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Dear Secretary of State

A57 LINK ROADS DETERMINATION - SECRETARY OF STATE'S REQUEST FOR COMMENTS FROM THE APPLICANT AND ALL INTERESTED PARTIES

We respond to your invitation to comment on the Applicant's response to your questions on (i) Greater Manchester's Clean Air Plan, (ii) licensing of work on bats and (iii) status of Greater Manchester's Joint Development Plan Places for Everyone.

(i) Greater Manchester's (GM) Clean Air Plan

We agree with the Applicant regarding the current position of GM's emerging Clean Air Plan. However, we disagree with the Applicant's claims that its assessment of the air quality in the Environmental Statement '*can be considered to be a worse case scenario as it does not account for expected improvements in road traffic emission either from a charging Clean Air Zone or via non-charging measures.*'

As we demonstrated throughout the Examination the assessment of air quality by the Applicant is compromised by the enormity of the problems with the traffic modelling. These are summarised in a letter from ten Interested Parties [REP10-017, pp 1-6]. With respect to air quality assessment the traffic model was refined to alter the distribution of traffic within Glossop, and through Tintwistle [REP2-090 pdf page 519-521/790, paras 7.3.1 and 7.3.2, Figure 7-1]. This refinement was made specifically to avoid air pollution effects of the scheme that could '*jeopardise the application for development consent. Changes in traffic flow and speed as a result of the scheme were predicted to cause exceedances of the AQ strategy objectives for annual mean nitrogen dioxide (NO2).*' The three locations where air pollution could jeopardise

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development consent are within the Tintwistle AQMA, within in the Dinting Vale AQMA and on Glossop High Street West (REP2-090 pdf page 521/790, Figure7-1). The refinement led to these three locations no longer meeting the threshold for air quality assessment. The impact of the scheme on both AQMAs was not presented and there were no modelled receptors on High Street West¹. The local authority responsible for addressing air pollution, High Peak Borough Council, was still questioning the traffic model results with respect to air quality assessment at the end of the examination. Until there is confidence in the traffic modelling all its outputs are questionable, and the worst effects of the scheme are unknown/uncertain. The Secretary of State (SoS) can neither reach a reasoned conclusion on the significant effects of the proposed development on the environment under Regulation 21 of the 2017 Regulations (the EIA Regulations) nor fulfil the legal requirement to weight the adverse impacts of the scheme against its benefits (Planning Act 2008, s.104 (7)).

The traffic modelling and its application should be subject to independent assessment. Full technical dialogue with the assessors and all interested parties should be established to the satisfaction of all and in line with professional Codes of Conduct. Only full challenge and scrutiny of the model will enable all parties to have confidence that the model outputs are robust.

(ii) Licence for bat work

In response to the SoS's request for an update regarding protected species' licences, the Applicant responded that bat surveys are ongoing with an anticipated completion date of October 2022. Once completed, the licence application will be finalised and submitted to Natural England's Wildlife Team. We welcome the use of the most recent survey results to inform the licence application. However, we have these concerns: first, the latest research, described below, shows that the proposed bat hops do not provide effective mitigation to reduce bat vehicle collision, and therefore Natural England is not in a position to provide a mitigation licence; second, for the SoS to reach a reasoned conclusion on the significant effects of the proposed development on the environment under Regulation 21 of the 2017 Regulations (the EIA Regulations), there must be no remaining impediment to a mitigation licence.

¹ ES Figure 5.2(i) Sheet 2

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The impacts of the A57 Link Roads on bats include direct and permanent habitat loss; severance and fragmentation of 11 flight paths used by foraging/commuting bats; increased visual (including light pollution) and noise disturbance; and mortality through traffic collisions, or an alteration to commuting routes which may expose bats to different risks that would normally be avoided.

The proposed mitigation measures to address mortality from traffic include bat hop overs. There is no evidence for the efficacy of bat hops. In 2017 Berthinussen and Altringham concluded² that further research is needed to make detailed recommendations. Based on currently available evidence the best way to maintain safe bat commuting routes and increase the permeability of linear transport infrastructure is a combination of appropriately designed underpasses (if they are sufficient size and placed along pre-construction commuting routes) and green bridges. Wire bridges/gantries are unlikely to be effective since no design tested so far has shown any promise and they meet none of the essential ecological or behavioural needs of bats.

According to our review of 26 five-year Post-Opening Project Evaluations of National Highways' schemes, National Highways appears to have failed to monitor the majority of the bat mitigation schemes that it implemented up to 2017, and so is unable to provide any useful data. That this situation appears to be continuing up to the present day was confirmed during the 2021 Examination into the A47 Blofield to North Burlingham scheme (TR010040), when the Applicant revealed it was undertaking a pilot study of bat hops:

'I asked the Applicant [PD-006] whether all potential options (had) been explored to mitigate the moderate adverse and thus significant effect on bats. I was satisfied with the Applicant's response [REP1-061], though sought some further clarification at ISH2 [EV-023 to EV-029] on the potential effectiveness of the proposed bat hops and the timeframe for results of a National Highways pilot scheme, which had been agreed with NE, to use raised netting to encourage a higher flight path for bats to cross roads. The Applicant responded [REP4-051] stating that the pilot scheme was ongoing and was unlikely to be completed before the close of the Examination and

² Bats and linear infrastructure A summary of DEFRA research project WC1060 by Dr Anna Berthinussen and Professor John Altringham for Natural Resources Wales, 2017

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that the effectiveness of the bat hops was uncertain as such mitigation had not been monitored on other schemes. [Examining Authority's report, March 2022, 4.12.24]

We agree that results from a single scheme are inconclusive as to the efficacy of the bat hops. Thus, the 2017 work by Berthinussen and Altringham appears to be the most up-to-date evidence. The bat hops proposed for the A57 Link Roads should therefore be replaced by green bridges. Natural England cannot give a licence for mitigation measures for work on bats when one of the mitigation measures is known to be ineffective.

(iii) Status of GMCA's Joint Development Plan

The Applicant refers to Tameside Council's (TMBC) response on this matter during the Examination [REP6-037]. TMBC considered 'only very limited weight' can be given to policies in the plan as representations have been received objecting to policies within it on both detailed and strategic matters. Greater Manchester Combined Authority (GMCA) in its response to this question concurs with TMBC.

We disagree. GMCA's Joint Development Plan should be a material consideration when determining the A57 Link Roads, as we argued in our written representation [REP2-069, pp20-21]. We now develop those arguments.

In assessing the weight to be given to the Joint Development Plan, TMBC referred to NPPF 2021 paragraph 48. However, the answer to the question 'what weight can be given to the Joint Plan' is not clear cut in this instance. The substantive issue is what is important about the Joint Development Plan for the SoS's determination of the A57 Link Roads. In this case there are two issues - (1) GMCA's transport planning policies and (2) major development in the vicinity of the scheme.

(1) GMCA's Transport Strategy 2040 and accompanying documents contain its transport planning policies and support its Joint Development Plan. The Strategy is based on repeated public consultation and full endorsement by all 10 constituents of the Combined Authority. The Strategy was published in 2017 and has been subject to review. The 2021 version now includes the Right Mix '50:50' policy, which aims for 50% of journeys to be made by active travel and public transport by 2040, with a 17% reduction in car trips overall - a decrease in car trips of 6% for local neighbourhood

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journeys, 12% for the wider city region, 21% for trips connected to the regional centre and 7% for city-to-city journeys. These policies are required to meet GMCA's Net Zero carbon target by 2038. Before inclusion in the Strategy, the Right Mix policy underwent public consultation in January 2019.

In addition, there was public consultation on the five-year Delivery Plan. The long-term approach to planning the transport network, set out in the 2040 Transport Strategy, is underpinned by a series of five-year Delivery Plans. The first Delivery Plan (2016-2017 to 2021-2022) was published in 2017, alongside the 2040 Transport Strategy. An updated, draft Delivery Plan was published for public consultation, alongside the first version of GMCA's Spatial Framework, in January 2019. A final version of this document now accompanies the second version of the Spatial Framework - the Joint Development Plan.

Key to development of the transport planning documents is that they have the support of all 10 local authorities, unlike the Joint Development Plan from which Stockport MBC withdrew. In addition:

- The Right Mix policy is aligned with DfT's Decarbonising Transport goal for 50% of urban trips to be made by active travel by 2030.
- Both the Joint Development Plan strategic policies for transport and the Transport Strategy are consistent with NPPF 2021. GMCA is shaping places in ways that contribute to '*radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience*' (NPPF 2021, 152).
- GMCA's Regulation 22 Summaries of Thematic Main Issues assess the responses received during the publication period in respect of each draft Joint Development Plan policy. There is no evidence that issues regarding the transport policies (which reflect the 2040 Transport Strategy) are unresolvable, nor do they appear that significant, nor has GMCA proposed any changes to the Joint Development Plan in response to them.

Thus, having been through robust consultation exercises and now undergoing delivery, GMCA's transport planning policies are a material consideration for determination of the A57 Link Roads. They were also a material consideration when National Highways chose to ignore them for the statutory consultation of the scheme in Nov-Dec 2020 and in the DCO application. Neither GMCA's Right Mix policy nor DfT's goal for 50% of

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urban trips to be made by active travel were reflected in the A57 Link Roads' assessment and modelling. These omissions must be rectified before the SoS can fulfil the legal requirement of the Planning Act 2008, s.104 to make the planning balance between the adverse impacts of the scheme and its benefits.

(2) The single major development in the vicinity of the scheme is the proposed Godley Green Garden Village (GGGV). It was submitted as an outline planning application 21/01171/OUT in Sept 2021 and is being considered by TMBC. It is due to have a further public consultation later this year as new information has come forward. It is allocation JPA-31 in the Joint Development Plan and was GM allocation 43 in the preceding 2019 draft Spatial Framework. However, National Highways chose to exclude the proposed development from the cumulative assessment of scheme impacts with local developments; this despite evidence available at the time of the 2020 statutory consultation that GGGV would have significant material impacts on the Strategic Road Network (SRN) which would require mitigation. As we showed in our final submission [REP12-031, 10.20] National Highways failed to properly assess the impact of the proposed GGGV on the SRN. The importance of this failure is emphasised by National Highways response to TMBC's planning application: it has twice submitted a formal recommendation that planning permission should not be granted, as it does not have confidence that there would not be a severe impact on the SRN, should planning permission be granted. The most recent of these recommendations ends on October 28th 2022. If the GGGV does not proceed its adverse impacts would not be imposed on the SRN. However, if it does proceed we do not know the worst case scenario for the scheme's cumulative impacts. Therefore, a full assessment of the cumulative impacts of the scheme with GGGV must be made before the SoS can fulfil the legal requirement of the Planning Act 2008, s.104 to make the planning balance between the adverse impacts of the scheme and its benefits.

In conclusion, the supporting transport documents to GMCA's Joint Development Plan are a significant material consideration in the determination of the A57 Link Roads and their policies should have been included in the assessment of the scheme. The proposed GGGV should have been fully considered in the assessment of the cumulative impacts of the scheme. Until these omissions are addressed and the worst

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case scenario for the scheme's impacts are explicit, the SoS cannot fulfil the legal requirement of the Planning Act 2008, s.104 to assess the planning balance.



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