

## **SDNPA response to the Highways England Consultation – Arundel A27 Oct 2017**

Parliament lays down two statutory purposes for National Parks in England. Highways England, along with all public bodies and utility companies, when undertaking any activity which may have an impact on the designated area, has a duty to have regard to these purposes:

**Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area

**Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

There is corresponding social and economic duty upon National Park Authorities – to be considered when delivering the two purposes: to seek to foster the social and economic wellbeing of the local communities within the National Park

This reciprocal arrangement is designed to ensure a high degree of mutual cooperation, avoiding the risk either that the needs of National Park residents and businesses will be ignored, or that others will ignore its purposes when undertaking activities.

The SDNPA is not the Planning Authority for this scheme, it is a consultee and is looking to provide information to the decision makers, Highways England and, ultimately, the Planning Inspector and Secretary of State, to help them make a decision after balancing local, regional and national priorities

The SDNPA response is therefore around its remit to consider the impacts on the purposes for which the National Park was designated

It is understood that the planning application for any A27 Arundel Scheme, based on the preferred option, will be made through the National Infrastructure Planning process which is undertaken by the Planning Inspectorate (PINS) on behalf of the Secretary of State. The National Park Authority would be considered to be a 'relevant' Local Authority in this process and will be invited to produce a *Local Impact Report* to submit to PINS for their consideration during the application process.

Based on the route options brought forward for public consultation, and the level of evidence provided about each option, the SDNPA response is as follows:

1. The SDNPA notes that proposals for mitigation measures to address the likely significant adverse impacts on the natural beauty and recreational opportunities provided by the National Park, its Purposes and special qualities, and proposals for compensatory woodland planting for the loss of ancient woodland which is irreplaceable and therefore cannot be mitigated, have not formed part of the Highways England consultation at this stage.
2. Notes that the Highways England consultation mentions alternative routes, which avoid the National Park and Ancient Woodland completely, but excludes these from the consultation on the grounds of cost and value for money.
3. Notes that on the basis of the information currently made available from HE, in the absence of clear mitigation and compensatory measures as part of the routes proposed, and the exclusion of alternative routes as mentioned above, the Authority's opinion is that an Inspector could not be satisfied that the Major Development test (Paragraph 5.151 of the National Policy Statement on National Networks, which mirrors Paragraph 116 of the National Planning Policy Framework) could be properly applied.

4. Therefore concludes that all three route options, as currently presented by Highways England, would represent major development, would have significant adverse impacts on the natural beauty and recreational opportunities provided by the National Park, its Purposes and special qualities, **and therefore objects to all three options.**
5. The SDNPA will ensure that Members and appropriate officers continue to be engaged with the specific consultation and technical groups that Highways England have set up, to ensure National Park purposes are fully represented, including appropriate mitigation and compensatory measures as the project moves forward through the different Stages.

In support of 1 above

The level of supporting evidence supplied by Highways England does not, in our view, provide a sufficient basis for an Inspector to apply the above Major Development test and determine whether the process of getting from route options to a preferred route is robust. In determining whether major development should be allowed in a National Park, our understanding is that an Inspector will need to be clear that both exceptional circumstances and public interest – exist. This means being satisfied that all options have been properly considered and that sufficient and comparable information was provided about the design and construction and costs for these routes. In addition, the package of mitigation measures proposed should be clear, along with the level of compensation for any residual impacts. Considerable uncertainty applies to all of these factors, for example:

- Assessment of landscape, biodiversity and cultural heritage impacts cannot be satisfactorily completed as there is a high degree of uncertainty about proposed design and construction methods for routes. For example, lack of clarity about the structure (earth embankment or concrete viaduct) which would form the valley crossing for route options 3 and 5a in terms of design, costings and buildability - both options having significant but quite different impacts;
- In assessing biodiversity impact, no account has been taken of the recent judgement in regard to the Ashdown Forest SPA, which requires an assessment of the in combination impacts of traffic emissions from proposed development. SACs and SPAs within the National Park and near the routes include the Arun Valley SPA ;
- Modelling of induced traffic impacts does not in our view provide definitive evidence that building a new road would reduce the overall impact of traffic (pollution and noise) upon the National Park, as has been suggested. Rather, it would move traffic around from one route in the Park to another;
- Due to the process followed the level of mitigation proposed for each route option is unclear, for example the extent to which green bridges, cut and cover tunnels or other methods would be used on each route. Without this, it is not possible to complete a comparative assessment of the impact of each upon the National Park;
- The degree of compensation proposed is also unclear and subject to a huge degree of variation. For example, in the specific case of ancient woodland, the level of compensation informally suggested varies between like for like and thirty hectares for every one destroyed. Whilst ancient woodland is of great significance, all routes proposed would impact upon other habitats and protected species.

The list above is not definitive but illustrates the reasons why we believe that it is not possible, on the basis of the evidence so far provided, for a full objective assessment to be made as to whether an option for an Arundel bypass could be chosen which would fulfil the major development test. The SDNPA has gathered extensive evidence leading to its current view that all three routes would be likely to have significant adverse impacts, but will of course update this analysis if more information is forthcoming from Highways England about these or any other route options.

In support of 2 above

The HE Public Consultation document mentions (p40) that options 4 and 5b which run outside of the National Park were discarded because, 'they give no additional benefit compared to the more cost effective options taken forward'

Costings for the different options, below, are copied from HE documentation provided in Sept 2017 and contained in PCF Stage I – Technical Appraisal Report Aug 2017, sect 23 – 'Detailed Cost Estimate' p 147

Range Estimate			
Option	Minimum	Most Likely	Maximum
Option OA	£27.92m	£39.22m	£73.91m
Option 1	£96.09m	£134.47m	£250.17m
Option 3	£207.54m	£260.00m	£853.18m
Option 5A	£199.76m	£249.34m	£722.48m
Option 5B	£259.66m	£330.33m	£889.62m

This table shows that options exist outside of the Park (5B, and 4 (no costing in the table, but described as 'broadly similar to 5A but outside the SDNP on page 40 of the HE public consultation document) where the wide range of costs allows the possibility for an option to be built outside the NP that could end up being cheaper than options taken forward for consultation. Therefore options outside of the NP should have been included in the consultation.

In support of 3 above

All three routes, on the basis of the evidence so far presented, are considered to have the potential to have a serious impact on the natural beauty and recreational opportunities provided by the National Park, and therefore to constitute major development as set out in Paragraph 116 of the National Planning Policy Framework. This states that "*in National Parks, the Broads and Areas of Outstanding Natural Beauty, planning permission should be refused for major development except in exceptional circumstances and where it can be demonstrated to be in the public interest;*

In addition to the Purposes and Duty outlined in the opening paragraph there are other Policy Guidance which is relevant and these are set out below for clarity this includes;

#### National Policy Statement for National Networks I (NNNPS)

This is the planning policy document which sets out planning guidance for the development of national significant infrastructure projects on the road and rail networks. The Secretary of State will use the NNNPS as the primary basis for making decisions on development consent applications for National Infrastructure projects.

*Paragraph 1.18 of the NNNPS highlights that the National Planning Policy Framework (NPPF) is also an important consideration in the decision making of nationally significant infrastructure projects. The relevant paragraphs in the NPPF are set out in more detail below.*

The following paragraphs of the NNNPS specifically refer to development within National Parks and are particularly relevant in the decision making process for any A27 Arundel Scheme:

Para 4.26 Refers to the assessment of alternatives for schemes within a National Park.

<sup>1</sup> <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>

Para 5.148 Assessment process refers to the need for applicants to adhere to the requirements of the Government circular 2010 on the 'English National Parks and the Broads'<sup>2</sup> or successor documents.

Paras 5.148-5.155 Sets out the approach to the tests for major road schemes within National Parks.

#### National Planning Policy Framework (NPPF)

In light of paragraph 1.18 of the NNNPS, it is considered that the following paragraphs of the National Planning Policy Framework (NPPF) are also relevant:

- *Paragraph 17 sets out the broad planning principles in plan and decision making. These encourage the delivery of multiple benefits from land use in both rural and urban areas including reference to ecosystem service functions such as flood mitigation, carbon storage and provisioning services such as food and fuel.*
- *Paragraph 109 recognises that value and wider benefits of ecosystem services and requires that the planning system contribute to their enhancement and protection.*
- *Paragraph 114 requires that Local Plans should take a strategic approach and plan positively for the creation, protection, enhancement and management of networks for biodiversity and green infrastructure.*
- *Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage in National Parks, the Broads and Areas of Outstanding National Beauty*
- *Paragraph 116 planning permission should be refused for major development except in exceptional circumstances and where it can be demonstrated to be in the public interest*
- *Paragraph 117 states that planning policies should contribute to the promotion of coherent ecological networks.*
- *Paragraphs 126- 141 set out the approach to the conservation and protection of heritage assets*

Therefore, the 3 proposed Options would need to meet the requirements of paragraph 116 of the NPPF and paragraph 5.151 of the NNNPS which state that the Secretary of State should refuse development consent in these areas (i.e. National Parks) except in exceptional circumstances and where it can be demonstrated that it is 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;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In support of 4

The evidence collected by the SDNPA, summarised in the impacts on the National Park Special Qualities report, and contained in the full reports show that all three options have the potential to

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<sup>2</sup> <https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010>

have significant adverse impacts on the natural beauty and recreational opportunities provided by the National Park, its Purposes and special qualities,

### **Conclusion**

The SDNPA welcomes the opportunity to comment on the schemes put forward but finds that it is unable to consider the merits of the schemes due to a lack of information sufficient to properly consider the impacts of the finished schemes on the Special Qualities

The SDNPA considers that all three schemes as presented have the potential to cause severe adverse impacts on the natural beauty and recreational potential of the SDNP

The SDNPA considers that it is not possible to say that the major development test has been properly taken into account due to the lack of information provided