



Secretary of State for Transport
c/o Transport and Works Act Orders Unit
DfT Legal Advisor's Office
Department for Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Your ref:

Our ref: A8613/EF

Date: 29 October 2015

transportandworksact@df.t.gsi.gov.uk

Dear Sir

Re: Response to The Network Rail (Hope Valley Capacity) Order

This is the Authority's formal response to The Network Rail (Hope Valley Capacity) Order. Our response is focussed on the Bamford Station to Jagers Lane loop, as this is proposed within the National Park boundary. The comments supplied by the Authority focus on our key purposes as set out in the Environment Act (1995), namely;

- Conserving and enhancing the natural beauty, wildlife and cultural heritage of the area, and
- Promoting opportunities for understanding and enjoyment of the special qualities of the area by the public.

The Hope Valley Line is the only railway line within the National Park, and provides a key sustainable transport link within, into and out of the National Park for both residents and visitors. The proposed scheme would provide capacity on the railway line for a consistent timetable of one stopping train service per hour. Therefore, the Authority would like to be able to support the proposal in terms of the principle of this scheme encouraging sustainable travel within the National Park.

However, the Authority objects to the Hope Valley Capacity Improvement Scheme for the following reasons:

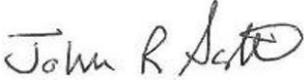
1. Network Rail has failed to robustly demonstrate the need for major development within the National Park.
2. The proposed design of the Hathersage Footbridge is completely unacceptable in a National Park setting.



The two key points of objection stated above are heightened by the fact that Network Rail have not satisfactorily assessed the alternatives to the footbridge, have not outlined a comprehensive landscape mitigation and landscape scheme, and have not provided a comprehensive ecology management plan.

The attached pages outline our full technical comments and observations on the Transport and Works Act Order documents, and provide our full response to them.

Yours sincerely

A handwritten signature in black ink that reads "John R Scott". The signature is written in a cursive style with a large, stylized 'S' at the end.

John Scott BA (Hons) MCD MRTPI
Director of Planning

CC Penny Carter, Network Rail

Full Technical Response to the Orders

Categorisation of Response

The Peak District National Park Authority objects to the Hope Valley Capacity Improvement Scheme for the following reasons.

1. Network Rail has failed to robustly demonstrate the need for major development within the National Park.
2. The proposed design of the Hathersage Footbridge is completely unacceptable in a National Park setting.

The two key points of objection stated above are heightened by the fact that Network Rail have not satisfactorily assessed the alternatives to the footbridge, have not outlined a comprehensive landscape mitigation and landscape scheme, and have not provided a comprehensive ecology management plan.

We would also question, in the light of the possible impact of the proposed Hathersage Footbridge, whether consideration had been given to other potential locations for the loop where a footbridge would not be required, and as such the level of visual intrusion on the National Park might be reduced.

Major Development in the National Park

The National Planning Policy Framework, at paragraph 116, states that planning permission should be refused for major developments in designated areas (including National Parks) except in exceptional circumstances and where it can be demonstrated they are in the public interest. The Bamford to Jaggars Lane loop is considered to be major development, therefore, Network Rail are required to robustly and comprehensively meet the tests for major development, as set out in the framework.

We acknowledge that within the Planning and Design and Access Statement, at section 8.3, Network Rail have provided a response to our requests for them to justify proposing major development in the National Park, however, the justification is extremely weak. Our assessment of Network Rail's response to the major development tests is as follows, where the text in *italics* is the National Planning Policy Framework wording.

"116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;"*

Regarding the need for the development, the Statement of Aims document makes reference, at paragraph 2.1.2, to a likely increase in pressure for passengers using the Hope Valley Line, but then only goes on to reference likely increases in rail patronage to and from Manchester, Leeds, Liverpool and Sheffield, rather than only between Manchester and Sheffield. In addition, the main Environmental Statement, at paragraph 1.5.3, states that passenger flows between Sheffield and Manchester are going to increase, and in preparation for that, an increase in service frequency is proposed by the scheme. However, what this paragraph, and as far as we can ascertain, the remaining Order document, fails to demonstrate is any evidence for this anticipated increase in passenger flows. We would expect to see, for example, a percentage or numerical increase in demand, that is anticipated over a time period, and for that to then be assessed compared to the existing capacity of the line.

We acknowledge that the Hope Valley railway line is already very well used, and that passenger numbers have increased significantly over the last few years. However, in order to satisfy the above test, as set out in the National Planning Policy Framework, we require Network Rail to provide much more robust evidence of the need for the development.

Regarding the impact of the development on the local economy, the Statement of Aims document, at paragraph 4.1.5, states that it is anticipated that the loops will bring economic benefit, but there is no evidence to support this assertion. Furthermore, there is no reference to national economic benefit of this particular scheme, as it is only set out in the context of the whole Northern Hub project (which this scheme forms an element of). Therefore, in order to satisfy the above test, as set out in the National Planning Policy Framework, we require Network Rail to provide some robust evidence of the economic benefit of the development.

- *“the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and”*

This test is adequately met by the alternatives that Network Rail has assessed, as outlined in table 3.1 and 3.2 of the main volume of the Environmental Statement for the scheme.

- *“any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

The Order documents do not provide sufficient information to assess the extent to which the detrimental effect on the environment can be moderated. As detailed below, Network Rail have not provided a comprehensive landscape mitigation and landscape scheme or a comprehensive ecology management plan. For full details, please see our below response. Therefore, in order to satisfy the above test, as set out in the National Planning Policy Framework, we require Network Rail to provide us with a comprehensive landscape mitigation and landscape scheme and a comprehensive ecology management plan.

Therefore, we consider that the justification for proposing major development in the National Park has not been clearly or robustly demonstrated, as Network Rail have failed to adequately respond to all three tests outlined in paragraph 116 of the National Planning Policy Framework.

Alternatives to Hathersage Footbridge

We understand that an underpass or footbridge over the railway line is required due to the increased risk in safety when crossing the railway line. We acknowledge that an underpass has been examined and that it has been scoped out as an alternative due to the lower cost benefit ratio compared with a bridge (main document of the Environmental Statement, page 45). However, in light of the significance of our concerns below on the design of the proposed bridge, landscaping that we would expect to be undertaken, and the potential cost of upgrading the bridge should proposals to electrify the line come forward, we have previously asked Network Rail to assess how a bespoke bridge design and landscaping compares with the cost of an underpass. We also ask this in the context of the proposed bridge being situated in a National Park, which provides the highest level of statutory landscape protection, thus, the most economic option may not be viable in these circumstances. The Authority requested this assessment to be made by Network Rail on 25 August 2015 (via email from Emily Fox to Ruth Jackson), but at the time of writing, we have not received a response.

Therefore, in the absence of this assessment, the alternatives to the footbridge have not been robustly assessed, as the benefit cost ratio of the footbridge has been undertaken on a design that is unacceptable in a National Park setting, which means the costs are incorrect.

As discussed above, there is also the question as to whether consideration has, or indeed should, be given to other potential locations for the loop, where a footbridge would not be required, and as such the level of visual intrusion on the National Park might be reduced.

Design of Hathersage Footbridge

We recognise that the specific design of the proposed footbridge is not part of the Transport and Works Act Order, as it would usually be considered as a point of detail within a scheme rather than a strategic element. However, the design and setting of the bridge is vital to the Authority's assessment of the impact of the scheme on the National Park, and therefore a significant consideration. Therefore, we have included our assessment of the bridge design within this formal response to the Orders. We require a higher standard of bridge design than the one that Network Rail has proposed within the Orders.

We acknowledge that the Planning Permission and Statement of Conditions document (on page 8) states that no works in respect of the Hathersage Footbridge are to commence until details of the colour scheme have been approved by the local planning authority. However, the Environmental Statement has assessed the footbridge as a 'major adverse' impact in both the construction and operational phase, and from both the footpath to Castleton Road and from the properties along Jaggars Lane. On this basis and as it is being proposed in the National Park, we request that Network Rail strengthen the commitment from agreeing the colour of the bridge with the planning authority to agreeing the whole design of the bridge, including the colour, with the planning authority. The proposed design in the Order documents, as we have previously informed Network Rail, is totally unacceptable in a National Park.

We have the following detailed comments regarding the proposed appearance of the bridge. We strongly believe that due to the major adverse impact of the bridge on the National Park that a more sympathetic bridge design is required, even if this necessitates dispensation from the standard railway rules and regulations, on the basis that this is being proposed within a National Park. Given that there are no proposals to electrify the Hope Valley Line in the foreseeable future, we believe that the design of the bridge should be as lightweight as possible, so that it minimises the impact of the bridge on the landscape. Therefore, as previously discussed with Network Rail, we expect the sides of the bridge to be an open mesh rather than a solid structure. In the future, should proposals come forward to electrify the line, the bridge could be easily adapted to provide solid sides if that is what regulations dictate is necessary. We also expect the risers of the step in a mesh to make that element of the structure as lightweight as possible. Finally, in terms of the structure of the bridge, we expect to see the supporting columns as thin as structurally possible. In terms of the colour of the bridge, this should be a dark recessive colour.

We consider that landscaping will be required to help set the bridge into the wider landscape. We realise that there is often a conflict of interest between trees and trains but it will be important to compensate for loss of vegetation during the bridge construction and reducing the bridge's impact. From our assessment, we believe that hedgerows are to be removed. If this is the case, these should be replaced and possibly extended to help maintain and reinforce the landscape character of the area. There may also be a need for mitigation planting off site to be considered. We would be happy to work with Network Rail to develop a sympathetic planting scheme to help set the bridge into the wider landscape.

To conclude, we object to the proposed bridge design, and consider that a higher quality and bespoke design is required in the National Park. We also request that should this scheme be given approval, the design of the bridge is a planning condition, so that Network Rail are required to seek approval for the design from the Authority.

Landscape

The landscape assessment within the Environmental Statement fails to provide sufficient information regarding the proposed mitigation. There is a lack of detail regarding mitigation, and it only relates to replacement planting if a hedge is removed and the provision of bat and bird boxes. There does not appear to be any new additional planting proposed to integrate the development into the wider landscape. As the Landscape and Visual Impact Assessment recognises, there are particular visual impacts on the golf course. Therefore, along with the bridge we would expect to see proposals for some additional planting to help integrate these features within the wider landscape. We anticipated that this would reinforce key landscape characteristics of the area, such as gapping up hedges and the planting of boundary trees, both of which are priorities within the landscape strategy for the landscape character type. We acknowledge that some of this work will be outside of the planning application boundary, but given the scale of this development, it is necessary to offset the negative impacts of the bridge and loop line infrastructure.

We consider that the loss of over 1 kilometre of hedgerow is not clearly covered within the Landscape and Visual Impact Assessment, and although it is to be replanted there will be an additional temporary visual impact. Network Rail need to identify the species of plants removed from the hedgerows and plant the same species (unless it is non-native) or a different species to enhance biodiversity that is of local province in the first instance and UK province at the last. We advise that planting should be a double staggered row 450mm centres, stock fenced and rabbit guarded.

We acknowledge that section 4 of the Environmental Statement volume 2: technical appendix C1 covers landscape mitigation and assessment of effects. Paragraph 4.3.5 makes reference to a landscaping scheme to be produced to ensure long-term viability of the proposed landscape and habitat mitigation measures. However, there appears to be very little in landscape mitigation, as it primarily references hedge replacement. If paragraph 4.3.5 is referring to a comprehensive scheme of landscaping that goes beyond the red lines on the plans, then we would be prepared to engage with Network Rail on this at an appropriate time. However, it would be advantageous if Network Rail could clarify this is what they are referring to. Therefore, in the absence of clarity regarding whether the landscape mitigation plan will be comprehensive, and incorporate all elements that it needs to for a major scheme within a National Park, the landscape mitigation is inadequate. This information would also be a key element for Network Rail to fulfil the third test in paragraph 116 of the National Planning Policy Framework.

The landscape assessment states that it has been undertaken in accordance with the guidelines for a Landscape and Visual Impact Assessment. However, the photographs that have been presented in the Environmental Statement do not meet the guidelines for undertaking a Landscape and Visual Impact Assessment and should be revised and resubmitted accordingly. We have had to use our knowledge of the area rather than the photographs to make an assessment of the scheme. Network Rail should also consider using the photographic guidelines for wind turbines, which was produced by Mott MacDonald, and recommends the use of a 75mm lens rather than a standard 50mm lens (full frame DSLR).

We acknowledge that the remainder of this section of our response will be dealt with in the Code of Construction Practice, but feel it would be advantageous to set out our expectations of Network Rail at this early stage. The Code of Construction Practice, at paragraph 6.2.4 states that the Bamford Loop will be built in relative close proximity to Bamford Conservation Area, and due to the potential to affect the setting, a 2.4m close board solid boundary fence will be erected. We acknowledge that the compounds will be temporary, but request that a more sympathetic form of boarding is investigated by Network Rail. This issue was raised with Network Rail on 16

October and the issue was acknowledged. We would expect to see more detailed proposals for screening the works to reduce impact in the setting of the Conservation Area.

Ecology

It appears that a considerable length of hedgerow will be removed as part of the scheme, as shown on the table in the Landscape and Mitigation Plan Figure C1.4, it is something in the order of 1kilometre. This is not reflected in the text of section 5.2.1 of the Environmental Statement, where the conclusions are that significant habitat loss is attributed mainly to scrub and semi-improved grassland on railway embankments. There is no reference to the loss of hedgerows. We therefore question why so much is affected and precisely where it is located. It is noted that H17 is an important hedgerow under the Hedgerows Regulations 1997 and very importantly it has a mature elm tree, which is a feature in the Peak District and is of special merit for this alone. It is not clear why this hedgerow might be affected, but we request that measures are put in place to avoid damage to the hedgerow in its entirety. There should be a strong commitment to protect this hedge at the very least, and other hedges close to the development where this is possible.

Figure C1.4 of the Landscape and Ecological Mitigation Plan seems to show existing areas of woodland and scrub rather than areas of new planting. It indicates where wild flower seeding on the rail embankments will be, but it does not provide any further detail. It appears that nearly two hectares of scrub will be lost to the scheme, but it is unclear where the mitigation for this habitat loss is going to be.

There is insufficient information regarding lighting to properly ascertain what impact any lighting might have, particularly on bats. Network Rail does not appear to have undertaken any surveys to establish foraging routes. Further information should be provided on lighting, for example, will all of the route be lit at the same time or will it be phased with the construction, what duration of the night will lights be on for, and will Network Rail fulfil the recommendations suggested in the technical report for bats, i.e. using sodium lamps?

There is reference in the Environmental Statement to suggest that biodiversity gain will be sought through offsetting and production of an Ecological Management Plan. However, there is no further detail on this or any indication of how much habitat gain will be sought. Given the scale of this scheme, it is extremely disappointing that this detail is missing. We suggest that this should be provided up front so that the actual gain and overall mitigation is apparent as part of the approval process. As with the design of the footbridge, we acknowledge that the Ecological Management Plan is not part of the Order documents, but given this is a major development in the National Park, the impact on ecology is a strategic point for the Authority, and impacts on our overall assessment of the scheme. Therefore, in the absence of this, we consider that we have insufficient information to make a comprehensive assessment of the impact of the scheme on the National Park. This information would also be a key element for Network Rail to fulfil the third test in paragraph 116 of the National Planning Policy Framework.

Historic Environment – Archaeological

Mitigation of loss of ridge and furrow remains

The Environmental Statement Historic Environment technical annex, at 4.3.4 contains a proposal to reinstate ridge and furrow ploughing remains in the field parcels where these are considered to survive. The Authority queries the appropriateness of reconstructing the ridge and furrow. From the aerial photographic evidence, it appears that the best preserved ridge and furrow lies on the western half of the field in question. Consideration should be given initially to where the compound should/could be located where it will have least impact on this heritage asset, and therefore even if this is the most-appropriate field to put it in. As proposed, the compound sits in

the middle of the southern half of the field. Reconstruction of ridge and furrow would result in the loss of the original feature and the Authority considers that it may be more honest to leave it as a flatter area afterwards, but that this assessment cannot be made unless and until we see the evidence that the compound has to go in this precise location. This issue was discussed with Network Rail and its archaeological consultants on 16 October and the results of those discussions are awaited.

We acknowledge that the remainder of this section of our response will be dealt with in the Code of Construction Practice, but feel it would be advantageous to set out our expectations of Network Rail at this early stage. Table 4.1 of the Environmental Statement Historic Environment technical annex states that the surface stripping of compound areas has low potential for revealing heritage assets but the table notes that if they exist, then this would result in a major effect (on what is assessed as low value but may not necessarily be). We would therefore want to see strip-map-record for those areas which have never been stripped before, regardless of what previous agricultural practice might have been. We would also want to see the same recording at compound areas that might have been surface-stripped before, unless it can be demonstrated that substantial amounts of subsoil were also removed as part of that process. This issue was discussed with Network Rail and its archaeological consultants on 16 October and it was agreed that strip-map-record would be the strategy adopted. The precise details of this work will be incorporated into the Code of Construction Practice.

Provision needs to be made for a recording any evidence for earlier rail infrastructure. For example, the location of signal posts, the signal box, the earlier sidings and warehouse, if only to verify the accuracy of earlier map evidence. This issue was discussed with Network Rail and its archaeological consultants on 16 October and we understand that how this request can be incorporated onto the programme of works is being considered.

Historic Environment – Conservation

We acknowledge that drawing NHE-136126-2885-MAR-00-DDR-T-001008 shows the works proposed for bridge MAS/25. However, it is unclear from the drawing what works are proposed to two small stone pillars that currently flank the metal balustrade. We suggest this detail is clarified. The works proposed to the north side of the structure will cause some harm but we consider that this will be outweighed by the benefits realised by the implementation of the proposed works. The harm could also be mitigated by ensuring that the alterations are of a high standard, for example with the materials and detailing.

As with the archaeological response, we acknowledge that these points will be dealt with at a later stage in the process, but feel it would be advantageous to set out our expectations of Network Rail at this early stage. We recommend that the structures of bridge MAS25, and any other non-designated assets, for example culverts, affected by the proposed works, are recorded prior to implementation of the proposed scheme. An appropriate methodology for recording the structure(s) should be submitted and agreed with this Authority. This issue was discussed with Network Rail and its archaeological consultants on 16 October and an appropriate level of survey and recording (Historic England Level 1 or 2) was agreed for these non-designated heritage assets.

The vehicular access road and car park to Bamford Station is in poor condition. If this route is to receive additional traffic because of the proposed works, is there an opportunity to improve the road and other enhancements to the station and the south-east edge of the Bamford Conservation Area? Concrete post and wire fencing form the boundary treatment between the north edge of the platform and the southern edge of the car park. A more sympathetic boundary treatment would enhance the immediate setting of the Conservation Area. This issue was discussed with Network Rail and its archaeological consultants on 16 October.