

A57 Link Roads Scheme DCO Application

**Representation and response on behalf
of the Peak District National Park
Authority to the Examining Authority's
questions and requests for information
which formed part of the agenda for
Issue Specific Hearing 3, or arose from
discussions at the Hearing (issued 28th
March 2022)**

**Produced by the Peak District National Park
Authority (April 2022)**

Submitted 13th April 2022

Application by Highways England for an Order Granting Development Consent for A57 Link Roads

The Examining Authority's questions and requests for information which formed part of the agenda for Issue Specific Hearing 3 or which arose from discussions at Issue Specific Hearing 3 – Issued on 28th March 2022

Response on behalf of the Peak District National Park Authority.

Item 2	TRANSPORT NETWORKS AND TRAFFIC
	Traffic outside the Order Limit
	Highway safety in the Peak District National Park
	<p>Peak District National Park Authority</p> <p>In the Applicant's comments [REP7-026] on Tim Nicholson's response on behalf of Peak District National Park Authority to the ExA's Second Written Questions [REP6-038 Q3.11] the Applicant identifies two speed camera based traffic management schemes on routes within the Peak District National Park. In their response to the ExA's Second Written Questions [REP6-038] the Peak District National Park Authority voices opposition to such a scheme on the A57 Snake Pass and the A628(T) Woodhead Pass.</p> <p>hh) Did the Peak District National Park Authority have similar reservations on the two schemes cited for implementation?</p> <p>The applicant's comments [REP7-026] include reference to two proposed average speed camera schemes: -</p> <ul style="list-style-type: none">• A5004 Buxton to Whalley Bridge "Long Hill" – average speed cameras for a 50mph speed limit• A5012 Cromford to Newhaven – average speed cameras <p>To date, the Peak District National Park Authority has not been formerly consulted on either of these schemes by Derbyshire County Council. Without knowing the details of either proposed scheme, the Authority is unable to provide comment.</p> <p>However, the principles established within the Peak District National Park Transport Design Guide Supplementary Planning Document and quoted within our previous response [REP6-038] would equally apply to the schemes described above (A5004 Long Hill and A5012 Via Gellia).</p> <p>In effect our planning policy starting point would be: -</p>

“Whilst recognising the traffic calming effects of average speed camera schemes, the Authority is also concerned about the visual intrusion of such schemes. Given the visual impact that average speed cameras (and their associated infrastructure) have on the setting of the National Park; the Authority’s preferred approach would be to utilise other measures as discussed above, to address the enforcement of speeding vehicles. The delivery of further average speed camera schemes should only be considered in extremis, and may be opposed by the Authority without sufficient evidence to support their introduction.” [Peak District National Park Design Guide Supplementary Planning Document (2019), paragraph 14.16]

In their response [REP7-026], the applicant refers to the statutory duty of National Park Authorities (Section 62, Environment Act, 1995) to seek to foster the economic and social well-being of local communities within the National Park. It should be noted that this duty is to be delivered in the pursuance of National Park purposes. It should also be noted that the growth in traffic along the A628(T) and A57 Snake Pass is likely to negatively affect National Park communities. Concern about the effects of the scheme have been raised by residents of National Park communities including at Tintwistle and within the Hope Valley.

Oral representations expressing concern about the indirect impact of the predicted traffic growth attributed to the scheme on resident communities of the National Park were made at Issue Specific Hearing 3; including by a representative of Bamford with Thornhill Parish Council.

Paragraph 88 of the English national parks and the broads: UK government vision and circular 2010 is of some relevance to this question, stating: -

“Accident rates for road users in rural areas are relatively high in comparison to urban areas due to the nature and perceived high speeds of rural roads, so safety on the Parks’ roads is a key issue. A number of Parks have 40mph limits. These are important for reducing those killed or seriously injured in collisions, reducing the number of livestock or roaming animals that are killed on the roads, and ensuring those using roads in the Parks are not intimidated by speeding traffic. Road transport authorities should design essential road improvements to avoid increasing the capacity or the perceived speed of the road unnecessarily. Transport authorities should work with Authorities to introduce innovative speed management schemes that are in keeping with the requirements of a protected landscape. Traffic calming and other traffic management and signage measures should be minimal and sympathetic to their settings. Measures should be implemented in a way that can be formally monitored.”¹

If so, how were these reservations addressed in those instances?

To date, the Peak District National Park Authority has not been formerly consulted on these schemes by Derbyshire County Council. This means that the Peak District National Park Authority has not yet been given

¹ English national parks and the broads: UK government vision and circular 2010 – [National Parks Circular \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/national_parks_circular_2010.pdf)

		<p>the opportunity to form a view about the proposed schemes; meaning that any reservations have not been addressed.</p> <p>However, the as previously stated, average speed camera infrastructure (along with the required warning signs) represent a considerable urbanisation of the countryside and have a large negative visual impact on the landscape.</p> <p>The Peak District National Park owes its designation in part to the value of its landscape. Therefore, the proposed proliferation of average speed camera schemes across four additional National Park roads (A5004 Long Hill, A5012 Via Gellia, A628 Woodhead Pass and the A57 Snake Pass) is unlikely to be supported by the Authority.</p> <p>Could a similar approach be taken on the A57 Snake Pass and the A628(T) Woodhead Pass?</p> <p>As stated previously, to date, the Peak District National Park Authority has not been formerly consulted on these schemes by Derbyshire County Council. This means that the Peak District National Park Authority has not yet been given the opportunity to form a view about the proposed schemes; meaning that any reservations have not been addressed.</p> <p>However, the as previously stated, average speed camera infrastructure (along with the required warning signs) represent a considerable urbanisation of the countryside and have a large negative visual impact on the landscape.</p> <p>The Peak District National Park owes its designation in part to the value of its landscape. Therefore, the proposed proliferation of average speed camera schemes across four additional National Park roads (A5004 Long Hill, A5012 Via Gellia, A628 Woodhead Pass and the A57 Snake Pass) is unlikely to be supported by the Authority.</p>
Item 3	PEAK DISTRICT NATIONAL PARK	
	The regard given to the statutory purposes	
	Peak District National Park Authority	<p>The Applicant [REP6-017] referred to the statutory purposes set out in section 5(1) of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) i.e. for the purpose:</p> <p>a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and</p>

b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

The Applicant [REP6-017] also referred to section 11A of the 1949 Act and said that if it appears that there is a conflict between those purposes, then a relevant authority shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

The Applicant [REP6-017] then referred to Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority [2020] EWHC 2293 (Admin) (Stubbs) and said that it is only if the impact of the increase in visitation upon natural beauty, wildlife and cultural heritage cannot be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable or irreconcilable that section 11(2A) of the Environment Act 1995 falls to be applied.

a) With reference to section 5(1) of the 1949 Act, please could Peak District National Park Authority comment on whether the Proposed Development would promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public? If it doesn't then what would be the implications for the application of section 11A of the 1949 Act and of Stubbs?

With reference to section 5(1) of the 1949 Act, (and Sections 61 and 62 of the Environment Act, 1995) we confirm that we believe that the proposed development would not specifically promote opportunities for the understanding and enjoyment of the special qualities of the Peak District.

To be clear, we confirm our belief that the indirect effects of this scheme expressly conflict with both statutory purposes, as set out in the National Parks and Access to the Countryside Act (1949) and restated within the Environment Act (1995): -

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
- To promote opportunities for the public understanding and enjoyment of the special qualities of the Parks

Section 11(A) of the 1949 Act and Section 62 of the Environment Act (1995) refer to the 'Sandford Principle' which states that where there is conflict between the two statutory purposes, the 'conservation' purpose should take precedence.

Section 62 (2) of the Environment Act contains the following wording: -

"In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes" (of the National Park) "and, if it appears that there is a

*conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park*².

The latter part of Section 62 (2) comprises the ‘Sandford Principle’. However, it is clear that the first part of the section does not mean that the requirement to have regard to National Park purposes is dependent on the Sandford principle being enacted. Rather, the Sandford principle determines the priority to be given to National Park purposes only where there is a conflict between them, otherwise they carry equal weight.

Therefore, we believe that the applicant’s reference the ‘Sandford Principle’ [REP6-017] entirely irrelevant to this case. The scheme under consideration is a highways scheme, with highways objectives; the scheme fulfils neither of the statutory National Park purposes and we believe that the indirect effects are detrimental to both of the Authority’s statutory purposes. We do not believe that this is a scheme with the objective of ‘promoting opportunities for the public understanding and enjoyment of the special qualities of the Park’. We also believe that the Applicant is fundamentally misunderstanding National Parks legislation and the Stubbs case by inferring that it is.

However, we do believe that Section 62 (2) of the Environment Act is relevant in the consideration of this DCO application. Section 62 (2) clearly states; “*in exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes*” on the National Park. By not seeking to address the indirect impacts of the scheme on the National Park, we believe that National Highways are not in accordance with this directive.

The development is focussed on achieving the relief of traffic congestion within the settlements of Mottram and Woolley Bridge. The effects of the scheme on the National Park are indirect, but are nonetheless clear from the traffic modelling provided to accompany the Environmental Statement.

The implication of the traffic model is that strategic journeys are being redirected from the M62 onto the less suitable A628(T); and from other routes onto the A57 Snake Pass. These journeys are about connectivity rather than the enjoyment or understanding of the National Park. Whilst the driver and / or passengers making such journeys might enjoy the experience, that is not the prime purpose of their journey.

An appropriate similar example would be where the M6 passes between the Lake District and Yorkshire Dales National Parks, a location often described as England’s most scenic section of motorway. Is the journey visually pleasing to drivers; in many cases, yes of course it is. But the key point is, do the many drivers that use the route do so to derive enjoyment and understanding of either the Lake District or Yorkshire Dales National Parks at this location; probably not. Were a quicker alternative route available to motorists, it is likely that the majority would use it.

² Section 62 (2) Environment Act (1995) [Environment Act 1995 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1995/24/section/62)

In the case of the A57 Snake Pass, it is more likely that the growth in traffic will negatively affect the enjoyment of the area for those existing visitors seeking quiet enjoyment and active recreation either on the road or on the many footpaths and bridleways in close proximity to the road.

The development may lead to road users experiencing the A628(T) Woodhead Pass or A57 Snake Pass for the first time, or as an alternative to other routes. It is also possible that they will choose to return to make leisure visits as a result of that experience. However, the development is unlikely to significantly promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

In this case the National Park Authority is concerned about the direct impacts of the indirect effect of the increase in cross-Park traffic on the A628(T) and the A57 Snake Pass on the special qualities of the National Park. We do not believe that the scheme directly benefits opportunities for understanding and enjoyment. Therefore, in our opinion, the Sandford principle in relation to the balance between National Park purposes does not apply in this context.

b) With reference to Stubbs, please could Peak District National Park Authority comment on whether the proposed increase in visitation upon natural beauty, wildlife and cultural heritage could not be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable, or irreconcilable?

There is a significant difference between the Stubbs case and the development which is subject to this Examination. In the Stubbs case the subject of appeal was on the requirement (or not) for the Lake District National Park Authority to bring forward a Traffic Regulation Order to control the recreational use of 'green lanes' by motor vehicles. It should be noted that in reality, these routes are not strictly 'green lanes' but are described by the Lake District National Park Authority as being 'stone-built roads'.

In such cases, there is a balance to be struck between the two National Park purposes of conservation and enhancement and the promotion of opportunities for understanding and enjoyment. In this case, the Lake District National Park Authority took a decision that the 'recreational' use of 'green lanes' by off-road vehicles was, 'on balance' not in conflict with the Authority's first purpose. This decision was upheld at appeal.

In the case of the development under consideration, there are clear differences: -

1. The traffic that is being diverted onto the A628(T) and the A57 Snake Pass is unlikely to consist of large numbers of visitors to the National Park. It is more likely, that the majority of these journeys are ones that are 'cross-Park', beginning and ending outside of the National Park boundary. The utilitarian nature of these journeys means that it is unlikely that (beyond the experience of driving the route) the new users of these roads derive any significant enjoyment or understanding of the National Park as a result of their journey. They are also likely to contribute to the external and negative impacts of car-

borne journeys or LGV / HGV freight movements, without bringing any direct economic or social benefit to the National Park or its residents.

2. The challenge brought by Stubbs was largely based on the desire to “protect green lanes and the rights of walkers and others to use them without danger, difficulty or inconvenience”. Therefore, in this particular case, the emphasis was on the conflict between different user groups, (motorised and non-motorised) using the ‘green lanes’. In effect, this means that in taking their decision, the Lake District National Park Authority were also considering the relative rights of different user groups in relation to the second of the national park purposes.
3. Scale – the predicted traffic flows on the A57 Snake Pass with the scheme in 2025 represents a 1,150 increase in vehicles (AADT) or 38%. The motorised use of the ‘green lanes’ in the Lake District is much lower, as is the wider impact of these vehicles on the special qualities of the National Park. For example, data from the Lake District National Park Authority indicates the following weekly averages between February 2019 and February 2020
 - Tilberthwaite – 53 vehicles per week (7.6 vehicles per day)
 - High Oxen Fell – 46 vehicles per week (6.6 vehicles per day)

Further information provided by the Lake District National Park Authority suggests the Stubbs ruling has not led to an increase in motor vehicles using the ‘green lanes’.

Again, as outlined in 3(a) above, we believe that the Stubbs case and ruling is entirely irrelevant in this case; the proposed scheme conflicts with both Statutory Purposes, rather than meeting one purpose at the expense of the other.

We confirm that, in our view, the increase in vehicle numbers (plus suggested associated highway infrastructure such as average speed cameras) will result in harm when considered against both statutory purposes.

What management measures are available and what effect are they likely to have?

Ultimately, the best approaches to reduce the induced flows as a result of the development rest with National Highways and Derbyshire County Council. There are a range of traffic restraint measures available to both parties, some of which were being suggested by the Highways Agency to deliver traffic restraint as part of the previous A57/A628/A616 Mottram-Hollingworth-Tintwistle bypass and Traffic Restraint Measures scheme which went to Public Inquiry in June 2007. These included: -

- i) 50mph speed limit on the A628,
- ii) Traffic-light controlled crossing points along the route to interrupt traffic flow.

		<p>For the A57 Snake Pass, weight restrictions could be introduced to ensure that Heavy Goods Vehicles use more appropriate routes. However, whilst this might reduce instances of dangerous overtaking resulting from driver frustration, it is also likely to increase the average speed of remaining traffic.</p> <p>In relation to visitor management, it is unlikely that the development itself will significantly affect visitor numbers. As stated previously we believe that the majority of vehicles diverting onto the A628(T) and A57 Snake Pass will be making cross-Park journeys rather than those based on the understanding and enjoyment of the National Park and its special qualities. It is of course likely, that with increased traffic flows along the route, that existing visitors' enjoyment and understanding of the National Park (including their journey to and from the National Park) will be negatively affected, along with that of residents of the National Park.</p>
<p>The regard given to the statutory purposes</p>		
	<p>Peak District National Park Authority</p>	<p>Peak District National Park Authority [REP6-038] considers that the National Planning Policy Framework (NPPF) is applicable to the Proposed Development.</p> <p>The Applicant [REP6-017] said that the Secretary of State is constrained in its decision making by section 104(3) of the Planning Act 2008. It said that there is real danger in simply applying the NPPF as if it contains policy that is determinative of applications for Nationally Significant Infrastructure Projects.</p> <p>The Applicant said that it does not and that to apply it as if it did could result in an error of law.</p> <p>The ExA notes that section 102(d) of the Planning Act 2008 requires the Secretary of State to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. The ExA is minded to recommend that the NPPF be considered important and relevant to the decision and notes the considerable precedent for this approach in previous recommendations and decisions. The ExA notes the need to appropriately consider any conflicts between the NPSNN and the NPPF.</p> <p>The Applicant [REP6-017] has summarised the consideration given to the NPSNN and the NPPF.</p> <p>f) Please could Peak District National Park Authority comment?</p> <p>The Authority's view is that appropriate consideration of the importance, value and quality of the scenic beauty of the internationally important landscapes of the Peak District National Park ('Great weight') has not been considered or applied by the Applicant's methodology or assessment findings. This, in our view, is a fundamental failing within the assessment.</p> <p>We believe that the scheme will result in: -</p>

- i) adverse effects due to traffic flow (as a result of highway works physically located outside the Park), but whose effects are experienced within the Park and
- ii) from representations made as part of the Examination, it appears that other direct effects associated with the scheme (for example, the effects on landscape character and views / scenic beauty as a result of suggested average speed cameras) are proposed within the National Park.

We consider that the 'indirect effects (which are experienced within the Park are not considered adequately within the assessment; and (b) other potential direct effects are not considered by the assessment at all.

Paragraph 5.147 of the NSPNN states: -

“Any statutory undertaker commissioning or undertaking works in relation to, or so as to affect land in a National Park or Areas of Outstanding Natural Beauty, would need to comply with the respective duties in section 11A of the National Parks and Access to Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000”

Whilst the reference is made to section 11a of the National Parks and Access to Countryside Act (1949), Section 62 (2) of the Environment Act (1995) is also relevant. The key point is that the NSPNN makes it clear that where works are undertaken that affect land within a National Park, regard must be paid to national park purposes by the undertaker, or agents acting on their behalf.

Paragraph 5.154 of the NSPNN states: -

“The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects in England which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.”

It is important to note that this refers to the operational impacts of a scheme located outside of a National Park and the requirement to avoid compromising the purposes of designation.

Paragraph 5.188 of the NSPNN recognises the importance of National Parks for their “*tranquillity, acoustic environment or landscape quality*”. We acknowledge that it is the indirect effects of the proposed scheme rather than the scheme itself which are likely to have a negative impact on the Peak District National Park. However, we do not believe that these impacts can be set aside because the scheme lies outside of the National Park boundary. Ultimately, these impacts affect an area designated for its value to the nation. In this

particular case, it could be argued that existing traffic levels are already problematic with regard to impact, particularly on the A628(T).

With the scheme, traffic levels are predicted to increase on roads that cross the most tranquil and unspoilt parts of the National Park. These are landscapes that are associated with the Mass Trespass and the movement to open up the countryside for recreational use. They are also designated at an international level because of their value to a range of protected species and habitats. Any increment in traffic flow has the potential to affect the long-term viability of the margins of these designated sites and the value of these locations to those seeking quiet enjoyment in a National Park landscape.

Peak District National Park Authority [REP6-038] suggests that the application of the Design Manual for Roads and Bridges (DMRB) conflicts with the NPPF with respect to the consideration to be given to Peak District National Park.

g) Please could Peak District National Park Authority summarise where there is a conflict?

Paragraph 176 of the NPPF states that: -

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”; and

Paragraph 177 of the NPPF states that: -

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

We acknowledge that the direct effects of the scheme (the highway construction works themselves) are located within the buffer of the Park. However, the, indirect effects of increased vehicle flow as a direct result of the scheme would be experienced within the boundaries of the National Park. Representations made as part of the Examination have also suggested the introduction of direct works within the National Park itself (average speed cameras). Such measures are likely to result in a direct impact as a result of the scheme.

Therefore, we consider that paragraph 177 is relevant to the consideration of this application.

In terms of consideration of the DMRB, the PDNPA would not presume to understand or debate the full detail of the DMRB methodology but, as presented by the Applicant, not enough weight appears to be given to the nature of receptors (in this case the landscapes of the National Park and the visual amenity of users of the Park); the emphasis within the DMRB appears to be primarily centred on effect magnitude.

Good practice in EIA (as put forward by the Landscape Institute and the Institute of Environmental Management and Assessment), stresses the importance of effect magnitude in combination with the sensitivity of the receptor (in this case, a National Park). This acknowledges that even a small adverse effect has the potential to result in significant effects on a highly sensitive receptor. This appears to have been trivialised by the Applicant's methodology.

h) Does Peak District National Park Authority have any concerns regarding the consideration given to NPSNN?

In their document [REP6-017], the Applicant refers to 5.155 of the NPSNN, highlighting the directions that "*the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.*" It should be noted for the record, that with the exception of seeking an assessment of dark skies impact, from a viewpoint on the B6105 (near Padfield), the direct visual impact of the scheme itself has not been raised as a matter of concern by the Peak District National Park Authority.

Instead our focus has been on the indirect effects of the scheme on the special qualities of the National Park through induced traffic flows along Peak District Roads, resulting from the delivery of the scheme. We believe that paragraph 5.154 of the NPSNN is quite clear in stating that the operational impacts of a scheme located outside of a National Park should avoid compromising the purposes of designation.

However, it is our belief that the neither the NPSNN or the DMRB provide scope for the consideration of such impacts or the balanced assessment of the national importance of the infrastructure compared with its effect on the nationally important landscapes and special qualities of the Peak District National Park.

Conclusion

		<p>In conclusion, we are not stating that the Park should be ‘preserved in aspic’; the Applicant is misunderstanding the role of the National Park Authority and the nature of landscape itself – landscape change is inevitable and is part of the evolution of our landscapes through time – the role of the National Park Authority is to ‘guide’ change and encourage the ‘right development in the right place’ within this special landscape, not to prevent change.</p> <p>We are stating that the Applicants assessment and assessment methodology:</p> <ul style="list-style-type: none"> a) does not adequately consider the full potential effects of the scheme (including an adequate consideration of the effects of increased vehicle numbers and of other ‘direct’ effects such as average speed cameras located within the park as a direct consequence of the scheme); b) does not give enough weight to the importance of this internationally important landscape; c) does not adequately consider the interaction between the effect and the sensitivity of the receiving environment; and d) as a consequence, does not give adequate evidence and justified information on the likely landscape and visual effects of the scheme to enable the Inspector to make an informed decision.
Item 4	WATER ENVIRONMENT, DRAINAGE AND FLOOD RISK ASSESSMEN	
	Defra written ministerial statement, which added the administrative areas of the Peak District National Park Authority to affected areas in relation to nutrient levels in relevant River Basin catchments.	
	Peak District National Park Authority	Recent events with regard to water being or nutrients have necessitated an additional question. In this regard on the 16th of March 2022. The Secretary of State for the Environment Food and Rural Affairs issued a written ministerial statement, which added the administrative areas of High Peak Borough Council and Peak District National Park Authority to affected areas in relation to nutrient levels in relevant River Basin catchments. immediate impact of the advice is that many more River Basin catchments are now identified as being in unfavourable condition due to high nutrient levels. This will mean that any proposed development in relevant local planning authority areas which is likely to increase nutrient loading directly or indirectly will need to be assessed accordingly to applicable legislation, e.g. the Water Framework Directive, regulations or conservation of habitats and species regulations can the applicant and local planning authorities comment on implications? ³

³ Question taken from hearing transcript, and edited to remove unclear or mis-transcribed wording. The response from the National Park Authority is based on our best understanding of the question from the hearing and the transcript of the hearing.

		<p>Natural England has advised Local Planning Authorities in relevant river catchment areas that they should fully consider the nutrient implications of 'plans or projects' (including proposed development), in line with the requirements of the Conservation of Habitats and Species Regulations 2017.</p> <p>The Peak District Dales Special Area of Conservation has been identified as a relevant catchment because the water quality fails in indicators for phosphate content.</p> <p>The Peak District Dales Special Area of Conservation covers the River Wye and its tributary dales in the White Peak area of the National Park. At its closest point, the scheme lies more than 20km from the Peak District Dales Special Area of Conservation. Therefore, we believe that it is unlikely that the scheme will have any impact on water quality within the Peak District Dales Special Area of Conservation.</p>
Item 5	AIR QUALITY	
	Traffic screening thresholds for Air Quality Management Areas	
	Peak District National Park Authority	<p>High Peak Borough Council [REP6-027, and REP7-030] and Peak District National Park Authority [REP6-038] have set out further concerns regarding the traffic screening thresholds used for air quality assessments in Air Quality Management Areas. The Applicant [REP6-017, REP7-026 and REP7-028] has replied. Parties have referred to ongoing discussions.</p> <p>h) Please could Peak District National Park Authority provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?</p> <p>High Peak Borough Council is the authority with responsibility for Tintwistle Air Quality Management Area. Therefore, the Peak District National Park Authority defers to the expertise of officers of High Peak Borough Council in this matter.</p>
Item 7	OTHER ENVIRONMENTAL MATTERS	
	Design	
	Lighting	
	Peak District National Park Authority	<p>The Applicant [REP6-017 Q5.10] set out the consideration given to design options for street lighting.</p> <p>Tameside Metropolitan Borough Council [REP6-037 Q5.10] said that the link road to be adopted by it should incorporate street lighting with lighting levels lower than in more built up urban areas.</p>

		<p>Derbyshire County Council [REP6-026 Q5.10] said that principles had been agreed and that detailed discussions were ongoing. It referred to a need to find a balance between operational and safety requirements and the desire to minimise visual impacts.</p> <p>Peak District National Park Authority [REP6-038 Q5.10] referred to the need to protect dark skies, mitigate effects to wildlife and protect night-time views.</p> <p>t) Please could the local authorities, Peak District National Park Authority and the Applicant provide an update on discussions? Are the necessary mitigation measures in place to ensure that an appropriate balance between operational and safety requirements and the desire to minimise visual impacts would be achieved? What lighting levels should be provided?</p> <p>The Applicant [REP6-017] (Q4.4) states that “<i>There are three areas designated by the Peak District National Park as ‘dark skies sites’</i>” going on to add that as the nearest site is 28km from the scheme, that the “scheme is unlikely to be visible from any of the dark sky sites”.</p> <p>This point fails to recognise that dark skies are a special quality for the whole of the National Park; not just dark sky sites. Dark sky sites are designated as specific locations from which the public can easily access dark skies. This designation does not in any way lessen the value of dark skies away from these sites. In effect the area closest to the scheme is wildest and most remote part of the Peak District, and the place where dark skies are most evident. Dark skies at this location are of great benefit to the wildlife protected by the internationally designated sites, as much as for people experiencing them.</p> <p>However, we recognise the balance required between operational / safety requirements and the need to minimise impact on dark skies. Therefore, we welcome the statement from National Highways [REP6-017] that</p> <p><i>“The lighting provision along the new link road has been designed with lower height columns to reduce the visual impact and minimise the disruption to routes across the highway identified as potential bat crossings. Landscaping proposals on the edges of the highway will be included to further mitigate the impact.”</i></p>
	<p>Design Approach Document</p> <p>Peak District National Park Authority</p>	<p>The Applicant has submitted a Design Approach Document [REP7-029].</p> <p>u) Please could the local authorities and Peak District National Park Authority provide any initial comments?</p> <ul style="list-style-type: none"> • Should the document set out proposals for the provision of a Design Champion and a Design Review by the Design Council?

Without being too sure of the process / what has happened to date, and with some general concerns in relation to this matter, we believe that it would be beneficial if the document set out proposals for a Design Champion. Ideally, the National Park Authority and other relevant stakeholders would be involved in their appointment and subsequent design review?

- **Are there appropriate provisions for how the Applicant would work with the local authorities and other stakeholders?**

As far as the National Park Authority is aware, the Applicant is not intending to work with us on this as:

- a) The National Park is outside of the DCO boundary (as defined by the Applicant) and
- b) Because of what we believe to be an inadequate assessment, the Applicant does not believe that the National Park will be affected.

Therefore, we don't believe that the provisions are adequate, at least in regard to the National Park.

- **Has it given enough regard to how the detailed design would respond to Landscape / Townscape Character?**

As the scheme falls outside the National Park boundary, the design specifics are a bit 'outside our remit'. However, we don't believe that the Applicant has considered effects on the National Park or its setting adequately within their assessment. Given the fact the scheme lies outside the National Park boundary, we don't believe that the potentially minor 'tweaks' we may suggest would have any beneficial effects on the National Park?

It is more the consequences of the scheme operation (the increase in traffic flows) that affect us, and which we believe have not been adequately considered.

- **Is enough detail provided on signage, street furniture, lighting, environmental barrier, structures and hard landscaping design and materials?**

For the most part, given the location of the scheme, this lies outside the remit of the National Park Authority. Regarding lighting, the Authority is reassured by the statement from National Highways [REP6-017] that

"The lighting provision along the new link road has been designed with lower height columns to reduce the visual impact and minimise the disruption to routes across the highway identified as potential bat crossings. Landscaping proposals on the edges of the highway will be included to further mitigate the impact."

Generally speaking low kelvin lighting offers the best solution for the avoidance of light pollution. The recommended frequency for LED lighting in Dark Sky reserves is at 3,000 kelvins, which produces a warm light, which carries over a smaller distance⁴.

- **Are there any other measures that should be included?**

There is the potential for the inclusion of mitigation / compensation works within the National Park (and therefore outside the DCO boundary). We believe that as the indirect effects on the National Park and its setting have not been adequately considered, the potential need for mitigation / compensation has not been adequately considered either.

v) **Please could the local authorities and Peak District National Park Authority provide detailed comments on the Design Approach Document for Deadline 8 on Wednesday 13 April 2022?**

The National Planning Policy Framework (NPPF)

Page 8, Paragraph 2.1.19 – *“The effect on the landscape setting of the PDNP was not a specific request of the PDNPA.”*

We believe that this statement by the Applicant is entirely irrelevant. Effects on the landscape setting of the National Park should be considered by the Applicant in order to comply with NPPF Paragraph 176, regardless of a specific request being made or not.

Design vision

Page 11, Paragraph 3.2.6 – *“The Scheme design has been an iterative process that has considered environmental mitigation measures.... a good road design that is restrained and sensitive to the context of its surroundings.... This has resulted in a design which meets the Scheme objectives that can be achieved within the existing constraints and limitations of the site and surrounding and without having a detrimental effect on the environment.”*

As outlined previously, our view is that effects on both the setting of the National Park and the National Park itself have not been adequately considered within the Applicant’s assessment. The Applicants approach appears to be that they consider effects on the National Park to be relatively limited in magnitude, and therefore, they can be discounted. We have explained within our previous representations that this approach by the Applicant

⁴ Peak District National Park Transport Design Guide Supplementary Planning Document (2019), paragraph 12.45 [PDNP-Transport-Design-Guide-SPD.pdf](#) (peakdistrict.gov.uk)

fundamentally fails to consider the high sensitivity of the landscape of the National Park, or the effect of any impact on users of the National Park.

Lighting

Page 16, Paragraph 3.4.11 – the National Park Authority recognises the tensions between providing appropriate lighting for the safe and efficient operation of the highway and the acknowledged impact of street lighting on dark skies and nocturnal animal species.

We are supportive of the approach undertaken which aims to reduce impact of bat species in the vicinity of the scheme. From a dark skies' perspective, low kelvin lighting offers the best solution for the avoidance of light pollution. The recommended frequency for LED lighting in Dark Sky reserves is at 3,000 kelvins, which produces a warm light, which carries over a smaller distance.

Environmental design principles

Page 18, Paragraph 3.5.2 – The measures outlined in this paragraph are located outside the Peak District National Park. Our understanding is that this is for 2 reasons: -

- a) The National Park does not fall within the DCO boundary, and
- b) That the potential adverse effects within the National Park are not considered by the Applicant to be significant.

Our view is that potential adverse effect on the setting of the National Park, the landscape of the National Park and the visual amenity of users has not been adequately considered within the assessment. We believe that the scheme has the potential to result in significant negative effects on the Peak District National Park and its setting.

We therefore consider that the specific mitigation proposed is not adequate; as potential adverse effects have not been identified by what we consider to be an inadequate assessment process. The mitigation proposals therefore potentially fail to deliver the necessary mitigation which may be required for the National Park.

Design Council review

Page 21, Paragraph 4.3.1 – the findings of this July 2020 review have not been presented to, or discussed with the Peak District National Park Authority. Therefore, we have not had an opportunity to share our concerns with the Design Council or be notified of their review methodology or criteria. As such, we do not regard this review process to be adequate or inclusive.

Green Belt

	Peak District National Park Authority	<p>The ExA is considering whether the Proposed Development preserves openness and whether it should be considered as inappropriate development in the Green Belt.</p> <p>aa) In case the ExA does conclude that it would be inappropriate development, please would the Applicant set out its case for the very special circumstances that would be needed for the Proposed Development to proceed? Please could that be provided for Deadline 8 (Wednesday 13 April 2022)?</p> <p>bb) Please could the local authorities and Peak District National Park Authority provide comments on the Applicant's case by Deadline 9 (Wednesday 27 April 2022)?</p> <p>The Peak District National Park Authority will provide a written response to this question by Deadline 9.</p>
Historic Environment		
Level of harm and the NPPF tests		
	Peak District National Park Authority	<p>High Peak Borough Council [REP6-027 Q9.3] suggested a contradiction in the Applicant's approach. Peak District National Park Authority raised concerns about the weighing up of benefits against harm [REP6-038 Q9.3].</p> <p>The Applicant [REP7-026] responded at Deadline 7.</p> <p>hh) Do High Peak Borough Council or Peak District National Park Authority have any remaining concerns about the consideration given to level of harm and the NPPF tests?</p> <p>The Peak District National Park Authority still has some concerns about Table 6-3, as described within our previous comments in [REP6-038]. Principally, Table 6.3 introduces a term 'minimal harm' than is not part of the NPPF language of 'less than substantial harm'. The disparity between the two phrases means that it is difficult to judge how 'minimal harm' relates to 'less than substantial harm' in terms of severity. Is 'minimal harm' less severe than less than substantial harm'; more severe or roughly equivalent?</p> <p>Clarity on this point from the applicant would be welcomed.</p>
Enhancement		
	Peak District National Park Authority	Enhancement

		<p>The Applicant [REP6-017 Q9.7] set out proposals for enhancement to Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument through its' Environment and Wellbeing Designated Fund.</p> <p>ii) Do the local authorities and Peak District National Park Authority consider that the Applicant's proposals would be likely to "... preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset ...", consistent with NPSNN Paragraph 5.137?</p> <p>The Peak District National Park Authority believes that the secured funding is positive. However, we note that this is for feasibility studies only. The enhancement could only be delivered through successful subsequent bids to the Environment and Wellbeing Designated Fund; and this is separate to delivering funding for the mitigation of the scheme. If these bids prove unsuccessful, then enhancements will not be delivered.</p>
<p>Tintwistle Conservation Area</p>		
	<p>Peak District National Park Authority</p>	<p>Peak District National Park Authority [REP6-038 Q9.6 and Q9.11] considers Conservation Areas and non-designated assets of national importance to be of High Value. They specifically said that "great weight" should be given to its conservation of Tintwistle Conservation Area.</p> <p>ii) Does Peak District National Park Authority have any remaining concerns about the consideration given to Conservation Areas and non-designated assets of national importance?</p> <p>The Peak District National Park Authority has no remaining concerns about non-designated assets of national importance.</p> <p>However, we still have concerns that increased traffic flows through Tintwistle conservation area do not help to conserve this designated asset. In Chapter 6 (6.7.28) of the ES traffic levels were considered as follows for Mottram-in-Longdendale conservation area;</p> <p><i>"Increased traffic on Market Street would adversely affect the character and appearance of the conservation area along this route, reinforcing existing noise and visual intrusion resulting from the movement of traffic on these streetscapes"</i></p> <p>And</p> <p><i>"Increased traffic levels would also impact Market Place"</i></p> <p>And</p>

“Increased traffic levels would further diminish the village green character of Market Place, and detract from appreciation of the surrounding historic buildings”

And

“The value of the conservation area derives from its architectural and historic interest as a settlement preserving evidence of development from the medieval period to the post-medieval period. Reduction of traffic would remove a substantial source of blight from the conservation area, enhancing its character and appearance along the A57 and enabling appreciation of the historic streetscape of Mottram Moor. This would take place in tandem with adverse impacts on the setting of the conservation area, and increased traffic on Market Street and Market Place.”

Yet when considering the impact of increased traffic in Tintwistle conservation Area, the assessment is simply that:

“The predicted very slight increase in traffic along the A628 would not result in any perceptible change to the character, appearance or noise environment of the conservation area along this route”

We are concerned, that in comparison to Mottram-in-Longdendale, insufficient attention has been paid to the indirect (increased traffic flow) impacts of the scheme on Tintwistle Conservation Area.