

REPORT on the IMPLICATIONS for EUROPEAN SITES (RIES)

Proposed

A57 Link Roads

An Examining Authority report prepared with the
support of the Planning Inspectorate's Environmental
Services Team

Planning Inspectorate Reference: TR010034

28 March 2022

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1 INTRODUCTION

1.1 Background

- 1.1.1 National Highways (formerly Highways England) (the Applicant) has applied to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA2008) for the proposed A57 Link Roads (previously known as the Trans Pennine Upgrade Programme) (the application). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the Secretary of State as to the decision to be made on the application.
- 1.1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive¹ and the Habitats Regulations² for applications submitted under the PA2008 regime. The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.1.3 This report compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the Applicant and interested parties, up to Deadline 7 of the examination (23 March 2022) in relation to potential effects to European Sites³. It is not a standalone document and should be read in conjunction with the examination documents referred to. Where document references are presented in square brackets [] in the text of this report, that reference can be found in the Examination library published on the National Infrastructure Planning website at the following link:
<https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme/>
- 1.1.4 It is issued to ensure that interested parties including the appropriate nature conservation body: Natural England (NE), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 63(3) of the Habitats Regulations. Following consultation the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The Report on Implications for European Sites (RIES) will not be revised following consultation.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

² The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

³ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

1.2 Documents used to inform this Report on Implications for European Sites (RIES)

- 1.2.1 The Applicant provided a HRA report entitled Habitats Regulation Assessment (HRA) Screening Report (TR010034/APP/5.3) [[APP-054](#)] with the DCO application. The Applicant also provided an assessment of likely significant effects arising from changes to air quality at designated habitats in Environmental Statement (ES) Appendix 8.4 [[APP-172](#)]. Appendix 8.4 primarily assesses impacts to designated habitats other than European sites, but it does also refer to the European sites.
- 1.2.2 The HRA Screening Report [[APP-054](#)] draws on information contained in other DCO application documents. These documents include:
- ES Chapter 5 Air Quality [[APP-061](#)]
 - ES Chapter 8 Biodiversity [[APP-064](#)]
 - ES Chapter 11 Noise and Vibration [[APP-067](#)]
 - ES Chapter 15 Cumulative Effects [[APP-071](#)]
 - ES Appendix 5.1 Air Pollutants [[APP-155](#)]
 - ES Appendix 5.5 Air Quality Model Results [[APP-159](#)]
 - Transport Assessment Report [[APP-185](#)]
- 1.2.3 The Applicant concluded within the HRA Screening Report [[APP-054](#)] that there would be no likely significant effects on all European sites screened.

Examination

- 1.2.4 In response to the ExA's questions during the Examination, the Applicant provided an updated HRA Screening Report [[REP2-004](#)] and separate screening matrices (prepared in accordance with Planning Inspectorate Advice Note 10⁴) [[REP2-044](#)]. These documents were both submitted at Deadline 2 (14 January 2022).
- 1.2.5 The Applicant also submitted updated versions of other DCO application documents used to inform the HRA Screening Report [[REP2-004](#)] at various deadlines, with the latest versions listed as below:
- ES Chapter 5 Air Quality [[REP3-006](#)]
 - ES Chapter 8 Biodiversity [[REP2-008](#)]
 - ES Chapter 11 Noise and Vibration [[REP3-007](#)]
 - ES Chapter 15 Cumulative Effects [[REP1-020](#)]
- 1.2.6 Documents were also submitted during the Examination by the Applicant and a number of interested parties (IPs). These included:

⁴ Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects, version 8, published November 2017 (Planning Inspectorate), available at <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-ten/> (28 March 2022)

Representations

- National Trust's (NT) Written Representation [[REP2-079](#)]
- NE's Written Representation [[REP2-080](#)]

Statements of Common Ground

- Statement of Common Ground (SoCG) with NE [[REP2-028](#)]

Other Documents

- The ExA's first written questions (FWQs) and requests for information – issued on 16 December 2021 [[PD-009](#)]
- Applicant's response to the ExA's FWQs [[REP2-021](#)]
- Peak District National Park Authority's (PDNPA) Local Impact Report (LIR) [[REP2-048](#)]
- NE's response to the ExA's FWQs [[REP2-054](#)]
- PDNPA's response to the ExA's FWQs [[REP2-055](#)]
- Applicant's comments on LIR submitted by PDNPA [[REP3-028](#)]
- Applicant's written summary of Applicant's case at Issue Specific Hearing (ISH) 2 [[REP4-008](#)]
- PDNPA's post-hearing submissions requested by the ExA [[REP4-012](#)]
- NT's post-hearing submissions requested by the ExA in lieu of attendance [[REP4-024](#)]
- NE's post-hearing submissions requested by the ExA in lieu of attendance [[REP4-025](#)]
- The ExA's second written questions (SWQs) and requests for information – issued on 2 March 2022 [[PD-012](#)]
- Applicant's response to the ExA's SWQs [[REP6-017](#)]
- NE's response to the ExA's SWQs [[REP6-029](#)]
- NT's response to the ExA's SWQs [[REP6-028](#)]
- PDNPA's response to the ExA's SWQs [[REP6-038](#)]
- Applicant's comments on Deadline 6 responses [[REP7-026](#)]
- The CPRE Peak District and South Yorkshire Branch (CPRE) response to the Applicant's [[REP6-017](#)] answers to SWQs [[REP7-036](#)]

1.3 Structure of this RIES

1.3.1 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the Examination period, up to 23 March 2022. It provides an overview of the issues that have emerged during the Examination.
- **Section 3** identifies the European sites and qualifying features screened by the Applicant for potential likely significant effects, either alone or in combination with other projects and plans. The section also identifies where IPs have disputed the Applicant's conclusions during the Examination.

2 OVERVIEW

2.1 European Sites Considered

2.1.1 The Proposed Development is not connected with, or necessary to the management for nature conservation of, any of the European site(s) considered within the Applicant's assessment.

2.1.2 The Applicant has not identified any potential impacts on European sites in other European Economic Area (EEA) States. Only UK European sites are addressed in this RIES.

2.1.3 The Applicant's HRA Screening Report [[APP-054](#)] [[REP2-004](#)] considered European sites in accordance with the criteria in Design Manual for Roads and Bridges (DMRB) LA 115 Habitats Regulations Assessments (described in Section 4 of the HRA Screening Report), where the Proposed Development:

- Is within 2km of a European site or functionally linked land; and/ or
- Is within 30km of a Special Area of Conservation (SAC) where bats are noted as a qualifying feature; and/ or
- Crosses or lies adjacent to, upstream or downstream of a watercourse that is designated in part or wholly as a European site; and/ or
- Has a potential hydrological or hydrogeological linkage to a European site with a groundwater dependent terrestrial ecosystem that triggers the criteria for assessment in DMRB LA 113 Road Drainage and the Water Environment; and/ or
- Has an Affected Road Network (ARN) that triggers the criteria for assessment in DMRB LA 105 Air Quality.

2.1.4 The European sites identified by the Applicant, for which the UK is responsible, are detailed in Table 2.1.

Table 2.1: Sites identified in the Applicant's HRA Report

Name of European Site	Distance from application site (nearest point)
Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA)	Approximately 2.2km north east of the Proposed Development. Within 200m of the ARN.
South Pennine Moors SAC	Approximately 2.2km north east of the Proposed Development. Within 200m of the ARN.

2.1.5 The qualifying features of these sites are shown in Tables 3.1 and 3.2 of this RIES.

- 2.1.6 No additional European sites were identified during the Examination by either the Applicant or other IPs as being potentially affected.

2.2 Potential impacts

- 2.2.1 The potential impacts considered by the Applicant in respect of the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC are detailed in Section 5 of the HRA Screening Report [[APP-054](#)] [[REP2-004](#)] and Appendix B Planning Inspectorate Screening Matrices [[REP2-044](#)]. The potential impact pathways are summarised in Tables 3.1 and 3.2.
- 2.2.2 NE [[REP2-080](#)] identified that the main issue was whether the Proposed Development will lead to an increase in traffic on roads within the Peak District National Park (PDNP) during operation that could lead to associated air quality impacts on habitats for which the SPA and SAC could be affected. NE [[REP2-080](#)] confirmed that it was satisfied evidence provided by the Applicant '*demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European site.*'
- 2.2.3 The ExA (FWQ12.14 [[PD-009](#)]) sought clarification from the Applicant as to the potential for HGV movements to be routed on roads passing through the European sites during construction of the Proposed Development. The Applicant (FWQ12.14 [[REP2-021](#)]) confirmed that construction traffic is not expected to be routed via the A57 and/ or A628 and there would be no HGV movements passing through the European sites due to scheme construction.
- 2.2.4 *The ExA requests the Applicant to update the Outline Traffic Management Plan [[REP1-038](#)] and Register of Environmental Actions and Commitments (REAC) [[REP5-012](#)] to secure a commitment to these measures in the dDCO [[REP6-002](#)].*
- 2.2.5 During the Examination, two IPs (PDNPA and NT) raised concerns about the evidence submitted by the Applicant to screen out impacts identified in the HRA Screening Report [[APP-054](#)] [[REP2-004](#)] and Appendix B PINS Screening Matrices [[REP2-044](#)]. These impacts are discussed further in Section 3 of this RIES.
- 2.2.6 PDNPA [[REP2-048](#)] [[REP2-055](#)] also identified additional impact pathways that it considers should have been subject to screening for likely significant effects, as follows:
- Visual disturbance to the bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA.
 - Wildfire risk to blanket bog and upland heath habitat qualifying features of the South Pennine Moors SAC.
- 2.2.7 NT [[REP2-079](#)] made general comments about the potential for increased recreational pressure, noise and visual disturbance, and air pollution to the Peak District National Park as a result of increased traffic flows arising from the Proposed Development. It was unclear whether NT's comments

were made with reference to the potential for significant effects to the bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA, therefore clarification was sought from NT in the ExA's SWQs (see response to SWQ12.10 [PD-012]). NT [REP6-028] confirmed that the comments were general and did not relate specifically to the potential for significant effects to the bird qualifying features of the SPA.

- 2.2.8 The ExA (SWQ12.9 [PD-012]) sought clarification from PDNPA that their concerns related only to the operational phase of the Proposed Development, considering the information submitted by the Applicant [APP-054] [REP2-004] [REP2-021] to demonstrate that there would be no impact pathways to the European sites during construction. PDNPA [REP6-038] confirmed that the concerns relate to the operational phase only.
- 2.2.9 *The ExA requests the NT to confirm that any outstanding concerns it has about screening out of likely significant effects to South Pennine Moors SAC that only relate to the operational phase of the Proposed Development or, if not, to provide an explanation of the basis for any concerns about the construction phase.*
- 2.2.10 The ExA (SWQ12.3 [PD-012]) also sought clarification from the Applicant as to the potential for air and particulate contamination in runoff to affect peat deposits (and future health of the moss) within the Peak District National Park. The Applicant [REP6-017] stated that there are no potential impact pathways for particulate in runoff as the Peak District National Park is located upstream from the Proposed Development and that impacts upon habitats within the National Park have been screened out as part of the HRA Screening Report [REP2-004].
- 2.2.11 *The ExA requests the Applicant to comment on the potential for impacts from the Proposed Development on the qualifying features of the European sites, in particular blanket bog/ peatland, arising from an increase in particulates (including from tyre and brake wear, and any other relevant sources) associated with increased road traffic along the ARN within 200m of the European sites.*
- 2.2.12 *The ExA requests NE to comment on whether the increase in particulates in runoff and any other relevant sources of particulate from the ARN within 200m of the European sites represents a potential impact pathway for likely significant effects on any of the qualifying features.*

2.3 In combination

- 2.3.1 The Applicant has addressed potential in combination effects from air quality in the HRA Screening Report (Section 5 of [APP-054] [REP2-004] [REP2-044]). The projects considered in the Applicant's in combination assessment are detailed in Table 5-3 of the HRA Screening Report and Table 15-7 of ES Chapter 15 [REP1-020]. The Applicant confirmed (FWQ12.17 of [REP2-021]) that the schemes identified for the cumulative assessment in ES Chapter 15 were also considered as part of the in combination assessment.
- 2.3.2 The Applicant's HRA Screening Report [APP-054] [REP2-004] [REP2-044] (Tables B.4 and B.5) stated that there would be no likely significant in

combination effects during construction of the Proposed Development as there are no impact pathways due to the distance of the Proposed Development from the European sites.

- 2.3.3 The Applicant's HRA Screening Report [[APP-054](#)] [[REP2-004](#)] [[REP2-044](#)] (Tables 6.1 and 6.2) concluded that there would be no likely significant in combination effects during operation of the Proposed Development due to a number of reasons, including the location of the roads potentially affected and the mitigation proposed within the other plans and projects to prevent adverse air quality effects on the European sites.
- 2.3.4 The ExA (FWQ12.15 to 12.18 [[PD-009](#)]) sought clarification from the Applicant as to its approach to in combination assessment, including further information about how areas of search used for plans and projects were defined and how plans and projects not within the Proposed Development's traffic model were assessed. The Applicant [FWQ12.15 to 12.18 [[REP2-021](#)]) confirmed that the search area included all local authorities surrounding the Proposed Development and that plans and projects not within the traffic model were separately reviewed to reach a conclusion that there would be no adverse significant effects as described in ES Chapter 15 [[REP1-020](#)].
- 2.3.5 The scope of the in combination assessment was not disputed by NE [[REP2-080](#)], NT [[REP2-079](#)] or PDNPA [[REP2-048](#)] [[REP2-055](#)].

3 STAGE 1: LIKELY SIGNIFICANT EFFECTS

3.1 The Applicant's assessment

- 3.1.1 The Applicant's HRA Screening Report [[APP-054](#)] concluded that the Proposed Development would have no likely significant effects during construction or operation, either alone or in combination with other projects or plans, on any of the qualifying features of the two European sites screened into assessment. It is stated that the assessment is limited to construction and operation as there is '*no foreseen decommissioning to consider.*'
- 3.1.2 These conclusions were unchanged in the revised HRA Screening Report [[REP2-004](#)] and Appendix B Planning Inspectorate Screening Matrices [[REP2-044](#)].
- 3.1.3 Tables 3.1 and 3.2 identify the qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC respectively, together with the potential impacts screened by the Applicant for likely significant effects and the Applicant's conclusions.

Table 3.1: The Applicant's screening exercise for Peak District Moors (South Pennine Moors Phase 1) SPA

Features	Potential impact (construction and operation)	Screening result: LSE?	Assessment of effects on integrity required?
Short-eared owl (breeding)	Noise disturbance	No	No
	Reduction in species' density arising from habitat impacts through adverse changes in air quality along the ARN, affecting presence and availability of prey species	No	No
	Reduction in species' density arising from increased risk of collision along the ARN	No	No
	In combination effects	No	No
Merlin (breeding)	Noise disturbance	No	No
	Reduction in species' density arising from habitat impacts through adverse changes in air quality along the ARN, affecting presence and availability of prey species	No	No
	Reduction in species' density arising from increased risk of collision along the ARN	No	No
	In combination effects	No	No
Golder plover (breeding)	Noise disturbance	No	No
	Reduction in species' density arising from habitat impacts through adverse changes in air quality along the ARN, affecting presence and availability of prey species	No	No
	Reduction in species' density arising from increased risk of collision along the ARN	No	No
	In combination effects	No	No

Table 3.2: The Applicant's screening exercise for South Pennine Moors SAC

Features	Potential impact (construction and operation)	Screening result: LSE?	Assessment of effects on integrity required?
European dry heaths (4030)	Habitat degradation through adverse changes in air quality along the ARN	No	No
	In combination effects	No	No
Blanket bogs (7130)	Habitat degradation through adverse changes in air quality along the ARN	No	No
	In combination effects	No	No
Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0)	Habitat degradation through adverse changes in air quality along the ARN	No	No
	In combination effects	No	No
Northern Atlantic wet heaths with Erica tetralix (4010)	Habitat degradation through adverse changes in air quality along the ARN	No	No
	In combination effects	No	No
Transition mires and quaking bogs (7140)	Habitat degradation through adverse changes in air quality along the ARN	No	No
	In combination effects	No	No

3.2 Pre-examination and examination

- 3.2.1 NE agreed with the Applicant's screening conclusions during the Examination [[REP2-028](#)] [[REP2-054](#)] [[REP2-080](#)] [[REP4-025](#)] [[REP6-029](#)] and did not raise any comments about the lack of assessment of the decommissioning phase. The Applicant's screening conclusions for the construction phase of the Proposed Development were not disputed by PDNPA (see response to SWQ12.9 [[REP6-038](#)]).
- 3.2.2 The Applicant's screening conclusions about the operational phase of the Proposed Development were disputed by PDNPA [[REP2-048](#)] [[REP2-055](#)] [[REP4-012](#)], who considered that additional pathways of effect should be considered for the sites and qualifying features described below.
- Peak District Moors (South Pennine Moors Phase 1) SPA:
 - Visual disturbance – all bird qualifying features.
 - South Pennine Moors SAC:
 - Habitat degradation through adverse changes in air quality along the A628 in the ARN – blanket bog and upland heath qualifying features.
 - Wildfire risk from increased vehicle movements along the ARN – blanket bog and upland heath qualifying features.
- 3.2.3 NT [[REP2-079](#)] also raised concerns about these matters, in particular the potential for effects from atmospheric pollution to the SAC during operation and how these might impact on the objective to restore levels of deposition to at, or below, the Critical Load. NT did not state that it disputed the Applicant's screening conclusions.
- 3.2.4 CPRE [[REP7-036](#)] stated that it did not have confidence in the Applicant's traffic increase figures used for the purposes of screening out the A628 from further assessment of impacts to the Peak District National Park and it supported PDNPA's position on this matter.
- 3.2.5 PDNPA also disputed some of the Applicant's screening conclusions and considered that the following sites and features should be subject to consideration of Adverse Effects on Integrity (AEoI):
- Peak District Moors (South Pennine Moors Phase 1) SPA:
 - Noise and visual disturbance – all bird qualifying features.
 - Reduction in species' density from increased risk of collision along the ARN – short-eared owl (breeding) and merlin (breeding).
- 3.2.6 PDNPA and NT did not comment upon the potential for changes to habitat within the Peak District Moors (South Pennine Moors Phase 1) SPA to affect the presence and availability of prey species for the bird qualifying features. The ExA has therefore assumed that the Applicant's screening conclusions of no likely significant effects in respect of this impact pathway are accepted.

- 3.2.7 NT [[REP4-024](#)] confirmed that it did not dispute the Applicant's screening conclusions in respect of increased risk of collision to bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA.
- 3.2.8 The key issues discussed during the Examination in relation to screening for likely significant effects and relevant documents (up to Deadline 7) are described in Table 3.3. The 'Matter agreed' column of Table 3.3 sets out the ExA's outstanding queries. The Applicant and relevant IPs are invited to comment.

Table 3.3 Issues raised during the Examination by PDNPA, NT, CPRE and the ExA in relation to the Applicant’s screening of likely significant effects (up to Deadline 7)

Site	Issue	Relevant documents	Matter agreed with IPs?
<p>Peak District Moors (South Pennine Moors Phase 1) SPA</p>	<p>Noise disturbance from increased traffic flows along the ARN – all bird qualifying features</p>	<p>The Applicant [REP3-028] [REP4-008] explained that the predicted noise levels from the ARN in proximity to the SPA have potential to cause moderate to low behavioural changes on avifauna (such as alarm calls, heads up, change in feeding/ roosting activity). The Applicant states that these changes are possible with or without the Proposed Development and it is considered that resident populations of the bird qualifying features are habituated to the existing noise of operational upland roads.</p>	<p>Agreed with NE and NT, not agreed with PDNPA</p> <p>NE [REP2-080] confirmed it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the site.</p> <p>NE [REP4-025] confirmed it is satisfied sufficient evidence had been submitted to exclude the possibility of likely significant effects to ground breeding birds, ie all bird qualifying features.</p> <p>NT [REP6-028] confirmed that the comments raised were of a general nature about noise impacts to the Peak District National Park, rather than specifically in relation to qualifying features of the SPA.</p> <p>NE [REP6-029] stated that evidence submitted by the Applicant about noise and vibration levels from additional traffic during operation had been used to reach a conclusion that noise impacts would</p>

Site	Issue	Relevant documents	Matter agreed with IPs?
	<p>levels. PDNPA suggested this matter should have been taken forward for appropriate assessment.</p> <p>The ExA (SWQ12.11 [PD-012]) requested additional information from the Applicant about habitats used during breeding and foraging, the location of these relative to the ARN, baseline and predicted noise levels at relevant locations and a response to matters raised by PDNPA.</p>		<p>be insignificant and could be screened out of further assessment. NE stated that if there is any uncertainty in the traffic modelling and noise levels, this should be addressed to determine whether an appropriate assessment is required. NE stated that, as a general rule of thumb, an increase of 3dB or more against existing noise levels could be significant.</p> <p>The Applicant provided further information at Deadline 6 (see responses to SWQ12.4 and 12.11 of [REP6-017]). It is stated that the ARN and boundary of the SPA are shown on ES Figure 5.2(ii) [APP-078]. This plan shows the SPA boundary, which is immediately adjacent to the road for the first western stretch but is set back from the road as it travels eastwards. The plan does not illustrate the different habitats within the SPA. The description of the habitats as previously provided in [REP2-004] is set out together with confirmation that all habitats within the SPA are suitable for foraging by birds. The Applicant states that</p>

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Site	Issue	Relevant documents	Matter agreed with IPs?
			<p>[REP3-007] sets out the likely noise impacts on the ARN, concluding that for the A628 the existing level is 71dB and the predicted change is expected to be 0.2dB, ie not significant, and for the A57 the existing level is 63.1dB and the predicted change is 2.3dB, which would be discernible but not significant. The Applicant states that there is little scientific research into noise levels and perceived changes to individual bird species, but golden plover are assessed in the Waterbird Disturbance Mitigation Toolkit, which concluded that they are 'moderately sensitive to noise disturbance' and a precautionary approach assumes tolerance of noise up to 72dB being acceptable with caution at levels above 55dB. The Applicant notes the existing 'high number of vehicles using the roads', and reiterates that species are likely to already be habituated to noise.</p> <p><i><u>PDNPA are requested to comment on whether the information provided by the Applicant alleviates their concerns about the potential</u></i></p>

Site	Issue	Relevant documents	Matter agreed with IPs?
			<p><i>for likely significant effects to the qualifying bird features of the SPA. If not, please explain what further information they consider to be necessary.</i></p> <p><i>NE is requested to provide any comments it has on the further information submitted by the Applicant at Deadline 6 [REP6-017] and/ or the concerns of PDNPA.</i></p>
<p>Peak District Moors (South Pennine Moors Phase 1) SPA</p>	<p>Visual disturbance from increased traffic flows along the ARN – all bird qualifying features</p>	<p>PDNPA [REP2-048] [REP2-055] raised concerns about impacts from visual disturbance during operation as a result of additional vehicles on the A57 and A628, which pass through the SPA.</p> <p>PDNPA [REP4-012] stated that insufficient evidence had been presented to screen out this impact pathway, questioning the basis for the Applicant’s statements that breeding habitat would be located away from the road and that species would be habituated to existing roads, and noting that the Site Improvement Plan for the SPA</p>	<p>The Applicant [REP4-008] explained that the only potential form of visual disturbance is from change in vehicle numbers along the A57 and A628. The Applicant concluded that the change would be de minimis on the basis of a comparison of average hourly increases in traffic flow between the modelled Do Minimum (DM) and Do Something (DS) scenarios during off-peak, ie night-time, when the impact of change would be greatest. The average hourly increase in vehicle passes would be at most an additional 29 passes for the</p> <p>Agreed with NE, not agreed with PDNPA</p> <p>NE [REP2-080] confirmed it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the site.</p> <p>NE [REP4-025] confirmed it is satisfied sufficient evidence had been submitted to exclude the possibility of likely significant effects on ground breeding birds, ie all bird qualifying features.</p> <p>NE [REP6-029] confirmed it is satisfied with the Applicant’s explanation provided in [REP4-008] for discounting visual disturbance as a potential impact pathway.</p>

Site	Issue	Relevant documents	Matter agreed with IPs?	
		<p>is not intended to predict all pressures that could arise. PDNPA suggested this matter should have been taken forward for appropriate assessment.</p> <p>The ExA (SWQ12.11 [PD-012]) requested additional information from the Applicant about habitats used during breeding and foraging and the location of these relative to the ARN to support its statements about habitats being located away from the ARN.</p>	<p>A57 and an additional 27 passes for the A628 in the DS scenario compared to the DM scenario (of between 63 and 90 passes on the A57 and between 225 and 301 passes on the A628) in the modelled year from 2025 to 2051. The Applicant notes that the level of traffic experienced would be a constant visual impact on qualifying features and the projected increase in vehicles would not alter this. The Applicant concluded that further assessment was not required.</p>	<p>The Applicant provided further information at Deadline 6 (see response to SWQ12.11 of [REP6-017]) about the location of habitats and foraging areas, as described above in respect of noise disturbance.</p> <p><i>PDNPA is requested to comment on whether the information provided by the Applicant alleviates its concerns. If not, please explain what further information it considers to be necessary.</i></p> <p><i>NE is requested to provide any comments it has on the further information submitted by the Applicant at Deadline 6 and/ or the concerns of PDNPA.</i></p>
<p>Peak District Moors (South Pennine Moors Phase 1) SPA</p>	<p>Reduction in species' density from increased risk of collision along the ARN – short-eared owl (breeding) and merlin (breeding)</p>	<p>PDNPA [REP2-048] [REP2-055] and NT [REP2-079] raised concerns about impacts from increased risk of collision during operation as a result of additional vehicles on the A57 and A628, which pass through the SPA.</p> <p>PDNPA [REP4-012] stated that insufficient evidence had been presented to screen out</p>	<p>The Applicant [REP4-008] submitted further information to support its conclusion of no likely significant effects, stating that mortality from road collision is not a vulnerability of the SPA and that the species would be habituated to the existing roads as they are major</p>	<p>Agreed with NE and NT, not agreed with PDNPA</p> <p>NE [REP2-080] confirmed it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effects on the integrity of the site.</p> <p>NE [REP4-025] confirmed it is satisfied that sufficient evidence had been submitted to exclude the</p>

Site	Issue	Relevant documents	Matter agreed with IPs?
	<p>this impact pathway, questioning the basis for the Applicant's statements that breeding habitat would be located away from the road and that species would be habituated to existing roads, whilst noting that the population size for each of these qualifying features is small. PDNPA suggested this matter should have been taken forward for appropriate assessment.</p> <p>The ExA (SWQ12.11[PD-012]) requested additional information from the Applicant about habitats used during breeding and foraging and the location of these relative to the ARN to support its statements about habitats being located away from the ARN.</p>	<p>routes through the European site, with 10,700 annual average daily traffic (AADT) on the A628 and 3,050 AADT on the A57 in the baseline condition.</p>	<p>possibility of likely significant effects on ground breeding birds, ie all bird qualifying features.</p> <p>NT [REP4-024] confirmed it did not dispute the Applicant's conclusion of no likely significant effects.</p> <p>The Applicant provided further information at Deadline 6 (see response to SWQ12.11 of [REP6-017]) about the location of habitats and foraging areas, as described above in respect of noise disturbance. The Applicant also stated (in response to SWQ12.4) that there does not appear to be any long term surveys of bird traffic fatalities in the UK, but a series of independent surveys have all used different survey intensities, methodologies and study areas and on differing species' groups and it is therefore difficult to draw sound conclusions from the cited studies.</p> <p><i><u>PDNPA is requested to comment on whether the information provided by the Applicant alleviates its concerns. If not, please explain what further information it considers to be necessary.</u></i></p>

Site	Issue	Relevant documents	Matter agreed with IPs?
			<p><i>NE is requested to provide any comments it has on the further information submitted by the Applicant at Deadline 6 and/ or the concerns of PDNPA.</i></p>
<p>Peak District Moors (South Pennine Moors Phase 1) SPA</p>	<p>Reduction in species' density from increased risk of collision along the ARN – golden plover (breeding)</p>	<p>PDNPA [REP2-048] [REP2-055] and NT [REP2-079] raised concerns about impacts from increased risk of collision during operation as a result of additional vehicles on the A57 and A628, which pass through the SPA.</p>	<p>Yes</p> <p>NE [REP2-080] confirmed it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the site.</p> <p>NE [REP4-025] confirmed it is satisfied that sufficient evidence had been submitted to exclude the possibility of likely significant effects on ground breeding birds, ie all bird qualifying features.</p> <p>PDNPA [REP4-012] confirmed it did not dispute the Applicant's conclusion of no likely significant effects on golden plover (breeding) due to their feeding behaviour and reduced significance of individual collisions given the larger population.</p> <p>NT [REP4-024] confirmed it did not dispute the Applicant's conclusion of no likely significant effects.</p>

Site	Issue		Relevant documents	Matter agreed with IPs?
<p>Peak District Moors (South Pennine Moors Phase 1) SPA</p>	<p>Increased recreational pressure arising from additional traffic vehicle movements along the ARN – all bird qualifying features</p>	<p>NT [REP2-079] raised the possibility of increased recreational pressure as an additional impact pathway arising from increased vehicles numbers, for example from parking, footfall, litter and fire risk adjacent to the A57.</p>	<p>The Applicant’s HRA Screening Report [APP-054] [REP2-004] states that as the proposal relates to road infrastructure, it is unlikely to result in an increase in recreational activities. It was not considered further in the screening assessment.</p>	<p>Yes</p> <p>NE [REP2-080] confirmed it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the site.</p> <p>NE [REP4-025] confirmed it is satisfied sufficient evidence has been submitted to exclude the possibility of likely significant effects on ground breeding birds, ie all bird qualifying features.</p> <p>The ExA (SWQ12.10 [PD-012]) requested clarification from NT as to whether it still considered this was a possible impact pathway for likely significant effects.</p> <p>NT [REP6-028] confirmed that the comments raised were of a general nature about impacts from increased recreational pressure to the Peak District National Park, rather than specifically in relation to qualifying features of the SPA.</p>
<p>South Pennine Moors SAC</p>	<p>Habitat degradation through adverse changes in air</p>	<p>PDNPA [REP2-048] [REP2-055] raised concerns about confidence limits in traffic data, which the Applicant</p>	<p>The Applicant [APP-054] [REP2-004] identified +960 vehicles along the A628 at opening year (2025),</p>	<p>Agreed with NE, TBC with NT and CPRE, not agreed with PDNPA</p>

Site	Issue	Relevant documents	Matter agreed with IPs?
	<p>quality along the ARN – blanket bog and upland heath qualifying features</p>	<p>reduced to +846 vehicles where the European site is roadside, which is below the threshold for further air quality assessment in the DMRB LA 105 (1,000 AADT). The Applicant [REP2-021] provided further explanation of traffic modelling in its responses to FWQ7.13 and FWQ12.13. It confirmed that the opening year (2025) rather than design year (2040) is used to define the ARN as the worst case for air quality is ordinarily the opening year given the expected reduction in vehicle emissions in future years. Appendix C of the HRA Screening Report was updated [REP2-004] as the previous version included outdated data, which did not reflect design changes prior to submission. The Applicant [REP3-028] explained that modelled transect receptor points within 200m of the A57</p>	<p>NE (FWQ7.14 [REP2-054]) confirmed it had no outstanding concerns about the air quality assessment in terms of HRA and that it was unlikely there would be any significant air quality effects on designated sites. The ExA (SWQ12.14 [PD-012]) requested PDNPA to confirm if it has any further comments to make about air quality changes in the context of HRA in light of information provided by the Applicant and comments of NE. <i>NT is requested to confirm if it is satisfied by the Applicant's explanation for the decision not to undertake further air quality assessment of the A628 in terms of HRA. If not, please explain what further information it considers is required.</i> PDNPA (SWQ12.13 [REP6-038]) maintained its position, stating that figures for nitrogen deposition are only marginally below the AADT threshold and if the margin of error falls above a 95% significance level then consideration of the potential impacts of nitrogen deposition</p>

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		<p>show changes in nitrogen deposition were less than 0.4kg N/ha/yr with no likely significant effects. For receptors on the A628, where AADT is lower and the boundary of the European site is further from the road (more than 50m) the nitrogen deposition would be less and therefore not significant.</p> <p>The Applicant [REP4-008] provided further explanation of the approach taken to assessment of air quality impacts and confidence limits in traffic modelling. It reiterated that predicted flows along the A628 in the opening year would be +950 (rounded to the nearest 50) and therefore below the screening threshold in DMRB LA 105. ES Appendix 8.4 [APP-172] presents the ecological assessment undertaken for air quality impacts to designated sites along the A57.</p>	<p>should be undertaken and form part of an appropriate assessment, on the basis that a significant impact on SAC qualifying habitats cannot be ruled out.</p> <p>CPRE [REP7-036] stated that it supported PDNPA's position in terms of not having confidence in the Applicant's traffic data used to screen out effects on the A628 and not being satisfied by the additional explanation provided by the Applicant.</p> <p>The Applicant [REP7-026] referred to its previous responses and restated its position that any air quality impacts to European sites from increased vehicles along the A628 would be less than that assessed for the A57, ie not significant. The Applicant referred to a previous response (see RR-0240-23 in [REP1-042]) in respect of the impact of the Covid-19 pandemic on forecast traffic demand.</p>

Site	Issue	Relevant documents	Matter agreed with IPs?
<p>South Pennine Moors SAC</p>	<p>Habitat loss from increased frequency of wildfires through additional vehicle movements along the ARN – blanket bog and upland heath qualifying features</p>	<p>PDNPA [REP2-048] [REP2-055] raised concerns about increased wildfire risk associated with higher traffic flows along the A57 and A628, noting that between 2007-2016 there were 260 recorded wildfires on the Peak District Moors, of which 28 had causes attributed with 1 being to a vehicle, 6-7 being to discarded cigarettes.</p>	<p>Yes</p> <p>NE [REP2-080] confirmed that it is satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the European site.</p> <p>The ExA (SWQ12.13 [PD-012]) requested PDNPA to confirm if it was satisfied by the explanation provided by the Applicant.</p> <p>PDNPA (SWQ12.13 [REP6-038]) confirmed that it was satisfied with the Applicant’s response and accepted that <i>‘whilst they may have “no effect”, the proposals are unlikely to result in a significant increase in wildfire risk.’</i></p>

3.3 Position at the time of publication of this RIES

- 3.3.1 A breakdown of the ExA's understanding of the Applicant's conclusions regarding likely significant effects for all qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC is provided at Tables 3.4 and 3.5 of this RIES respectively. This is based on the information provided within the HRA Screening Report, the PINS screening matrices and clarifications received during the Examination. Tables 3.4 and 3.5 include the additional impact pathways raised by PDNPA and NT during the Examination (as described in Section 2 of this RIES), shaded in pink.
- 3.3.2 At the time of publication, the ExA understands that NE is in agreement with the Applicant's conclusions and is satisfied that the information submitted demonstrates beyond reasonable scientific doubt that there would be no likely significant effects on the European sites from the construction and operation of the Proposed Development either alone or in combination.
- 3.3.3 The ExA also understands that NT does not dispute the Applicant's conclusions that there would be no likely significant effects to the qualifying features of the European sites from the Proposed Development either alone or in combination. The ExA seeks confirmation from NT that this assumption is correct for the operational phase of the Proposed Development alone in the following instances (as outlined in Table 3.3):
- Upland heath and blanket bog qualifying features of the South Pennine Moors SAC from habitat degradation through adverse changes in air quality along the ARN.
- 3.3.4 The ExA understands that PDNPA is not in agreement with the Applicant's conclusions of no likely significant effects during operation of the Proposed Development alone for:
- All bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA from noise and visual disturbance; and
 - Short-eared owl (breeding) and merlin (breeding) of the Peak District Moors (South Pennine Moors Phase 1) SPA from a reduction in species density arising from increased risk of collision along the ARN.
 - Upland heath and blanket bog qualifying features of the South Pennine Moors SAC from habitat degradation through adverse changes in air quality along the ARN.
- 3.3.5 The ExA understands that PDNPA consider that these matters should have been taken forward to an appropriate assessment to determine whether the Proposed Development would have an AEoI of the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC.
- 3.3.6 As noted in Table 3.3, PDNPA is invited to comment on whether the Applicant's responses at Deadline 6 have alleviated these concerns and to confirm its position with regards to likely significant effects.

- 3.3.7 The Applicant, CPRE, NE, NT and PDNPA are invited to comment on the ExA's understanding as set out in Tables 3.4 and 3.5, and to identify and explain any discrepancies where relevant.

Table 3.4: The ExA's understanding of the Applicant's screening exercise and degree of agreement with NE, NT and PDNPA for Peak District Moors (South Pennine Moors Phase 1) SPA at Deadline 7

Features	Potential impact (operation only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
Short-eared owl (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species' density arising from habitat impacts through changes in air quality along the ARN, affecting the presence of and availability of prey species	No	Yes	Yes	No	Yes	Yes
	Reduction in species' density arising from increased risk of collision along the ARN	No	Yes	Agreed with NT PDNPA not agreed	No	Yes	Agreed with NT PDNPA not agreed
	Visual disturbance	No*	Yes	PDNPA not agreed Not raised by NT	No	Yes	PDNPA not agreed Not raised by NT
	Recreational pressure	No**	Yes	Not disputed by NT Not raised by PDNPA	No	Yes	Not disputed by NT Not raised by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes

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Features	Potential impact (operation only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
Merlin (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species density arising from habitat impacts through changes in air quality along the ARN, affecting the presence of and availability of prey species	No	Yes	Yes	No	Yes	Yes
	Reduction in species density arising from increased risk of collision along the ARN	No	Yes	Agreed with NT PDNPA not agreed	No	Yes	Agreed with NT PDNPA not agreed
	Visual disturbance	No*	Yes	PDNPA not agreed Not raised by NT	No	Yes	PDNPA not agreed Not raised by NT
	Recreational pressure	No**	Yes	Not disputed by NT Not raised by PDNPA	No	Yes	Not disputed by NT Not raised by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes
Golder plover (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species density arising from	No	Yes	Yes	No	Yes	Yes

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Features	Potential impact (operation only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
	habitat impacts through changes in air quality along the ARN, affecting the presence of and availability of prey species						
	Reduction in species density arising from increased risk of collision along the ARN	No	Yes	Agreed with NT PDNPA not agreed	No	Yes	Agreed with NT PDNPA not agreed
	Visual disturbance	No*	Yes	PDNPA not agreed Not raised by NT	No	Yes	PDNPA not agreed Not raised by NT
	Recreational pressure	No**	Yes	Not disputed by NT Not raised by PDNPA	No	Yes	Not disputed by NT Not raised by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes

*Applicant's written summary of case at ISH 2 [[REP4-008](#)] provided information to explain why the change would be de minimis and therefore was not considered for likely significant effects.

**From Tables 5.1 and 5.2 Applicant's HRA Screening Report [[APP-054](#)] [[REP2-004](#)].

Table 3.5: The ExA's understanding of the Applicant's screening exercise and degree of agreement with NE, NT and PDNPA for South Pennine Moors SAC at Deadline 7

Features	Potential impact (operation only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA and/ or CPRE?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
European dry heaths (4030)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	TBC with NT and CPRE Not agreed with PDNPA	No	Yes	TBC with NT and CPRE Not agreed with PDNPA
	Habitat loss from increased risk of wildfire risk arising from additional vehicle movements	No*	Yes	Agreed with PDNPA Not raised by NT or CPRE	No	Yes	Agreed with PDNPA Not raised by NT or CPRE
	In combination effects	No	Yes	Yes	No	Yes	Yes
Blanket bogs (7130)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	TBC with NT and CPRE Not agreed with PDNPA	No	Yes	TBC with NT and CPRE Not agreed with PDNPA
	Habitat loss from increased risk of wildfire risk arising from additional vehicle movements	No*	Yes	Agreed with PDNPA Not raised by NT or CPRE	No	Yes	Agreed with PDNPA Not raised by NT or CPRE
	In combination effects	No	Yes	Yes	No	Yes	Yes

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Features	Potential impact (operation only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA and/ or CPRE?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes
Northern Atlantic wet heaths with Erica tetralix (4010)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes
Transition mires and quaking bogs (7140)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes

*Applicant's comments on the Local Impact Report submitted by PDNPA [[REP3-028](#)] provided information to explain why wildfire risk was not considered to be an impact pathway for likely significant effects.