

A57 Link Roads

TR010034

**9.85 Applicant's responses to Examining
Authority's Third Written Questions**

Rule 8(1)(b)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

May 2022

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

A57 Link Roads Development Consent Order 202[x]

9.85 Applicant's responses to Examining Authority's Third Written Questions

Regulation Number:	Rule 8(1)(b)
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1. Introduction

- 1.1.1. This document sets out National Highways' response to the Examining Authority's third round of Written Questions (WQ3s). Where the written questions requests that National Highways provide new documents, the response specifies which deadline they will be submitted at.

2. The draft Development Consent Order (dDCO) and other consents

No	Question to	Reference	Question	National Highways' response
1.	The draft Development Consent Order (dDCO) and other consents			
1.1	Applicant	Article 7(a) Limits of deviation	<p>The ExA [PD-016] said that it suggested no changes to this Article subject to the Applicant updating the Work Plans at Examination Deadline 9 to reduce the limits of deviation to 1m in the locations where a proposed carriageway is within 40m of a noise sensitive receptor. The ExA wishes to ensure that the dDCO provisions are consistent with the Applicant's assessment of significant effects, including with respect to individual residential receptors.</p> <p>The Applicant added shaded areas to the Works Plans [REP9-002] to indicate "<i>Mainline alignment horizontal limit of deviation reduced to ± 1m in the proximity of sensitive noise receptors</i>". The shaded areas are not dimensioned and the term "<i>sensitive noise receptor</i>" is not defined.</p> <p>Please can the Works Plans be clarified, and/ or please can the Applicant suggest appropriate wording for the dDCO?</p>	<p>National Highways has submitted revised Works Plans at Deadline 11 deleting the reference to "<i>in the proximity of sensitive noise receptors</i>" from the key. The Works Plans are scaled and the areas shown shaded extend for the required distance of 40m from the sensitive noise receptors which were previously identified on the plan accompanying National Highway's response to Item 3, question a) (item reference 9.77.5) in the Applicant's written Summary of Issue Specific Hearing 4 (REP8-021).</p> <p>The wording of Article 7 of the draft Development Consent Order (dDCO) and the Works Plan operate to reduce the limits of horizontal deviation to ±1m within the shaded areas unless the undertaker demonstrates to the Secretary of State's satisfaction that a deviation in excess of this limit would not give rise to materially new or materially worse environmental effects compared to those reported in the environmental statement.</p>
1.3	Applicant Environment Agency	Requirement 3(4) Detailed design	<p>The Environment Agency [REP9-046] has suggested that a requirement be added for detailed design to be consulted on "<i>with relevant wider regulatory authorities</i>".</p> <p>a) Have the Applicant and the Environment Agency agreed the wording?</p> <p>b) If the wording cannot be agreed, please could the Applicant and the Environment Agency each provide their preferred wording, with reasoning?</p>	<p>Requirement 3(4) requires the relevant planning authority, the local highway authority and other parties identified in the Community Engagement Plan (Annex B.6 of the Environmental Management Plan (First Iteration) (REP9-008)) to be consulted on the detailed design. The Applicant and the Environment Agency have discussed this requirement and the Environment Agency has confirmed to National Highways that its previous response was presented as an option for the ExA to consider, if it deemed appropriate, rather than a request to amend the wording of requirement 3(4).</p> <p>National Highways consider that the wording of R3(4) already specifies the planning & highway authorities and covers wider regulatory bodies by reference to the parties to be identified in the Community Engagement Plan (CEP). The submitted draft CEP confirms that it will include 'statutory' stakeholders which covers regulatory bodies. The current wording of R3(4) therefore prevents a potentially unwieldy list of additional organisations being introduced. Further comfort that the appropriate regulatory bodies will be consulted on matters related to their function is provided in the other requirements which specify when a particular regulatory body must be consulted.</p> <p>On that basis National Highways and the Environment Agency are content that the wording at R3(4) does not need further amendment or addition. National Highways can confirm that this response has been endorsed by the Environment Agency and is given jointly on behalf of both parties.</p>
1.4	Environment Agency	Requirement 4 Second Iteration Environmental	<p>The ExA [PD-016] said that it may suggest changes subject to further advice from the Environment Agency and the Applicant.</p> <p>The Applicant [REP9-028] suggested that no changes would be required following updates to the Register of Environmental</p>	<p>National Highways and the Environment Agency have continued to engage and correspond to secure agreement regarding the wording of the requirements in the dDCO. Both parties are now understood to be satisfied that with the revisions to requirement 6 detailed below and to be included in the final dDCO to be submitted at Deadline 12, no</p>

No	Question to	Reference	Question	National Highways' response
1.	The draft Development Consent Order (dDCO) and other consents			
		Management Plan (EMP)	<p>Actions and Commitments [REP9-009] and the submission of an Outline Dewatering Management Plan [REP9-008].</p> <p>Environment Agency [REP9-046] said that it would not have any comments on Requirement 4, subject to the Applicant's submissions being acceptable.</p> <p>Does the Environment Agency have any outstanding concerns regarding Requirement 4? If so, does the Environment Agency consider that these can be addressed within the dDCO and can it provide any suggested wording to address these concerns?</p>	further amendments to any other requirements are considered necessary. National Highways expects the Environment Agency to confirm this position in its response at Deadline 11.
1.5	Applicant	Requirement 4(6) Second Iteration EMP	<p>Should this be amended to:</p> <p><i>"... the approved third iteration EMP"</i>?</p>	National Highways confirms that it has included this change in the final dDCO to be submitted at Deadline 12.
1.6	Applicant Environment Agency	Requirement 6 Contaminated land and groundwater	<p>The ExA [PD-016] suggested changes to address the Environment Agency's concerns [REP8-037].</p> <p>The Applicant [REP9-028] referred to discussions with the Environment Agency and provided revised wording and an Outline Dewatering Management Plan [REP9-008].</p> <p>The Environment Agency [REP9-046] said that it would comment on the Applicant's revised wording.</p> <p>a) Please could the Applicant review the formatting of its suggested changes, including the use of capital letters at the start of 6(2)(a), 6(2)(b) and 6(2)(c) and the use of brackets?</p> <p>b) Please could the Applicant and the Environment Agency comment on whether "<i>previous site investigations</i>" should be removed from 6(3) to recognise that all contamination should be addressed in the approved remediation strategy?</p> <p>c) Have the Applicant and the Environment Agency agreed the wording?</p> <p>d) If the wording cannot be agreed, please could the Applicant and the Environment Agency each provide their preferred wording, with reasoning?</p> <p>e) Does the Environment Agency agree with the Applicant [REP9-028] that the provisions suggested by the ExA [PD-016] in relation to a hydrogeological risk assessment are not needed in the dDCO?</p> <p>f) Does the Environment Agency have any outstanding concerns regarding Requirement 6?</p>	<p>National Highways and the Environment Agency have continued to engage and correspond to secure agreement regarding the wording of the requirements in the dDCO. National Highways can confirm that both parties have agreed the revised wording for requirement 6 detailed below and that wording will be included in the final dDCO to be submitted at Deadline 12.</p> <p>Requirement 6 – Rewording</p> <p>6. —</p> <p>(1) No part of the authorised development is to commence until for that part a remediation strategy or design statement, if remediation is not required, to deal with the risks associated with contamination of the site in respect of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</p> <p>(2) The remediation strategy or design statement, if remediation is not required, prepared under sub-paragraph (1) must include details of—</p> <p>(a) a site investigation, based on the preliminary risk assessment bearing reference HE551473-ARC-TPU-RP-CE-3199 reported in chapter 9 (geology and soils) of the environmental statement, to provide information for a relevant risk assessment of the risk to the identified receptors that may be affected, including those outside the Order limits;</p> <p>(b) the results of the site investigation and the relevant risk assessment referred to in sub-paragraph (a) and, based on these, an options appraisal and remediation strategy, where necessary, giving full details of the remediation measures required to render the land fit for its intended purpose and how they are to be undertaken; and</p> <p>(c) a verification plan, where necessary, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy under sub-paragraph (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(3) In the event that soil or water contamination, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified</p>

No	Question to	Reference	Question	National Highways' response
1.	The draft Development Consent Order (dDCO) and other consents			<p>and accounted for within the approved remediation strategy, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must update the remediation strategy in consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</p> <p>(4) Remediation, where necessary, must be carried out in accordance with the approved remediation strategy unless otherwise agreed in writing by the Secretary State following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</p> <p>(5) Where remediation is necessary, no part of the authorised development is to be brought into use until for that part a verification report demonstrating the completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to, and approved in writing by, the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions. The verification report shall include results of sampling and monitoring carried out in accordance with the approved details.</p> <p>(6) The authorised development is not to commence until an updated hydrogeological risk assessment report that addressed the risks to the groundwater resources, that may be impacted by the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.</p> <p>(7) The report prepared under sub paragraph (6) must include details of</p> <ul style="list-style-type: none"> (a) the pre-construction baseline conditions of all features identified during a comprehensive water features survey; (b) an updated hydrogeological model for the area that has been identified as being affected by the construction of all elements of the authorised development; (c) suitable monitoring locations and parameters to be used for the duration of the construction of the authorised development and will serve as monitoring points for the verification of a successful scheme; and (d) a dewatering management plan containing a groundwater monitoring programme that shall be implemented to ensure the continued safeguards of abstractions identified by the water features survey. <p>(8) The authorised development must be carried out in accordance with the approved dewatering management plan as informed by the updated hydrogeological risk assessment.</p> <p>In relation to the specific questions posed by the ExA, National Highways responds as follows:</p> <p>a) National Highways has addressed these matters in the revised wording for requirement 6 shown above and to be submitted as part of the final dDCO at Deadline 12.</p>

No	Question to	Reference	Question	National Highways' response
1.	The draft Development Consent Order (dDCO) and other consents			
				<p>b) National Highways has discussed this matter with the Environment Agency and included this change in the revised wording for requirement 6 which is to be included in the final dDCO to be submitted at Deadline 12.</p> <p>c) National Highways can confirm that the revised wording for requirement 6 detailed above and to be included in the final dDCO to be submitted at Deadline 12 has been agreed with the Environment Agency.</p> <p>d) Not applicable in the circumstances where the wording has been agreed.</p> <p>e) Discussions with the Environment Agency have now been concluded and the ExA will see that a slightly revised form of the wording it originally proposed is included in the revised wording for requirement 6 above which is to be submitted at Deadline 12.</p> <p>f) Although directed to the Environment Agency, National Highways can confirm that it has agreed the revisions to the wording for requirement 6 shown above and understands that the EA is now satisfied.</p>
1.7	Applicant Environment Agency	Requirement 9 Flood risk assessment	<p>The ExA [PD-016] said that it may suggest changes subject to further advice from the Environment Agency and the Applicant.</p> <p>The Applicant [REP9-028] suggested that no changes would be required following its submission of a revised Flood Risk Assessment [REP8-007].</p> <p>Environment Agency [REP9-046] said that it would comment following its review of the revised Flood Risk Assessment.</p> <p>Does the Environment Agency have any outstanding concerns regarding Requirement 9? If so, does the Environment Agency consider that these can be addressed within the dDCO and can it provide any suggested wording to address these concerns?</p> <p>Are additional measures required to provide certainty that appropriate mitigation can be secured to address issues of flooding and allow the SoS to carry out any Exception Test as required?</p>	<p>a) National Highways and the Environment Agency have continued to engage and correspond to secure agreement regarding the wording of the requirements in the dDCO. Both parties are now understood to be satisfied that no revisions to requirement 9 are required.</p> <p>b) National Highways has previously provided a detailed response in relation to the Scheme's ability to satisfy the Exception Test, but for completeness that position is included below for the ExA's ease of reference. The updated Flood Risk Assessment (FRA) submitted by National Highways demonstrates the continued ability of the Scheme to comply with the latest updated climate change adjustments. Adherence to the FRA is secured in requirement 9 and does allow for any future update, should that prove necessary. National Highways is therefore not aware of any additional measure that is required.</p> <p><i>"With regards to the Exception Test and NN NPS paragraph 5.108, the Scheme provides clear sustainability benefits as outlined in the Case for the Scheme (REP2-016). As such the Applicant considers that the Scheme meets the requirements of part (a) of the Exception Test. A flood risk assessment has been undertaken which demonstrates through the provision of compensatory storage that the flood risk levels are reduced as part of the scheme. A sensitivity testing of the 1 in 100 year plus 95% climate change allowance storm event shows that the flood level is below the proposed soffit level of the River Etherow bridge and thus the scheme will remain safe during an extreme future storm scenario. The Flood Risk Assessment, therefore, demonstrates that the Scheme will be safe for its lifetime, without increasing flood risk elsewhere and actually reduces flood risk overall through the provision of compensatory storage at the River Etherow crossing and thus part (b) of the Exception Test has also been satisfied."</i></p>
1.9	Applicant Tameside Metropolitan Borough	Requirement 12 Carbon management	<p>The Applicant [REP9-004] incorporated the ExA's [PD-016] suggested additions, with a minor amendment. Tameside Borough Council [REP9-037] had no comments on the ExA's additions.</p> <p>a) Please could the local authorities comment?</p>	<p>National Highways concurs and has included this change in the final dDCO to be submitted at Deadline 12.</p>

No	Question to	Reference	Question	National Highways' response
1.	The draft Development Consent Order (dDCO) and other consents			
	Council High Peak Borough Council		b) Please could the Applicant consider whether the wording of 12(1) should read "... until for that part a Carbon Management Plan ..." ?	
1.10	Applicant Tameside Metropolitan Borough Council High Peak Borough Council	Use of section 61 consent <i>"Where the undertaker is acting further to Section 61 of the Control of Pollution Act 1974 in relation to the construction of the authorised development the undertaker shall include particulars in any application pursuant to Section 61 of the Control of Pollution Act 1974 to demonstrate that the works the subject of the application, including the method by which they are to be carried out and the steps proposed to be taken to minimise noise resulting from the works, would not give rise to any materially new or worse noise effects to those</i>	The Applicant [REP8-019 Question 7dd] suggested wording for an additional requirement to address the ExA's concerns [EV- 039]. a) Please could the Applicant, Tameside Metropolitan Borough Council and High Peak Borough Council seek to agree the wording and provide a coordinated response? b) Please could the Applicant add the agreed wording to the dDCO?	Tameside Metropolitan Borough Council and High Peak Borough Council have both confirmed to National Highways that they are content with the wording.

No	Question to	Reference	Question	National Highways' response												
1.	The draft Development Consent Order (dDCO) and other consents															
		<i>in comparison with those reported in the environmental statement".</i>														
1.11	Applicant	Submissions for the close of the Examination	<p>Please could the Applicant submit the following for Deadline 12, on Monday 16 May 2022:</p> <ul style="list-style-type: none"> • a clean version of the Applicant's latest dDCO in pdf and Word formats, together with a validation report • the Applicant's latest dDCO showing all changes since the previous submitted version • the Applicant's latest dDCO showing all changes since the Application version, together with a schedule of changes • an up-to-date Explanatory Memorandum that covers the Applicant's latest dDCO • an up-to-date Consents and Agreements Position Statement • signed confirmation from the Applicant and each Statutory Undertaker setting out whether each Protective Provision in Schedule 9 has been agreed, listing any side agreements and whether those have been agreed, and identifying the anticipated timescales for any outstanding matters to be agreed <p>a clean version of each document to be certified that is referenced in Schedule 10, clearly marked with document reference and revision numbers that are consistent with Schedule 10 and the Register of Environmental Statement Changes, together with tracked changes versions showing all changes since the Application version</p>	<p>National Highways can confirm that it will submit for Deadline 12, the following documents:</p> <ul style="list-style-type: none"> • a clean version of the Applicant's final dDCO in pdf and Word formats, together with a validation report • the Applicant's final dDCO showing all changes since the previous submitted version • the Applicant's final dDCO showing all changes since the Application version, together with a schedule of changes • an up-to-date Explanatory Memorandum that covers the Applicant's final dDCO • an up-to-date Consents and Agreements Position Statement <p>National Highways can report that acceptance of the Protective Provisions has been confirmed with the following via the respective signed, final Statements of Common Ground:</p> <table border="1"> <thead> <tr> <th>Statutory Undertaker</th> <th>SoCG references</th> <th>Side agreement</th> </tr> </thead> <tbody> <tr> <td>Cadent Gas Limited</td> <td>Items 4.1 & 4.2 (REP9-017)</td> <td>A legal side agreement has been completed on 10 May 2022. Cadent has confirmed to National Highways that it has no outstanding concerns. National Highways has seen copy correspondence provided to the ExA confirming agreement has been reached and withdrawing its objection to the Order.</td> </tr> <tr> <td>Electricity North West Limited</td> <td>Item 4.1 (REP9-018)</td> <td>N/A</td> </tr> <tr> <td>National Grid Electricity Transmission plc</td> <td>Item 4.1 (REP9-019)</td> <td>A legal side agreement is in the process of being signed by both parties and should</td> </tr> </tbody> </table>	Statutory Undertaker	SoCG references	Side agreement	Cadent Gas Limited	Items 4.1 & 4.2 (REP9-017)	A legal side agreement has been completed on 10 May 2022. Cadent has confirmed to National Highways that it has no outstanding concerns. National Highways has seen copy correspondence provided to the ExA confirming agreement has been reached and withdrawing its objection to the Order.	Electricity North West Limited	Item 4.1 (REP9-018)	N/A	National Grid Electricity Transmission plc	Item 4.1 (REP9-019)	A legal side agreement is in the process of being signed by both parties and should
Statutory Undertaker	SoCG references	Side agreement														
Cadent Gas Limited	Items 4.1 & 4.2 (REP9-017)	A legal side agreement has been completed on 10 May 2022. Cadent has confirmed to National Highways that it has no outstanding concerns. National Highways has seen copy correspondence provided to the ExA confirming agreement has been reached and withdrawing its objection to the Order.														
Electricity North West Limited	Item 4.1 (REP9-018)	N/A														
National Grid Electricity Transmission plc	Item 4.1 (REP9-019)	A legal side agreement is in the process of being signed by both parties and should														

No	Question to	Reference	Question	National Highways' response						
1.	The draft Development Consent Order (dDCO) and other consents			<table border="1" data-bbox="1605 310 2840 441"> <tr> <td data-bbox="1605 310 2021 388"></td> <td data-bbox="2021 310 2412 388"></td> <td data-bbox="2412 310 2840 388">be completed before the end of the examination.</td> </tr> <tr> <td data-bbox="1605 388 2021 441">Openreach Limited</td> <td data-bbox="2021 388 2412 441">Item 4.1 (REP9-016)</td> <td data-bbox="2412 388 2840 441">N/A</td> </tr> </table> <p data-bbox="1605 493 2840 630">The Environment Agency confirmed acceptance to the amended protective provisions in item 3.1 of draft SoCG (REP9-015). National Highways anticipates submitting a signed SoCG with the Environment Agency at Deadline 12. There is no side agreement planned.</p> <p data-bbox="1605 640 2840 1186">National Highways continues to seek to engage with Cornerstone Telecommunications Infrastructure Limited and secure their approval of the protective provisions included in part 2 of Schedule 9 of the dDCO. National Highways will endeavour to conclude an agreement by the time of the Secretary of State's decision on the DCO. However, it should be noted that Cornerstone's interest is limited to a lease of land within plot 2/1h which is identified as land to be acquired temporarily not permanently. The Scheme proposals only temporarily affect access which would be via the main worksite for a limited period. As such National Highways' position is that section 127 of the Planning Act 2008 is not invoked because the land is only being acquired temporarily and it is not a situation where land or rights are being acquired and not replaced. The Secretary of State can take further comfort that protective provisions are included in part 2 of Schedule 9 of the dDCO to protect Cornerstone's apparatus and ensure continuity of their operation, such that there will be no serious detriment to the carrying out of Cornerstone's undertaking. Section 138 of the Act is also not invoked as there is no provision within the Order for the extinguishment of any relevant rights, or the removal of Cornerstone's apparatus. There is no side agreement planned.</p> <p data-bbox="1605 1197 2840 1291">United Utilities provided its first comments on protective provisions on 6 May 2022 and a meeting is programmed for 12 May 2022 so that an update can be provided to the ExA at Deadline 12.</p> <p data-bbox="1605 1302 2840 1438">National Highways will submit clean versions of documents that are being amended as a result of issues arising from these written questions. National Highways will provide a table supplementary to Schedule 10 of the dDCO which identifies the version of each of the documents set out in Schedule 10 which is to be certified.</p>			be completed before the end of the examination.	Openreach Limited	Item 4.1 (REP9-016)	N/A
		be completed before the end of the examination.								
Openreach Limited	Item 4.1 (REP9-016)	N/A								

3. General matters

No	Question to	Reference	Question	National Highways' response
2.	General matters			
2.1.	Applicant	Carbon CPRE Peak District and South Yorkshire Branch - comments on submissions for Deadline 7 [REP8- 034]	<p>CPRE Peak District and South Yorkshire Branch raise concerns [REP8-034] that whilst using lower traffic growth compatible with the Decarbonisation Plan the use of such growth elsewhere would alter the value for money presented by the Proposed Development.</p> <p>a) Would the Applicant comment on this matter? b) Does the Applicant consider that, as result of this, the Case for the Scheme [REP2-016] should be updated?</p>	<p>The assessment of the Scheme is based on the most up to date Department for Transport traffic forecasts. No alternative recognised traffic forecasts are currently available. The Government's Transport Decarbonisation Plan postdates the development and assessment of the Scheme and underlying transport data being developed to reflect such scenarios is yet to be released.</p> <p>The Case for the Scheme (REP2-016) makes clear that the summary of economic impacts set out is focussed on the central growth assumptions, but that additional scenario testing had been performed. These additional scenarios were assessed to test the sensitivity of performance, not to indicate an alternative most likely forecast. The economic forecasts are based on long term growth and the Department for Transport's proposed scenarios for future sensitivity testing include a similar range of impacts which would positively affect the scheme to those which would reduce performance.</p> <p>Therefore, based on the Department for Transport's latest advice on future growth scenarios and proportionality of their application, there do not appear to be grounds for updating the Case for the Scheme at this time.</p>
2.2.	Applicant	Statements of Common Ground	Please could the Applicant submit any outstanding or updated signed Statements of Common Ground for Deadline 12, on Monday 16 May 2022?	<p>The applicant confirm that it is working with the relevant stakeholders to submit final SOCGs for Deadline 12 for:</p> <p>High Peak Borough Council Peak District National Park Authority Transport for Greater Manchester</p> <p>National Highways' discussions with United Utilities are ongoing. United Utilities provided its first comments on protective provisions on 6 May 2022 and a meeting is programmed for 12 May 2022 so that an update can be provided to the ExA at Deadline 12. Whilst conclusion of an SOCG may not be possible for Deadline 12, it is hoped that one will be concluded prior to the end of the Reporting Period, or as a worst case during the period for issue of the Secretary of State's decision.</p> <p>National Highways' discussions with Cornerstone Telecommunications Infrastructure Limited are ongoing. Whilst conclusion of an SOCG is not anticipated for Deadline 12, it is hoped that one will be concluded prior to the end of the Reporting Period, or as a worst case during the period for issue of the Secretary of State's decision. However it should be noted that the Scheme proposals only temporarily affect access which would be via the main worksite for a limited period.</p>

4. Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders

No	Question to	Reference	Question	National Highways' response
3. Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders				
3.1	Applicant	CPRE Peak District and South Yorkshire Branch comments on submissions for Deadline 7 [REP8- 034] CPRE Peak District and South Yorkshire Branch comments on submissions for Deadline 8 [REP9- 040]	CPRE Peak District and South Yorkshire Branch continue to raise concerns in [REP8-034, REP9-040 and elsewhere], that anomalies in baseline flows on links that do not form part of the Strategic Route Network have not been explained adequately. Particular reference has been made to the difference in traffic flows between the A628(T) Market Street through Hollingworth and traffic flows on the A628(T) through Tintwistle. In further support of this a table is supplied [REP8-034] showing Annual Average Daily Traffic Flows on various links and identifying trends in traffic numbers using those links. a) Would the Applicant please provide further commentary on the perceived disparity between the 2025 Do-Minimum output flows from the traffic model and the identified flows? b) Would the Applicant further explain what steps have been taken to validate the model, including where traffic flow data has been used for comparison, identifying its source? c) Does the model comply with Transport Analysis Guidance (TAG) validation criteria?	<p>a) The traffic flows on the A628 Market Street through Hollingworth are higher than the traffic flows on the A628 through Tintwistle because of a combination of the additional traffic demand generated within the urban areas of Glossop, Hollingworth, Tintwistle and Hadfield, the way this traffic demand is loaded onto road network in the traffic model via a single zone loading point and due to much of the traffic demand being to and from the west.</p> <p>The reasons for the differences between the modelled traffic flows and the DfT count point traffic data for the roads identified in the Table in REP8-034 is provided below:</p> <ul style="list-style-type: none"> • A57 Woolley Lane: local fluctuations due to zone connector/local traffic representation limitations. • A626 Glossop Road: DfT count site is much further West and is not directly comparable, hence the lower DfT count recorded. • A6016 Primrose Lane: Growth is expected and may be a result of congestion on Glossop High Street. • A57 High St West: Long link which means exact location of count difficult to replicate given local zone loading limitations • A57 High St West: Long link which means exact location of count difficult to replicate given local zone loading limitations but modelled flow presented in table is further West closer to Norfolk Street/Victoria Street junction than the DfT count point. • B6105 Norfolk Street: The DfT count is for Hall Meadow Road which is a c-class road, so incorrect comparison with modelled flows. • A57 Snake Pass: Base flow is slightly low when summed over an AADT period but passed the hourly comparison criteria. Limited growth expected given other network constraints reaching this point. • A560 Stockport Road: Believe the count site is between M67 and Ashworth Lane whilst the model flow is south of Ashworth Lane. <p>Also please refer to National Highways' comments on Deadline 5 responses (9.69.114 - REP7-025).</p> <p>b) The traffic model has been calibrated and validated using a combination of traffic surveys specifically commissioned in 2015 and National Highways TRIS data on the Strategic Road Network (SRN). TRIS data is collected by automatic traffic counters that continuously record traffic flows 24-hours a day, all year round. Traffic data for weekdays during 'neutral' months (as defined by Department for Transport (DfT) and representing typical conditions outside of school holidays) is extracted from TRIS and used for the calibration of the model. The specifically commissioned traffic counts were undertaken on weekdays during a 'neutral' month. Also please refer to the Applicant's written Summary of Issue Specific Hearing 3 (9.75.9 – REP8-019).</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
				c) The development, calibration and validation of the traffic model has been undertaken in full accordance with the Department for Transport's (DfT) Transport Analysis Guidance (TAG) applicable at the time and passed the necessary TAG criteria for validation which must be met to ensure that the baseline model accurately represents the operation of the existing road network. The traffic model has also been subject to a rigorous National Highways quality assurance process undertaken by a team completely independent of the A57 Link Road project team.
3.2	Applicant	Issue Specific Hearing 3 Item 2 CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-045]	CPRE Peak District and South Yorkshire Branch [REP8-045] query the Applicant's statement regarding the collection and use of traffic data during Covid-19 restrictions, suggesting anomalies between the Applicant's evidence during Issue Specific Hearing 3 and other application documents which they consider to undermine the credibility of the traffic model. Would the Applicant please provide further clarification on whether data was collected during Covid-19 restrictions and, if so, what it was used for and which data outputs it would have influenced?	Please refer to the Applicant's comments on Deadline 8 submissions (item 9.79.111-REP9-027). No additional traffic counts were undertaken during the Covid-19 pandemic and no updates to the traffic model have been made.
3.3	Applicant	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission [REP2-070 Paragraph 11]	CPRE Peak District and South Yorkshire Branch raised concerns [REP2-070 Paragraph 11] that whilst completing the Uncertainty Log, the second source of error identified in the TAG, error in the modelling parameters, has not been assessed. Would the Applicant clarify whether, or not, such an assessment was made and, if not, why not?	It is normal practice to list in the uncertainty log only the uncertainties related to future planned developments and infrastructure. Although not listed in the uncertainty log, uncertainties in the model parameters are collectively captured in the high and low growth sensitivity tests that have been undertaken to consider the impact of uncertainty on the forecast user benefits of the Scheme. This provides a range for the benefit cost ratio (BCR) of the Scheme to ensure that it offers value for money should traffic forecasts be higher or lower than the central case due to uncertainty. The Uncertainty Toolkit was first introduced in May 2021 which postdates the development and assessment of the Scheme. Much of the Uncertainty Toolkit has still not been adopted as official guidance and several aspects of it are dependent on an updated version of the DfT's National Trip End Model (NTEM), which has not yet been published. Nonetheless, the Uncertainty Toolkit specifically states that the low and high demand growth scenarios may still be used where it's considered proportionate.
3.4	Applicant	CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-045]	CPRE Peak District and South Yorkshire Branch [REP8-045] raise concerns that there has been no assessment of alternatives to the Proposed Development subsequent to 2015, considering that such reassessment should have been carried out at various stages since then. CPRE Peak District and South Yorkshire Branch [REP8-045] have referenced R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport - Neutral Citation Number: [2021] EWHC 2161 (Admin) (the Stonehenge Case) a) Would the Applicant comment on whether such reassessment took place? b) If not, why not?	a) to c) The Preferred Route Announcement for the Scheme in 2017 followed considerable work on optioneering and feasibility studies both pre and post the publication of the Road Investment Strategy in 2015. The process behind the justification for the chosen option is summarised in Table 3-6 of Chapter 3 of the Environmental Statement (REP2-036) and the justification for the chosen option in section 3.6 of Chapter 3 of the Environmental Statement (REP2-036). It is incorrect to suggest, however, that there has been no consideration of alternatives subsequent to 2017. As explained in paragraph 3.4.5 of Chapter 3 of the Environmental Statement there have been a number of key changes to the Preferred Route since the 2017 Preferred Route announcement as follows:

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
			<p>c) If so, can this be demonstrated?</p> <p>d) Would the Applicant comment on what implication, if any, the Stonehenge Case has on the manner in which alternatives to the proposal have been considered?</p>	<p>Dualling the A61 between Tintwistle and Sheffield, was not progressed because the relatively straight stretches of road along the route already provide good visibility for overtaking.</p> <p>Significantly the climbing lanes on the uphill stretch of the A628 between Woodhead Bridge and Salters Brook Bridge were not progressed because assessments demonstrated that the existing A61 could accommodate the traffic levels expected over the next 20 years, especially with the development of Westwood roundabout which was previously responsible for much of the congestion. Moreover the negative environmental impact of these climbing lanes associated with construction in the national park was also highlighted.</p> <p>The A628 Safety and Technology improvements and A61 Westwood Roundabout were not considered to be a NSIP, therefore these developments are already being delivered by the Applicant and have been included within the baseline 'do minimum' scenario for the assessment within this EIA.</p> <p>The development of the Scheme design has been an iterative process that has considered environmental mitigation measures and buildability along with the National Highways licence requirements to develop an economic solution and a good road design that is restrained and sensitive to the context of its surroundings and the communities that surround it. As explained in paragraph 3.4.7 of chapter 3 of the Environmental Statement a key focus throughout the Scheme design process has been the interplay between the design and the neighbouring environment. The Scheme has been refined in response to:</p> <ul style="list-style-type: none"> • On-going assessment and consultation with the public and stakeholders; • On-going environmental assessment; • Continual assessment of the evolving Scheme against the good design principles in "The Road to Good Design" and reiterated in DMRB GG103. <p>A summary of the key refinements and changes to the design since the PRA and the 2018 consultation are outlined in Table 3-7 of Chapter 3 of the Environmental Statement. To name a few of the changes:</p> <ul style="list-style-type: none"> • Updated traffic modelling suggested that the Roe Cross link road junction and the Cricket Ground roundabout could be removed from the scheme, without compromising the improvements to traffic levels, avoiding the need for a new road, 7 m high embankment and signal controlled junction and reducing the impacts of the scheme on wildlife, water courses and views from neighbouring properties; • The River Ethrow bridge has been shortened; and • The Mottram Underpass eastern portal has been moved 20m to the east to span a fault line, simplifying the design by using earthworks rather than concrete, reducing the length of the wing walls and reducing the cutting itself and retaining Old Hall Lane on the current alignment. <p>CPRE's concerns with alternatives is focused on a reappraisal of the Strategic Case. As explained in the Case for the Scheme (paragraph 7.2.21), the national policy review demonstrates that the Scheme's development is supported by a variety of policy documents. The aims of the National Infrastructure Delivery Plan (2016 to 2021) includes the provision of a reliable and high-performing road network, the delivery of the Scheme would support this objective. The Scheme is identified directly within RIS1 and RIS2, plus</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			<p>Highways England's Delivery Plan (HEDP) 2020-2025. The Scheme's individual objectives align with those identified in Highways England's Strategic Business Plan. In terms of "new" or "emerging policy" the strategic case for the Scheme has followed through into those policy documents. The A57 Link Roads scheme, for example, aligns with the Greater Manchester Transport Strategy 2040 (the "Strategy") policy objectives and is expressly identified on page 92 as part of the planned investment in Greater Manchester's Strategic Road Network which is described as critical to the delivery of a more reliable northern highways network and forms part of the measures to deliver improved City-to-City highways connectivity. The Strategy identifies the Memorandum of Understanding signed between Highways England and Transport for Greater Manchester to establish a complimentary highways network and more closely integrate the operation of the Strategic Road and Key Route Networks and deal with existing and potential bottlenecks on key highway links.</p> <p>In relation to the Decarbonisation Plan (the "Plan") as noted in its Foreword, <i>"the plan is not about stopping people doing things. it is about doing the same things differently"</i>. It observes that <i>"we will still drive on improved roads but increasingly in zero emission cars"</i>. It is further noted <i>"Our ambitious roads programme reflects – and will continue to reflect – that in any imaginable circumstances the clear majority of longer journeys, passenger, and freight, will be made by road; and that rural, remote areas will always depend more heavily on roads. That is why our plan to decarbonise motor transport, the most ambitious of any major country, is so vital"</i>.</p> <p>The A57 Link Roads Scheme is part of that ambitious roads programme. Road transport remains the central focus of policy and will continue to require appropriate infrastructure. The Decarbonisation plan acknowledges that <i>"for most of us, changing how we travel may be a blend, not a binary – it's about using cars less, not giving them up completely. You'll still keep a car for some journeys particularly if your commute isn't possible public transport but innovation may make it easier to car share thereby increasing car occupancy"</i> (page 7). In that context, <i>"Continued high investment in our roads is therefore, and will remain, as necessary as ever to ensure the functioning of the nation and to reduce the congestion which is a major source of carbon"</i> (page 103). In addition, the scheme also supports the aims in the Strategy and the Plan in terms of creating opportunities for walking and cycling. The Scheme will provide new and improved facilities for pedestrians, cyclists and horse riders throughout the route.</p> <p>As set out in the Applicant's comments on Deadline 8 submissions (REP9-027), item 9.79.35, the intention of the Treasury Green Book guidance referred to is that options considered at any stage of scheme development should be revisited and assessed in full at Full Business Case (FBC) stage. In line with Green Book guidance, National Highways governance requires approval of a FBC for the investment decision to commence construction. This is necessarily after the acquisition of powers (whether through DCO or another route), as this process itself can lead to changes in scheme scope and may add additional requirements that would need to be reflected in an option appraisal for an FBC. Hence, information on the final commercial deal that the FBC reports, and the full details and costs of the option to be constructed cannot be made available until after the DCO in this case has been made. The proposed scheme has gone through a number of stages of option analysis, review and refinement, each of which have taken account of evolving</p>

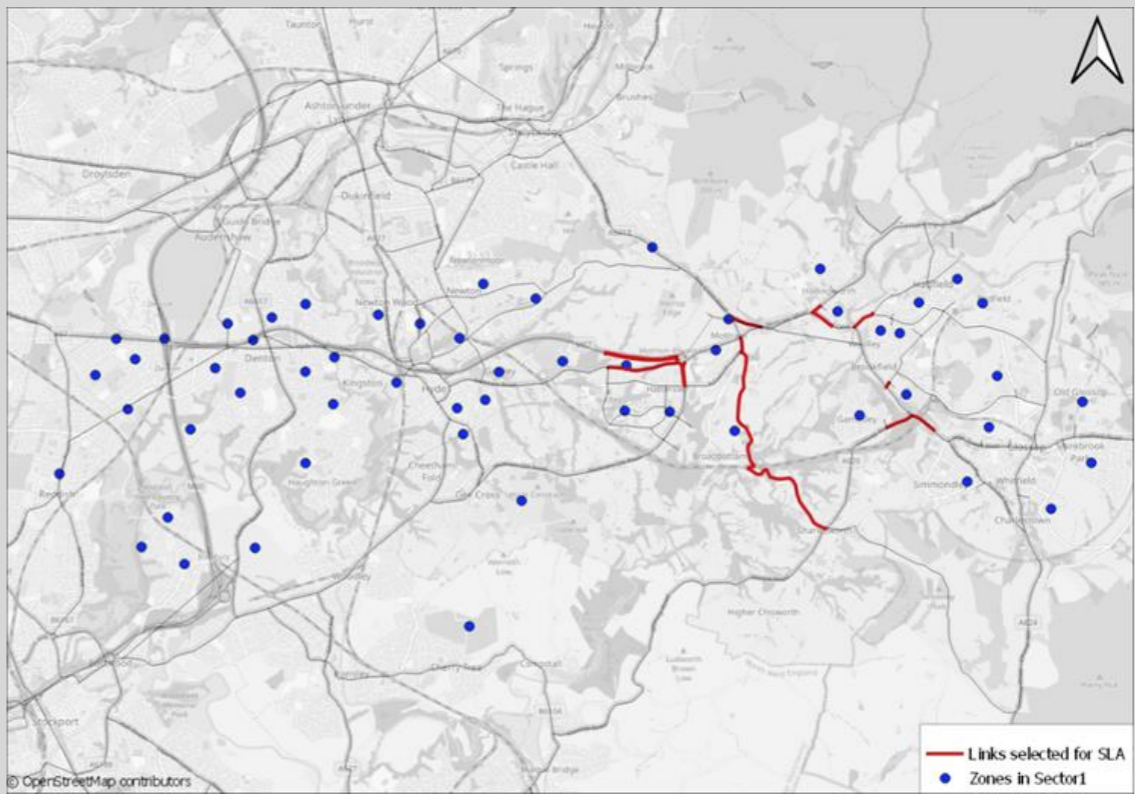
No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			<p>transport conditions and requirements, and reported these in Outline Business Case (OBC) economic cases underpinned by Transport Appraisal Guidance. The Transport Assessment Report provides an overview of this process whereby:</p> <ul style="list-style-type: none"> • A longlist of options was developed and a refinement process used to identify those options which best met the scheme objectives, with the findings of this assessments presented in 2015 • A short-list was taken forward for further assessment through a value management workshop in 2017, leading to a selection of two options to take through to a consultation exercise, following which a preferred route announcement was made • Through ongoing consultation with stakeholders and two statutory consultations, additional updates to the scheme were made in 2018 and a third round of statutory consultation was undertaken in 2020 leading to the current scheme design, finalised post-consultation in 2021 • This was fed into the latest revision of the Outline Business Case in Summer 2021, which is compatible with the information provided in the Transport Assessment submitted with the DCO <p>The purpose of review is to either confirm that previous findings remain valid or to identify where new information is likely to result in changes to those findings. When the last review was undertaken design work had continued to refine the scheme to achieve a best fit based on the latest available information. At that time, the benefits of the preferred scheme had been improved, and costs maintained, while there were no changes that would have affected the performance of the rejected option B, which remained more expensive, would affect more properties and had been less popular at public consultation. Hence, it would not have been a good use of public money to change the preference, nor to undertake any further appraisal of it. Whilst certain key assumptions, such as the value of greenhouse gas emissions, have become more prominent, these have always been an important part of the assessment, with workshops used as recommended in guidance to ensure all versions of the scheme beyond the initial option sifting process continue to be aligned with the wider strategic objectives.</p> <p>None of the “far reaching consequences” alluded to in (REP8-045) have altered the strategic case for the Scheme .</p> <p>d) The case of <i>Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport</i> followed a judicial review of the Secretary of State’s (SST) decision to grant a development consent order for the construction of a new route of the A303.</p> <p>The Examining Authority considered that the scheme would cause substantial harm to the World Heritage Site and recommended that it be refused. The Secretary of State disagreed, in particular in relation to the level of harm, considering that less than substantial harm would result and that would be outweighed by the benefits of the scheme, including the removal of the existing surface level A303.</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			<p>On the matter of alternatives (Ground 5(iii) of the claim), the focus of the claimant's oral submissions was that the SST failed to consider the relative merits of two alternative schemes for addressing the harm resulting from the western cutting and portal, firstly, to cover approximately 800m of the cutting and secondly, to extend the bored tunnel so that the two portals are located outside the western boundary of the Stonehenge World Heritage Site. (WHS), a site of outstanding universal value.</p> <p>Highways England's case, applying paragraph 4.26 to 4.27 of the NPSNN, was that the only consideration of alternatives relevant to the Examination were:</p> <ul style="list-style-type: none"> (i) "to be satisfied that an options appraisal has taken place," (ii) compliance with the EIA Regulations 2017 in relation to the main alternatives studied by the applicant and the main reasons for the applicant's decision to choose the scheme, and (iii) alternatives to the compulsory acquisition of land (PR 5.4.3 and 5.4.60). <p>The Panel stated in its report that Highways England had correctly identified all legal and policy requirements relating to the assessment of alternatives. It accepted that alternatives did not have to be assessed under The Conservation of Habitats and Species Regulations 2017 (SI 2017 No 1012) ("the Habitats Regulations 2017 ") or the Water Framework Directive (PR 5.4.57 to 5.4.58). In relation to policy requirements, the Panel accepted that Highways England had satisfied the sequential and exception tests for flood risk and that no part of the scheme fell within a National Park or an Area of Outstanding Natural Beauty (PR 5.4.59). However the Panel did not consider any policy requirements relating to cultural heritage impacts which might make it appropriate or even necessary to reach a conclusion on the relative merits of the scheme and alternatives to it.</p> <p>The Panel's finding that substantial harm would be caused to a WHS, an asset of the "highest significance" meant that paragraph 5.131 of the NPSNN was engaged. On that basis it would have been "wholly exceptional" to treat that level of harm as acceptable.</p> <p>Furthermore, on the Panel's view paragraph 5.133 of the NPSNN was engaged. It followed that the application for consent was to be refused unless it was demonstrated that the substantial harm was "necessary" in order to deliver substantial public benefits outweighing that harm. It was noted that the test is not merely a balancing exercise between harm and benefit. Accordingly, relevant alternatives for achieving those benefits are an obviously material consideration. However, although the Panel made its vitally important finding of substantial harm, it simply carried out a balancing exercise without also applying the necessity test. In the Panel's judgment the proposal failed simply on the balance of benefits and harm, even without considering whether any alternatives would be preferable). Because the Panel approached the matter in that way, the SST did not have the benefit of the Panel's views on the relative merits of the extended tunnel options compared to the proposed scheme.</p> <p>Within the judgment The Honourable Mr Justice Holgate notes that the issue of alternatives in the Stonehenge case was narrow and case specific. The question for the Court was, "Was the SST entitled to go no further, in substance, than the approach set out in paragraph 4.27 of the NPSNN and PR 5.4.71?"</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			<p>At paragraph 277 Holgate J states: <i>“In my judgment the clear and firm answer to that question is no. The relevant circumstances of the present case are wholly exceptional. In this case the relative merits of the alternative tunnel options compared to the western cutting and portals were an obviously material consideration which the SST was required to assess [National Highways’ emphasis]. It was irrational not to do so. This was not merely a relevant consideration which the SST could choose whether or not to take into account. I reach this conclusion for a number of reasons, the cumulative effect of which I judge to be overwhelming.”</i></p> <p>The reasons given are:</p> <p>“278. First, the designation of the WHS is a declaration that the asset has “outstanding universal value” for the cultural heritage of the world as well as the UK. There is a duty to protect and conserve the asset (article 4 of the Convention) and there is the objective inter alia to take effective and active measures for its “protection, conservation, presentation and rehabilitation” (article 5). The NPSNN treats a World Heritage Site as an asset of “the highest significance” (para. 5.131).</p> <p>279. Second, the SST accepted the specific findings of the Panel on the harm to the settings of designated heritage assets (e.g. scheduled ancient monuments) that would be caused by the western cutting in the proposed scheme. He also accepted the Panel’s specific findings that OUV attributes, integrity and authenticity of the WHS would be harmed by that proposal. The Panel concluded that that overall impact would be “significantly adverse”, the SST repeated that (DL 28) and did not disagree (see [137], [139] and [144] above).</p> <p>280. Third, the western cutting involves large scale civil engineering works, as described by the Panel. The harm described by the Panel would be permanent and irreversible.</p> <p>281. Fourth, the western cutting has attracted strong criticism from the WHC and interested parties at the Examination, as well as in findings by the Panel which the SST has accepted. These criticisms are reinforced by the protection given to the WHS by the objectives of Articles 4 and 5 of the Convention , the more specific heritage policies contained in the NPSNN and by regulation 3 of the 2010 Regulations.</p> <p>282. Fifth, this is not a case where no harm would be caused to heritage assets (see <i>Bramshill</i> at [78]). The SST proceeded on the basis that the heritage benefits of the scheme, in particular the benefits to the OUV of the WHS, did not outweigh the harm that would be caused to heritage assets. The scheme would not produce an overall net benefit for the WHS. In that sense, it is not acceptable per se . The acceptability of the scheme depended upon the SST deciding that the heritage harm (and in the overall balancing exercise all disbenefits) were outweighed by the need for the new road and all its other benefits. This case fell fairly and squarely within the exceptional category of cases identified in, for example, <i>Trusthouse Forte</i> , where an assessment of relevant alternatives to the western cutting was required.....</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			<p>283. The submission of Mr. Strachan QC that the SST has decided that the proposed scheme is “acceptable” so that the general principle applies that alternatives are irrelevant is untenable. The case law makes it clear that that principle does not apply where the scheme proposed would cause significant planning harm, as here, and the grant of consent depends upon its adverse impacts being outweighed by need and other benefits (as in para. 5.134 of the NPSNN).</p> <p>284. I reach that conclusion without having to rely upon the points on which the claimant has succeeded under ground 1(iv). But the additional effect of that legal error is that the planning balance was not struck lawfully and so, for that separate reason, the basis upon which Mr. Strachan QC says that the SST found the scheme to be acceptable collapses.</p> <p>285. Sixth, it has been accepted in this case that alternatives should be considered in accordance with paragraphs 4.26 and 4.27 of the NPSNN. But the Panel and the SST misdirected themselves in concluding that the carrying out of the options appraisal for the purposes of the RIS made it unnecessary for them to consider the merits of alternatives for themselves. Highway England’s view that the tunnel alternatives would provide only “minimal benefit” in heritage terms was predicated on its assessments that no substantial harm would be caused to any designated heritage asset and that the scheme would have slightly <i>beneficial</i> (not adverse) effects on the OUV attributes, integrity and authenticity of the WHS. The fact that the SST accepted that there would be net harm to the OUV attributes, integrity and authenticity of the WHS (see [139] and [144] above) made it irrational or logically impossible for him to treat Highway England’s options appraisal as making it unnecessary for him to consider the relative merits of the tunnel alternatives. The options testing by Highways England dealt with those heritage impacts on a basis which is inconsistent with that adopted by the SST.</p> <p>286. Seventh, there is no dispute that the tunnel alternatives are located within the application site for the DCO. They involve the use of essentially the same route and certainly not a completely different site or route. Accordingly, as Sullivan LJ pointed out in Langley Park (see [246] above), the second principle in Trusthouse Forte applies with equal, if not greater force.</p> <p>287. Eighth, it is no answer for the defendant to say that DL 11 records that the SST has had regard to the “environmental information” as defined in <u>regulation 3(1) of the EIA Regulations 2017</u> . Compliance with a requirement to take information into account does not address the specific obligation in the circumstances of this case to compare the relative merits of the alternative tunnel options.</p> <p>288. Ninth, it is no answer for the defendant to say that in DL 85 the SST found that the proposed scheme was in accordance with the NPSNN and so <u>s.104(7) of the PA 2008</u> may not be used as a “back door” for challenging the policy in paragraph 4.27 of the NPSNN. I have previously explained why paragraph 4.27 does not override paragraph 4.26 of the NPSNN, and does not disapply the common law principles on when alternatives are an obviously material consideration. But in addition the SST’s finding that the proposal accords with the NPSNN for the purposes of <u>s.104(3) of the PA 2008</u> is vitiated (a) by the legal error</p>

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
				<p>upheld under ground 1(iv) and, in any event, (b) by the legal impossibility of the SST deciding the application in accordance with paragraph 4.27 of the NPSNN".</p> <p>In terms of the manner in which alternatives for the design of the Scheme have been considered by National Highways, this is consistent with the Stonehenge case in terms of National Highways, through the evolution of the design of the Scheme, continuing to review the design and to consider alternatives to minimise impacts.</p> <p>In terms of the ExA's assessment of alternatives the implication of the Stonehenge case is that the ExA is entitled to find on the evidence that:</p> <ul style="list-style-type: none"> i) in accordance with paragraph 4.26 of the NPSNN, National Highways has included within the ES an outline of the main alternatives studied and provided an indication of the main reasons for choice of the preferred route, taking into account the environmental effects. ii) In accordance with paragraph 4.27 of the NPSNN, the ExA can be satisfied that the Scheme has been subject to a full options appraisal in achieving its status within the Road Investment Strategy, and that proportionate option consideration of alternatives has been undertaken as part of the investment decision making process. <p>However, that does not mean that the proposed alignment as expressed in the Proposed Development is necessarily acceptable, taking into account all considerations as set out in s104 of the PA2008. That conclusion can only be reached having assessed all the individual planning issues and coming to a balanced conclusion.</p> <p>National Highways' case is that the alignment should be considered acceptable having assessed all the individual planning issues and coming to a balanced conclusion.</p>
3.5	Applicant	<p>CPRE Peak District and South Yorkshire Branch Email correspondence between Transport for Greater Manchester and National Highways [REP9-039]</p> <p>Draft Statement of Common Ground with Transport for Greater</p>	<p>CPRE Peak District and South Yorkshire Branch [REP9-039] refer to an e-mail to Andrew Davidson sent in January 2022 which they consider identifies concerns that Transport for Greater Manchester wished to discuss further.</p> <p>The final Statement of Common Ground between the Applicant and Transport for Greater Manchester has not yet been agreed.</p> <ul style="list-style-type: none"> a) Would the Applicant clarify whether the matters identified in the e-mail were discussed at a later date? b) What were the outcomes of those discussions? c) Does the Proposed Development address these matters? d) If so, how? e) Was the scope of the traffic model agreed with Transport for Greater Manchester? f) Is the Applicant aware of any design consideration which would conflict with the provision of a bypass of Hollingworth and Tintwistle? 	<ul style="list-style-type: none"> a), b), c), d) The matters contained within the email referenced have been used as the basis for ongoing discussions with TfGM, discussions have progressed with items being resolved as part of the ongoing development of the SOCG. The final version of the SoCG with TfGM is scheduled to be submitted at Deadline 12. e) The scope for the traffic model has been developed using National Highways Regional Traffic Model, TfGM have not directly been involved in its development and have not raised any issues with the modelling. f) The current Scheme is included in RIS 1 (carried through to RIS 2) and is intended to deliver improvements to the Mottram area. Any further to deliver improvement to the wider areas of Hollingworth and Tintwistle would need to be considered in a future RIS and would need to take account of this Scheme.

No	Question to	Reference	Question	National Highways' response
3. Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders				
		Manchester [REP2-019]		
3.6	Applicant	CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-034]	<p>CPRE Peak District and South Yorkshire Branch [REP8-034] suggested that the Proposed Development fails to provide overall journey times between Manchester and Sheffield centres and that Proposed Development fails to demonstrate any benefits in terms of journey time/ reliability.</p> <p>Would the Applicant comment on this matter?</p>	<p>The changes in journey times for all trips between the zones in Sector 1 of the model (shown as blue dots on the plan below) and for all trips that pass along roads that feed into the Scheme (shown red on the plan below) to and from all zones within the model are accounted for in the assessment of the benefits of the Scheme, i.e. journey time savings.</p> <p>Section 7 of the Transport Assessment Report (TAR) (APP-185) only presents a high-level overview of journey time changes on select key routes and does not present all the journey time savings accounted for in the assessments of the benefits of the Scheme.</p> <p>Please also refer to National Highways response reference 9.54.64 in its comments on Keith Buchan on behalf of CPRE PDSY deadline 4 submission (REP5-022) regarding journey times improvements between Sheffield and Manchester delivered by the Scheme.</p> <p>Please refer to National Highways' comments on Deadline 5 responses (9.69.4 – REP7-025) regarding journey time reliability.</p> 
3.7	Applicant	Compliance with the EIA regulations and the sufficiency of material provided for a reasoned conclusion to be reached.	Please could the Applicant provide a detailed response to the traffic modelling matters raised by CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other related matters raised in the Deadline 10 submissions?	National Highways responded to REP9-040, REP9-042, REP9-044 and REP9-045 at Deadline 10 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010) and will respond to the Deadline 10 submissions at Deadline 12.

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
		Consideration given to recent policy, modal share and trip reduction targets.		
3.8	Applicant	Scheme Layout Plans [REP8-004] Sheet 4 of 10 Rev P04 Works Plans [REP9-002] Sheet 4 of 10 Rev P05 Work 13(iii) Rights of Way and Access Plans [REP9-003] Sheet 4 of 10 Rev P05	On the A57(T) north-eastern (Mottram Moor) arm, the layout indicates a single north-eastbound traffic lane running alongside a new length of footway cycleway. This, however, appears to terminate, decanting footway users onto the carriageway. a) Would the Applicant clarify what is intended in terms of footway or footway/ cycleway provision connection to the footway of Mottram Moor to the north-east? b) Please provide updated plans showing the intended layout, with all footway connections.	a) The intention is for a segregated north-eastbound cycle track to be provided adjacent to the carriageway for a distance of approximately 97m and for the existing footway along this length to be retained. The new segregated cycle track will therefore decant cyclists to the carriageway and the pedestrians will remain on the existing footway. Sheet 4 of the Work Plans and Rights of Way and Access Plans have been updated to reflect this. b) Updated Rights of Way and Access Plans and Works Plans have been provided at Deadline 11.
3.9	Applicant	Scheme Layout Plans [REP8-004] Sheet 1 of 10 Rev P03 Works Plans [REP9-002] Sheet 1 of 10 Rev P03 Work No 4 Rev P04 Streets, Rights of Way and Access Plans [REP9-003] Sheet 1 of 10 Rev P04	On the M67 Junction 4 Roundabout Mottram Road, Stockport Road and A57(T) Hyde Road arms, the alignment of connections to crossing points of the carriageway as shown on the Works Plans [REP9-002] and Streets, Rights of Way and Access Plans [REP9-003] do not accord with the Scheme Layout Plans [REP8-004]. Please could the Applicant provide updated plans showing the intended Scheme Layout, with all footway connections?	The alignment of footway and cycle track connections to crossing points has been added to the scheme layout plans, an updated version of the scheme layout plans have been submitted at Deadline 11.
3.10	Applicant	Outline Traffic Management Plan [REP1-038] Register of	The Applicant has previously stated that, during the Construction Phase, Heavy Goods Vehicles associated with The Works will not be routed via the A57 and/ or the A628. The ExA requests the Applicant to update the Outline Traffic Management Plan [REP1-038] and Register of Environmental Actions and Commitments (REAC) [REP9-009] to secure a commitment to these measures in the dDCO [REP9-004].	National Highways are not aware of having made any commitment to not route HGVs associated with the works via the A57 and/ or the A628. The only similar commitment is one that has been made to avoid the A57 through Mottram to avoid the Conservation Area. The Outline TMP and REAC were resubmitted at Deadline 1 to allow for this commitment. However, National Highways have reviewed possible routes and can include a commitment not to route HGVs associated with the works via the A57 Snake Pass due to

No	Question to	Reference	Question	National Highways' response
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
		Environmental Actions and Commitments [REP9-009] dDCO [REP9-004]		<p>the sensitive nature of the road (being in a National Park), even though there are not any current restrictions. However, the A628 will be required because it is the only reasonable route in from the east.</p> <p>The Outline TMP and actions GEM1.4 and GEM2.5 of the REAC have been updated and resubmitted at Deadline 11 to reflect this.</p>

5. Peak District National Park

No	Question to	Reference	Question	National Highways response
4.	Peak District National Park			
4.1	Applicant	Special qualities Indirect effects	<p>Peak District National Park Authority [REP9-034] continues to raise concerns about the consideration given to impacts on the tranquillity and quiet enjoyment of the National Park.</p> <p>Please could the Applicant summarise its position?</p>	<p>Landscape receptors are landscape designations, Landscape Character Types, and parts of the A57, A624 and A628 within the PDNP. Indirect effects upon the PDNP resulting from increased traffic were assessed. Perceptual/experiential effects were included within the methodology. Paragraphs 7.3.39 and 7.3.40 of the ES (APP-063) consider the Special Qualities of the PDNP and tranquillity and wildness. There were no significant residual effects on the landscape character areas/types within the PDNP during operation.</p> <p>Viewpoints 19-26 inclusive represent views from the Pennine Way/Pennine Bridleway/Trans-Pennine Trail within the Peak District National Park (PDNP). These were set out in Chapter 7 Landscape and Visual Effects of the Environmental Statement (APP-063) Table 7.29 Indirect Effects. This recognises that traffic numbers will increase for the A57 and A628 (within the PDNP) and decrease for the A624 (within the PDNP) but that for all routes the magnitude of change of increased/decreased traffic, based on the existing scenario (whereby existing traffic affects the perception of wildness and tranquillity (the PDNP's Special Qualities), was not high enough to result in significant effect greater than slight adverse for visual receptors on these routes.</p> <p>The Applicant maintains that their approach to assessing the tranquillity as part of the indirect effect on the PDNP is proportionate, appropriate and consistent with the assessment of direct effects of the proposed scheme within the study area.</p>
4.3	Applicant	Mitigation	<p>Peak District National Park Authority [REP8-026] has raised concerns about:</p> <ul style="list-style-type: none"> • a lack of provision in the Design Approach Document [REP9-008 Annex C2] for engagement with Peak District National Park Authority • how the detailed design would have regard to the Peak District National Park and its setting • lighting • mitigation measures for indirect effect on Peak District National Park • Please could the Applicant comment? Can mitigation measures be provided? 	<p>First bullet – Paragraph 1.2.2 of the Design Approach Document [REP9-008 Annex C2] states “<i>The Applicant has, and will continue to, maintain dialogue with the relevant local authorities, the local highway authority and the Environment Agency in relation to the development of the plans which will be included in the EMP (Second iteration)</i>”.</p> <p>As ‘host’ authorities, the relevant authorities are considered to be Tameside Metropolitan Borough Council, Derbyshire County Council, and High Peak Borough Council, as the DCO application sits within their administrative boundaries, and their local planning policies that relate to the design approach are relevant. As the Scheme is not within the PDNPA boundary and the PDNP boundary is over 2km distant engagement with the PDNPA on the design approach is not proposed.</p> <p>Second bullet – The detailed design concerns the landscape context and setting of the proposed Scheme and considers the surrounding landscape and mitigation. The PDNP is over 2km distant. No mitigation measures for indirect effects within the PDNP are necessary or proposed.</p>

No	Question to	Reference	Question	National Highways response
4.	Peak District National Park			<p>Third bullet – The detailed design considers lighting of the proposed Scheme and considers the surrounding landscape and mitigation. The PDNP is over 2km distant. No mitigation measures for indirect effects within the PDNP are necessary or proposed.</p> <p>Fourth bullet – No mitigation measures for indirect effects within the PDNP are necessary or proposed.</p>

6. Other landscape and visual, design, Green Belt

No	Question to	Reference	Question	National Highways' response
5.	Other landscape and visual, design, Green Belt			
5.3	Applicant Derbyshire County Council	Green Belt	<p>High Peak Borough Council [REP9-033] have raised concerns about “<i>other considerations</i>” in relation to whether “<i>very special circumstances</i>” exist, including that, in their view:</p> <ul style="list-style-type: none"> • journeys between Glossop, Hadfield and Tintwistle are likely to experience a disbenefit due to additional traffic on the existing highway network and the absence of any plans to mitigate impacts outside of the DCO boundary • the impacts of traffic growth on Shaw Lane and Dinting Road, the potential need for junction improvements, a pedestrian crossing to enable safe journeys to school across Dinting Road and the implications of on-street parking on Shaw Lane which prohibit two-way traffic movements have not been addressed or remain unresolved. <p>Please could the Applicant and Derbyshire County Council, as the local highway authority, comment?</p>	<p>We note that HPBC confirms that “<i>The applicant’s approach to establishing the case for very special circumstances is broadly accepted</i>”. The applicant set out a number of aspects which it considers constitute very special circumstances that clearly outweigh harm to the Green Belt, and HPBC have disagreed with the Applicant over the weight that they consider applies to a small number of these. The applicant responded to the points raised by HPBC in its Deadline 10 Submission 9.84 - Applicant's Comments on Deadline 9 Responses (REP10-010). The Applicant disagrees with HPBC and considers that the aspects it identified as very special circumstances clearly outweigh any harm to the Green Belt.</p>

7. Other noise, vibration, and nuisance

No	Question to	Reference	Question	National Highways' response
6.	Other noise, vibration, and nuisance			
6.1	Applicant High Peak Borough Council	Baseline noise levels in relation to 18 and 54 Wooley Bridge	<p>High Peak Borough Council [REP8-025 Question 7cc] raised concerns about enforceable commitments being required and suggested some wording for the Outline Noise and Vibration Management Plan.</p> <p>The Applicant [REP9-027] responded, but did not suggest any changes to the Outline Noise and Vibration Management Plan.</p> <p>Please could the Applicant and High Peak Borough Council seek to agree on any necessary mitigation, and how it is secured, and each provide a coordinated response?</p>	<p>The wording in section 2.6 of the Outline NVMP has been updated for Deadline 11 submission as follows (new additional text shown in red):</p> <p>2.6.1. Noise monitoring during the construction phase will take the form of either unattended long-term noise monitoring, or short-term attended noise monitoring. The decision to use either type of monitoring will be based on the nature and location of the works being undertaken, and subject to discussion and agreement with the Local Planning Authority.</p> <p>2.6.2 The construction noise threshold levels for significant effects will take into account the baseline conditions experienced in absence of construction works as reported in Chapter 11 of the Environmental Statement. Where additional baseline data are required, such as the Woolley Bridge area, the additional baseline monitoring location(s) and measurement methodology will be discussed and agreed with the relevant local authority.</p>

8. Air quality

No	Question to	Reference	Question	National Highways' response
7.	Air quality			
7.1	High Peak Borough Council	Remaining concerns	<p>a) Please could High Peak Borough Council provide an update on the matters that it has noted [REP8-025] as not being resolved, including with respect to:</p> <ul style="list-style-type: none"> • speed band emission rates used in the air quality assessment • routing of traffic in Glossop from the A57 onto Shaw Lane and Dinting Road • the inclusion of Air Quality Management Areas in the air quality study area • human health receptors on the A57 in Brookfield <p>b) What are the likely implications for the adequacy of the Applicant's assessment and for their identification of significant effects?</p> <p>c) Should further mitigation be provided?</p>	<p>a) The Applicant's position is provided in REP8-017. This will be updated in the SoCG with HPBC to be submitted at Deadline 12.</p> <p>The Applicant has continued to engage with HPBC, however, there remains disagreement between HPBC and the Applicant on the outstanding items identified related to the traffic modelling (rerouting of traffic to Shaw Lane/Dinting Road) and the request to include AQMAs in the air quality assessment where they are outside of the study area as defined by the DMRB LA 105 traffic scoping criteria.</p> <p>The Applicant has continued to discuss the approach to assessment of the Air Quality Management Areas at Dinting and Tintwistle with HPBC, however the Applicant maintains the position that the DMRB LA 105 traffic scoping criteria provide a robust and appropriate threshold for defining the air quality study area for the assessment of significant effects of air quality of highways schemes. Therefore, it is not necessary or appropriate to undertake any further assessment within the Air Quality Management Areas which are not located within the Scheme study area.</p> <p>As set out in '9.86 Supplementary Air Quality Assessment For Brookfield' (TR010034/EXAM/9.86), submitted at Deadline 11, the sensitivity test for human health receptors at Brookfield identified a single receptor point (QF454), representative of the southernmost corner of a kerbside residential property, which would be expected to experience a large increase in concentrations (>4 µg/m³) resulting in a marginal exceedance of the annual mean NO₂ AQS objective in both the base year (2018) and with the Scheme in the opening year (2025) (concentration of 40.1 µg/m³ against a threshold of 40µg/m³).</p> <p>However, monitoring data for a location representative of QF454, HPBC diffusion tube HP26, does not indicate that there was likely to be an exceedance of the AQS objective at the location in the model base year (2018 monitored annual mean of 34.5 µg/m³). It is therefore important to better understand existing air quality at the property representative of QF454 when interpreting the results of the modelling and or sensitivity test</p> <p>b) DMRB LA 105 Table 2.92N provides guidance on the number of properties experiencing worsening and improvement when considering evaluation of significance, whilst paragraph 2.95.1 provides guidance on the assessment of significance where the number of properties resides between the lower and upper guideline bands provided in Table 2.92N.</p> <p>Given the number of receptors (75 receptors) that experience a decrease in concentrations with the Scheme, it is still considered that this outweighs the one receptor with a 'small' increase in concentration and one receptor with a 'large' increase in concentration (QF454) with the Scheme. Overall, as reported in the ES, the impact of the Scheme is an improvement in air quality for human health receptors and there is not a significant adverse effect due to the Scheme.</p>

No	Question to	Reference	Question	National Highways' response
7.	Air quality			c) The results of the Brookfield sensitivity test were discussed with HPBC (virtual meeting held 27th April 2022). Discussions are ongoing regarding a mechanism for the Applicant to support HPBC to better understand the baseline air quality at the property.

9. Climate change

No	Question to	Reference	Question	National Highways' response
8.	Climate change			
8.1	Applicant	Cumulative carbon assessment Compliance with the EIA regulations and the sufficiency of material provided for a reasoned conclusion to be reached Consideration given to recent policy and carbon targets Consideration given to local policies on climate change	Please could the Applicant provide a detailed response to the climate change matters raised by Climate Emergency Policy and Planning [REP9-038], CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other climate change matters raised in the Deadline 10 submissions?	National Highways responded to REP9-038, REP9-040, REP9-042, REP9-044 and REP9-045 at Deadline 10 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010) and will respond to the Deadline 10 submissions at Deadline 12.

10. The historic environment

No	Question to	Reference	Question	National Highways' response
9.	Historic environment			
9.1	Applicant Peak District National Park Authority	Tintwistle Conservation Area	<p>The Applicant [REP9-027] considers that there would be no perceptible change to the character, appearance or noise environment of the conservation area due to the very slight increase in traffic/ key attributes of setting which contribute towards significance would be persevered.</p> <p>Peak District National Park Authority [REP8-026] have remaining concerns about indirect effects on Tintwistle Conservation Area.</p> <p>Please could the Applicant and Peak District National Park Authority seek to agree on the assessment, any necessary mitigation, and how it is secured, and each provide a coordinated response?</p>	<p>As identified at paragraph 6.7.38 of Chapter 6 of the Environmental Statement (REP06-018), the very slight increase in traffic levels along the A628 within Tintwistle Conservation Area resulting from operation of the Scheme would not result in any perceptible change to the character, appearance or noise environment of the conservation area.</p> <p>The impact of the Scheme's operation on the value of the conservation area has been assessed in accordance with the guidance provided in DMRB LA104 Environmental assessment and monitoring, and DMRB LA106 Cultural heritage assessment, and found to result in a neutral effect on the conservation area. No mitigation has therefore been proposed for Tintwistle Conservation Area.</p> <p>The Applicant notes that comments were received from the Peak District National Park Authority on 3 May 2022 to be included in the Statement of Common Ground (SoCG) on this matter. In summary, the comments stated that PDNPA has concerns that the language of the EIA impact assessment does not tie in completely with the language of the NPPF (and new terminology was introduced. i.e. 'minimal harm' which should be the lower end of 'less than substantial harm'), and that this is linked to their wider concerns that relate to the methodology for assessing tranquillity is flawed.</p> <p>The Applicant maintains that their approach to assessing the conservation areas is in accordance with DMRB LA 106, which is industry best practice and the assessment approach is proportionate, appropriate and consistent with the assessments undertaken for comparable highways DCO applications. With this in mind, it is not possible for the Applicant and Peak District National Park Authority seek to agree on the assessment, and in the SoCG this issue is 'not agreed'. Please also see National Highways' response to Written Question 9.3 below.</p>
9.2	Applicant	Opportunities to deliver enhancement	<p>Paragraph 5.137 of the National Policy Statement for National Networks notes that Applicants should look for opportunities within Conservation Areas and within the settings of heritage assets to enhance or better reveal their significance.</p> <p>High Peak Borough Council [REP8-025] raised concerns that the Applicant's [REP6-017] suggested enhancement for the setting of the Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument are not firmly secured.</p> <p>Peak District National Park Authority [REP8-026] said that the suggested enhancement is for feasibility funding only and would not deliver enhancement.</p> <p>The Applicant [REP9-027] said that those enhancement proposals are separate to the Proposed Development.</p> <p>a) Please could the Applicant clarify the extent to which the enhancement for the setting of the Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument are secured and would deliver enhancement?</p>	<p>a) The proposals being considered are a separate project that is standalone to the Scheme, as it is part of National Highways' Designated Funds plan. The proposals being considered are not required for mitigation of the Scheme. The funds are not secured and should not be considered in the planning balance for this DCO application.</p> <p>Designated funds can be applied for by any external organisations from the public, third and private sectors, as well as by the project team. A successful application needs to fit with National Highways strategic priorities and the criteria for funding.</p> <p>b) Please refer to responses relating to Melandra Castle Roman fort, Tintwistle Conservation Area and Mottram-in-Longdendale Conservation Area in 9.79 of Applicant's comments of Deadline 8 submission (REP9-027).</p> <p>In terms of how National Highways have addressed Paragraph 5.137 of the NPS NN, we considered heritage assets and potential impacts on setting as part of the assessment process from the optioneering stage onwards; and sought to preserve and enhance their significance through the development of careful planting proposals to integrate the scheme into the landscape; and through lighting design.</p>

No	Question to	Reference	Question	National Highways' response
9.	Historic environment			
			b) Please could the Applicant summarise how it has addressed Paragraph 5.137 of the National Policy Statement for National Networks?	
9.3	Applicant	Level of harm and NPPF tests	Peak District National Park Authority [REP8-026] has asked for clarification about how "minimal harm" relates to "less than substantial harm" in terms of severity and whether "minimal harm" is less severe than "less than substantial harm"; more severe or roughly equivalent? Please could the Applicant comment?	As identified in the recent judgement in the case of <i>R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited</i> , it is recognised that a broad spectrum of harm may be covered within the categories of substantial and less than substantial harm. Throughout the assessment we have used the term 'limited harm' rather than the term 'minimal harm'. The assessment of limited harm has been considered when assessing the weight to be given to conservation of a heritage asset under paragraph 5.132 of the NPSNN and paragraph 199 of the NPPF. In this assessment, limited harm is considered to fall at the lower end of the spectrum of less than substantial harm.

11. Soil, ground conditions, material assets and waste

No	Question to	Reference	Question	National Highways' response
10.	Soil, ground condition, material assets and waste			
10.1	Environment Agency Applicant	Ground Investigation Report [APP- 187]. Supplementary Ground Investigation Report [REP7-027]. Environment Agency Written Representation at Deadline 8 [REP8-037]. Applicant's Response to Written Representations at Deadline 8 [REP9-027]. dDCO [REP9-004] Register of Environmental Actions and Commitments [REP9-009] Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]	<p>During Issue Specific Hearing 3 and subsequently in their Written Response at Deadline 8 [REP8-037] the Environment Agency identified concerns regarding the level of data supplied within the Ground Investigation Report [APP-187] and Supplementary Ground Investigation Report [REP7-027].</p> <p>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to seek agreement on the Ground Investigation Report [APP-187] and Supplementary Ground Investigation Report [REP7-027].</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027].</p> <p>a) Would the Environment Agency confirm whether it agreesd with the Applicant's summary?</p> <p>b) Does the Environment Agency consider that the revised wording of RD1.1 and RD1.20 of the REAC [REP9-009] is appropriate and acceptable?</p> <p>c) Please would the Applicant and the Environment Agency confirm whether meetings to resolve this matter are ongoing and provide any update on their positions?</p>	<p>c) Liaison between the EA and Applicant is ongoing. Please see below update: Prior to the 21 April 2022 meeting, the EA's contamination/ hydrogeology specialists indicated they had not seen copies of the following documents (which the Applicant then forwarded on 19 April 2022):</p> <ul style="list-style-type: none"> • Arcadis' GIR (HE551473-ARC-HGT-TPU-RP-CE-3199 [0.2]) (this is the 'main GIR' which ours is technically an addendum of). • 2021 Factual Report (which informs the supplementary GIR). <p>The Applicant understands the EA are currently reviewing these documents and is awaiting their comments.</p> <p>In the Draft Statement of Common Ground that was submitted at Deadline 10 (REP10-005), at 2.1.4.2 of the table of issues and matter, the EA and the Applicant have 'agreed' the following approach to take the matter forward:</p> <ul style="list-style-type: none"> • the EA intends to provide detailed commentary technically commentary on GIR and associated reporting in early May 2022. However, it's not anticipated that this is vital to examination due to DCO Requirement 6 and the Detailed DWP that will be included in Annex B of the EMP (Second iteration) • the Applicant acknowledges that detailed comments from the EA are imminent and will address these accordingly as part of the ongoing consultations that will take place as the updated HRA is produced for the Detailed Design stage.
10.4	Applicant	Written Representation at Deadline 8 [REP8-038] Applicant's Response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].	In regard to the above, would the Applicant please confirm that Mr Brown's property would be captured in the Outline Dewatering Management Plan [REP9-008 Annex 8]?	The Applicant intends to visit Mr Brown's property during an updated Water Features Survey as per the Applicant's response to Mr Brown's Deadline 8 submission (REP9-027). The information collected about the well at this property during this visit will be included in the updated Hydrogeological Risk Assessment and used to inform the Detailed Dewatering Management Plan (which is secured through RD1.15 of the REAC).

12. The water environment, drainage, flood risk assessment, Water Frameworks Directive

No	Question to	Reference	Question	National Highways' response
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive			
11.1	Environment Agency Applicant	Environment Agency's representation at Deadline 8 [REP8-037] Applicant's Written Summary of Issue Specific Hearing 3 [REP8- 019] Applicant's Response to Representations made at Deadline [REP9-027] River Etherow modelling Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]	<p>The model for the River Etherow has not been agreed between the Environment Agency and the Applicant.</p> <p>Further, in their response to the ExA's Second Written Questions [REP6-039], the Environment Agency identified outstanding concerns regarding the Hydrogeological Risk Assessment [REP3-025], the Flood Risk Assessment [REP5-010] and how risks could be identified, addressed and mitigation secured within the dDCO.</p> <p>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to progress agreement of modelling of the River Etherow.</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027].</p> <p>a) Would the Environment Agency confirm whether it agrees with Applicant's summary?</p> <p>b) Please would the Applicant and the Environment Agency confirm whether meetings to resolve this matter are ongoing and provide any update on their positions?</p>	<p>b) The EA and the Applicant met to discuss the updated FRA on (REP8-007) on 19 April 2022 and discuss changes made to the flood modelling by the Applicant to include the latest 2021 climate change uplifts.</p> <p>Subsequent comments received via email to the Applicant from the EA were as follows:</p> <p>EA review of the updated flood modelling associated with the Flood Risk Assessment (FRA) submitted under Deadline 8 has been completed. Formal notification of acceptance of the submitted flood modelling/ model for the purpose of the outline development was provided to the Applicant on the 27.04.22. EA acceptance of the flood model is [to] subject to several minor clarifications / confirmations (satisfactorily resolved via 29.07.22 email) and understanding that further detailed flooding modelling (reflecting the final development design) with justification of evidencing and approach is to be submitted to the EA at the detailed design understood [to be] governed by requirement 9 of the DCO). The EA's review of the flood model has also identified minor update to the existent FRA submitted under Deadline 8 is required, its anticipated that this will be possible to resolve before DCO examination closure.</p> <p>The EA recognise and note that that the commitment to consult the EA at the detailed design stage with updated Flood Risk Assessment (FRA) and associated flood modelling will be governed by Schedule 2, Requirement 9 of the A57 Development Consent Order.</p> <p>This has been included in section 2.1.2.1 of the Table of issues and matters in the SoCG (REP10-007), and the following response has been added by the Applicant:</p> <p>'Further amendments to the REAC (Action RD1.21) and FRA have been made to the EA's satisfaction, to be submitted at DCO Deadline 10, as well as agreement to changes to the relevant DCO requirements. As the approach to further consultation going forward into Detailed Design has been agreed, the status of this issue can become 'Agreed'.</p> <p>The status of the issue is therefore 'Agreed'.</p>
11.2	Environment Agency Applicant	Environment Agency's Response to the Examining Authority's Second Written Questions [REP6-039] Environment Agency's representation at Deadline 8 [REP8-037] Applicant's	<p>The Environment Agency [REP6-039] has identified concerns that the Flood Risk Assessment has not been updated to reflect the latest fluvial climate change allowances that were introduced in 2021.</p> <p>The findings of the Flood Risk Assessment have potential to impact on the balance of environmental benefits against the flood risk.</p> <p>In their response to the Examining Authority's Second Written Questions [REP6-039 Q11.5] the Environment Agency suggests</p>	<p>c) As above for question 11.1(b), the latest version of the FRA was submitted into the DCO examination at Deadline 8 following updates to the flood model to include the 2021 climate change uplifts. A meeting was held between the EA and the Applicant to discuss the changes on 19 April 2022, however the changes are currently still under review by the EA, and technical comments will be issued in May 2022 . As confirmed in section 10.5.1 of the SoCG table, this issue is 'agreed based on confirmed approach to consult and report under RD1.21 of the REAC and Requirement 4. The EA confirmed that the FRA is accepted for the purpose of baseline assessment and</p>

No	Question to	Reference	Question	National Highways' response
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive			
		<p>Response to Representations made at Deadline [REP9-027] Flood Risk Assessment [REP8-007] River Etherow Outfall Technical Note [REP9-030] Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046] Applicant's Written Summary of Issue Specific Hearing 3 [REP8-019]</p>	<p>that, if it is the Applicant's intention to address issues of the flood modelling, and thus consequent implications within the Flood Risk Assessment, during the detailed design stage, assurance is needed during the examination that the development design provided is feasible and that there is confidence that it would remain feasible once the latest climate change guidance is factored in.</p> <p>Such an approach, the Environment Agency has suggested, may allow a conditional approach for the remaining issues to be addressed as part of an updated FRA.</p> <p>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to progress agreement of Flood Risk Assessment. The Applicant submitted a revised Flood Risk Assessment [REP8-007] at Deadline 8.</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027]. This indicates that an updated Flood Risk Assessment has been provided to the Environment Agency. The Applicant has submitted, at Deadline 9, a Technical Note regarding the River Etherow Outfall [REP9-030].</p> <p>a) Would the Environment Agency confirm whether it agrees with the Applicant's summary?</p> <p>b) Would the Environment Agency comment on the Revised Flood Risk Assessment [REP8-007] and the River Etherow Outfall Technical Note [REP9-030] and whether, or not these address their outstanding concerns?</p> <p>c) If not, would the Applicant and the Environment Agency comment on the likelihood of agreement being reached prior to; -</p> <ul style="list-style-type: none"> • The end of the Examination Period? • The end of the Reporting Period? • The period for issue of the Secretary of State's decision? <p>d) If no agreement can be reached prior to each of these periods, how can the Examining Authority be satisfied that the Secretary of State would have the necessary information available to carry out an Exception Test?</p>	<p>the Preliminary Design/initial assessment'. It is likely that an agreement will be reached prior to the end of the Reporting Period.</p> <p>d) National Highways is confident that an agreement will be reached prior to the end of the Reporting Period, or as a worst case during the period for issue of the Secretary of State's decision. This will be in accordance with updated action RD1.21 in the REAC, which 'commits to consultation and associated reporting (technical note) on the Applicants sensitivity checks, model accuracy and re calibration to the model. This detail will enable formal adoption of the model and alteration of existing flood mapping (zonation) for the surrounding area'.</p> <p>Please also refer to the response to Question 1.7 of the written questions which states that the Applicant considers that the Scheme meets the requirements of part (a) and (b) of the Exception Test.</p>
11.5	Applicant	Derbyshire County Council written summary	Derbyshire County Council ISH3 [REP8-023] expressed an aspiration to see an emphasis on sustainable drainage and	As indicated on sheet 2 of the Culvert and Drainage Plans (APP-017) there are no culverts proposed within the Derbyshire County Council administrative area.

No	Question to	Reference	Question	National Highways' response
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive			
		of oral submission at ISH3 [REP8-023].	<p>keeping the drainage system as natural and sustainable as possible. It identifies that the council has a policy that only allows for the culverting of ordinary watercourses in exceptional circumstances and that it would expect to see open channels used as much as possible, rather than culverts and where culverts are unavoidable, the Lead Local Flood Authority would prefer to see very large-oversized culverts with daylighting where possible, to encourage ecology to behave naturally and create a natural habitat.</p> <p>a) Would the Applicant comment on the feasibility of such provision?</p> <p>b) If the Applicant considers such provision feasible, how would this be secured within the dDCO?</p>	
11.6	Jeff Brown Applicant Environment Agency	<p>Written Representation at Deadline 6 [REP6-035]</p> <p>Written Representation at Deadline 8 [REP8-038]</p> <p>Applicant's Response to Written Representations at Deadline 6 [REP7-026]</p> <p>Applicant's Response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].</p>	<p>Mr Brown has identified in his representation at Deadline 6 [REP6-035] that there is a well on his land from which the property has historically abstracted water and for which there is a legal obligation to provide water to "Dial Cottage".</p> <p>a) Please would Mr Brown why he considers that there is a legal obligation to provide water to "Dial Cottage"</p> <p>b) Would the Applicant and the Environment Agency please comment?</p>	<p>b) As set out in response to Mr Brown in National Highways Comments on Deadline 8 submissions (REP9-027) the Applicant is planning to contact the property owner to arrange a visit as part of an updated Water Features Survey. The purpose of this survey visit would be to ascertain the current (baseline) condition of the well and discuss with the property owner options for ongoing monitoring of the groundwater level in the well before, during and after construction. This monitoring will form part of a wider monitoring plan being developed for the Scheme in consultation with the Environment Agency, to help identify and mitigate against adverse impacts on the groundwater environment.</p> <p>Since that response was provided National Highways has also agreed revised wording for requirement 6 of the draft Development Consent Order with the EA, which imposes a requirement on National Highways to prepare a groundwater monitoring programme and a dewatering management plan that each have to be approved by the Secretary of State in consultation with the EA. The purpose of those documents is to establish the existing groundwater conditions and to monitor them to prevent dewatering from occurring.</p>
11.7	The Applicant	<p>Written Representation at Deadline 8 [REP8-038]</p> <p>Applicant's response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].</p>	<p>The Applicant responded to concerns raised by Mr Brown in regard to possible effects of the proposal on a well on his property result from dewatering in their response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80]. For clarity, would the Applicant confirm the compensation route that should be followed by anyone who considers that their water supply has been affected by the works? Is it necessary to secure measures in the dDCO?</p>	<p>National Highways has explained in the preceding question the additional protection that has been incorporated into requirement 6 of the draft Development Consent Order (dDCO) to prevent dewatering from occurring. National Highways has agreed the wording for requirement 6 (see NH response to Q1.6 above) and the measures and protection it provides with the Environment Agency (EA) to ensure all appropriate measures are included within the dDCO. National Highways would specifically refer the ExA to requirement 6(7)(d) which requires a dewatering management plan containing a groundwater monitoring programme to safeguard abstractors.</p> <p>National Highways previously responded to an additional question presented by the ExA during Issue Specific Hearing 3 (ISH3) regarding compensation for parties currently entitled to abstract water in its response reference REP8-019 item 9.75.57. However, to provide the clarity requested for Mr Brown, National Highways can confirm that it is ordinarily a criminal offence to abstract water without a licence</p>

No	Question to	Reference	Question	National Highways' response
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive			
				<p>(section 24 Water Resources Act 1991) unless a relevant exemption applies for a private water supply. Subject to an individual establishing that they have lawful right to extract a private water supply, that person would have the ability to pursue civil sanctions and remedies pursuant to section 48A of the Water Resources Act 1991 in the event they suffer loss or damage.</p>

13. Biodiversity, ecological and geological conservation, Habitat Regulation Assessment

No	Question to	Reference	Question	National Highways' response
12. Biodiversity, ecological and geological conservation, Habitat Regulation Assessment				
12.1	Applicant	Report on Implications for European Sites [PD-014]	The traffic modelling indicates an increase in the number of vehicles that will use the A57 Snake Pass and A626 (Woodhead Pass). This may lead to an increase in particulate emissions. Please would the Applicant 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 Affected Road Network (ARN) within 200m of the European sites?	<p>As set out in Applicant's Comments on Deadline 9 Responses (REP10-010), it should be noted that the air quality impacts of the Scheme on designated sites have been assessed following DMRB LA105 Air Quality guidance, which is focused on the effect of nitrogen deposition as the primary pollutant of concern to qualifying habitats within designated sites. The assessment of the impact of changes to particulate matter associated with the increase in traffic on roads included within the air quality affected road network is not required by DMRB LA105.</p> <p>Furthermore, there is limited general guidance on the assessment of the impact of particulate matter from road transport on designated sites nor on the assessment of likely significant effects on specific qualifying habitats. Recent publications on the impacts of air pollution on designated sites, including the Institute of Air Quality Management (IAQM) guidance on the assessment of air quality impacts on designated nature conservation sites (2020), the Chartered Institute of Ecology and Environmental Management (CIEEM) Advisory Note: Ecological Assessment of Air Quality Impacts (2021) and the Joint Nature Conservation Committee (JNCC) Guidance on Decision-making Thresholds for Air Pollution (2021) do not cover assessment of the impact of particulate matter.</p> <p>The IAQM guidance on assessment of dust from demolition and construction (2014 v1.1) provides advice on receptor sensitivity, focused on particulate matter from construction activities, to determine appropriate mitigation measures but does not provide an assessment methodology for quantifying the impact of particulate matter on qualifying habitats within designated sites. Natural England's report 'The significance of secondary effects from roads and road transport on nature conservation' (ENRR178, 1996) states that "the impacts of dust and particulates on plants appear to be variable, and data is insufficiently comprehensive to draw any firm conclusions on the effects of road traffic particles on nature conservation", while the English Nature Research Report 'The ecological effects of diffuse air pollution from road transport' (ENRR580, 2004) concludes that "little work has been undertaken on the specific effects of particulates arising from roads and vehicles, and studies have focussed on physical injury and growth reduction (Farmer, 1993). It is likely that the wider impacts of particulates and dust deposited on vegetation away from the verge are likely to be small or insignificant." Finally, it is worth noting that there is no published information provided on the sensitivity of qualifying habitats to particulate matter on the Air Pollution Information System (APIS) website, as it is not considered as a main pollutant of concern in relation to habitats.</p>
12.3	Applicant	Peak District National Park Authority Written Response at Deadline 9 [REP9-035]	Peak District National Park Authority [REP9-035] indicated concerns remaining regarding noise disturbance to the bird qualifying features of the Peak Mors(South Pennine Moors Phase1) Special Protection Area (SPA) resulting from increases in traffic numbers. Please would the Applicant comment on the matters raised by the Peak District National Park Authority and present any further evidence regarding habituation of birds to existing road noise and /	The Applicant has responded to these concerns from REP9-035 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010).

No	Question to	Reference	Question	National Highways' response
12.	Biodiversity, ecological and geological conservation, Habitat Regulation Assessment			
			or any other relevant guidance applicable to considering threshold at which change in noise would be significant?	
12.4	Applicant	Peak District National Park Written Response at Deadline 9 [REP9-035]	Peak District National Park Authority [REP9-035] indicated that they have concerns remaining regarding the visual disturbance of the bird qualifying features of the Peak District Moors (South Pennine Phase 1) SPA resulting from increases in traffic numbers. Please would the Applicant comment on the matters raised by the Peak District National Park Authority and explain why night-time would be time of greatest impact for visual disturbance to SPA birds, given they are active during day or dawn / dusk?	The Applicant has responded to these concerns from REP9-035 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010).
12.7	Applicant	National Trust Written Response at Deadline 9 [REP9-048]	The National Trust [REP9-048] suggest that further information is required to resolve the effects of uncertainty around the effects of closure of, or imposition of weight restrictions on, the A57 Snake Pass during maintenance works. Would the Applicant comment on whether such closures / restrictions would affect the need for further assessment of environmental effects on qualifying features of the Blanket Bog and Upland Heath qualifying features of the South Penning Moors Special Area of Conservation (SAC) Special Protection Area on the A628, which has previously been screened out of further assessment?	The Applicant has responded to these concerns from REP9-048 in their 'Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses' (REP10-010). National Highways is not proposing, nor do the PDNPA support, any traffic restraint measures on the A57 Snake Pass as part of the Scheme. As stated in previous responses during the examination, for example the PDNPA's Local Impact Report (REP3-028), Item 5 of the Written summary of Applicant's case at ISH2 (REP4-008), and the response to Q12.3 of Applicant's responses to Examining Authority's Second Written Questions (REP6-017), National Highways maintains its position on the approach to assessing the potential for likely significant effects to the qualifying features of the South Pennine Moors SAC from habitat degradation through adverse changes in air quality along the Affected Road Network (ARN) during operation.
12.8	Applicant Natural England	CPRE Peak District and South Yorkshire Branch Deadline 6 Submission – Response to the Examining Authority's Second Written Questions – Appendix A Roadkill assessment for Peak District Mountain Hares [REP6-025]	Concerns have been raised by Peak District National Park Authority and CPRE Peak District and South Yorkshire Branch regarding the effect of increased traffic numbers on the A57 and A628 on the Mountain Hare population. Would the Applicant and Natural England please provide comment on the contents and conclusion of the report presented by CPRE Peak District and South Yorkshire Branch [REP6-025]?	As set out in National Highways Comments on Deadline 6 Responses (REP7-026) the Applicant maintains that it unlikely that the modelled increase in vehicle passes would lead to a significant increase in roadkill of mountain hares. This is because, as set out in Applicant's response to Second Written Questions (REP6-017), in response to Examining Authority Written Question 12.5, there is a lack of scientific evidence regarding roadkill and mountain hares in general. The available recent literature attributes potential losses to predominantly climate change, disease, hybridisation, and habitat loss. Any available literature regarding roadkill and mountain hares is largely anecdotal, outdated, and would be difficult to draw sound conclusions from. Mountain hares are found primarily in areas of open upland moorland and heathland habitat. The population of mountain hares within the Peak District is estimated to be between 500 and 5000. There are limited studies into the distribution and numbers of mountain hares within England, and this is compounded by the tendency of mountain hare populations to fluctuate significantly (especially following harsh winters) making estimates difficult. In order to assess potential impacts, National Highways has drawn on the nocturnal traffic modelling which showed with the introduction of the Scheme (known as the 'Do Something'), the average hourly increase in vehicle passes 'off peak' would be at most:

No	Question to	Reference	Question	National Highways' response
12.	Biodiversity, ecological and geological conservation, Habitat Regulation Assessment			<p>29 passes for the A57 and 27 passes for the A628 (modelled from the year 2025 to 2051). This would equate to one additional vehicle approximately every two minutes.</p> <p>It is considered that this increase, when considering the existing levels modelled from 19:00-07:00 (known as the 'Do Minimum) of 63-90 passes for the A57 and 225-301 passes for the A628 (modelled from the year 2025 to 2051) would not significantly increase any potential roadkill.</p> <p>Therefore, it is considered unlikely that the modelled increase in vehicle passes would lead to a significant increase in roadkill of mountain hares.</p>

14. Compulsory Acquisition, Temporary Possession, Statutory Undertakers and funding

No	Question to	Reference	Question	National Highways' response
15.	Compulsory Acquisition, Temporary Possession, Statutory Undertakers and funding			
15.1	Craig Dean, 21a Old Road	Applicant Valerie Bromley / Michaela Bromley / Hayley Simpson	<p>a) Further to previous requests by the ExA [PD-012 and EV- 059], please could Valerie Bromley and Michaela Bromley confirm that they are content for Hayley Simpson to represent them to the Examination? Please could the Applicant comment?</p> <p>b) Please could the Applicant and Valerie Bromley / Michaela Bromley / Hayley Simpson comment on any progress made in discussions and on the Applicant's provision of professional support since Compulsory Acquisition Hearing 2, on Wednesday 6 April 2022?</p>	<p>a) National Highways has written correspondence from the family, which was signed in the presence of the project team at a consultation event in March 2018, which confirms that Valerie Bromley is represented by other members of her family and matters have been progressed since then on this basis.</p> <p>b) National Highways has assisted the family to engage the services of a solicitor to act on the family's behalf to undertake a formal letter of commitment, and also to advise the family through the ongoing compulsory acquisition process and to commission further independent specialist advisors to advise on potential effects on the property including an engineer. National Highways understand that as at 6th May the recommended solicitors have not been able to take instructions from the family but once they have full instructions they will be in touch with National Highways to discuss the appointment of an engineer to assist the family.</p>
15.2	Applicant	Submissions for the close of the Examination	<p>Please could the Applicant submit up-to-date versions of the following for Deadline 12, on Monday 16 May 2022:</p> <ul style="list-style-type: none"> • Book of Reference • Book of Reference showing all changes since the Application version, together with a schedule of changes • Statement of Reasons • Compulsory Acquisition Schedule • Schedule of Progress in Relation to s127 and s138 an up- to-date Consents and Agreements Position Statement • Funding Statement 	National Highways will submit at Deadline 12 up-to-date versions of the documents listed where they have been amended since the previously submitted version.

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