National Park Authority?
- d) Please could Natural England clearly set out when it defers to any responses provided by Peak District National Park Authority in its responses to these second written questions?

**Answer**

- a) Natural England will work with the Applicant on the draft Statement of Common Ground considering the implications of the Peak District National Park Authorities' concerns.
- b) Natural England will determine with the Applicant on the final signed copy of the Statement of Common Ground to be submitted before the end of the Examination.
- c) Natural England confirms that when it defers to the Peak District National Park Authority, the Exa can interpret that in it agrees with the Peak District National Park Authority.
- d) Natural England will look to clarify when it defers to any responses provided by the Peak District National Park in response to the second written questions.

**Question 4.11.**

Natural England

**Remaining concerns**

Apart from the issues covered elsewhere in these second written questions, please could Natural England summarise any remaining concerns that it has about the Applicant's consideration of the Peak District National Park?

**Answer**

Natural England has no further comments outside the issues raised in the second written questions with regards to the Applicant's consideration of the Peak District National Park.

**Question 12.2.**

Environment Agency Natural England

**Approach to mammal crossings, otter fencing and other measures within water environment assessment. First Written Questions [PD-009 Q12.10] National Highways Deadline 2 Submission - Applicant's response to Examining Authority's First Written Questions [REP2-021]**

The applicant responded to Q12.10 in its responses to First Written Questions [REP2-021] that other mitigation measures located in the vicinity of watercourses (e.g. mammal crossings, otter fencing) have not been explicitly assessed at the current stage of design, but will be considered further during the detailed design phase.

- a) Do the Environment Agency or Natural England have any comments on the Applicant's response?
- b) Is this approach acceptable to the Environment Agency and the Natural England?

**Answer**

- a) Natural England accept that mitigation measures can be considered further during the detailed design phase subject to updated surveys. The applicant should consult with Natural England on mitigation measures that may impact on protected species requiring a license to ensure the measures are appropriate.
- b) The approach is acceptable to Natural England

**Question 12.6.**

Natural England

**Peak District National Park Authority representation at Deadline 4 [REP4-012]. Environmental Statement - Chapter 11: Noise and Vibration [REP3- 007]. National Highways Deadline 4 Submission - 9.51 Written summary of Applicant's case at Issue Specific Hearing 2 [REP4- 008]**

- a) Does Natural England have any comment to make on the issues raised in the previous question?
- b) Please confirm whether, or not, you are satisfied with the Applicant's explanation for discounting visual disturbance as an impact pathway (see [REP4-008]) to mountain hare.
- c) Please comment on the evidence submitted by CPRE Peak District and South Yorkshire Branch about current mountain hare numbers and the proportion estimated to be lost as roadkill.

**Answer**

- a) Mountain Hares do not form part of the notified features of the Dark Peak SSSI and we do not hold records for populations of the species or how they are affected by roadkill. Natural England has no specific comments therefore to make on the issues raised in the previous question and thus no further comments to make for b and c. Although we have no specific comments to make, in recognising the mountain hare as a priority species, Natural England recommends seeking additional expert advice if there are concerns with regards to potential impacts on mountain hares by roadkill and if further information is required as part of the application for the Examination Process.

**Question 12.12.**

Natural England

**Peak District National Park Authority representation at Deadline 4 [REP4-012]. National Highways Deadline 2 Submission - Habitats Regulations Assessment Screening Report - Appendix B PINS Screening Matrices [REP2-044]. National Highways Deadline 3 Submission - Environmental Statement - Chapter 11: Noise and Vibration [REP3-007]. National Highways Deadline 4 Submission - 9.51 Written summary of Applicant's case at Issue Specific Hearing 2 [REP4- 008]**

The Peak District National Park Authority [REP4-012] state that an appropriate assessment should have been undertaken in respect of the bird qualifying features of the SPA from noise and visual disturbance. d) Does Natural England have any comment to make on the issues raised in the previous question? e) Please confirm whether, or not, you are satisfied with the Applicant's explanation for discounting visual disturbance as an impact pathway (see [REP4-008]) to SPA birds

**Answer**

d) Natural England have previously utilised evidence as submitted by the applicant and the assessment that overall noise and vibration levels would be insignificant so that noise impacts from traffic changes could be screened out from the HRA. If there is uncertainty in the traffic modelling and noise levels from the scheme then these concerns should be addressed to enable the determination of whether an Appropriate Assessment is required in respect of noise through further evidence as required. As a rule of thumb, increases of 3dB or more against existing levels could be seen as significant.

e) Natural England are satisfied with the explanation provided in REP4-008 for discounting visual disturbance as an impact pathway to SPA birds.

**Question 12.19.**

Natural England

**Remaining concerns**

Apart from the issues covered elsewhere in these second written questions, please could Natural England summarise any remaining concerns that it has about the Applicant's consideration of biodiversity, ecological and geological conservation, or the Habitat Regulation Assessment?

Natural England has no remaining concerns to address.

**14.7.**

Natural England

**Remaining concerns**

Apart from the issues covered elsewhere in these second written questions, please could Natural England summarise any remaining concerns that it has about the Applicant's consideration of transboundary effects, cumulative and combined effects, or other important and relevant considerations?

**Answer**

Natural England has no further remaining concerns.