



The Planning Inspectorate

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# **Report to the Secretary of State for Transport**

**by I Jenkins BSc CEng MICE MCIWEM**

**an Inspector appointed by the Secretary of State for Transport**

**Date: 15 November 2016**

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**TRANSPORT AND WORKS ACT 1992**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ACQUISITION OF LAND ACT 1981**

**THE NETWORK RAIL (HOPE VALLEY CAPACITY) ORDER 201[X]**

**REQUEST FOR A DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Date the Inquiry opened: 10 May 2016

Ref: DPI/J4423/15/17

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## CASE DETAILS

### Purpose

- The purpose of the Network Rail (Hope Valley Capacity) Order 201[X] (the Order) is to provide Network Rail Infrastructure Limited (NR) with the powers to construct, operate and maintain new passing facilities and associated railway infrastructure on the Hope Valley route between Bamford and Hathersage and at Dore. The Order would also authorise the compulsory acquisition and the temporary use of land for the purposes of the works and confer other powers in connection with the construction, operation and maintenance of the works.

### The Network Rail (Hope Valley Capacity) Order 201[X]

- The Order is drafted under sections 1 and 5 of the Transport and Works Act 1992. The application for the Order was made to the Secretary of State for Transport on 25 September 2015. If made, it would authorise Network Rail to construct and operate works and to compulsorily acquire land and rights in land for the purpose stated above.

**Summary of Recommendation: the Order should not be made.**

### Request For Deemed Planning Permission

- A request was made on 25 September 2015 for a Direction granting Deemed Planning Permission, subject to conditions, for the works that are the subject of the Order.

**Summary of Recommendation: a Direction granting Deemed Planning Permission should not be given.**

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## 1 PREAMBLE

### 1.1 *The Inquiry and site visits*

1.1.1 I have been appointed by the Secretary of State for Transport (the Secretary of State) to conduct an Inquiry to hear representations regarding an application by NR to the Secretary of State to make an Order and give a direction in respect of Deemed Planning Permission, all as described in the case details above.

1.1.2 A Pre-Inquiry meeting was held on 25 February 2016, the minutes of which were issued to the parties and were made generally available through the Inquiry website. The Inquiry opened on 10 May 2016 and sat on 10-13, 17-20 and 25 May 2016 at Abbeydale Sports Club, Abbeydale Road South, Dore, Sheffield, under the terms of the *Transport and Works Act (Inquiries Procedure) Rules 2004*. Before, during and after the Inquiry, I undertook unaccompanied visits

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to various locations which were the subject of representations. I carried out accompanied site visits on 16 and 18 May 2016.

- 1.1.3 I adjourned the Inquiry on 20 May 2016 having agreed a resumption date of 25 May 2016 with those present at the Inquiry. The purpose of the adjournment was to allow NR to clarify a number of matters arising from new evidence it had presented on noise on 20 May 2016 and to allow other interested parties to have an opportunity to prepare to deal with that evidence, should they wish to do so.

## 1.2 ***Purpose of the Scheme***

- 1.2.1 The applicant's Statement of Aims under Rule 10(2)(c) reports that the key aim of the scheme is to increase capacity for the operation of railway services between Manchester and Sheffield on the Hope Valley route<sup>1</sup>.
- 1.2.2 The Order is required to provide NR with the powers to construct, operate and maintain elements of the Scheme which fall outside NR's operational land. Works for the Scheme which are entirely within NR's existing operational land would be carried out using NR's powers under Part 8 of Schedule 2 of the *Town and Country Planning (General Permitted Development)(England) Order 2015*. In accordance with rule 10(6) of the *Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006*, NR is also seeking a Direction from the Secretary of State under section 90(2A) of the *Town and Country Planning Act 1990* that Deemed Planning Permission, so far as it is required, shall be deemed to be granted for the development proposed to be authorised by the Order<sup>2</sup>.
- 1.2.3 The Non-Technical Summary of the Environmental Statement (ES) includes sections identifying the location and a description of the scheme, together with its background and design evolution<sup>3</sup>. The Scheme comprises 2 packages of works: one at Bamford (the Bamford package); and, one at Dore (the Dore package), the general locations of which are shown on Location and Key Plan contained within NR10.
- 1.2.4 The Bamford package would include the Bamford loop, which would be located between Bamford Station and the Jagers Lane overbridge. It would be around 1,062 metres long and would be positioned adjacent to the existing railway and within NR's operational land. The loop would be capable of accommodating trains up to 640 metres long. To facilitate the loop, associated works are required on land outside NR's operational land. Those works would include: the provision of new embankment, cutting and retaining wall structures; the widening of

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<sup>1</sup> NR6 section 5.

<sup>2</sup> NR15 folder 1 page 1.

<sup>3</sup> NR15 folder 1 pages 1-4.

underbridge MAS/25 and a number of culverts; as well as new drainage works and maintenance walkways. This part of the Scheme would also include the replacement of the Hathersage west foot crossing with a footbridge<sup>4</sup>.

- 1.2.5 The Dore package would also consist of 2 main elements of work. The first involves the extension of the Dore South Curve, providing a short length of additional track next to the existing Hope Valley Line (HVL), which would allow trains up to 520 metres in length to stop without obstructing other rail services on either the HVL or Midland Mainline. Land outside the bounds of NR's operational land is required for these works. Associated works to facilitate the extension would include cutting into existing embankment. The second area of work within the Dore package comprises of capacity improvements at Dore & Totley Station, including: the creation of a second track through the station; an extension of the existing platform; a new platform; a new footbridge with lifts; as well as associated platform furniture<sup>5</sup>. This second area of work would be within NR's operational land.

### 1.3 ***Objections to the Scheme***

- 1.3.1 Of the 36 duly made objections (OBJ/1-36), 12 were withdrawn before the start of the Inquiry. A further objection, OBJ/22, was withdrawn during the course of the Inquiry. Mr J Burling, OBJ/37, made an objection to the Order at the Inquiry<sup>6</sup>.

### 1.4 ***The Main Grounds of Objection***

- 1.4.1 For the Bamford package, the main grounds of objection include: the business/needs case; the appraisal of alternatives; operational noise associated with the loop; and, the need for/design of the Hathersage west footbridge.
- 1.4.2 For the Dore package, the main grounds of objection include: the design of facilities at Dore & Totley Station.

### 1.5 ***Supporters of the scheme and others***

- 1.5.1 21 letters of support were originally received along with 6 other representations, of which 1 was withdrawn before the start of the Inquiry. A further letter of support, SUPP/22, and a letter of representation, REP/7, were received shortly before the Inquiry.

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<sup>4</sup> NR15 folder 1 page 2, NR6 section 3.

<sup>5</sup> NR15 folder 1 page 3, NR6 section 3.

<sup>6</sup> Oral evidence only.

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## 1.6 **Statement of Matters**

1.6.1 The Secretary of State issued a Statement of Matters (SoM) on 10 February 2016 pursuant to Rule 7(6) of the *Transport and Works (Inquiries Procedure) Rules 2004*. This sets out the matters about which the Secretary of State for Transport wishes to be informed for the purposes of consideration of the draft Order and the application for Deemed Planning Permission. The matters listed provide the basis for my 'Inspector's Conclusions' presented later in this Report. The matters are:

- 1) The aims of and the need for NR's Hope Valley Capacity Scheme;
- 2) The main alternative options considered by NR and the reasons for choosing the proposals comprised in the scheme;
- 3) The extent to which the scheme would be consistent with the National Planning Policy Framework (the Framework), national transport policy, and local transport, environmental and planning policies;
- 4) The adequacy of the Environmental Statement submitted with the application for the Order, having regard to the requirements of the *Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006*, and whether the statutory procedural requirements have been complied with;
- 5) The likely impacts of constructing and operating the scheme on land owners and tenants, local residents, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking:
  - a) the effects of noise, dust, fumes and vibration including the effects of construction traffic and works sites;
  - b) the impacts of the proposed changes to station facilities and rail service provision (including station parking) as a result of the scheme;
  - c) impacts on means of access to properties;
  - d) impacts from increased train services on residential properties;
  - e) impacts on pedestrians using the proposed footpaths to be temporarily stopped up or diverted, the level crossing to be closed, including impacts on access to Dore and Topley and Bamford Stations;
  - f) impacts on ecological and archaeological interests;
  - g) impacts on landscape and visual amenity (including the effect of the proposed new footbridges), having particular regard to the Peak District National Park designation and section 11 paragraphs 115-116 of the Framework.
- 6) The measures proposed by NR for mitigating any adverse impacts of the scheme:

- a) the proposed Code of Construction Practice;
  - b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and,
  - c) whether, and if so, to what extent, any adverse environmental impacts would remain after the proposed mitigation;
- 7) The conditions proposed to be attached to the Deemed Planning Permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of conditions (Section ID:21a);
  - 8) Having regard to the criteria for justifying compulsory purchase orders in paragraphs 12 to 15 of the DCLG *Guidance on the Compulsory Purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (published on 29 October 2015);
    - a) whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme;
    - b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Article 1 of the First Protocol to the European Convention on Human Rights);
    - c) whether there are likely to be any impediments to Network Rail exercising the powers contained within the Order, including availability of funding; and,
    - d) whether all the land and rights in land over which NR has applied for such powers is necessary to implement the scheme;
  - 9) The purpose and effect of any substantive changes to the draft Order proposed by NR and other interested parties, and whether anyone whose interests are likely to be affected by such changes has been notified; and,
  - 10) Any other relevant matters which may be raised at the Inquiry.

## 1.7 **Scope of this Report**

- 1.7.1 This report contains a brief description of the site and its surroundings, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances, documents and abbreviations used are attached as appendices. Proofs of evidence were added to at the Inquiry through written and oral evidence. Italic text is used within the summaries of cases for my factual comments to assist the reader. References given in square brackets, [ ], are to paragraphs elsewhere in the Report.

## 2 DESCRIPTION OF THE SITES AND THEIR SURROUNDINGS

- 2.1 The Bamford package would be located in a rural, predominantly agricultural area within the Peak District National Park (PDNP), part way between the settlements of Bamford and Hathersage<sup>7</sup>. The area local to the works comprises a mixture of fields used for agriculture, a golf club and private dwellings. The A6187 road, connecting Sheffield and the Hope Valley, passes a short distance to the south of the site.
- 2.2 Dore is situated approximately 7 km to the southwest of Sheffield City Centre<sup>8</sup>. The Dore package contains 2 discrete work areas at Dore South Curve and Dore & Totley Station. These areas are separated by Dore West Junction, which is where the HVL, linking Manchester to Sheffield, and the Midland Mainline, which runs between Sheffield and Chesterfield, converge. The Dore South Curve provides a direct link between the two and forms the third arm of rail track enclosing the Dore Triangle; a piece of land surrounded by operational railway on all three sides. The land surrounding the Dore package site is predominantly residential, with Abbeydale Park to the west and Bradway Bank to the southeast. Ladies Spring Wood, which is designated as a Site of Special Scientific Interest (SSSI), is located to the east of Dore & Totley Station and next to the Midland Mainline corridor. Vehicular access to the station is off Abbeydale Road South (A621), which is one of the main routes into/out of Sheffield. West View Lane and Twentywell Lane provide the most direct access to the Dore South Curve<sup>9</sup>.

## 3 THE CASE FOR NETWORK RAIL INFRASTRUCTURE LIMITED (NR)

*The gist of the material points made by NR in its written and oral submissions were:*

- 3.1 **SoM1- The aims of and the need for NR's Hope Valley Capacity Scheme** (the scheme or the Order scheme)
- 3.1.1 The Government has affirmed its commitment to invest in transport infrastructure in the North of England in its March 2015 report *The Northern Powerhouse: One Agenda, One Economy, One North-A Report on the Northern Transport Strategy* (NT Strategy)<sup>10</sup>. The NT Strategy recognises that existing road and rail connections between northern cities are a constraint to future economic growth and prosperity, necessitating investment in transport infrastructure. NR has developed plans to improve the railway network across the North of England to allow faster and more frequent services to be provided for passengers under a programme of works known as the Northern Hub, of which the

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<sup>7</sup> NR15 folder 1 page 3 figure 2.

<sup>8</sup> NR15 folder 1 page 4 figure 3.

<sup>9</sup> NR15 folder 1 pages 8-12.

<sup>10</sup> NR17.

Order scheme forms part. The Northern Hub Programme is intended to provide a more reliable, flexible network that allows for faster and more frequent and longer trains, with the aim of delivering economic, social and environmental benefits to the north of England<sup>11</sup>.

- 3.1.2 The Hope Valley Route (the Route) is the only rail route linking the major northern cities of Manchester and Sheffield. The principle benefit of the Order is to provide the ability for passenger trains on the Route to overtake the slower moving freight trains. The passing facilities at Bamford and Dore would provide the benefit of additional capacity for passenger trains on the Route and have the secondary benefit of improving the reliability of passenger services.
- 3.1.3 At the moment the Route is dual track with a single track at Dore running north to Sheffield. This means that there is no ability for trains to pass each other especially on the section of the Route between Chinley East Junction and Dore West Junction over which express and stopping passenger services and freight services all run. The Route is used by slow moving freight trains leaving the quarries and works in the Peak District heavily laden and moving east towards Sheffield or Chesterfield. These freight trains seriously constrain the number of passenger trains that can use the Route, and also introduce the potential for delays to passenger trains.
- 3.1.4 The current level of service on the Route is 2 fast passenger trains per hour, one stopping train every two hours and provision for three freight trains every two hours. The Order would allow that level of service to rise to 3 fast trains per hour and one stopping train each hour. The level of freight provision on the Route would remain the same. This level of service is in accordance with the Indicative Train Service Specification (ITSS) for December 2018, set by the North of England Project Board. The Board includes the train operating companies (TOCS) and Freight Operating Companies (FOCs), as well as the Department for Transport (DfT)<sup>12</sup>, so the ITSS is not a NR aspiration as claimed by Mr. Hinckley (OBJ/1).
- 3.1.5 This increased level of passenger services would have major benefits for passengers across a wide area, as well as for more local users. Passengers would have more choice of trains from a wider range of locations (e.g. potentially Liverpool to Norwich; Liverpool to Leicester; and Manchester Airport to Cleethorpes<sup>13</sup>) and they would have less waiting time at stations, including Sheffield and Manchester if they are interchanging between trains. There would also be a reduction of overcrowding on existing services.
- 3.1.6 That improved service would in turn encourage modal shift from car to train both for longer distance travel, e.g. Manchester to Sheffield, but

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<sup>11</sup> NR16 pages 13-18.

<sup>12</sup> NR/INQ/26.

<sup>13</sup> Statement of Case (NR16), section 1.6.5

also in terms of access to the PDNP<sup>14</sup> and residents of the PDNP going to Manchester and Sheffield.

- 3.1.7 Improved connectivity between the two cities is a major benefit to the regional economy and to economic regeneration<sup>15</sup>. The poor existing connectivity is shown by the relatively poor level of rail service, and the very poor road connections. There are currently 5 fast trains an hour from Manchester to Leeds, compared with just 2 to Sheffield<sup>16</sup>. The need for improved connectivity between northern cities is a theme consistently picked up in the policy documents referred to below.
- 3.1.8 The improved rail service also brings direct benefits to residents of, and visitors to, the National Park. It makes access easier from the major cities, which entirely accords with the aims of the National Park and boosts the local economy<sup>17</sup>. It encourages visitors to the PDNP to travel by train not car, which takes cars off the roads. It also encourages people travelling through the Park between Sheffield and Manchester to use the train instead, thereby again reducing cars in the Park.
- 3.1.9 The *Hope Valley Users' Group 2011 survey*<sup>18</sup>, which was distributed to all households in the Valley, and not just existing users, showed the very high level of support for improving services, but also the large number of people who indicated that they would be more likely to use the service if it was more frequent.
- 3.1.10 Concern has been raised over the potential for the scheme to result in increased localised car trips to local stations. However, non-car travel options are readily available, particularly at Hope and Hathersage, where walking, cycling and buses all offer viable means of travel to the stations, enabling increased use of rail without an increase in local highway traffic. Furthermore, NR considers that the limited parking availability at local stations would also effectively cap the potential new car journeys to the stations, such that additional car trips would amount to a negligible impact in traffic levels on the highway<sup>19</sup>.
- 3.1.11 Mr. Hinckley (OBJ/1) and some other objectors have made the point that NR cannot guarantee the service levels set out in the ITSS<sup>20</sup>. This is entirely correct. The provision of services is a matter for the DfT and the TOCs. NR is the infrastructure provider and is seeking to deliver the Scheme in accordance with the DfT's specification for the improvement in the level of passenger services available on the Route<sup>21</sup>. The fundamental point is that there cannot be the improvement in the

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<sup>14</sup> Statement of Case (NR16), section 3.9

<sup>15</sup> Statement of Case (NR16), section 1.3.2

<sup>16</sup> Proof of Evidence Need and Benefits (NR/POE/1.2) Table 1, p.14

<sup>17</sup> Peak District National Park Local Development Framework Core Strategy (NR43), Figure 4 National Park Spatial Objectives, p. 44

<sup>18</sup> *Statement of Case: Hope Valley Railway Users' Group (HVRUG) to the Network Rail (Hope Valley Capacity) Order (SUPP-15)*, p. 6

<sup>19</sup> NR/INQ/19.

<sup>20</sup> ITSS clarification note (NR/INQ/26)

<sup>21</sup> NR/POE/1.2 section 8.2.2

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passenger services identified in the ITSS until these infrastructure improvements are made by NR.

- 3.1.12 An issue has arisen during the Inquiry about the number of freight trains that actually use the Route, as opposed to the number in the ITSS. Firstly, NR has to plan for the number of freight paths set out in the ITSS, as this is the number that the FOCs have a right to use. So any infrastructure must be planned around this number. Secondly, even if there are significantly less freight trains across the entire day than is set out in the ITSS, if there is one hour when two freight trains travel east<sup>22</sup> this would make it impossible to timetable the regular improved passenger service.
- 3.1.13 Whilst it is acknowledged that the capacity of the two track route between Dore and Sheffield is restricted, it would not constrain the operation of the additional services between Manchester and Sheffield required by the ITSS. The primary capacity constraints on the Hope Valley route are the potential for faster services to be delayed by slower moving trains and the single line section through Dore<sup>23</sup>.
- 3.1.14 The overall benefits of the Northern Hub programme have already been accepted by the Secretary of State in the Ordsall Chord Transport and Works Act Order decision<sup>24</sup>.
- 3.2 **SoM2 - The main alternative options considered by Network Rail and the reasons for choosing the proposals comprised in the scheme**
- 3.2.1 The Major Development Test (MDT), set out in the Framework, requires consideration to be given to possible alternatives.
- 3.2.2 Objectors have suggested that the need for the Scheme could be met by lengthening trains. However, only a fraction of the benefits identified above would be delivered by simply lengthening the existing train services<sup>25</sup>. That would reduce overcrowding but would be unlikely to encourage many if any new passengers onto the railway or improve connectivity between Manchester and Sheffield. Moreover, lengthening passenger trains without any provision for these longer passenger trains to pass slower moving freight trains, would not address the key capacity constraint which currently exists on the Route. This is entirely borne out by the business case analyses, which shows a 2.6 Benefits to Costs Ratio (BCR) for the Scheme, but only 1.13<sup>26</sup> for lengthening the trains. This is well below the DfT standard of 2 for funding.<sup>27</sup>

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<sup>22</sup> See Table 3 in *Noise Model Further Clarification (NR/INQ/58)* for an example of the frequency of this occurrence.

<sup>23</sup> *NR/INQ/37*.

<sup>24</sup> *Network Rail (Ordsall Chord) Order: Decision Letter, Department for Transport (NR31)*.

<sup>25</sup> Proof of Evidence Need and Benefits (NR/POE/1.2), section 4.3

<sup>26</sup> Business Case result for longer trains (NR/INQ/20)

<sup>27</sup> *Ibid.*

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3.2.3 The key issue in this case, under the MDT is whether there are any alternatives to the Scheme by doing work outside the PDNP. The plain answer to this is no. Mr Dugdale gave evidence that there had been careful consideration of whether the loop at Bamford could be placed outside the National Park, whether to the east side or the west, but there is simply insufficient space to get the necessary sized passing loop in<sup>28</sup> and this conclusion has not been challenged by any objector. One loop at Dore would not meet the operational infrastructure requirements to provide the capacity on the Route needed to deliver the passenger train specification identified in the ITSS.

3.2.4 Mrs Robinson (OBJ/12) suggested that the freight trains could be routed west not east. But the simple fact is that this is not where those trains want to go and, subject to absolute constraints on capacity, the FOCs have a right to insist on the routes they want. In any event, routing them west would then inevitably place them on the West Coast Main Line to travel south, a line which is already full to capacity<sup>29</sup>.

3.2.5 Mr Hinckley has proposed various strategic alternatives. These are dealt with in Mr Drury's proof<sup>30</sup> and his subsequent clarification note<sup>31</sup>. In summary, the key points to note are as follows:

- a) Reusing the Woodhead tunnels, or a new bored tunnel at Woodhead.
  - i. The Government has stated in clear terms that it would not reacquire the tunnels from National Grid<sup>32</sup>;
  - ii. Reusing the tunnels would involve relocating high voltage transmission lines, a very costly and complicated enterprise, which would involve re-laying them across the National Park;
  - iii. Any Woodhead route would involve the construction of extensive new railway across the National Park, which would be far greater than the extent of railway works in the National Park proposed for this Scheme, with the associated environmental impacts this would have on the National Park;
  - iv. A Woodhead scheme would be enormously expensive;
  - v. Any such scheme would take many years to come to fruition, so could not in any sense be viewed as being a viable alternative to meeting the short term need to improve rail services between Manchester and Sheffield across the existing Route.
- b) Reopening Buxton to Matlock;
  - i. This would not actually meet the need because a

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<sup>28</sup> Proof of Evidence for Design and Construction, Andrew Dugdale (NR/POE/2.2), section 2.2

<sup>29</sup> Inquiry Document, Freight Train Routes – Strategic Alternatives Clarification Note (NR/INQ/40)

<sup>30</sup> Network Rail Proof of Evidence, Design and Construction, (NR/POE/1.2)

<sup>31</sup> Network Rail Inquiry Document, Freight Train Routes – Strategic Alternatives Clarification Note (NR/INQ/40)

<sup>32</sup> Inquiry Document, Woodhead tunnels - Written statements to Parliament (NR/INQ/43)

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proportion of freight trains want to go north at Dore; nor would it remove the Earle's Sidings trains from the Hope Valley line;

- ii. It would involve rebuilding 18 miles of railway much of which would be through the National Park (again which would be far greater than the extent of railway works in the National Park proposed for this Scheme) with the associated environmental impacts this would have on the National Park;
- iii. It would be very expensive; and,
- iv. It would also take many years to bring forward, so again could not in any sense be viewed as being a viable alternative to meeting the short term need to improve rail services between Manchester and Sheffield across the existing Route.

3.2.6 The Government support for improving capacity across the Route is manifest by the agreed funding for the Scheme<sup>33</sup>, and by the reference to investment in connectivity and capacity between northern cities in a number of Government supported documents, including One North<sup>34</sup>; and HM Treasury's Autumn Statement of 2015<sup>35</sup>. There may be future major rail interventions across the Pennines, but these are far into the future and highly speculative at this stage<sup>36</sup>. It would be entirely wrong to reject this Scheme, for some very uncertain future possibility. It is clear that the vast majority of those who use the existing service, or who may wish to do so, want an improved service as soon as possible, and not extensive delay whilst other possibilities are further appraised.

3.2.7 There is therefore no realistic alternative but to place a passing loop in the National Park, and the MDT test is therefore met.

#### *Grindleford*

3.2.8 Mr Hinckley (OBJ/1) and the Dicksons (OBJ/33), have proposed an alternative loop at Grindleford, within the PDNP. NR did promote the loop at Grindleford when the ITSS for the Scheme was for four fast trains per hour<sup>37</sup>. With that specification Grindleford was the only location which met the relevant technical requirements to meet the specification. However, when the ITSS was changed to three fast trains per hour in December 2013, it became technically possible to put the loop further west, including at Bamford instead.

3.2.9 As stated in the evidence given by Mr Dugdale to the Inquiry<sup>38</sup> Bamford

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<sup>33</sup> Funding Statement, Network Rail, September 2014 (NR4)

<sup>34</sup> One North – A Proposition for an Interconnected North, July 2014 (NR26)

<sup>35</sup> Spending Review and Autumn Statement 2015, HM Treasury, November 2015 (NR27)

<sup>36</sup> Proof of Evidence, Needs and Benefits (NR/POE/1.2)

<sup>37</sup> Statement of Case (NR16), p. 54 to 55.

<sup>38</sup> Also see Grindleford Note, Design and Construction (NR/INQ/34)

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is plainly the preferable location for a whole series of reasons;

- a) A loop at Grindleford would have to be significantly longer than that proposed at Bamford, because of the existing line curvature at Grindleford;
- b) It would have required the removal of ancient woodland for the loop itself, including its associated drainage works and to provide maintenance access to the loop, temporary construction compounds and the temporary construction of a haul road of at least 4 metres in width;
- c) Mr Hinckley sought to wave this away as though it were a minor matter. But even on his grossly over optimistic approach, there would be a need to remove over 2,500 m<sup>2</sup> of woodland along the track (500x5 metres). But that completely fails to take into account the fact that there would have to be a construction area of at least 10 metres all the way along the length of the loop;
- d) Mr Dugdale explained that in reality the Dicksons' proposal would involve a far larger area of ancient woodland, and other woodland to be removed. This would be required both for the physical placing of the proposed gabion wall and its associated drainage infrastructure as well as for the temporary worksites needed along the length of the gabion wall for its construction;
- e) The Grindleford site is a much less accessible location than Bamford and as such would have required the construction of a significant temporary haul road of at least 4 metres in width. Mr Dickson suggested coming in via Grindleford station, but this would be on the wrong side of the tracks, and therefore would involve line closures and extensive night time working to enable deliveries to be brought to the site of the works;
- f) The provision of a loop at Grindleford would require the extension of cuttings as well as embankments. It would also require the re-construction of bridge MAS/13;
- g) The Peak District National Park Authority (PDNPA) indicated that apart from the actual designated ancient woodland there was a significant additional area which should be treated as ancient woodland<sup>39</sup> ; and,
- h) Any loop at Grindleford would have a very significant environmental impact, not just on the woodland itself, but also on the ecology within the woodland. This was made entirely clear by the scoping report response from PDNPA<sup>40</sup>.

3.2.10 There would be further environmental damage under the Hinckley/Dickson proposal because of the suggestion of creating a gabion wall through the woodland. This would be a very visually intrusive and alien structure that would be unacceptable in this location. A footpath runs straight through the woodland and so the significant impacts both from construction and operational effects would be very

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<sup>39</sup> EIA Scoping Response (NR15 doc 65.04)

<sup>40</sup> *Ibid.*

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publicly visible.

- 3.2.11 The further significant problem with Grindleford is that parts of the land required are owned by the National Trust as inalienable land. The National Trust objected to the Grindleford loop option<sup>41</sup>. If they had maintained that objection, and it seems very likely that they would do so, it would have been necessary to take the removal of their land through Special Parliamentary Procedure (SPP), which is a long and somewhat cumbersome process. Given that there is an alternative at Bamford which meets the technical requirements, it is very difficult to see how NR could have succeeded in the SPP.
- 3.2.12 These significant impacts at Grindleford need to be compared with the minimal impacts of the Bamford Loop.
- a) No significant impacts in terms of landscape or visual effects on the National Park. So no significant impacts in long distance views, or views from particularly sensitive receptors;
  - b) There are limited close by public viewpoints, and minimal visual impact on any properties;
  - c) The loop is in close proximity to the A6187, and is in a much less sensitive area than Grindleford. There is no impact on ancient woodland and little tree removal. There is limited ecological harm;
  - d) Noise impacts on specific properties are referred to below, but there are only three properties where there are any significant impacts, on anyone's analysis;
  - e) Road access is far better to Bamford than to Grindleford;
  - f) It appears likely that Grindleford would be more expensive than Bamford, particularly when environmental mitigation is considered; and,
  - g) The access for maintenance of the crossovers/turnouts is far more straightforward at Bamford, which would therefore ensure much better reliability than at Grindleford.
- 3.2.13 Grindleford is therefore not a preferable alternative on any criteria to the Bamford Loop.
- 3.2.14 Equally Thornhill, another alternative previously considered by NR in the PDNP, is plainly not preferable to Bamford. The site for the loop is much less accessible by road and would involve very significant impacts during construction<sup>42</sup>.
- 3.2.15 Mr Hinckley spent a considerable time on the length of the loop. It is acknowledged that current freight services on the route operate at lengths up to 465 metres. However, the specification from the North of

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<sup>41</sup> *Ibid.*

<sup>42</sup> Environmental Statement, Vol IV, Appendix E, Network Rail, September 2015 (NR15)

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England Project Board in the ITSS identified an aspiration to accommodate 775 metre trains, in keeping with NR's network wide strategy<sup>43</sup>. The subsequent Sponsor's instruction<sup>44</sup> for the Bamford loop specified a 640 metre train, as it had been identified that in the case of the Hope Valley route, the gradients would make it impractical for a 775 metre train to operate, both in terms of speed and stresses on the wagon couplings. In any event, it is not clear what Mr Hinckley is saying turns on the length of the loop. There is no rational basis for limiting the loop to a 520m train. A shorter loop at Bamford would not have any particular environmental benefits. Even if this were the maximum train currently operating, having to come back to extend the loop at some future date would significantly increase impacts over simply creating the full loop now. In contrast, any loop at Grindleford would have severe environmental harm. So the length of the loop is a red herring.

### 3.3 **SoM3 - The extent to which the scheme would be consistent with the National Planning Policy Framework (the Framework), national transport policy, and local transport, environmental and planning policies**

3.3.1 The relevant policy can be split into planning and transport policy, and national and local policy<sup>45</sup>.

3.3.2 The Framework<sup>46</sup> has a number of relevant paragraphs but importantly the overarching aim of supporting sustainable development is plainly met by this Scheme. Each of the limbs of sustainable development are met – economic (regeneration benefits to both cities and the regional economy); social (particularly improving public transport within the Hope Valley); and, environmental (modal shift). The most relevant paragraphs are as follows:

- a) Promoting sustainable transport and making fullest possible use of public transport;<sup>47</sup>
- b) Promoting economic development;<sup>48</sup>
- c) Promoting access to open space and recreation.<sup>49</sup>

3.3.3 Paragraphs 115-116 deal with the test for development in a National Park. For major development in a National Park, which it is accepted this is, permission should be refused save in exceptional circumstances and where it can be demonstrated that they are in the public interest. Factors for consideration are: the need for the development; the cost of

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<sup>43</sup> NR/INQ/27.

<sup>44</sup> Network Rail ITSS Clarification Note (NR/INQ/26)

<sup>45</sup> *Planning and Design and Access Statement for the Hope Valley Capacity Order, Network Rail, September 2015 (NR13)*

<sup>46</sup> *The National Planning Policy Framework, Department for Communities and Local Government, March 2012 (NR42)*

<sup>47</sup> *The National Planning Policy Framework, Department for Communities and Local Government, March 2012 (NR42), chapter 4, Promoting Sustainable Transport*

<sup>48</sup> *Ibid. chapter 1, Building a strong, competitive economy*

<sup>49</sup> *Ibid. chapter 8, Promoting Healthy Communities.*

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and scope for developing outside the National Park or meeting the need in some other way; and, any detrimental effects of the proposal on the environment, the landscape and recreational opportunities. The PDNPA has withdrawn its objection to the Scheme, and specifically states that it is satisfied that this 'major development test' (MDT) has been met<sup>50</sup>.

- 3.3.4 *The Peak District National Park Local Development Framework Core Strategy, 2011* (the PDCS)<sup>51</sup> sets out the purposes of the National Park – GSP1
- 'To conserve and enhance the natural beauty, wildlife and cultural heritage of the national parks; and, promote opportunities for the understanding and enjoyment of the special qualities of the national parks by the public.'*
- 3.3.5 There is also a requirement in GSP1 that every effort be made to mitigate potential localised harm.
- 3.3.6 The PDCS's Vision<sup>52</sup> includes encouraging people to visit the Park; a viable and thriving economy and reducing greenhouse gas emissions. Figure 6 (p46) of the PDCS sets out spatial objectives including:
- 'Opportunities would be taken to enhance services on the Hope Valley Railway, particularly if they demonstrate a lasting decrease in private cars on adjacent roads.'*
- 3.3.7 Policy T1 supports deterring cross Park traffic, and encouraging modal shift.
- 3.3.8 *The Sheffield Development Framework Core Strategy, 2009* (SCS)<sup>53</sup> strongly supports economic growth and making the city attractive to skilled workers and supports sustainable transport.
- 3.3.9 Policy CS16 of the SCS says priority would be given for development to the rail network which improves connections inter alia to Manchester. The transport priorities set out in Policy CS51 of the SCS include promoting choice by developing alternatives to the car, maximising accessibility, and supporting sustainable travel initiatives.
- 3.3.10 The Scheme therefore accords with key policies in the relevant Development Plans, and does not breach any policies in these plans.
- 3.3.11 National Transport policy on rail is set out in a number of documents. The National Policy Statement for Rail Networks (NPSRN)<sup>54</sup> is a relevant consideration even though this Scheme falls below the threshold for a

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<sup>50</sup> PDNP2A letter regarding Major Development Test (NR/INQ/28)

<sup>51</sup> Peak District National Park Local Development Framework Core Strategy (NR43).

<sup>52</sup> *Ibid*, paragraph 8.2

<sup>53</sup> Sheffield Development Framework Core Strategy, Sheffield City Council, March 2009 (NR48)

<sup>54</sup> National Policy Statement for National Networks, Department for Transport, December 2014 (NR44).

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Nationally Significant Infrastructure Project.

- a) Para 2.2 – *‘there is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth...’*;
- b) Para 2.28-41 focus on the economic and social benefits of a sustainable transport system, the growth in demand for rail and projected future growth;
- c) Para 2.34 deals with the importance of rail freight; and
- d) Para 2.40 sets out the environmental benefits of modal shift from road to rail and Government support for increased rail freight.

3.3.12 The various local Transport Plans all strongly support improved connectivity in the North. The Derbyshire Local Transport Plan (LTP) Three, 2011,<sup>55</sup> makes reference to the need to unlock capacity on the Hope Valley line and improve connectivity through Manchester. *“The County Council supports these proposals in addressing known inter-regional connectivity issues, and allowing local service constraints to be resolved in the north of the County”*. The Derbyshire LTP also supports the movement of freight by rail.

3.3.13 The Sheffield City Region Transport Strategy<sup>56</sup> refers to the fact that the Region’s economic growth is constrained by the lack of competitive rail links to inter alia Manchester (p.27 and see Policy D with associated text).

3.3.14 The Greater Manchester LTP<sup>57</sup> gives specific support to the Northern Hub programme, including the improved capacity.

3.3.15 The Urban Market Study<sup>58</sup> makes clear reference to the Hope Valley upgrade. The other strategic projects mentioned are not being suggested as an alternative to this Scheme, but as possibly additional to it at some date in the future.

3.4 **SoM4 - The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with**

3.4.1 The adequacy of the ES, having regard to the requirements of the

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<sup>55</sup> Derbyshire Local Transport Plan Three, Derbyshire County Council, April 2011 (see NR/POE/8.2)

<sup>56</sup> Sheffield City Region Transport Strategy 2011-2026, April 2011 (see NR/POE/8.2)

<sup>57</sup> Greater Manchester Local Transport Plan, 2011/12 – 2015/16 (NR/INQ/23\_Doc 5)

<sup>58</sup> Long Term Planning Process: Regional urban market study 2013 (NR30 and NR/INQ/47)

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*Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006*, and whether the statutory procedural requirements have been complied with, has not been challenged by any party. The consideration of alternatives is appropriate, given that neither of the strategic 'alternatives' is in any sense a reasonable alternative. Whilst the ES is a substantial document, it is indexed and a non-technical summary and a summary of assessed significant effects have been included.

- 3.4.2 The further evidence on noise which has been submitted through the Inquiry clarifies the conclusions in the ES and Mr Morgan's evidence. We say it is not 'further environmental information'. If it is 'further environmental information', it has been submitted voluntarily and not as a result of a formal Direction given by the Inspector. Those affected have been given the information and a full opportunity to comment upon it and to participate in its detailed consideration. Therefore, the proper process has been followed, with reference to the TWA guide.
- 3.5 **SoM5 - The likely impacts of constructing and operating the scheme on land owners and tenants, local residents, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking**
- (a) the effects of noise, vibration, dust, and fumes including the effects of construction traffic and works sites; (d) impacts from increased train services on residential properties***
- 3.5.1 The Framework seeks to ensure that existing development is not put at unacceptable risk from being adversely affected by unacceptable levels of noise or air pollution.
- 3.5.2 The *Noise Policy Statement for England, 2010* (NPSE) promotes good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. It identifies key assessment criteria, which include: lowest observed adverse effect level (LOAEL), the level above which adverse effects on health and quality of life can be detected; and, significant observed adverse effect level (SOAEL), the level above which significant adverse effects occur. The NPSE indicates that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development, which include meeting the diverse needs of all people and building a strong, stable and sustainable economy which provides prosperity and opportunity for all. Furthermore, where the impact lies between LOAEL and SOAEL, it requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development. This does

not mean that such adverse effects cannot occur<sup>59</sup>.

- 3.5.3 With regard to construction noise, the ES indicates that there is potential for SOAEL to be exceeded during the day-time at Lilybrooke, Cunliffe House, Cunliffe Cottage and a number of dwellings along Jagers Lane and Sickleholve, and also at night, albeit for much shorter durations.
- 3.5.4 However, NR would take all reasonable steps to mitigate noise at source through the use of temporary noise barriers during construction. Temporary noise barriers would be erected at Cunliffe embankment, Cunliffe Cutting and at the Hathersage west footbridge, which, where they interrupt line of sight between the works and receptors, would mitigate day-time effects at Cunliffe House and cottage and residences on Jagers Lane. Following the detailed design phase for the loop, where significant adverse effects remain likely, NR would follow a hierarchical approach to mitigating them, which would include: the identification of further site specific practical mitigation measures; where the trigger levels for the provision of sound insulation measures identified in Part 1 of *BS5228-1:2009+A1:2014-Code of Practice for noise and vibration control on construction and open sites* are reached, noise insulation measures would be offered to the parties affected. Where those trigger levels would be exceeded significantly for shorter durations consideration would be given to offering to temporarily relocate the residents affected<sup>60</sup>.
- 3.5.5 This mitigation is in accordance with normal railway practice, in exactly the same way as has been accepted by the Secretary of State on Ordsall Chord, and has been applied on all other elements of the Northern Hub programme. Implementation of mitigation measures would be controlled through the application of a Code of Construction Practice (CoCP), which would incorporate a Noise and Vibration Management Plan (NVMP). The CoCP would be subject to the approval of the local authorities through a proposed condition of the Deemed Planning Permission sought.
- 3.5.6 The ES confirms that the operational noise levels from moving rail traffic before and after implementation of the Bamford loop have been calculated using the methodology described in the Department of Transport's *Calculation of Railway Noise 1995* (CRN) and with reference to Defra's *Additional railway noise source terms for 'Calculation of Railway Noise 1995', 2007*. This data was input to acoustic modelling software CadnaA, which takes account, amongst other things, of topography, enabling it to represent noise transfer around the valley. The CRN methodology allows account to be taken, and predictions to be made of, the noise impact of trains decelerating to a stop in the loop and then accelerating out of the loop. However, the CRN methodology does not provide data for the assessment of stationary vehicles, only for the impact of moving vehicles. Although the absolute noise levels from

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<sup>59</sup> NR15 Folder 5 Appendix D1 section 1.

<sup>60</sup> NR15 Folder 5 Appendix D1 paras 4.4.73-74.

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an idling train are not as high as those associated with moving trains, it is recognised that it would be a new noise source which would be likely to influence the noise environment of those living close to the loop location and so the sound impacts from stationary trains have been assessed using a methodology described by *BS4142:2014-Methods for rating and assessing industrial and commercial sound* (BS4142)<sup>61</sup>. Whilst the standard indicates that its methods are not intended to be used to assess sound from the passage of vehicles on railway systems, it can be used to assess sound from vehicles, such as trains, on or around an industrial site<sup>62</sup>. NR considers that this methodology is appropriate as a standing locomotive emits sound which can be considered analogous to an intermittent industrial noise source.

- 3.5.7 The ES confirms the results of the CadnaA modelling indicate that during the daytime an increase in noise consistent with a moderate adverse impact is predicted at Lilybrooke, Cunliffe House and Cunliffe Cottage, where noise increases between 5 and 9.9 dB  $L_{Aeq, 18 \text{ hr}}$  are predicted. However, the ES stated that no noise sensitive receptors are predicted to be subject to noise levels exceeding a SOAEL of 67.5 dB  $L_{Aeq, 18 \text{ hour}}$ . This is based on the 'specified day-time level' from the *Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996* (NIR). None would therefore be subject to significant residual effects during day time<sup>63</sup>.
- 3.5.8 The BS4142 based assessment in relation to an idling train indicates that the predicted difference between background and rating noise levels would exceed 10 dB at Lilybrooke, Cunliffe House and Cunliffe Cottage which is an 'indication of a significant adverse impact depending on context'<sup>64</sup>. However, to provide context, it should be noted that the background sound level as defined by BS4142 is the sound level exceeded 90% of the time. This does not fully reflect the occurrence of trains passing on the line, which already provide a series of noise events throughout the day and contribute to the baseline noise level expressed as  $L_{Aeq, T}$ . Nonetheless, to mitigate the potential impact of idling trains, NR propose to offer a package of sound insulation measures to the residents of the properties referred to above for facades which would face towards the loop<sup>65</sup>.
- 3.5.9 During the preparation of Mr Morgan's evidence on noise for the Inquiry, a detailed review determined that the CadnaA noise model for the Bamford loop had under-predicted the noise generated by freight trains as they approached the eastern end of the loop. The modelling was therefore repeated. While the revised modelling showed localised changes in the predicted noise contours compared to those reported in the ES, the overall outcome reported above was found to be

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<sup>61</sup> NR15 Folder 5 Appendix D1 paras 2.4.16-19.

<sup>62</sup> NR/INQ/15 Appendix L section 1-Scope.

<sup>63</sup> NR15 Appendix D1 Folder 5 para 4.4.55.

<sup>64</sup> NR15 Appendix D1 Folder 5 table 4.12 and NR/INQ/45.

<sup>65</sup> NR15 Appendix D1 Folder 5 paras 4.4.56-60.

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unchanged<sup>66</sup>.

- 3.5.10 However, a number of objectors have raised concerns regarding the approach taken to the assessment of likely noise impacts arising from the operation of the proposed Bamford loop. Some objectors have suggested that a test train should be held at the location of the Bamford loop in order for people to experience the level of noise, and the assessment to be carried out on this basis. As Mr Morgan in his evidence<sup>67</sup> explains, this would not be in any sense a robust assessment of the noise impacts. It would be a one off event and highly subjective and would not provide a test of sufficient technical rigour. The analytical approach set out in the ES, which is based on standard methodologies, is to be favoured.
- 3.5.11 Other concerns include the approach taken to modelling the effects of a freight train accelerating away from a stop position on the loop. Acceleration of the freight train in the operational noise model of the loop was considered as accelerating from stop to 60 Km/h at the exit to the loop with the freight locomotive, assumed to be a class 66 locomotive, on full power. Once on the main line freight trains were assumed to be travelling at 90 km/h. Having reconsidered the matter, Mr Morgan accepted that this is not a wholly realistic scenario. It was also realised that the on-power correction for a standard diesel locomotive (correction 0 dB) had been used, rather than that for a type 66 locomotive (correction -13.4 dB).
- 3.5.12 Therefore, Mr Morgan has checked the validity of the sound exposure levels (SEL) input to the model, based on acceleration data for a class 66 locomotive provided by NR. The acceleration data indicates that acceleration out of the loop would be slower than originally assumed, with a train including 30 wagons remaining on full power and not reaching 60 km/h until around 3 km from rest, well beyond the end of the loop and the nearest dwellings within Hathersage. Nonetheless, this does not result in any significant increase in SEL predictions from those previously used in the model. Due in no small part to the conservative on-power correction factor applied in the ES modelling, the validity check indicates that the model overestimated SEL for an accelerating freight train compared to predictions based upon the NR acceleration data<sup>68</sup>.
- 3.5.13 NR's Senior Route Freight Manager for the section of the network of which the Hope Valley line forms part has confirmed that the majority of trains are hauled by class 66 locomotives. Whilst some class 60 locomotives are also used, activity involving the use of locomotives

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<sup>66</sup> NR/INQ/61 Façade predictions, with loop: Lilybrooke=65.2 dBA; Cunliffe House=57.2 dBA; Holly House=60.2dBA; Sunnyside Cottage=56.2 dBA; and, Westlowe=50.8 dBA. NR/INQ/57 Correction from façade to free field level =-2.5 dB. NR/INQ/58 (supplemented by Mr Morgan's oral evidence) Façade predictions existing: Lilybrooke=54.7 dBA; and, Holly House=59.7dBA.

<sup>67</sup> Network Rail Proof of Evidence, Noise and Vibration, Sections 8.3.4 to 8.3.6 (NR/POE/4.2)

<sup>68</sup> NR/INQ/42 and 57.

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other than classes 66 and 60 is relatively rare<sup>69</sup>. Although the class 60 locomotive on-power is noisier (correction -5 dB) than the class 66, it is quieter than the standard diesel locomotive previously assumed to be in use in the noise modelling. Mr Morgan's assessment confirms that if a class 60 locomotive had been assumed, the noise level contribution from the accelerating freight train and assessment results would have been lower than the modelling results previously derived in the ES. Based on the assessment results, even if the uphill gradient out of the loop were to slow trains down to a greater extent than assumed, it remains unlikely that the modelling results would be exceeded<sup>70</sup>.

- 3.5.14 Mr Morgan confirmed that the model results indicate that as well as taking account of acceleration from the loop, deceleration of a freight train in the loop has been accounted for. However, even if this were not the case, it would be unlikely to have a material effect on the conclusions drawn, as there are no noise sensitive receptors close to the line towards the western end of the loop where trains would slow<sup>71</sup>.
- 3.5.15 Whilst various types of passenger train run on the Hope Valley route, some of which may be tread braked trains possibly having a CRN correction of around +16 dB, for the purposes of modelling a class 170 (disc braked) train, with a CRN correction of +7.6 dB, was taken as being reasonably representative. That this was reasonable is borne out by a comparison of  $L_{Aeq, 18 \text{ hour}}$  data from the long term measurement positions with the model predictions of the current situation (do minimum). It can be seen that there is good agreement, showing that the model reflects the current situation well. Furthermore, as the proportion of tread braked passenger trains using the route is likely to reduce in the future, with the increased number of express trains sought by the ITSS, the influence of this factor on the noise assessment is likely to be minimal<sup>72</sup>.
- 3.5.16 In response to concerns raised regarding the potential impact of noise associated with a train idling on the loop, Mr Morgan has assessed the contribution likely to be made by an idling train to the overall noise climate experienced at key receptors close to the loop, including Lilybrooke, Cunliffe House and Westlowe. It has been assumed that during the period 06:00-00:00 hrs there would be up to 18 occasions when a train would make use of the loop<sup>73</sup>. A review of records indicates that whilst this is reasonably representative of the maximum number of east bound freight trains running on the Hope Valley route on a day, the average number is much lower and so the modelled frequency is conservative<sup>74</sup>. The increase in total noise due to the inclusion of the likely contribution from an idling train is less than 1 dB at all receptors, with a total noise level at the nearest façade of 66.1 dB

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<sup>69</sup> NR/INQ/60.

<sup>70</sup> NR/INQ/61.

<sup>71</sup> NR/INQ/63.

<sup>72</sup> NR/INQ/58.

<sup>73</sup> NR/INQ/57.

<sup>74</sup> NR/INQ/58.

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$L_{Aeq, 18 \text{ hours}}$ . This is less than the assumed SOAEL of 67.5 dB, based on the Noise Insulation Regulations<sup>75</sup>. Outside the hours of 06:00 to 00:00, passenger trains do not run and so it would not be necessary to use the loop.

- 3.5.17 Traffic noise has been incorporated in the modelling, as traffic on nearby roads, such as the A6187, provides a significant contribution to the day time noise climate. This is consistent with the normal approach to Environmental Impact Assessment of considering the entire noise climate<sup>76</sup>.
- 3.5.18 The review of the noise model assumptions, including the application of various scenarios of acceleration and train type has not indicated that the noise model review undertaken in preparation for the Inquiry has under predicted noise impact at any location. The noise model and its outputs may therefore be regarded as robust<sup>77</sup>. There are predicted to be significant impacts from operational noise at three properties (Cunliffe House and Cottage and Lilybrooke) from the stationary trains, rather than moving trains. As set out in the ES, there would be no exceedance of SOAEL at any property. Therefore, although none of these properties is assessed to qualify under the NIR, consideration of which is on the basis of noise level expressed as  $L_{Aeq, T}$ , NR proposes to offer noise insulation by discretion, to mitigate the potential impact of idling trains.
- 3.5.19 There would still be predicted to be noise in the gardens of a small number of properties in exceedance of the World Health Organisation (WHO) Community Noise figure for outdoor space, 55 dB  $L_{Aeq, 16 \text{ hour}}$ <sup>78</sup>, but these do not have the same level of protection as indoor areas, and this level is exceeded already at Lilybrooke and Holly House. It should be noted that the WHO outdoor level would be exceeded at vast numbers of locations around the country, close to rail or road routes. There is no UK Guidance, or as far as we know no infrastructure decision, which applies this figure.
- 3.5.20 The noise contour map shows the noise propagation across the wider area of the National Park. This shows that the area of significant or moderate effect is very localised, and there would be no wider noise impact across the PDNP.
- 3.5.21 If contrary to NR's evidence, there is an exceedance of SOAEL at any property:
- a) Noise should not be considered in isolation and must be balanced against economic, social and environmental considerations, NPSE paragraphs 2.17-18;

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<sup>75</sup> NR/INQ/57-corrections to the assumed contributions from an idling train at Cunliffe House and Westlowe used in Table 1 are set out in NR/INQ/63.

<sup>76</sup> NR15 Folder 5 Appendix D1 para 2.5.3 and NR/INQ/63.

<sup>77</sup> NR/INQ/63.

<sup>78</sup> NR/INQ/15(P).

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- b) If there is an exceedance of SOAEL, it would be on a very small number of properties. If the offer of noise insulation is accepted then there could be no exceedance internally;
- c) Any increase in noise here has to be seen in the context of existing train noise, which is a major source of noise at all of the affected properties;
- d) External noise impacts necessarily carry much less weight than internal ones. Much external space in urban areas would exceed SOAEL; and,
- e) The benefits of the scheme manifestly outweigh the impacts on a very small number of properties.

3.5.22 With respect to vibration, the ES confirms that, following assessment, it is not expected that there would be any significant effects related to vibration, during either the construction or operational phases of the scheme<sup>79</sup>.

3.5.23 As regards the Dore package of works, taking account of mitigation measures incorporated within the design, no significant adverse noise or vibration effects are predicted either during the construction phase or operational phase<sup>80</sup>.

3.5.24 The *Bamford Station to Jaggars Lane Loop Scoping Report* (BSR) indicates that Defra's *Local Air Quality Management Technical Guidance for Local Air Quality Management* (TG09) states diesel locomotives can cause high NO<sub>2</sub> concentrations within approximately 30 metres of the track. However, given the small increase in the hourly rate of trains using the route as a result of the scheme, coupled with low background concentrations of NO<sub>2</sub>, the BSR concludes it is unlikely that Air Quality Objectives would be exceeded as a result of the proposed scheme. TG09 also indicates that SO<sub>2</sub> emissions should only be considered where sensitive receptors are within 15 metres of a track occupied by a stationary train. In this case the nearest sensitive receptor would be further away. As regards the potential for construction activity to generate dust, the BSR identified that, due to the limited scale and temporary nature of the construction activities and the implementation of a Nuisance Management Plan, required by the CoCP, it is unlikely that the construction phase would cause a significant effect. The BSR concluded that air quality effects during construction and operation phases would not be likely to be significant and further assessment of air quality issues associated with the proposed loop was therefore not required. Against that background, the Secretary of State agreed that Air Quality was scoped out of the Environmental Impact Assessment (EIA). Similar circumstances apply in the case of the Dore package, in relation to which Air Quality was scoped out of the EIA with the

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<sup>79</sup> NR15 Folder 5 Appendix D1 paras 4.4.50 and 4.4.72.

<sup>80</sup> NR15 Folder 5 Appendix D2 paras 5.1.4-5.

Secretary of State's agreement<sup>81</sup>.

3.5.25 However, following queries raised by members of the public, an assessment was commissioned by NR to establish the likely effect of emissions from trains idling on the loop. It determined that the introduction of the loop would not have a significant detrimental effect on air quality in areas near to the passing loop and would have no noticeable effect on air quality farther away in the Hope Valley, such as at Hathersage<sup>82</sup>.

***(b) the impacts of the proposed changes to station facilities and rail service provision (including station parking) as a result of the scheme***

3.5.26 The need for and benefits of the track works at Dore South Curve are allowing freight trains up to 520 metres long to wait for a slot onto the Midland Mainline, thus reducing the potential for delays to passengers on the connecting lines.

3.5.27 The benefits of the works at Dore and Totley are manifest. By replacing the second track, and extending the chord, NR would remove a significant bottleneck point, and much improve the reliability of the service both on the Hope Valley line, but also the Midland Mainline.

3.5.28 There would be significant benefits to the users of Dore and Totley station, a point which seemed to get slightly lost in some of the objectors' evidence:

- a) There would be less crowding on platforms by the reinstatement of a second platform;
- b) They would benefit from the improved stopping service;
- c) The provision of lifts would assist passengers with impaired mobility and those carrying heavy luggage; and,
- d) The new shelter would effectively double the covered waiting area.

3.5.29 If Sheffield City Council wish to change minor elements of the station, including removing the roof from the footbridge, then that is a matter for them through the approval of details process.

3.5.30 The Friends of Dore and Totley Station (OBJ/26) questioned the categorisation of the station into Class F. However, this follows inexorably both from the fact it is an unmanned station, but also from the data that shows that the level of usage, even with the new car park, falls at the lower end of the Class F scale<sup>83</sup>. Therefore, both the

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<sup>81</sup> NR15 Folder 1 Annexes A-D.

<sup>82</sup> NR36.

<sup>83</sup> Better Rail Stations, an Independent Review Presented to Lord Adonis, Secretary of State for Transport, C. Green and Sir P. Hall, November 2009 (NR/INQ/25), Station Capacity Assessment Guidance, Network Rail,

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categorisation and the consequential level of provision are entirely appropriate. If usage does increase, then there is nothing to stop further shelters being provided at some future point. The possibility of re-orientating the stair case, as objectors suggest, would make very little sense, as it would involve the vast majority of users having to walk further to use the stairs. The works have been designed in accordance with standards and by very experienced designers.

- 3.5.31 Access to Dore and Totley Station would be maintained throughout the construction phase. Parking would be reduced by 24 spaces for a period of 38 weeks with a full closure, excluding disabled parking, for two 29 hour possession periods and two 54 hour possession periods<sup>84</sup>.
- 3.5.32 This is unavoidable as a part of the car park is required for construction purposes. NR has sought to minimise the extent of the reduction in provision, both in terms of time and quantity. NR has reached an oral agreement with the Abbeydale Sports Club to provide alternative car parking spaces on their site to replace the spaces temporarily lost at the Station. This is within an easy walk of Dore and Totley Station, so is a perfectly reasonable alternative during a temporary period. Temporary arrangements would be secured through approval of the CoCP.
- 3.5.33 At the request of Sheffield City Council, the Order includes a Traffic Regulation Order, which allows parking controls to be imposed along Dore Road during the works. This would ensure that overspill car parking from the station does not impede the free movement of traffic along the road, whether works traffic or others.
- 3.5.34 The Dore works would involve a small amount of tree loss within Poynton Wood. This is wholly unavoidable in order to carry out the works. Although the land is part of an area designated as open space on the SCS proposals map, with reference to Policy CS47, the area affected is completely inaccessible to the public as it would involve going through thick woodland. There is therefore, no real, as opposed to theoretical, impact on public open space. In these circumstances SCS Policy CS47 is met.
- 3.5.35 NR would seek to retain parking at Bamford Station of 10 spaces at all times<sup>85</sup>.

***(c) impacts on means of access to properties***

- 3.5.36 Access to Cunliffe House and Cunliffe Cottage would be maintained at all times. However, underbridge MAS/25, which provides access at present, has to be closed for a period during the widening. For this period access along the haul road on the north side of the railway would

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May 2011 (NR/INQ/36).

<sup>84</sup> POE/NR/2.2 paragraph 3.7.4.

<sup>85</sup> POE/NR/2.2 paragraph 3.3.3.

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be provided. NR is taking all reasonable steps to ensure that this temporary access is safe, both for vehicles and pedestrians, and also for horse riders, including the offer of a fence along the haul road to help screen the works from horses<sup>86</sup>.

3.5.37 Access to Station House at Bamford Station would be maintained throughout the construction phase<sup>87</sup>.

***(e) impacts on pedestrians using the proposed footpaths to be temporarily stopped up or diverted, the level crossing to be closed including impacts on access to Dore and Totley and Bamford Stations***

3.5.38 The need to close the existing Hathersage west rail crossing has been carefully scrutinised through the risk assessment process<sup>88</sup>. There is no ground not to accept the conclusion of that assessment. The view of the risk assessment is that a pedestrian seeking to cross the railway would have an unacceptable risk of confusing a fast train coming along the line from the west with a train in the loop, and/or a slow moving freight train coming out of the loop, and therefore might try to cross at a point when it was unsafe to do so. In those circumstances NR has to close the existing crossing. Save for Mr Hinckley no objector appears to have questioned the need to close the crossing.

3.5.39 Some objectors have argued that rather than replacing the existing crossing with a footbridge NR should divert the footpath along Jagers Lane. The footpath authority Derbyshire County Council (DCC) and the PDNPA have made clear that a diversion is not acceptable to them and they wish to retain the existing line of the footpath<sup>89</sup>. The Joint Transport Committee of Hathersage and Outseats Parish Council had also made clear to NR that they would not support a diversion of the footpath<sup>90</sup>. It can be safely assumed that the rights of way officer at DCC, officers at PDNPA and the Parish Council are fully aware of the footpath network in the vicinity. These are the relevant statutory authorities and the route of the footpath is a matter for them and not for NR. The Peak and Northern Footpaths Society only objected on the ground that the footbridge was not fully accessible with reference to the Equalities Act 2010, and it can be safely implied from this that they support the principle of retaining the footpath and having a bridge. However, their objection has been withdrawn following clarification of the accessibility, or lack of accessibility, of the existing walking loop to the River Derwent.

3.5.40 It is important to have in mind the very strict test for diverting a footpath. Under section 119A of the *Highways Act 1980*, the Council

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<sup>86</sup> See Temporary access to Cunliffe House and Cottage drawing (NR/INQ/38), and Letter to Mr and Mrs Williams regarding access (NR/INQ/48)

<sup>87</sup> Proof of Evidence for Design and Construction (POE/NR/2.2), paragraph 3.3.3

<sup>88</sup> Hathersage West Footpath Crossing Risk Assessment, Network Rail, August 2015 (NR33)

<sup>89</sup> Authority correspondence regarding Footpath 28 (NR/INQ/16)

<sup>90</sup> Consultation response to Hope Valley Capacity Improvements Proposal, 6 March 2015 (NR/INQ/46)

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can extinguish a public right of way over a crossing and over so much of the path as appears requisite, if it is expedient to do so, having regard to whether it is reasonably practicable to make the crossing safe. Plainly here the footbridge would make the crossing safe. Under Circular 1/09 Para 5.51:

*'Consideration should also be given to the effect that the diverted way would have on the rights of way network as a whole and the safety of the diversion, particularly where it passes along or across a vehicular highway'*<sup>91</sup>.

- 3.5.41 Any diversion would involve walkers going down Jaggery Lane, where walkers and cars are not segregated, raising safety concerns, and then along a part of the A6187. This would be a less attractive route than the present one, a less safe one than using the footbridge, and involve a greater length of walking along roads. The need to walk along the A6187 would plainly be less attractive than walking across the fields and the footbridge along Outseats footpath 28 before joining footpath 25 down to the River Derwent. No reliance can be placed on the further diversion proposed by Mr Hinckley in MH5 rev 1<sup>92</sup>, because it involves other land, and no consultation has been undertaken with either the landowner or DCC. Any diversion also would not provide the circular walking route that users can presently enjoy. The same points can be made in relation to the Jewitts' alternative<sup>93</sup>. In addition, Mr Jewitt's proposal that a footbridge be provided alongside the existing Jaggery Lane railway bridge would require land purchase outside of the Order limits, on land not currently owned by NR. Furthermore, construction of such a bridge would be very disruptive to traffic, possibly requiring a closure of the west end of Jaggery Lane for a period of up to 3 months and restricting access to residential property.
- 3.5.42 In these circumstances NR has no realistic choice but to provide the footbridge. DCC as the footpath authority has made their position entirely clear<sup>94</sup>, and there is no reason to believe that, if the Order was sought to be modified to divert the footpath along Jaggery Lane, DCC and the PDNPA would do anything other than object.
- 3.5.43 Therefore, there is a need to maintain the existing line of the footpath. NR did consider an underpass, but PDNPA did not favour this, and it is plain that underpasses are not an attractive option for users.
- 3.5.44 The footbridge must be designed in accordance with current NR design standards, to ensure safety, and this has been done in terms of parapet height and the configuration of the staircases. There is no rational basis for concern about safety from the footbridge. It is designed in accordance with NR standards, and would be maintained appropriately. NR has thousands of bridges in rural locations.

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<sup>91</sup> Rights of Way Circular (1/09), Defra, June 2011

<sup>92</sup> OBJ1-3

<sup>93</sup> NR/INQ/64.

<sup>94</sup> Authority Correspondence regarding Footpath 24 (NR/INQ/16)

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***(f) impacts on ecological and archaeological interests***

*Ecological impact and mitigation-Bamford Loop*<sup>95</sup>

- 3.5.45 In its consultation response Natural England confirmed that it raised no objection to the scheme, which would be unlikely to lead to a likely significant effect on the Peak District Moors Special Protection Area (SPA) or South Pennine Moors Special Area of Conservation (SAC), nor would it be likely to impact negatively upon Sites of Special Scientific Interest in the area<sup>96</sup>.
- 3.5.46 Industry standard pollution control measures would be put in place for the duration of the construction works, with implementation of a Pollution Prevention and Incident Control Plan as part of the CoCP, which would be subject to approval by PDNPA. This would minimise the potential for pollution of the River Derwent Hathersage SSSI.
- 3.5.47 Residual effects during construction would include a total loss of habitat of 3.26 hectares, of which 0.15 hectares would be permanent. Habitat loss would be mainly associated with scrub and semi-improved grassland on the railway embankments, which do not support any notable or rare plant species. The majority of hedgerows would be retained. Effects associated with habitat loss would amount to a minor loss of net biodiversity, which would be addressed through the creation of habitats of greater diversity; for example, species rich grassland, shrub planting and new hedgerows. Residual effects on fauna would include the following:
- a) Bats-reduced available commuting and foraging habitat and whilst there may be indirect disturbance of a bat roost due to moving vehicles, it would amount to a minor impact in relation to which Natural England has indicated that a European Protected Species Licence would not be required<sup>97</sup>;
  - b) Badgers-severance of commuting and foraging territory to the north of the railway; and,
  - c) Breeding birds-reduced nesting and breeding habitat, resulting in displacement of the local bird population in the short-term (<5years).
- 3.5.48 Habitats of greater species diversity than those lost would be created and would progressively establish with targeted management. Increased diversity would have benefits to birds and bats as a foraging resource. As badgers largely commute during the night, they would have the opportunity to seek alternative locations for population expansion unhindered by the increased daytime train frequency.
- 3.5.49 Following the implementation of all mitigation measures, to be detailed

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<sup>95</sup> NR/POE/5.2 section 4.4.

<sup>96</sup> NR/INQ/52.

<sup>97</sup> NR/INQ/52.

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within the Ecological Management Plan (EcMP) to be approved by the PDNPA, there would be no significant residual effects on any ecological receptors.

*Ecological impact and mitigation-Dore package*<sup>98</sup>

3.5.50 There would be no residual effects upon Totlely Wood SSSI, which lies outside the site.

3.5.51 Significant residual effects during construction relate in particular to Poynton Wood Local Nature Site (LNS), as a result of a net permanent loss of 0.06 hectares of woodland edge and 0.3 hectares of temporary loss. The Woodland Trust has objected to the loss of woodland from Poynton Wood LNS, with particular reference to the potential impact on ancient woodland. However, no ancient woodland would be lost to the Scheme and a minimum 18 metre buffer to the ancient woodland located within Poynton Woodland LNS would be maintained throughout construction, ensuring the integrity of the ancient woodland is protected. The secondary woodland to be removed is predominantly early mature edge habitat bounding the existing railway boundary, which has been subject to disturbance, and the actual habitat loss on a permanent basis would be minimal. The design has been optimised to protect the ancient woodland and other habitats in the area. As the ancient woodland is located on a steep slope, it is highly unlikely that moisture levels would decrease, nor light levels and wind speed increase, as a result of the proposed loss of secondary woodland at the base of the slope<sup>99</sup>. Mitigation would include replanting of trees.

3.5.52 There would also be the temporary loss of 1.5 hectares of habitat within the Dore Triangle, which would be used as a construction compound. However, this would amount to only a minor loss of net-biodiversity, which would be addressed through creating habitats of greater species diversity, or at least like for like replacement of habitat.

*Conclusion*

3.5.53 Following the implementation of all mitigation measures, to be detailed within the EcMP, approved by the local planning authorities and secured by condition, it is expected that there would be no significant residual effects on any ecological receptors and overall, there would be a net positive gain for biodiversity, in accordance with paragraph 118 of the Framework<sup>100</sup>.

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<sup>98</sup> NR/POE/5.2 section 4.6.

<sup>99</sup> NR/POE/5.1 section 3.3.

<sup>100</sup> NR/INQ/52.

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### *Archaeology*

- 3.5.54 Turning to archaeology, the ES indicates that, subject to identified mitigation measures, there would be no significant impacts on historic assets as a result of the proposed works. Although there may be impacts on unknown archaeological remains during the Bamford Loop works, it is predicted that the value of such remains are likely to be low in this location and this would be only likely to give rise to minor adverse effects. At Dore it is anticipated that there would be an adverse impact on 6 receptors. However, in each case the magnitude of effect would be expected to be negligible and none of significance, such that no historical environment effects would amount to the 'substantial harm' referred to by the Framework<sup>101</sup>.

### ***(g) impacts on landscape and visual amenity (including the effect of the proposed new footbridges), having particular regard to the Peak District National Park designation and section 11 paragraphs 115-116 of the Framework***

- 3.5.55 It is notable how little if any argument there is about the actual impacts of the Bamford Loop. Self-evidently it is within the existing rail corridor. Although the widening of the railway would be evident from close range, there is no material impact on the wider landscape or wider views from around the National Park. The PDNPA do not object, including not objecting on landscape or visual grounds. In fact no one, apart from Mr Hinckley, seems to be objecting on the grounds of landscape impact on the PDNP.
- 3.5.56 The design of the proposed Hathersage west footbridge has been carefully scrutinised and reworked to make it as unobtrusive as possible in the National Park. The PDNPA has withdrawn its objection in relation to the footbridge<sup>102</sup>. Although it would unavoidably be seen in near views, it would have minimal impact in wider views in the National Park, including from the other side of the Valley. Mr Hinckley referred to impacts from Kinder Scout, which is ridiculous as it is miles away and there would be no visibility, and Offerton which is considered in Mr Wyeth's visualisation.<sup>103</sup> In terms of near views of the footbridge, e.g. from Holly House and Sunnyside Cottage, NR would submit a landscaping scheme, as required by a proposed condition, and some early planting can mitigate although not remove the impacts.

### ***Other impacts***

- 3.5.57 There are pros and cons for the residents of Holly House (the Peel's property) in terms of which way the Hathersage west footbridge is orientated, but it has been put forward with the staircase facing to the west, in order to move the span (the highest part) of the bridge as far

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<sup>101</sup> NR15 folder 2 A1 section 5 and A2 section 5, and NR/POE/3.2 section 10.

<sup>102</sup> NR/INQ/17

<sup>103</sup> Proof of Evidence Landscape and Visual NR/POE/6.2

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away as possible from the Peels' property. Planting between the base of the stairs and the Peels' garden can lessen the potential for any overlooking into the garden, and lessen any real or perceived security risk.

- 3.5.58 Security would be enhanced by the introduction of a stock proof fence at the foot of the stairs to direct walkers away from the garden gate to the property of Mr and Mrs Peel, as shown on Planning Direction Drawing Revised Sheet No. 14 rev P06<sup>104</sup>.

### ***Conclusions***

- 3.5.59 The likely impacts of constructing and operating the scheme on land owners and tenants, local residents, the public, utility providers and statutory undertakers would be acceptable.

## **3.6 SoM6-The measures proposed by Network Rail for mitigating any adverse impacts of the scheme**

### ***(a) the proposed Code of Construction Practice***<sup>105</sup>

- 3.6.1 The CoCP is the environmental management system which would be required, by condition 7 set out in the Request for Deemed Planning Permission, to be agreed with the PDNPA and Sheffield City Council (SCC) in advance of any physical works. It would secure the delivery of all of the construction-related mitigation identified in the ES. Its delivery plans would include the following:
- a) An external communications programme;
  - b) A pollution prevention and incident control plan;
  - c) A waste management plan;
  - d) A traffic management plan;
  - e) A nuisance management plan concerning dust, air, pollution and lighting; and,
  - f) A noise and vibration management plan.
- 3.6.2 As set out in the request for Deemed Planning Permission, there would be: a standalone environmental condition to secure an Ecological Management Plan, which would incorporate the mitigation from the ecology and biodiversity assessment; and a condition to secure a landscaping scheme.
- 3.6.3 NR would produce a Commitments Register (CR) for the Scheme, which would provide a management tool logging all environmental and other commitments made by NR as well as assigning responsibility and a

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<sup>104</sup> NR/INQ/11.

<sup>105</sup> NR/POE/3.2 section 3.

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timeframe for completion. This would include all relevant incorporated mitigation identified in the ES, CoCP and Deemed Planning Permission. It would also include all required mitigation that would occur after the Scheme has been constructed. It would be a live document that would be updated to include new commitments as they are made.

- 3.6.4 The appointed contractor would be contractually obliged to produce and work to, overseen by NR, a Construction Environment Management Plan (CEMP), which would state how the requirements of the ES, CoCP, CR and environmental conditions would be complied with.

***(b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme and (c) whether, and if so, to what extent, any adverse environmental impacts would remain after the proposed mitigation***

*Inherent in the design of the Bamford Loop*<sup>106</sup>

- 3.6.5 With the aim of avoiding and reducing the impact of the loop, the optimum location has been chosen. During the design stage, the length of the loop itself was reduced, whilst maintaining its ability to accommodate a 640 metre train, so that there is a reduced land take at the eastern end of the loop near to Hathersage<sup>107</sup>. This also avoided any direct impacts on underbridge MAS/23. Furthermore, the designated position of an idling freight locomotive was moved further west away from the receptor at Lilybrooke. In general the design has minimised land take in terms of embankment and cutting design. For example, the proposed soil-nailed slope adjacent to Sickelhome Golf Club allows a steeper slope and hence less permanent land take.

- 3.6.6 There is no rational basis for restricting the capacity of the loop to trains up to 520 metres long. Even if this is the maximum train currently operating, having to come back to extend the loop at some future date would significantly increase impacts over simply creating the full loop now.

- 3.6.7 The removal of the level crossing at Hathersage west, with the construction of a footbridge, would allow the whistle board to be removed and so trains would no longer need to sound their warning horn on the approach to the position of the existing crossing, thereby removing an existing source of noise.

*Inherent in the design of the Dore package*<sup>108</sup>

- 3.6.8 The original specification of the proposed Dore South Curve included a standage of 640 metres for a freight train. That would have resulted in

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<sup>106</sup> NR/POE/3.2 paras. 12.1.1-5.

<sup>107</sup> NR/POE/2.2 paras. 2.3.6-10.

<sup>108</sup> NR/POE/3.2 paras. 12.1.6-7.

the need to fully reconstruct the West View Lane over-bridge, extending the impact on residents in the area. By reducing the specification for freight standage on the curve to 520 metres, this has reduced the amount of land take and any direct impact on the over-bridge. Use of soil-nailing to support the extended cutting adjacent to the Dore South Curve would reduce the land take ensuring that an appropriate buffer is maintained between the works and ancient woodland within Poynton Woodland LNS.

*Other potential effects*

- 3.6.9 The ES has identified that, through careful design and implementation of appropriate measures, adverse effects resulting from the Scheme can be largely avoided. However, whilst NR is committed to implementing appropriate mitigation, it cannot entirely prevent effects given the size and scale of the structures. Nevertheless, there are not considered to be adverse environmental impacts that would remain after the proposed mitigation, other than as follows.
- 3.6.10 *Ecology and biodiversity* - It has been established that there is no activity that requires the acquisition of a European Protected Species licence in consideration of any bat roosts in the locality of the 2 elements of the Scheme. The bat transect surveys for both the Bamford and Dore packages identified bat activity and on that basis it is possible that there might be an effect on the local bat population during the construction period. This residual risk would be managed through measures to be included in the EcMP, such as sensitive positioning of lighting and consideration of the timing of noisy works. Favoured badger commuting routes may be temporarily severed during the works. To manage this risk NR intends to re-survey in advance of the commencement of the works, as part of the EcMP, to identify if further mitigation would be required. Across the Scheme, the temporary loss of vegetation to facilitate the construction works would be mitigated by re-planting, although this would be likely to take a number of years to mature. To account for this period, mitigation included within the EcMP would be informed by a Defra ecology offsetting model<sup>109</sup>.
- 3.6.11 *Landscape and visual* - Residual major adverse effects would remain due to there being views of construction activity, albeit temporary, particularly in relation to the Bamford Loop works and the Hathersage west footbridge from nearby vantage points, such as neighbouring properties and public footpaths. Though a landscaping scheme would be implemented, until such a scheme has matured, there would be temporary adverse effects from various view points. The proposed footbridge would be likely to remain a feature of the landscape in views from a number of the properties on Jaggars Lane and the public footpath of which the bridge would form part<sup>110</sup>.
- 3.6.12 *Noise and vibration* - In relation to vibration, no significant adverse effects

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<sup>109</sup> NR/POE/3.2 paras. 13.1.2-4.

<sup>110</sup> NR/POE/3.2 paras. 13.1.5-8.

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are predicted either during construction or operation of the Scheme. There is the potential for adverse effects due to construction and operational noise, which are dealt with above in SoM5(a)<sup>111</sup>.

- 3.7 **SoM7 - The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of conditions (Section ID:21a)**
- 3.7.1 Proposed planning conditions are attached to the Request for Deemed Planning Permission<sup>112</sup>. Discharge of those conditions would be subject to agreement, as required, by PDNPA and SCC. They are consistent with the tests of conditions set out in the Planning Practice Guidance, which indicates that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects<sup>113</sup>.
- 3.7.2 Since submission of the application on 25 September 2015, NR has continued to engage with stakeholders, which has led to some evolution in the Scheme design, with particular reference to the Hathersage west footbridge, the design of which has been developed to a greater level of detail. Consequently, proposed condition no. 8 can be re-worded to secure those details, as discussed at the Inquiry, with reference to Planning Direction Drawing Revised Sheet No. 14 rev P06<sup>114</sup>.
- 3.7.3 The Woodland Trust has proposed that the replanting planned to mitigate the impact of the Scheme on Poynton Woodland LNS should be maintained and monitored by NR for a period of 10 years. It suggests that the period proposed by NR of 5 years is not sufficient to ensure full establishment. Whilst a far longer monitoring period has been agreed for HS2, it is understood that that particular project would involve extensive habitat loss along its route. In light of the limited area affected at Poynton Woodland LNS, NR considers that a 5 year period, which, in its experience, is a frequent requirement of development management, would be likely to be sufficient. NR has indicated that its proposed period has been agreed in principal by SCC and this adds further weight<sup>115</sup>.
- 3.8 **SoM8 - Having regard to the criteria for justifying compulsory purchase orders in paragraphs 12 to 15 of the DCLG Guidance on the Compulsory Purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (published on 29 October 2015)**

***(a) whether there is a compelling case in the public interest to justify conferring on Network Rail powers to compulsorily***

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<sup>111</sup> NR/POE/4.1 section 5.

<sup>112</sup> NR12.

<sup>113</sup> NR/POE/8.2 para. 9.1.1.

<sup>114</sup> NR/POE/8.2 para. 9.1.2-3.

<sup>115</sup> NR/POE/5.1 paras. 3.3.3-6.

***acquire and use land for the purposes of the scheme***

- 3.8.1 Reference is made to NR's evidence in relation to SoM1 and SoM3, set out above<sup>116</sup>. In addition, the BCR from NR's web tag appraisal shows a ratio of 2.6 to 1<sup>117</sup>, which is good value for money according to DfT guidance. The very positive BCR<sup>118</sup> is a clear indicator of the level of public benefit from the Scheme, in the light of its relatively low costs. The detailed assessment of the business case in terms of the degree to which it shows value for the money is a matter for the DfT within the funding decision, rather than being a planning matter.
- 3.8.2 The balance in favour of the Order is very clear. It is important to keep firmly in mind that the benefits would be enjoyed by thousands of people who would have the opportunity of improved connections between two major northern cities, as well as further afield; and by the residents of the Hope Valley who would have better services to Manchester and Sheffield. The benefits go beyond the improved connectivity to wider sustainability benefits. The Scheme gives a real opportunity to take traffic off the roads through the National Park. This is particularly important given the slow and difficult road connections between Sheffield and Manchester, especially in the winter.
- 3.8.3 As regards disbenefits, the only significant impacts from the construction and operation of the Loop would be noise impacts on a very small number of properties. It is important to see the noise impacts in the wider context. The benefits of the scheme potentially accrue to 1,000s of people. There is a danger in an Inquiry such as this to give too much weight to the very small number of objectors and overlook the much wider benefits, and the very wide public support for the Scheme. The evidence is absolutely clear that a large number of people want an improved service as soon as possible between Sheffield and Manchester. This is fully reflected in the views and policies of all the relevant national, regional and local bodies concerned.
- 3.8.4 There is no alternative location within the PDNP, for the reasons set out above. Therefore, even if the noise impacts were marginally greater than those assumed, the planning balance would plainly be in favour of the Scheme. The faint possibility that some other scheme might deliver benefits at some wholly unknown future date does not meet the need for immediate, and long awaited, improvements.
- 3.8.5 The MDT set out in paragraph 116 of the Framework is met:- the need/benefits are exceptional, extending to large populations in both Manchester and Sheffield and the community in the Hope Valley; all alternatives have been fully considered and there is no alternative outside the National Park that delivers the benefit; and, both the alternatives in the National Park are manifestly more damaging.

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<sup>116</sup> NR/INQ/65 page 9.

<sup>117</sup> Paragraph 3.10.3 of NR's Statement of Case (NR16)

<sup>118</sup> Network Rail Statement of Case, section 3.10, January 2016 (NR16)

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3.8.6 NR has had due regard to the DCLG *Guidance on the Compulsory Purchase process and the Crichton Down Rules* in formulating the scope and justification for seeking powers of compulsory acquisition in the Order. NR has sought to minimise the land and rights to be acquired to the extent necessary for the construction, operation and maintenance of the Scheme. It is seeking to acquire the necessary land interests by negotiation and some progress has been made. Nonetheless, in practice, in the absence of the powers sought, NR considers that it would be impossible to assemble all the permanent and temporary land interests required within a reasonable timescale that would enable the delivery of the Scheme in a timely, efficient and economic manner. The powers of compulsory acquisition are sought for that reason. This would ensure that individual landowners would be prevented from delaying the Scheme's delivery through a refusal to sell land or to licence the use of land. The powers sought would also ensure that no adverse land interests would prevent the construction or operation of the Scheme<sup>119</sup>.

3.8.7 Therefore, there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire land interests for the purposes of the Scheme.

***(b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Article 1 of the First Protocol to the European Convention on Human Rights)***

3.8.8 Article 1 of the First Protocol of the European Convention on Human Rights protects possessions from interference save in the public interest. Here, where property rights are being interfered with (either by acquisition of the property or by the creation of rights over it) then the justification is the public benefit in the Scheme itself. This applies whether the acquisition is permanent or temporary. In relation to each interest acquired, it is Mr Dugdale and Mr Glynn's evidence that the interference has been kept to a minimum in order to deliver the Scheme and any necessary mitigation<sup>120</sup>.

3.8.9 Compensation, which is a separate matter, would be assessed in accordance with the statutory Compensation Code, as is the case with all such projects.

***(c) whether there are likely to be any impediments to Network Rail exercising the powers contained within the Order, including availability of funding***

3.8.10 No impediments to Network Rail exercising the powers contained in the Order have been identified. Funding is entirely from the DfT and has

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<sup>119</sup> NR/POE/7.2 section 2.

<sup>120</sup> Network Rail Proof of Evidence, Property (NR/POE/7.2)

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been agreed by it<sup>121</sup>. The DfT has reviewed the business case and continues to be entirely supportive of the Scheme<sup>122</sup>. No consent, permission or licence required under another enactment for the purpose of the powers sought in the Order application has been refused at the date of the application<sup>123</sup>.

***(d) whether all the land and rights in land over which Network Rail has applied for such powers is necessary to implement the scheme***

- 3.8.11 NR seeks compulsory purchase powers only in relation to those land interests that appear to it to be reasonably required in order to construct, operate and maintain the Scheme. There are a number of different purposes for which an interest in land is sought, including<sup>124</sup>
- temporary access over land;
  - temporary occupation and use of land and property;
  - to survey and investigate land within the Order limits;
  - protective works to buildings within the Order limits;
  - temporary occupation and use of land within the Order limits for general maintenance works, subject to the provisions contained within Article 25 of the Order<sup>125</sup>;
  - permanent acquisition of rights over land; and,
  - permanent acquisition of land and property.

- 3.8.12 The reasons for the acquisition of each plot is set out in Appendix 1 of NR/POE/7.2. Whilst there are objections to the Scheme, no party has indicated either that the land or that the rights in land over which NR has applied for such powers is unnecessary to implement the Scheme.

3.9 **SoM9 - The purpose and effect of any substantive changes to the draft Order proposed by Network Rail and other interested parties, and whether anyone whose interests are likely to be affected by such changes has been notified**

- 3.9.1 No substantive changes have been proposed.

3.10 **Conclusion**

- 3.10.1 As previously stated, the balance in favour of the Order is very clear.

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<sup>121</sup> Network Rail Funding Statement, September 2015 (NR4)

<sup>122</sup> NR/INQ/50.

<sup>123</sup> NR8/1.

<sup>124</sup> NR/POE/7.2 para 2.3.1-3.

<sup>125</sup> NR2.

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## 4 THE CASES FOR THE SUPPORTERS

*The gist of the material points made by the supporters who appeared at the Inquiry in their written and oral submissions were:*

### 4.1 ***SUPP/15-Hope Valley Railway Users' Group (HVRUG)***

#### *Background*

4.1.1 HVRUG was first formed in 1990 to promote improvements to train services on the Hope Valley Line between Sheffield and Manchester. It has a current membership of 105 and an organising committee of 9.

4.1.2 In 2011 HVRUG carried out a survey of all households in Hope Valley which revealed significant interest in an improved rail service in the valley. Details of the outcomes of the survey can be found in *Improving the Rail Service in the Hope Valley*<sup>126</sup>. In 2011, with the support of the High Peak and Hope Valley Community Rail Partnership (CRP) and other bodies, HVRUG achieved the introduction of one extra early evening train out of Sheffield. However, the line's current lack of capacity has prevented any further service improvements.

#### *Benefits*

4.1.3 The proposed new passing facilities, both at Bamford and Dore, are seen by HVRUG as fundamental to achieving all the project benefits as identified in NR's statement of aims. In its response to the Trans Pennine Express and the Northern Rail Franchise Stakeholder Consultation in 2014, HVRUG recommended that, as a minimum, the services should be improved to provide:

- a) One train each hour stopping at all stations, all day, every day, including Saturdays and Sundays;
- b) Earlier and later weekday arrivals to and departures from Sheffield and Manchester (i.e. before 06:30 hrs and after 23:00 hrs); and,
- c) One weekday TransPennine Express to stop at Chinley, Hope and Dore & Totley Stations each hour.

4.1.4 HVRUG cites the following reasons for a more frequent service on the Hope Valley line:

- a) The number of passengers using the line;
- b) Passenger growth relative to national growth;
- c) The increase of commuting to work on the line;
- d) The results of the HVRUG passenger survey;

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<sup>126</sup> SUP/15.2.

- e) The undeveloped tourist potential of the Hope Valley line; and,
- f) The railway as an asset to the community of Hope Valley.

- 4.1.5 The number of passengers using the line- Data on station usage recorded by the Office of Road and Rail (ORR), in 2014/15, shows six out of 7 Hope Valley stations have greater than 50,000 passengers per annum with none less than 25,000. Transport for Greater Manchester Rail Policy notes that a passenger usage of 25,000 to 50,000 per annum justifies 1 train per hour and 50,000 to 500,000 justifies 2 trains per hour. Yet for much of the day the Hope Valley line has only one train every 2 hours. On this basis, the service on this line is substantially under-provided.
- 4.1.6 HVRUG also considers that the ORR data for ticket sales substantially under-represents the number of passengers using the line. This is due to the extent of ticketless travel. Passengers are often unable to buy tickets due to lack of ticket purchasing facilities and difficulties of fare collection on crowded services. The absence of ticket checking at Sheffield Station compounds the issue.
- 4.1.7 Passenger growth relative to national growth- ORR data shows that the increase in passenger numbers on the Hope Valley stations, including Dore & Topley and Chinley, between 1997/98 and 2014/15 was 5.3%, which is considerably above the national trend of 4.68% for the same period.
- 4.1.8 The increase of commuting to work on the line- As elsewhere, most people in the Hope Valley travel to work by car. A comparison of methods of travel to work data between 2001 and 2011 in the national census shows that commuting by train in the Hope Valley rose by 7.5% against a national increase of 2.89%. There is considerable potential for further rail commuting on the Hope Valley line. The trend to more part-time and flexible working hours in the national economy would also be likely to increase demand for commuter rail travel outside of the traditional peak hours, just when the Hope Valley service is only 2 hourly.
- 4.1.9 Increasing service frequency outside peak hours would also increase the opportunity for use of rail over road for shopping trips, hospital appointments, evening entertainment and visiting friends and relatives. An hourly service with 'same clock face departure times' every day at each station would make the service much more attractive to passengers. The greater use of rail instead of road would have the added benefit of helping to reduce congestion in the surrounding urban areas.
- 4.1.10 Across nearly all Organisation for Economic Co-operation and Development countries since the year 2000, private car usage has tended to stabilise or decline. Predictions for economic and demographic growth suggest a potentially huge opportunity for the

expansion of rail travel. Economically, environmentally and socially therefore, it is critical that the Hope Valley line, along with the rest of the rail system, anticipates this opportunity and fully contributes to the on-going increase in rail travel.

- 4.1.11 The results of the HVRUG passenger survey- In 2011, HVRUG's passenger usage postal questionnaire invited responses from all households in the Hope Valley and got a 37% response rate, with a high of 44% in Hathersage. 60% of the respondents said that they would use trains more often if they ran more frequently.
- 4.1.12 The undeveloped tourist potential for the Hope Valley line- Most tourists to the Hope Valley appear to come by car and the infrequency of the Sunday service on the Hope Valley line makes it unattractive to tourists and residents alike. An hourly service throughout the day and the year would make it far more convenient for those wishing to visit the many tourist attractions within walking or cycling distance of the Hope Valley stations. Bringing in tourists without their cars would benefit the environment, peoples' health and the regional economy. All available evidence suggests that a better service would attract more passengers. For example, more than 3.5 times as many people use the train on Saturdays, when it is hourly, than on Sundays on which there is a 2 hourly service, notwithstanding that Sunday is the main leisure day.
- 4.1.13 There are large populations at either end of the Hope Valley line. In the 2011 census, Greater Manchester had a population of 2.68 million and South Yorkshire 1.34 million. These are vast potential markets both for commuting to work and for leisure purposes. With just 1 change at Sheffield, the populations of Barnsley, Doncaster and Rotherham can easily access the Hope Valley. Another 1 million people have similar access from Chesterfield, Derby, Nottingham and Wakefield.
- 4.1.14 The railway as an asset to the community of Hope Valley- In addition to serving the needs of residents and visitors to the PDNP (the most visited National Park in the UK), HVRUG argues that the line is also an asset to the residents who do not use it. The 5 Hope Valley stations (Grindleford, Hathersage, Bamford, Hope and Edale) have total passenger numbers of nearly 300,000 passengers a year who would otherwise probably be in their cars. These numbers almost double to 550,000 if Chinley and Dore & Totley are included. Anecdotal evidence suggests that many residents of the Hope Valley currently drive to those 2 stations to take advantage of the more frequent services to Sheffield and Manchester.
- 4.1.15 Finally, the strategic role of the railway in keeping freight off the heavily congested roads cannot be over-emphasised. The Hope Valley line is keeping a large volume of freight traffic and pollution off roads that run right through the centres of the valley's villages.

### *Conclusion*

4.1.16 HVRUG looks forward to seeing the proposed project fully implemented as soon as practicably possible. Indeed, it is the view of HVRUG that without the realisation of NR's Scheme, many if not most of the above mentioned service improvements of the Hope Valley line would not be possible. Consequently, all of the economic, social and environmental benefits that would accrue both locally and regionally, from maximising the potential of the Hope Valley line would be lost. NR's Scheme provides an opportunity for the environmentally sustainable economic development of the area that must not be missed.

### 4.2 **SUPP/19-High Peak & Hope Valley Community Rail Partnership (CRP)**

4.2.1 The CRP offers its strong support for the Scheme. Its reasons include:

- a) The Hope Valley Route serves the two major cities of Sheffield and Manchester which are key destinations for local residents for a wide variety of reasons. However, there is a poor road network in the core Hope Valley area which is badly affected by winter weather. There is no through bus service between Manchester and Sheffield via the Hope Valley communities. Therefore, the railway is a lifeline to its local communities. Nonetheless, there is a poor frequency of all-stations stopping trains on the route on weekdays and Sundays. The Saturday service on the route is the only day which has an hourly stopping service throughout the year. The trains are more heavily loaded because of this better frequency. Although passenger numbers on the route have grown 39% in the last five years, the poor stopping train service is suppressing demand for rail travel on the route, as is the considerable overcrowding on peak hour commuter trains and poor quality rolling stock; a view supported by the passenger survey undertaken on behalf of the CRP in 2015<sup>127</sup>;
- b) The bottleneck caused by the present single track junction at Dore between the Hope Valley and Midland Mainline routes would be eliminated by the project, thereby increasing reliability and good time-keeping by all trains using it;
- c) Communities on the route attract all year round tourists and day-trippers because of the stunning scenery in the Peak District and the wide range of leisure activities which are available. Tourism is very important to the local economy. Environmentally-friendly rail travel is more acceptable than increased road traffic. Provision of a 7 days a week hourly stopping service after delivery of the route capacity project would bring increased access to economic, educational, social and leisure opportunities for communities on the route;
- d) The Scheme is the essential pre-requisite to enable the train

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<sup>127</sup> SUP/19-4.

operating companies to increase the timetabled frequency of the local stopping train service;

- e) Provision of the additional route capacity would enable a third fast train to be run each hour and the Hope Valley communities are calling for this train to make a stop at one of the stations between Edale and Grindleford so that local residents may benefit from a fast service to Manchester and Sheffield; and,
- f) The NR project would improve the operation of the nationally important flows of aggregate and cement by rail on the route. Hope Cement Works have recently invested in a fleet of new railway wagons which would assist the continued distribution of its products by rail. This ensures continued economic and environmental benefits for communities in the Hope Valley.

4.2.2 The CRP supports the view of Bamford with Thornhill Parish Council that the best location for the loop is at Bamford, rather than Thornhill, as it would be likely to have less impact on local residents. It also supports the view of Hathersage Parish Council and the Peak District National Park Authority that the initial proposal for the footbridge at Hathersage was too intrusive visually. It trusts that a revised design can be agreed which is acceptable to all parties. The CRP shares the same concerns as the Friends of Dore & Topley Station over some of the proposed improvements for this station.

4.2.3 The CRP calls on NR to make the freight loop at Bamford available for use by passenger trains, not just freight trains, to maximise the benefits of the route capacity project.

*The gist of the material points made by those supporters who did not appear at the Inquiry in their written submissions were:*

#### 4.3 **SUPP/1-First TransPennine Express (FTPE)**

4.3.1 FTPE operate an intercity network across the North of England and to/from Scotland. On the Hope Valley line we operate an hourly express train between Manchester Airport and Cleethorpes.

4.3.2 The Hope Valley route is very congested. As well as our hourly express path, there is a second express path, and for much of the day there is a stopping train. In addition to passenger operations, the route is heavily used by freight operators with some key freight destinations/origins located in the area.

4.3.3 The Scheme would serve to allow these trains to operate more reliably by allowing overtaking moves where necessary. It would also provide scope for a welcome increase in train paths over the route.

4.3.4 Another element of the Scheme would allow the lengthening of the platform at Dore & Topley Station and construction of a new platform.

At present that station is a significant bottle neck and the proposed double track there would alleviate this. Also, the existing platform can only accommodate 4 carriages at present. The Scheme would enable passenger trains to be lengthened to 6 carriages where demand exists.

4.3.5 FTPE further recognises the importance of this Scheme in conjunction with the other elements of the Northern Hub. Taken as a whole, the Northern Hub schemes would deliver vital extra capacity across the congested network and support a welcome increase in train paths.

4.3.6 In principle, FTPE is highly supportive of this welcome investment in the congested rail network in the North of England.

#### 4.4 **SUPP/2-Ms J Collins**

4.4.1 I would like to express my wholehearted support for the proposed Scheme. In particular, I would be extremely pleased to see stopping trains every hour.

4.4.2 I live in Edale, along the Hope Valley line, and work mostly in Manchester. Without the station, it would not be possible for me to live here. However, with trains once every 2 hours, my life is somewhat constrained, sometimes with very long waits to get home, especially if I am travelling from further afield. The trains themselves are more and more crowded, causing discomfort, which hardly seems believable in a rich country in 2015. Therefore, a train every hour would make a huge difference to my life and that of my family and fellow commuters. All this is in addition to the strong environmental arguments for encouraging people to use the train, by providing a decent service.

#### 4.5 **SUPP/3- Ms J Thompson**

4.5.1 I give my full support to the Scheme.

4.5.2 As a resident of Edale I have the following issues:

- a) Given the lack of a proper bus service (the only bus being a school bus), we are totally reliant on trains for public transport. Due to the narrow, winding lanes with many walkers and few pavements, the train is by far the better option for travel in and out of the valley.
- b) A 2 hourly local train service means that many journeys to Manchester or Sheffield become unrealistic by train and therefore I frequently need to take my car, when a more frequent service would allow me to travel by train. A 2 hourly service also means that connections for longer journeys are often not feasible. This means myself and my partner often have to drive to Sheffield, Chesterfield or Macclesfield to connect to inter-city trains to London, Newcastle or Reading.
- c) As part of the PDNP, and the start of the Pennine Way, Edale has

many visitors. An improved local train service would allow visitors to the valley to come by train, rather than by car. Edale has narrow, winding roads which often have walkers or animals on them. By enabling more visitors to travel to and from the valley by train, the roads would be safer, congestion and exhaust fumes would be reduced and problems due to limited car parking in the valley would be eased.

**4.6 SUPP/4-Mr B Pierce**

4.6.1 I support the planned improvements to the Hope Valley line and, in particular, the introduction of an hourly service for intermediate stations. I am engaged in work and other business in Sheffield around 4 days a week and, at present, 90% of my journeys into Sheffield are made by car, as the wait time for the train has to be suitable at both the commencement and completion of my contractual commitments, which vary daily. As a result, it is relatively rare for the existing service to meet my requirements. An hourly service would overcome this issue and my usage of rail would be likely to rise to 50%.

**4.7 SUPP/5-Dr C Illingworth**

4.7.1 I support the Scheme.

4.7.2 As a recent inhabitant of this area, the possibility of increased train capacity, which would allow for 1 stopping service per hour instead of every 2 hours would be a major improvement. The increased service would not only assist local residents who commute to Sheffield and Manchester, but would also allow easier transport for those wishing to enjoy the beautiful area without having to drive and would therefore reduce congestion and provide greater access for those without cars. The local economy is greatly supported by tourism.

**4.8 SUPP/6- Ms B Doherty**

4.8.1 As an elderly, but frequent train user between Edale and Manchester/Sheffield, I would like you to seriously consider providing an hourly stopping service on the Hope Valley line. It would be of particular significance in the evenings, as the long gap between the penultimate and last train makes it difficult or impossible to use public transport, which would be my preference, in the evenings.

**4.9 SUPP/7-Councillor J Otten**

4.9.1 My submissions are made on behalf of myself and Councillors C Ross and M Smith, all representing the Dore & Totley Ward on Sheffield City Council.

4.9.2 I endorse the proposed installation of a new platform, shelter and

footbridge at Dore & Totley Station. The capacity increases that this would facilitate on the line are much needed by local residents, and vital to better connecting Manchester with Sheffield as part of the Northern Powerhouse.

4.9.3 I do have some concerns regarding the design of the new footbridge and shelter; that they should be appropriate for the setting, in using, for example, pitched slate roofs, wooden pelmets and metal lattice bridges.

4.10 **SUPP/8-Mr J McIntosh**

4.10.1 I support the Scheme on the grounds of the benefit that the improvement to services would provide to residents of the Hope Valley. Currently, the infrequency of services makes use of rail for anything other than commuting on weekdays largely impracticable. The changes proposed would make it practical for people to use rail throughout the week including evenings and at weekends. This may help redress the falling visitor numbers of recent years and bring income to visitor related businesses.

4.11 **SUPP/9-Dr J Stubbs**

4.11.1 To the extent that the proposed passing loop at Bamford and track doubling at Dore would give the potential for an improved train service and help keep more cars and lorries off the road, I do indeed welcome such an initiative.

4.12 **SUPP/10- Ms M Kay**

4.12.1 I am a student living in the village of Edale, one of the stations on the Hope Valley line. The rail services are an absolute life line for me, as I do not drive and there is no bus service to Edale. Both me and my Dad, who is a lecturer at Sheffield University, commute to Sheffield on a daily basis, on average 5 days per week and in general we would prefer to take the train. However, more often than not my Dad has to drive us, as the infrequent train times do not fit around our schedules. Additionally, the evening service times are very problematic for attending social events in Sheffield, which often end between 21:00 and 22:00 hrs. As a result I either have to cut the evening short to catch the train at 20:35 hrs or wait around Sheffield for the next train at 22:50. Moreover, when I have to travel further, I have often been stranded in Sheffield on the way home for up to 2 hours waiting for a connecting train back to Edale.

4.12.2 An hourly stopping service on the Hope Valley line would make a massive difference to my quality of life and ability to use public transport. We love living in Edale, as it is a treasure in the English countryside. However, we are now considering moving to Sheffield, due to the difficulties associated with the daily commute.

**4.13 SUPP/11-Mr D Palmer**

4.13.1 I am a resident of Hathersage, a regular user of the Hope Valley line and a member of the HVRUG. I support NR's proposed passing facilities both in the Hope Valley and at Dore & Totley Station, which I understand are fundamental to achieving benefits such as an hourly local stopping service on the Hope Valley line.

4.13.2 I also consider that the proposed Hathersage west footbridge is essential to the success of the Scheme. The existing public footpath that crosses the line at that point is part of an ancient path line from the old jaggars routes over Stanage Edge that crosses the River Derwent at the famous stepping stones near Hathersage. This route existed hundreds of years before the railway was even built. I can fully understand that a footpath crossing at rail level may not be suitable given the extra rail traffic that NR's plans would facilitate. However, it is essential that a footbridge is put in place at this point to ensure that the ancient line of the path is not lost.

**4.14 SUPP/12-Mr E de la Billiere**

4.14.1 Family and I use the local stopping service and would use it far more often if trains were more frequent, which would of course have the obvious corresponding positive effect of reducing traffic in the valley as well as into and out of Sheffield and Manchester.

4.14.2 Furthermore, there are no ticket machines at any of the local stations and trains are often so overcrowded that the ticket conductor cannot move up and down to sell tickets. This presumably has the effect of reducing income, consequently affecting the operator's ability to invest in better quality trains. If more trains were able to run, presumably overcrowding would reduce. The more the service is improved, the more it would be used.

**4.15 SUPP/13-Mr H Porteous**

4.15.1 The merits of this Scheme have been discussed for quite long enough. It is now time to implement it as soon as possible.

**4.16 SUPP/14-Mr M Pedler**

4.16.1 The growth of commuter and leisure passengers on this line, despite the erratic and antiquated service, demonstrates that this investment is likely to generate a handsome return. The proposed new passing facilities are vital to this end.

**4.17 SUPP/16-Mr & Mrs J Anderson**

4.17.1 I support the Scheme, particularly for its ability to facilitate new

franchises being able to consider providing an hourly local service. There are some elements of detail, for example the design of footbridges, which are unsuitable for use in the PDNP and work must be done in conjunction with the PDNPA to ensure a suitable design.

**4.18 SUPP/17- A Bingham MP**

4.18.1 One of my priorities as the Member of Parliament for the High Peak constituency is for the railway service provided to local residents to be maintained, or, where the service is particularly poor, improved. To that end, I am fully supportive of the works to improve capacity on the Hope Valley line. Whilst this is vital for connecting Manchester and Sheffield, it is also vital for many of my constituents who use the stations along the route, New Mills Central, Chinley, Edale, Hope and Bamford.

4.18.2 At the moment, the stations along this line see a 2-hourly stopping service, which is insufficient to provide an adequate service for my constituents, as it requires either a lot of forward planning, or a long wait between trains. Many constituents use the line to commute into Manchester or Sheffield, and an increased service would not only benefit them, it would also encourage others to use the train to commute, such as those for whom the 2-hourly service is simply inconvenient. The infrequent service is holding back passenger growth at stations along the line, and forcing my constituents to use other forms of transport, mostly cars, to undertake their journeys.

4.18.3 I strongly welcome the proposed plans, as they would create the extra capacity for an hourly stopping service on the Hope Valley line, something which is long overdue.

**4.19 SUPP/18-Mr M Rose**

4.19.1 I consider that the additional capacity is required on the Hope Valley line to enable improvement of the local and fast passenger services, as well as to allow sufficient capacity for freight. I support the proposed loop at Bamford and the proposed level crossing changes at Hathersage.

**4.20 SUPP/20-Revd Dr S Cocksedge**

4.20.1 As a resident of Edale who works regularly in Manchester, I would value an hourly weekday Edale to Manchester service, as I frequently have difficult journeys due to the current limitations of a 2-hourly weekday service. I know that many other local residents share these difficulties.

**4.21 SUPP/21-Ms P Enderby**

4.21.1 I support the proposal to improve the Hope Valley line, with the aim of

increasing the number and speed of passenger services. I am a frequent user of this service and note the significant and increasing overcrowding, lack of catering and inevitable difficulty in connecting communities in the area. Improving this rail service would be likely to reduce road traffic in the PDNP.

#### 4.22 **SUPP/22-Manchester Airports Group (MAG)**

- 4.22.1 MAG is the largest UK owned airport operator, serving 52 million passengers and handling 680,000 tonnes of air freight every year, through its ownership and operation of Manchester, London Stansted, East Midlands and Bournemouth airports.
- 4.22.2 Manchester airport is the largest in the group; handling over 23.5 million passengers, over 100,000 tonnes of freight and circa 19,000 on site jobs. The airport is by far the largest outside the southeast and acts as an international air gateway for northern Britain. Its extensive route network draws passengers and freight traffic from an extensive catchment area; emphasising the critical importance of its transport links and connectivity. Thus, Manchester plays a pivotal role in UK aviation policy and it is a key growth opportunity for the economy of Greater Manchester, the wider region and beyond the North West. It has a key role in delivering the Northern Powerhouse. There is a substantial body of evidence available which has led to a supportive policy framework for its further growth.
- 4.22.3 The Airport Company's commitment to supporting the growth of the economy of northern Britain, now embodied as the Northern Powerhouse, has seen it undertake a near £1 billion investment in the airport, including a terminal modernisation, airfield improvements and surface access works. The terminal works received planning permission in early 2016.
- 4.22.4 In addition to MAG's direct aviation infrastructure, Airport City, one of the first new Enterprise Zones (EZ), is a £690 million new economic zone which is founded on high connectivity by air, road, rail and coach. Airport City would deliver circa 12,000 new jobs across over 400,000 m<sup>2</sup> of mixed employment development. The first units have been completed and are operational.
- 4.22.5 Manchester Airport has grown to become a key transport node in the region. In 1993, the airport opened its station and this has played a major role in the airport's growth. Nevertheless, the aging rail infrastructure that serves the airport, without major intervention, faces capacity constraints. Unresolved, these would lead to wider economic constraints from the connections to services the airport provides, as well as lost ability to meet sustainable transport targets. As part of MAG's Sustainable Development Plan (SDP), it is proposing to grow passenger rail mode share from the current 14% to 25%.
- 4.22.6 The Northern Hub investment programme is therefore crucial to support

accessibility to the airport and the EZ. Congestion, delays and lack of capacity in the Greater Manchester rail system already affects air passenger and employee journeys and inhibits the ability of MAG to develop new services or increase frequency and capacity on existing routes. MAG believes that there are 2 essential requirements. They are selective infrastructure improvements and additional, improved rolling stock.

- 4.22.7 The Hope Valley Capacity Scheme and the other Northern Hub works are key interventions. MAG strongly supports the Scheme. In combination with other Northern Hub works, it would significantly improve inter-regional journey times and reliability, including to the airport, whilst also improving the capacity of services. It would complement the efforts MAG has made to secure early delivery of the fourth rail platform at the airport, which opened in Spring 2015. The additional capacity would not only ease current problems, but would remove a significant obstacle to economic growth and investment across the region.
- 4.22.8 MAG has been critical of the time which important infrastructure takes to be delivered in the UK. While MAG welcomes some of the procedural changes that have been made, it believes more is needed. MAG would therefore urge the Government to do all it can to secure the earliest possible delivery date for this important Scheme, so that the very real benefits to passengers and businesses across the north can be achieved.

## 5 THE CASES FOR THE OBJECTORS

*The gist of the material points made by the objectors who appeared at the Inquiry in their written and oral submissions were:*

### 5.1 **OBJ/1-Mr M Hinckley** (MH)

*Business case*

- 5.1.1 I have shown many reasons why NR does not have a business case for the Bamford loop.
- 5.1.2 The *Manchester Hub-Objectives, options and next steps Report, August 2007* indicated that the *Route Utilisation Strategy* published by NR in May 2007 contains very helpful analysis and points the way forward in the short/medium term, but it does not address the interrelated issue of the Trans-Pennine routes and was not intended to address longer term or strategic investment decisions<sup>128</sup>.
- 5.1.3 NR places some reliance on *The Northern Powerhouse: One Agenda, One Economy, One North. Department for Transport* (March 2015)<sup>129</sup>. However, it has been superseded by Transport for the North's *The Northern Transport Strategy: Spring 2016 Report-One Agenda. One Economy. One North*<sup>130</sup>. That more recent report indicates that Rail North is working with Transport for the North and will become a joint client with the DfT for NR's North of England enhancement programme, including Trans-Pennine upgrades. This means that northern partners will be able to influence projects forming the first phases of the Northern Powerhouse Rail programme. There is no evidence to show that that partnership will wish to support any infrastructure changes to the Hope Valley line. In relation to roads, it places particular emphasis on the provision of a new Trans-Pennine road tunnel. The results of their work on longer-term options for Trans-Pennine connectivity should be awaited before the Scheme proceeds<sup>131</sup>. Furthermore, One North's report *A Proposition for an Interconnected North, July 2014*, advocated provision of a new all-mode Trans-Pennine connection including capacity for freight<sup>132</sup>. I consider that this would remove freight from the Hope Valley line, except rail freight associated with local stone and cement producers.

*Crowding*

- 5.1.4 Whilst NR suggest that passengers stand for the entire journey between

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<sup>128</sup> OBJ/1 PoE para 3.2.4.

<sup>129</sup> NR17.

<sup>130</sup> OP/INQ/8, 26 and 27.

<sup>131</sup> OBJ/1 PoE para 3.7.4.

<sup>132</sup> OBJ/1 PoE para. 3.2.12, NR26 pages 8, 22-31.

Manchester and Sheffield, in my view that is not often the case. NR's *Northern Route Utilisation Strategy Draft for Consultation, October 2010*, predicted that, in 2024, seating capacity on the Manchester to Sheffield route would be exceeded only around the evening peak and in the other direction seating capacity would only be exceeded around the morning peak. Furthermore, it favours lengthening trains as a means of addressing the problem. TransPennine Express plan to introduce a new fleet of 220 carriages across their network in 2 years time. When that happens longer trains could be run on the Hope Valley line, to address any crowding<sup>133</sup>.

#### *Loop length*

- 5.1.5 NR's Statement of Case suggests that future freight traffic up to 640 metres in length on the Hope Valley line may include increased volumes of biomass, routed to power stations at Drax, Cottam and Ferrybridge, and container traffic. However, biomass and container traffic does not use the route at present. Furthermore, Ferrybridge has closed and Cottam is expected to close by 2025. Whilst biomass use at Drax may increase in the future, the Hope Valley line is not currently used as a route to Drax at present<sup>134</sup>. Strategic Freight forecasts do not show any growth on the Hope Valley line<sup>135</sup>. This indicates that the Hope Valley is not seen as a future freight route due to numerous reasons including, but not limited to track gauging and difficulty to electrify the route. In my view, these factors indicate that a loop for 640 metre freight trains would not be justified.
- 5.1.6 *The Northern Hub GRIP 2 Study-Hope Valley Loop, May 2014* was based, amongst other things, on a requirement for standage for a 640 metre freight train. This was against a background of the then 'current freight train length of 450 metres, a train length of 520 metres associated with the Peak Forest to Hope Valley Freight Lengthening Scheme and a train length of 640 metres to reflect the vision for the Strategic Freight Network<sup>136</sup>.
- 5.1.7 I consider that if a loop were to be constructed at Bamford, then it should be limited to 520 metres and extended at the east end once 640 metre freight trains can be accommodated on the remainder of their routes and when the operators at that time wish to use the Hope Valley loop. I have clarified how both existing 450 metre and anticipated 520 metre freight trains can be parked at Dore.

#### *Indicative Train Service Specification*

- 5.1.8 We have been told that priority 1 is fast trains <3 stops, then >3 station stopping trains and then freight. There is some evidence of the

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<sup>133</sup> OP/INQ/8 page 27.

<sup>134</sup> OBJ/1 PoE paras 1.3-1.5.

<sup>135</sup> OP/INQ/5, NR18 pages 34-35, NR26 page 26.

<sup>136</sup> OBJ/1 Statement of Case, dated 18 January 2016 Appendix 2 page 16.

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need for additional passenger services<sup>137</sup>. However, NR cannot guarantee levels of service, as this is a matter controlled by the train operators and not NR<sup>138</sup>. NR has no control over the timetable and the operators have freedom to have timescales which maximise their profits. Profits would override what is in the best interest of the PDNP. That amounts to nothing more than freight timetable chaos leading to a disruptive passenger timetable and operators would soon realise that the 3 trains per hour is just an office based dream. It is no doubt for this reason that the politicians are considering new tunnels and reopening the Woodhead pass rather than compromising the Hope Valley which is seen as the most important and visited area within the National Park. An Order should not be given until:

- a) A passenger train timetable is determined which clearly shows the freight times availability based upon both the ideal 20 minute gaps within the timetable and a less even spread with a 30 minute gap as shown in NR's statement of case;
- b) Sensitivity analysis showing the effect on the late departure of a fast train as this would have a significant passenger journey effect and delayed ripple effect to the remainder of the day;
- c) It is understood how the freight times would determine how many can meet the margins available to cross the Midland Mainline without stopping in the loop. This would confirm the number that would use the loop which would highlight the increase noise levels etc; and,
- d) It is understood that the forecasted freight slots comply with the freight contractual requirements.

#### *Alternative loop locations*

5.1.9 NR's consultation report indicated that *'The Thornhill option would operationally not be as good as the Bamford option due to its further distance from the Midland Mainline junction at Dore. This is because it would become increasingly difficult to be able to regulate trains on to the Midland Mainline the further the distance from it as it would increase the distance slow moving freight has to travel to reach it.'* It is understood that the closer the freight train loop is to the Midland Mainline, the more operational opportunities there would be to join the Mainline, as the travel distance, and travel time, for a stationary freight train from the loop would be shorter. As well as being closer to Dore, Grindleford would have the added advantage of a downhill gradient in Trolley tunnel to achieve a top speed more quickly than would be the case at Bamford, where a freight train emerging from the loop would have to battle with an uphill gradient.

5.1.10 NR's email to me, dated 18 January 2015, indicated that a loop at Grindleford would be the optimum operational solution, but not the optimum engineering solution. It suggested that there were some

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<sup>137</sup> OBJ/1 PoE para. 3.5.1, Statement of Case Appendix 4 page 21.

<sup>138</sup> OBJ/1 PoE para. 2.

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factors from a project perspective which made the Grindleford option very challenging. These included engineering and construction constraints, as well as an impact on inalienable land held by the National Trust, including ancient woodland. I consider that the real reason was incompetent infrastructure design, which would have damaged the National Trust land so much that it was rejected by the National Trust. A well considered infrastructure proposal may not require much, if any, of the National Trust land. In support of this view, reliance is placed on the evidence given on behalf of Mr & Mrs Dickson.

- 5.1.11 NR proposes to increase the length of the Dore South Curve to accommodate 520 metre long trains, as it is not anticipated that there would be a need to accommodate 640 metre long trains. Nonetheless, NR has indicated that it could be extended to accommodate 640 metre long trains if the need arose in the future. This is confirmation that a freight loop is not required within the Hope Valley, as it could be accommodated at Dore<sup>139</sup>.

*Visual impact and noise*

- 5.1.12 The visual and noise impacts on Hathersage residents would be greater at Bamford than at either Grindleford or Thornhill. Freight trains parked setting off from a loop at Grindleford would be accelerating within a tunnel, whereas at Bamford the acceleration would be directly next to Hathersage, affecting all residents<sup>140</sup>.

5.2 **OBJ/8-Mr A Peel (AP)**<sup>141</sup>

- 5.2.1 I and my family live at Holly House, on Jagers Lane, which is situated close to the railway and the Hathersage west crossing.

*SoM1*

- 5.2.2 I agree with the need to increase capacity and support the Northern Hub development. However, I have a number of concerns regarding the proposed Bamford Loop, which are set out below.

*SoM2*

- 5.2.3 Adding 2 extra carriages on the existing 2 fast trains per hour would achieve the same benefits of adding an extra train service per hour, as that would only reduce the waiting time for passengers between trains of 10 minutes, i.e. 2 trains running every 30 minutes, as opposed to 3 trains every 20 minutes. This would surely be a far less expensive option than the much higher capital and operating cost of adding a full

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<sup>139</sup> OBJ/1 PoE para. 4.4.59.

<sup>140</sup> OBJ/1 PoE page 11.

<sup>141</sup> OP/INQ/31.

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extra train service<sup>142</sup>.

- 5.2.4 I have seen no clear assessment of the rationale for choosing the Bamford Loop option over either the Earle's Siding or Thornhill alternatives<sup>143</sup>. The advantages of the Thornhill option over the Bamford Loop option, include a lesser visual impact and ease of construction as no new embankments and less excavation would be required<sup>144</sup>.

*SoM3*

- 5.2.5 The scheme has very clearly been shown to not be fully consistent with various strategic transport policies, national transport policy, local transport and environmental and planning policies, with huge areas of ambiguity, lack of detail and conflicting statements. NR have misled the local population on numerous counts. For example, telling local people during consultations that there would be increased local stopping services and consequent local economic benefits due to increased business, when this is clearly not true as there are no local stopping trains and these cannot be guaranteed by NR. There are very many people still under the impression there would be additional local stopping trains.

*SoM4 and SoM5(a) & (d)*

- 5.2.6 Through the various evidence presented, it is very clear that the degree of accuracy, diligence and rigour followed in establishing the impact of the scheme on local residents is limited. The basis of using solely computer modelling is not appropriate for this development in the country's oldest national park with significant potential Environmental effects, and the rigour of investigation by NR and also the responsible parties (PDNPA, DCC etc) has been wholly inadequate.
- 5.2.7 NR has acknowledged that a number of the assumptions upon which the ES noise assessment was based were inappropriate. A number of those assumptions resulted in noise inputs to the model which were unduly low. However, the assessment was based on a noisier locomotive than is actually likely to be the case, with a sound exposure level around 13 dB higher. This is superficially beneficial to NR, as its calculations are potentially around 13 dB too high, offsetting the unduly low assumptions. In my view, this is not good enough, the assumptions should be correct. That they are not casts doubt over the reliability of the assessment and the conclusions of the ES.<sup>145</sup>
- 5.2.8 The model inputs include road noise. It should not be included in the

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<sup>142</sup> OBJ8/2 page 3.

<sup>143</sup> OBJ8/2 page 3-4.

<sup>144</sup> OBJ8/2 page 5.

<sup>145</sup> OP/INQ/47.

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first instance, so that the change in rail noise can be considered initially in isolation. There is a strong likelihood that road noise from the A6187 may reduce in the future, if the long overdue resurfacing of the road takes place.

- 5.2.9 The effects of dust, fumes, noise etc. have been modelled and not interrogated to the detail required and NR has avoided detailed assessments despite the repeated requests of the local residents and Parish of Hathersage, and PDNPA. There has been a huge reliance on modelling for supporting lack of action on certain areas of the project, air pollution and noise impact, being two of these.
- 5.2.10 We feel that a full 'physical' survey should be undertaken with the planned freight trains stopping/starting in a real life simulation, in order that true noise, vibration and fume emissions can be actually measured. Local residents should be notified to participate so that they can establish for themselves the noise/fume pollution impact of stopping/starting trains in such close proximity to a large residential area, West Hathersage. Consideration should also be given to the effect of weather conditions and topography<sup>146</sup>.
- 5.2.11 Surely with such a long lasting impact on the local environment and the lives of many thousands of people, we should rely on a more detailed and physical analysis to support the modelling or possibly challenge the results of the modelling. Whatever its outcome it would achieve many objectives, satisfy many local concerns and if supportive strengthen the business case. For such a trivial test, why not do it?
- 5.2.12 The impact of increased train services (50% increase in fast commuter trains, introduction of slow accelerating fully laden freight trains departing the passing loop) on local properties adjacent to the train line and also Hathersage have been grossly under-evaluated. The impact on local properties would be greater than at other locations considered, such as Thornhill, not least as the Bamford Loop would be within a steep sided valley which would be likely to cause noise to travel further<sup>147</sup>.
- 5.2.13 In addition to our concerns regarding the levels of air pollution that may be caused by diesel locomotives pulling out of the proposed loop, we have many direct experiences of the contents of uncovered wagons blowing into our residential areas as they pass. This can only be made worse with standing freight wagons for periods of time each hour<sup>148</sup>.

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<sup>146</sup> OBJ8/1 page 1.

<sup>147</sup> OBJ8/2 page 4.

<sup>148</sup> OBJ8/2 page 5

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*SoM5(e)*<sup>149</sup>

- 5.2.14 During the consultation periods, I have made several representations regarding the proposed closure of the Hathersage west rail crossing and suggested replacement with a footbridge. I understand that NR undertook a brief footfall study in 2013, which indicated a very low level of usage, at between 2 and 20 people per day. I feel that building a large unsightly footbridge in such an open aspect of the PDNP to support a very low level of footpath usage does not make sense. I suggest that a footpath diversion would be more appropriate, less costly, cause less impact on the environment in comparison with a 8-10 metre high metal footbridge at a cost of around £1 million.
- 5.2.15 The existing crossing may be used by those walking from Hathersage village or properties and footpaths to the north of Jaggars Lane, north of the railway, to the Stepping Stones on the River Derwent, south of the railway. As an alternative, walkers from Hathersage village could use the footway alongside the A6187. For others, NR's Statement of Case shows a possible diversion of the northern approach to the existing crossing, which follows a route along Jaggars Lane, in a westerly direction, and then over the railway on the existing road bridge and along Jaggars Lane to its junction with the A6187<sup>150</sup>. Alternatively, once across the road bridge, pedestrians could potentially follow a new route south across adjacent land to the A6187. This would reduce the length of the diversion. Furthermore, if necessary, in order to avoid use of the road bridge, a new footbridge could be sited alongside the existing road bridge, which would have a lesser visual impact than the proposed footbridge included in the Scheme.
- 5.2.16 Representations have been made by DCC and the PDNPA raising concerns about pedestrians having to walk along Jaggars Lane. I consider that those concerns are unfounded, given the significant number of pedestrians that already walk along Jaggars Lane each day. I estimate that it is used by between 50 and 200 people on a summer's day/evening, a far greater number than uses the existing level crossing.
- 5.2.17 I understand that comments have also been made that diverting the footpath would provide a less attractive route. I consider that the alternative route along Jaggars Lane provides attractive views and in any event, siting the footbridge, as proposed by NR, in such an open location would remove any attractiveness of the current route.

*SoM5(g)*

- 5.2.18 The proposed loop location would be in a very visually exposed location. The views from surrounding hills of the PDNP would be significantly impacted. This would include views from Surprise View, which is a

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<sup>149</sup> OBJ8/1 pages 5-7.

<sup>150</sup> NR16 page 60.

route used into the Hope Valley by, amongst others, many hundreds of thousands of tourists each year<sup>151</sup>.

- 5.2.19 Visual impact of a new footbridge on surrounding landscape and visual amenity of affected local residencies (Holly House in particular) has not been fully investigated. There has been a lack of full investigation into the credible alternatives to the footbridge, and these were simply brushed aside without detailed scrutiny and evaluation.

*Other matters*

- 5.2.20 More generally, there have been clear inadequacies of process and procedures in certain areas, no clear indication that the appropriate checks and balances have been followed at key milestones to allow progress to the next stage of the development process, accuracy of due diligence (many examples), questions over cost estimates, budgets and accuracies thereof, with comfort that estimated costs are indeed accurate. Very important when establishing the decision for the choice of scheme and its relative BCR calculation. We are mere residents and do not have the size of organisation nor its resources behind us, how is it we have found so many glaring errors and ambiguity in the analysis that ought to have been well researched and properly scrutinised by the NR team who are funded to a significant level by NR.
- 5.2.21 The question I would like to leave you with is, having listened to all of the various evidence and cross examinations, do you have the confidence that the various aspects that have been contested, by all parties, have been properly interrogated and analysed to allow this project to go ahead, or do you feel, that certain aspects should not go ahead at all, or not until more detailed scrutiny has occurred. If there is any doubt to these questions and if, as many feel, there is an element of rushing through this process, then the process ought to take a break while the key issues are resolved. If it just does not feel right, then it probably is not right!
- 5.2.22 Finally, and in summary, we should not forget this is about people. We have spoken a lot about technology, trains, curves, acceleration, noise, visual impacts, idling, modelling, data, reports, volumes, receptors, engineers, their qualifications etc, but let us not forget the people and the local Peak District Landscape that has been treasured for so long, that would be affected by this long after we all leave the Inquiry.
- 5.3 **OBJ/12-Friends of the Peak District and the Campaign to Protect Rural England South Yorkshire** (FCPRE)
- 5.3.1 FCPRE presented written and oral evidence to this Inquiry to show that the Bamford Loop has not been rigorously examined against the MDT in a National Park. Until it has been examined in this way, we maintain

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<sup>151</sup> OBJ8/2 page 5.

our objection and ask the Secretary of State to take all of our evidence into account.

- 5.3.2 As a result of NR's evidence presented to the Inquiry we withdrew our objection to the Dore proposals and to the environmental impact of the Bamford passing loop. Our withdrawal of an objection to the environmental impact of the Bamford Loop indicates that we believe that, if the loop has to be within the National Park, then environmental impacts have been minimised and mitigated as far as possible. However, as the need for the loop to be in the National Park has not been established we maintain our objection. National Park status confers the highest protection for landscape and scenic beauty, for wildlife and cultural heritage (*National Planning Policy Framework; UK Government Vision and National Park Circular, 2010*). This is a very important Government policy commitment and is of great relevance to this Inquiry. Only a major development which passes the National Planning Policy Framework MDT, after rigorously being examined, should be considered acceptable in view of this highest status of protection.
- 5.3.3 The FCPRE outlined, through a meeting with NR (on 24 February 2016, well before the Inquiry commenced) and subsequently in documents submitted to the Inquiry, what evidence they believed needed to be scrutinised in order to meet the criteria of the MDT.
- 5.3.4 In order to demonstrate '*the need for the development, in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy*', it is essential to rigorously examine (a) passenger and freight forecasts specific to the Hope Valley corridor, and (b) the local traffic impacts and the local socio-economic impacts (also a national consideration, as this must include visitors; an aspect omitted from the scheme's Statement of Aims) of the scheme.
- 5.3.5 Current usage of train services, by residents and leisure passengers in both directions for each station within the Hope Valley, should have been provided, with the previous growth trend and predicted growth over the next 10-20 years, in order to inform the economic assessment and the traffic impacts. The only evidence put before the Inquiry by NR to address these requirements were two documents - *Bamford Loop visitor economy economic impact assessment* and *Traffic and Transportation Review Supplementary Note* (9 May 2016). Both these documents had to be corrected for errors during the Inquiry, which led to a substantial decrease in the estimated benefits to the National Park and from modal shift from car to rail. Both these documents remain inadequate as assumptions were not clarified, no baseline figures for leisure passengers were provided, the timescale over which this estimated increase in leisure passengers would occur was not provided and the potential multimodal shift from car to rail that might or might not be achieved was not assessed with respect to National Park traffic. Furthermore, the figure given for increases in leisure passengers in NR's proof of evidence 1.2 of 15,000 differs from that given in the amended *Bamford Loop visitor economy economic impact assessment* (12 May

- 2016) of 11,200. Hence NR's claimed benefits in those 2 papers remain unsubstantiated.
- 5.3.6 With respect to freight growth the FCPRE presented NR's own study (*Long Term Market Freight Study 2013*) as evidence to the Inquiry that there would be no growth in aggregate traffic and no need to accommodate container or biomass traffic along the Hope Valley Corridor in 2023, 2033 and 2043.
- 5.3.7 In order to demonstrate 'the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way' improvements to the rail network outside the National Park and diversionary routes to enable freight movements to avoid the Hope Valley corridor should have been rigorously examined by NR. The only evidence put before the Inquiry to address these requirements was Table 3.2 in the Environmental Statement Vol 1, NR's proof of evidence NR/POE/1.2, *Freight Train Routes Strategic Alternatives Clarification Note* (18 May 2016)<sup>152</sup> and the *Written Statement to Parliament Woodhead Tunnels* (5 November 2013)<sup>153</sup>. The *Freight Train Routes Strategic Alternatives Clarification Note* adds little to the limited information in Table 3.2 in the Environmental Statement Vol 1. The *Written Statement to Parliament Woodhead Tunnels* merely announces the intention of the Government not to purchase the tunnels.
- 5.3.8 We regard the sum total of this evidence as inadequate in meeting the requirement of the MDT. Had the national significance of the Peak District National Park and its statutory purposes been taken into account during the development of the Manchester Hub, alternatives that could have avoided a passing loop within the National Park could have been considered. In addition, consideration could have been given to transformation of trans-Pennine routes that might avoid a second major development within the National Park in the future. As it is, both an upgrade of the Woodhead route and a major upgrade of the Hope Valley line are under consideration by Transport for the North in its *The Northern Powerhouse: One Agenda, One Economy, One North-A Report on the Northern Transport Strategy*<sup>154</sup>.
- 5.3.9 As a statutory undertaker, NR has a statutory duty to have regard to National Park statutory purposes when exercising or performing any functions in relations to, or so as to affect, land in a National Park (*National Policy Statement for National Networks, 2014*<sup>155</sup>). This duty of regard should have been made explicit at several points in the decision-making process for the Manchester Hub – during the initial thinking and at more detailed planning stages – and there should be written evidence that NR had regard to National Park statutory purposes

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<sup>152</sup> NR/INQ/40.

<sup>153</sup> NR/INQ/43.

<sup>154</sup> OP/INQ/8, 26 and 27.

<sup>155</sup> NR44.

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well before the Transport and Work Act process was triggered. We presented evidence of the best practice that NR should have undertaken once the Manchester Hub study began to consider trans-Pennine routes. There was no evidence that such best practice had been undertaken in any of the documents before the Inquiry.

5.3.10 Instead of a proper long term strategic planning process the Hope Valley loop was simply added to the Manchester Hub Study without any thought for the National Park, its national significance and its statutory purposes. Subsequently, alternatives have been considered retrospectively and in an ad hoc fashion once the Hope Valley scheme was being developed for the Transport and Works Act Order.

5.3.11 In conclusion, the FCPRE urge the Inspector to (a) recommend that permission be refused for this application because of the failure to satisfy the stringent requirements of the MDT, and (b) record NR's failure to fulfil its statutory duty to have regard to National Park purposes.

#### 5.4 **OBJ/16-Mr & Mrs C Jewitt (CJ)**

5.4.1 As stated in all the documents we have submitted during both this Inquiry and the process which leads to it, we support the principle of increasing the capacity on the Hope Valley line particularly in respect of passengers rather than freight. However, this should not just be for those travelling between Sheffield and Manchester, but to service the requirements of those living in or wishing to visit the Hope Valley.

5.4.2 We believe that the proposed Bamford Loop falls well short of being a solution which provides a balance between operational requirements, increased capacity, better service and preserving for future generations some of the most stunning countryside in the North Midlands. After all, that is why the Hope Valley is in the PDNP. We have particular concerns in relation to: the location of the loop, the likely increase in noise in the vicinity of the loop and the construction of the footbridge.

5.4.3 The proposed location of the loop between Bamford and Hathersage is, by all accounts, sub-optimal when set alongside the original DfT brief and only came into focus when the initial and far bigger Grindleford proposal was dropped and a revised brief allowed the loop to be moved further away from the Dore South Curve. As we asked in our Proof of Evidence, where is the future proofing in that change? What is the planning horizon?

5.4.4 At the Inquiry was the first time that my wife and I had seen Mr Dickson's work on an alternative scheme at Grindleford. Even if it goes no further, I was impressed that a man in his ninetieth year with few resources other than his own determination, persistence and wide experience had drawn up what appeared to be a viable alternative. Although, having been his son-in-law for some forty years, I should not really be surprised!

- 5.4.5 To us, it seemed to tick so many of the boxes in providing a better, more balanced solution: it is not only some distance from any residential housing but it is in a discreet location and relatively well hidden. Contrast that with the Bamford loop which is in the middle of the Hope Valley in open countryside, near to several homes and visible from many vantage points.
- 5.4.6 Clearly there would be objectors to that location, not the least those who wish to preserve so called ancient woodland. But it would not impact so directly on people's lives. It may be only "a handful of properties", as NR put it yesterday, somewhat insensitively I thought, but those properties are our homes and gardens, the quiet enjoyment of which may well be significantly diminished. And those who might object to a Grindleford scheme live far removed from the effects of the noise of the Bamford scheme.
- 5.4.7 There would of course be technical difficulties in the construction phase and Mr Dugdale identified several yesterday, but this is in a National Park and, as the FCPRE pointed out, major developments in National Parks require special consideration and would cost more.
- 5.4.8 Our second issue concerns that of noise, something which other objectors have dealt with in greater detail than us. We are very concerned about the increase in noise levels which would undoubtedly be a consequence of the movement of the freight traffic out of the loop. Frankly attending this Inquiry has increased those concerns: only yesterday did I learn that Sunnyside Cottage was the fourth highest on the receptor list according to the modelling.
- 5.4.9 That leads me onto another point from yesterday's session, it was apparent from the Inspector's questioning of NR that the modelling assumptions were in some respects flawed or at least open to challenge. As with all models, they are only as good as the assumptions within them, a point Mr Peel made and my regret is that we did not appoint our own noise expert to interpret the data NR has provided which would have enabled us to comment more constructively.
- 5.4.10 Noise and its measurement is a complex and evolving science subject to constant revision and development. In fact you might even say it is an art rather than a science, somewhat akin to economics! Having managed a factory for some forty years in the forging industry, I am all too well aware of the difficulties of measuring noise not to mention suppressing or mitigating its effects. I just hope that neither the Peels nor we have to issue ear defenders to visitors to our homes when we go outside on the basis of a health and safety assessment!
- 5.4.11 Turning to our third issue, our proof of evidence focused largely on the footbridge: however you look at it, it would be, if erected, an expensive eyesore with a design life of 125 years in a National Park! I come from a private sector, SME manufacturing background where we have to earn the money before we can spend it so we tend to spend it sensibly! How

on earth it is not deemed to be a waste of tax payers' money to spend a million pounds at a time of budgetary constraints on a bridge which is used by so few people astounds me.

- 5.4.12 As was demonstrated by Mr Peel, there are viable alternative routes which do not add significantly to the length of a walk. Indeed these routes have a higher footfall than footpath 28, a view supported by Mr Burling's comments on Wednesday. Is perhaps the issue that it is too much trouble to go through the legal process to close or divert a footpath so it is easier to build a bridge in a place where a bridge really should not be?
- 5.4.13 In fact one alternative which has not been considered, but which we have referred to in documentation (para 5 in our letter to the Secretary of State of 4 November 2015) already submitted, is to build a new pedestrian bridge alongside the existing road bridge on Jagers Lane. This has been done for safety reasons in Borough where a pedestrian bridge crosses the river alongside the road bridge and at Sickleholme where the bridge also provides a safe route for cyclists as well as pedestrians on a bridge which is dangerous to cross unless in a vehicle.
- 5.4.14 This would remove the footbridge from an open space effectively hiding it alongside an existing structure, provide a link from the stepping stones to the footpath which goes up past Sunnybank Cottage, improve the safety for all pedestrian users of Jagers Lane seeking to reach the bus stop at the bottom of Hillfoot or the newly improved mixed use pavement on the Hathersage to Bamford road and, in all probability, be a much less expensive option. It could be that, by means of a section 106 agreement, NR fund improving the safety of Jagers Lane for pedestrians along its length from Hillfoot to the existing point at which footpath 28 joins it.
- 5.4.15 Clearly NR are as much at the beck and call of the relevant authorities in this regard as we are and have to respond to the wishes of those public bodies. But it seems to us that the alternatives to the bridge have not been properly considered.
- 5.4.16 The fact that, to my knowledge, other than on the first day, neither the PDNPA nor DCC have been represented in person during the course of this important Inquiry, the outcome of which would set precedents for major developments in other National Parks, is a damning indictment of their attitude to transparency, accountability and fulfilling their statutory functions as public bodies. Furthermore, it demonstrates a complete lack of respect for those they serve.
- 5.5 **OBJ/18-Councillor J Monks**
- 5.5.1 I am a Derbyshire Dales District Councillor representing Hathersage and Eyam, which also includes Grindleford.
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- 5.5.2 Most people who live in the Hope Valley are very pleased to have the railway and an improved service would be appreciated. However, the alterations should not be located in the most invasive position. NR's original plan to place the loop at Grindleford was unbelievable. The main approach was to access the site from opposite the Millstone Pub at Hathersage and down an unsuitable track. No one who actually knows the area would suggest this. Thornhill should be the favoured location for the loop.
- 5.5.3 Information published by NR during consultations has guaranteed people that they would have an hourly passenger service. However, only the train operators can guarantee this, not NR. As it stands, Hope Valley would experience much upset during construction, extra noise and emissions, but possibly no benefits at all.
- 5.5.4 As a taxpayer, I am concerned that a loop is proposed to service freight going to Ferrybridge, which has been closed. I fear that the loop would be built at great expense when circumstances have actually altered since the exercise was begun.
- 5.5.5 Both noise and emissions chapters of the ES have been based on modelling rather than actual measurements.
- a) Regarding noise, class 66 locomotives have been used throughout for freight modelling. The class 66 locomotive is the quietest locomotive in CRN when operating at full power. There should be some investigation to determine what the outcome might be if alternative noisier locomotives were used.
  - b) Trains on the loop should be modelled twice; once for deceleration to stop and once for acceleration away. I am not sure this has been done.
  - c) The impact criteria in Table 2.4 (ES Vol II-Technical Appendix) are replicated from the *Institute of Environmental Management and Assessment Guidelines for Environmental Noise Impact Assessment* (IEMA Guidelines), which took them from the HS2 project. The IEMA Guidelines state that the impact table is an example and that any criteria should be fully justified. The only justification in the ES is that they were taken from the IEMA Guidelines.
  - d) BS4142 has been used to assess stationary locomotives. This is unusual as the scope of that standard specifically excludes trains operating on public railways. However, having adopted it, it is stated that it can not be used to determine the effect of noise, only to gauge the magnitude of impact. So there are no LOAEL or SOAEL against the BS4142 assessment outcomes.
  - e) The remedy for the large impacts is to offer sound insulation for the properties. However, such measures would have no effect on external areas, such as gardens, which would still be subject to significant impacts. Given that the loop would only be used

during the daytime, residents are likely to be in their gardens for at least some of the time. A better approach would be to address it at source, by moving the stopping position further from the receptor or if that is not possible, by erecting a big sound barrier.

- f) The inclusion of road traffic noise in the assessment of noise is likely to mask any changes in railway noise. The change in railway noise should be considered in isolation from road noise.
- g) Ranmoor Hill should have been considered as a sensitive receptor location, as it is just above the railway and sound travels upwards.
- h) From the list of modelling assumptions (ES Vol II Technical Appendix para 2.5.4) the freight loop has been modelled at 60 kph. If trains are stopping and starting again, the speeds should be modelled as lower (CRN states use 20 kph for speeds <20 kph), which would generate higher noise levels. The gradient would also cause trains to accelerate more slowly, remaining at lower, noisier speeds for longer.
- i) The impact of operational vibration appears to be based on measurements of existing train movements. There should be some consideration of heavy freight train movements.
- j) Diesel engine emissions are dangerous, so much so that a number of cities are contemplating banning them. Yet the 2,000+ population of Hathersage would experience increased emissions as a result of the proposed scheme.
- k) Adverse effects of the loop would be experienced by residents of Hathersage, not least as the prevailing wind is westerly.

## 5.6 **OBJ/20-Mr & Mrs N Williams (NW)**<sup>156</sup>

5.6.1 Our property is Cunliffe House and we maintain our concerns over the proposed Bamford Loop.

### *Community*

5.6.2 This development is the first in a National Park and in a very sensitive area. We are aware that this is being watched very closely by developers in other National Parks and this decision would set a precedent.

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<sup>156</sup> Evidence in chief read on behalf of Mr & Mrs Williams by Mr C Jewitt.

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*Noise, vibration and air quality*

- 5.6.3 Noise, vibration and air quality remain of tremendous concern to us and all inhabitants within the Valley, due to the proximity of the Loop and acceleration distance through Hathersage.
- 5.6.4 No independent testing has been carried out and no solid evidence provided. Mr Morgan, working on behalf of NR has tried by various means to mitigate the effects of the noise.
- 5.6.5 However, why was the class 66 locomotive used? It is known to be the quietest locomotive in CRN when operating under full power, it is known that freight companies use far noisier locomotives.
- 5.6.6 The method of calculating noise levels at speeds below the 20kph threshold in CRN is to assume that the train runs at 20kph from standstill up to 20kph. As Mr Peel states, the track should be modelled in segments – from the loop in Hathersage until full speed is achieved. Equally, we need noise testing on deceleration and stop and for acceleration and pull away.
- 5.6.7 I am aware that others would draw attention to the failings of the modelling submitted in the ES Statement, Volume II, Technical Appendix especially regarding the use of the BS4142 which excludes trains operating on public railways.
- 5.6.8 We would again request that an actual trial takes place to demonstrate whether or not our fears and those of the other residents are unfounded.

*Access*

- 5.6.9 We are going to bear the brunt of the disruption, inconvenience and massive changes to our lives both during construction and in perpetuity. Access to our property is going to be compromised when underbridge MAS/25 is closed for extension. NR has confirmed that access would be available along its haul road, which would have a surface and gradient suitable for use by horses. However, the haul road would run close to and parallel with the railway line for around 380 metres and our horses are likely to react extremely to a train passing at such close quarters. We would not be prepared to risk our own or our horses safety. It would become unfeasible to hack out horses from the property. The suggestion that we can box out our horses for exercise is impractical. We exercise our horses each day before work and to box out would add at least an hour each morning, preparing and travelling before considering the lack of any suitable place to park and ride from safely within reasonable driving distance of our home. In order to maintain the fitness of our horses, it would be necessary to stable them elsewhere with access to daily hacking. However, we would not be prepared to have these valuable animals living off site or indeed do we

have time to travel away to care for them and to ensure that their exercise and training needs are met.

- 5.6.10 Due to the rising ground level of the driveway on the northern side of MAS/25, the extension of the bridge may have the effect of reducing the headroom available for vehicles passing through, making access with a long horse box more difficult.

*Support for the Scheme*

- 5.6.11 The majority of local support is for an increased and improved local stopping service. NR can put the infrastructure in to allow for more stopping trains but it is the rail operators who decide if this is financially practicable.
- 5.6.12 Hourly services currently run during the weekend for tourists and at suitable times for commuters during the week. I regularly use the 0639 direct Hathersage to Liverpool train returning via Chinley. It always gets busy approaching Manchester and then passengers taper off towards Warrington. On return it is busy until Stockport and fairly empty after that.
- 5.6.13 Many in support believe this loop would guarantee more stopping trains, they have not been truly informed of the situation.

*Grindleford*

- 5.6.14 Mr Dickson suggested a very workable and financially viable solution in this location. We would ask that this is considered and a full feasibility study carried out as an alternative to the proposed Bamford Loop.

5.7 **OBJ/21-Dore Village Society (DVS), OBJ/26-Friends of Dore & Totley Station (FoDTS) & REP/5-the Bradway Action Group**

- 5.7.1 Friends of Dore & Totley Station (FoDTS) is a group established since the consultation process began in 2013, and largely because of it. Its members are residents in Dore & Totley and a wider area, reflecting usage of the station. The Bradway Action Group (BAG) was established in 2005 to foster better community spirit and action in the community to the east of the River Sheaf and railway above Poynton Wood, including the area of the new loop and the construction site on the railway triangle. Dore Village Society (DVS), which was established in 1964, takes pride in the Dore community to the west side of the River Sheaf.

- 5.7.2 All 3 of the above groups is strongly in favour of the scheme. However, we share concerns that the potential for future growth in passenger numbers is being severely under appreciated and that the facilities being planned for the station are inadequate to meet current needs, let

alone for the future. BAG is also concerned that the railway triangle is being surreptitiously earmarked as a park and ride facility, which would have impacts both in terms of visual amenity and traffic. Whilst DVS also has concerns about traffic and parking, it has major concerns about the design of the new buildings.

- 5.7.3 The station at Dore was well enough used 100 years ago to justify a branch of W H Smiths. Since then residential development has grown apace and users come from much further afield. Today there are 3 excellent restaurants on the site, one of which would like to offer platform catering for morning commuters if there is space.
- 5.7.4 The Hope Valley Rail Users Survey<sup>157</sup> shows the equivalent of an entire carriage of passengers joining morning Manchester bound trains. At present we have a very uneven service, largely due to freight paths. Based on experience at another local station, Dronfield, we strongly contend that Dore would see rapid growth once there are more trains. We are of the opinion that the proposed station buildings at Dore & Topley Station would not meet the community's aspirations for a station that meets the needs of the number of users. Nor does the character of the proposed structures reflect the Victorian heritage and beautiful natural setting.
- 5.7.5 The station does not meet the Design Standards for Accessible Railway Standards Joint Code of Practice, 20 March 2015.
- a) In respect of the access to the lift entrance on platform 1, the distance from the platform gateway to the lift entrance is inconvenient. The 'short' lengths suggested by NR of interrupted platform do not take into account the requirement to provide guarding of the under-stairs areas for the blind that increase the length of travel.
  - b) The provision of seating for disabled persons, their carers and dogs does not meet the design requirements, as they are not near to the lift entrances, do not permit views of the lift entrance and do not provide immediate covered access for the disabled when the lift is available.
  - c) The guarding of the understairs in the current proposal would also extend the length of the platform not in compliance with safe platform width requirements, which must include sufficient width for 2 wheelchairs to pass in addition to the safety width from the platform edge.

In order to address these failings, we suggest that the staircase/lift arrangement be reversed on the platform.

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<sup>157</sup> SUP/15 Appendix 4 page 12.

- 5.7.6 We maintain that the details on Planning Direction Drawing Sheet No. 20 do not represent an accurate portrayal of the intended design of platform 1. NR indicated, in response to our questions about the possible retention of the historic sandstone slabs along the edge of the platform, that the platform is to be amended in horizontal and vertical alignment following NR's decision that it did not need to build a new under-bridge DWS/1 to the west of the station. The implications of raising the platform levels are of concern, as the cross-platform gradients for passengers cannot be properly assessed. Neither can the change in levels be assessed with regards to the retention of the existing brick shelter on platform 1 or the impact on the existing railway station building. A new drawing of platform 1, showing the proposed details, should be submitted for approval.
- 5.7.7 We request that thought be given to how people with limited mobility could access the new platform on an unmanned station at times when the lift may be out of order, due to maintenance, breakdown or power failure. We recommend consideration of a platform end crossing, accessed by ramp and protected gates, controlled and locked at normal times, releasable only by a signalman. We suggest that CCTV should be installed in each lift to allow monitoring both for safety and to deter vandalism.
- 5.7.8 We ask that the railway triangle area be given more sympathetic landscaping at the end of the project, bearing in mind that it is likely to be requested as a park and ride car park, but would be strongly opposed by some on visual grounds as well as traffic grounds.
- 5.7.9 Much has been made of the categorisation of stations. That naturally means a lot to NR. As passengers, we tend to judge by comparison with other stations. As a new station in 1983, Dronfield received 2 large stone built shelters. It was used by 186,000 passengers in 2014-15. At Brinnington, passed on the line to Picadilly, they have exactly twice as many trains stopping each day as at Dore. They had 72,000 passengers in 2014-15 and numbers are falling. Dore had 146,000 and the numbers have risen by over 19% in the last 3 years alone. Brinnington had large shelters provided on opening in 1977 and that station is unmanned.
- 5.7.10 With more trains, Dore has the realistic potential to double passenger numbers well within 10 years. If it was considered as a new station we feel that the facilities provided would be better. What is proposed is unlikely to be viewed with pride by the community.

5.8 **OBJ/33-Mr<sup>158</sup> & Mrs R Dickson**

5.8.1 SoM5(a)

5.8.2 Mr Dickson was an engineer, who lived in or around the area designated as the Peak District National Park all his life. Mr & Mrs Dickson have lived at Cunliffe Farm for 45 years and the proposed passing loop would run along the southern boundary of the farm. Suitable arrangements would be required to protect the residents of that property from noise and vibration associated with heavy trains shunting on the proposed loop.

*SoM2-Alternative loop locations*

5.8.3 In 2013 a need was identified for new passing loops to be constructed as close as possible to the restriction on the Midland Mainline at Dore & Topley to facilitate the flow of traffic from the Hope Valley railway to the north and south. In this case the excellent objective of improving the railway has to be balanced against the impact on the gorgeous countryside within the National Park and the welfare, well-being and comfort of people in local communities.

5.8.4 The cheapest solution would be at Thornhill, where there is a level site which has operated as a railway site for many years during the construction of reservoirs up the Derwent Valley. However, the Dicksons do not favour that site as there are too many residents close by and it would spoil the Bamford playing field.

5.8.5 The proposals originally put forward by NR for a passing loop at Grindleford were formulated without realising that it is a special place and a light touch was needed. NR's suggestion of introducing the normal railway construction circus was rejected out of hand by the National Trust, who has inalienable rights to protect its property some of which would have been affected by what was proposed. The objection of the National Trust could only be overturned by Parliament. Consequently, the proposals were not taken forward at Grindleford and NR's attention shifted to the next possible site up the line near Hathersage. This site is inappropriate as it would cause harm to the Hope Valley and to Hathersage, the largest community in the valley.

5.8.6 A proper examination of the Grindleford site would have shown that NR already owns enough land, give or take a metre or two, to construct the passing loop in the classically correct position, closer to the Dore South Curve which it is to serve. This is the best site for the efficient operation of the railway. It would be possible and economical to carry out the whole project from within say 15 metres of the nearest up track

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<sup>158</sup> Having submitted evidence prior to the Inquiry, sadly Mr R Dickson passed away shortly before the Inquiry opened. His evidence was given, at his family's request, by Mr M Hinckley.

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rail, with a minimum of on-site construction activity, the use of temporary roll-down roads and support buildings situated adjacent to Grindleford Station. The loop would be positioned along the northern side of the existing tracks and could be supported along its northern edge by a gabion wall, with a life expectancy of over 120 years. Access for construction could be facilitated by removing the stone boundary wall between the railway and wood, which could be rebuilt after construction of the loop, and clearing the young trees alongside the rail track on NR's land. Few if any of the trees within the woodland would be affected. It would be better to construct the loop in this location, rather than that which is proposed by NR, not least as noise associated with the operation of the loop would be remote from inhabitants of the National Park.

- 5.8.7 There is ample space to the east of Cowbridge tunnel, near the signal box, for an additional loop if the pressure for overtaking made it necessary to have another loop at the western end of the Hope Valley.

*SoM5(e)-footpaths*

- 5.8.8 The proposed provision of a footbridge, in place of the existing Hathersage west crossing, would be a blot on the landscape. I wonder whether it would be better to reroute the footpath along Jagers Lane to a new footbridge alongside the existing railway bridge, which would bring the footpath back onto the highway at a safe point on the brow of the little hill. Walkers then proceeding to cross the road, heading to the river, would be visible to oncoming traffic and others undertaking a circular walk back towards Hathersage could still do so.

*Other matters*

- 5.8.9 The access leading to our property passes beneath railway overbridge MAS/25. This is a Victorian bridge to which a reinforced concrete deck has been added by NR. The existing headroom is 3.57 metres at the northern side of the bridge, less than the 4.15 metres required for modern farm traffic. If the bridge is to be extended to carry the loop, the opportunity should be taken to increase the headroom throughout to 4.2 metres, suitable for modern farm traffic. Headroom cannot be easily increased by lowering the level of the access without interfering with services that run beneath the access.

5.9 **OBJ/37-Mr J Burling**

- 5.9.1 Whilst I held a position in the Ramblers Association in the past, that is no longer the case and my evidence represents my personal view.

- 5.9.2 As far as I am aware the proposed Hathersage west footbridge, which I understand would cost around £750,000, is not wanted by anyone. Whilst ramblers normally object to footpaths being diverted along roads, I consider that in this instance it would be better to divert the

footpath along Jiggers Lane. The local footpath network on the southern side of the A6187 could also be altered, as suggested by Mr Hinckley<sup>159</sup>, in order to reduce the distance from the end of Jiggers Lane that diverted pedestrians would then need to walk along the A6187 to reach a footpath on the southern side of that highway. I acknowledge that the s-bend in Jiggers Lane at the railway bridge is a safety concern. However, it may be possible to put measures in place to separate pedestrians from vehicular traffic.

*The gist of the material points made by those objectors who did not appear at the Inquiry in their written submissions were:*

5.10 **OBJ/2-CLH Pipeline System Limited (CLH)**

5.10.1 It appears from the plans submitted that the proposed bridge crossing at MAS/25, would be constructed within the easement strip of a CLH pipeline system, in relation to which consent has not been given. After initial consultation with NR, we have not received any formal acknowledgement that our standard conditions for working within our easement have been taken into account in the design of the proposed works and the proposal would also restrict access to the pipeline, both for routine maintenance and in emergency situations. We are concerned that the compulsory purchase powers could adversely affect the operation of our asset.

5.10.2 The interests of CLH are protected by the terms of the Energy Act 2013, in particular Part 4 of the Act, and other legislation such as the Pipeline Safety Regulations 1996. The Energy Act 2013 prohibits any development and most intrusive activities within the easement strip without specific consent of CLH. Implementation of any unapproved work that affects CLH's easement strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. The perpetrator and any promoting organisation would be held fully accountable for any resulting damage.

5.11 **OBJ/4-Mr G Pursglove**

5.11.1 I object to the proposed extension of the Dore Curve. I can see no practical nor economic reason for this extension. At present the existing freight trains do not exceed the length of the existing curve and as a result do not block either of the main lines if stopped on the curve by signals. Therefore, no trains on either of the 2 main lines are delayed by stationary freight trains on the loop.

5.11.2 The only reason for the proposed extension is to allow longer freight trains to be run. The justification for this can only be to increase the profits made by the freight company and the companies they serve. To obtain that increase in profit the taxpayer is being asked to fund the

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<sup>159</sup> OBJ/01-3 Appendix MH5/1.

extension at significant cost. Withdrawing this element of the Scheme would result in a significant saving to the public purse.

**5.12 OBJ/6-West View Lane Residents' Association**

5.12.1 As a result of the Scheme, residents of West View Lane are likely to be subjected to a great deal of inconvenience over a lengthy period of time. This would constitute interference with the quiet enjoyment of property.

5.12.2 Residents would be subject to noise, pollution and inconvenience, including deprivation of sleep at some stages. One of the blocks of flats on West View Lane, which is sited close to the railway, has access walkways leading to the flats which are not enclosed. They are open to the elements, including any pollution. We request that NR make provision for triple glazed windows and sound proofed doors to be fitted to those flats, in order to reduce the risk of pollution entering those properties. This should be addressed as a matter of priority in view of the serious health issues that may be caused by pollution from trains.

**5.13 OBJ/11-K Love**

5.13.1 I am a resident of Hathersage.

5.13.2 I consider that the documents issued by NR are misleading; when considering alternatives to the proposed loop they have not compared them on a like for like basis.

5.13.3 Existing sound levels within the village arising from trains is significant and the plan to have more trains, which would be slowing and accelerating, would be unacceptable.

5.13.4 I am also concerned about the visual impact of the proposed Hathersage west footbridge. Surely a more suitable design could be found.

5.13.5 The Hope Valley desperately needs at least one stopping train service an hour. As a train user, my main concern is that local residents would not benefit from the improved service that NR have identified as a benefit arising from the Scheme. NR cannot guarantee those service improvements, as it is not the service provider.

**5.14 OBJ/13-Mr D Biram**

5.14.1 I have relatives in Dore and have travelled using Dore & Topley Station for 15 years. While better services would be fantastic, I consider that the proposed design of the footbridge and shelter would not be in keeping with the charming existing buildings and stunning surroundings at this station. A heated, solidly built shelter would be far better than

the metal/glass shelter proposed and the bridge design would be far too urban in appearance.

**5.15 OBJ/14-Hathersage Parish Council (HPC)**

- 5.15.1 HPC is aware that NR has considered other sites for the proposed loop and the Parish Council is aware that some objectors to the Scheme would like to see further consideration of alternatives, such as the Grindleford option. Whilst HPC is not opposed to options being considered again, it would not want the Scheme to be unduly or unnecessarily delayed, as it supports the principle of additional capacity on the line, in order to enhance local stopping services.
- 5.15.2 The increased capacity, which the proposed loop would deliver, would not secure any commitment to an increase in the number of local stopping trains. The impact is all about higher speed non-stopping trains and it is of concern that this has not changed with the new franchises being appointed. HPC feels very strongly that if the village is to be impacted by the work involved in the Scheme, there should be some benefit. An increase in the frequency of local stopping services throughout the Hope Valley would encourage people to use the wider network and potentially reduce the number of cars used. Consultation has started on proposals for a significant reduction in the number of bus services within the valley. An increase in the number of trains would help to mitigate the effect of this on local residents.
- 5.15.3 There is no information available regarding additional noise within the village from the proposed loop. Wherever the loop is situated, there would be additional noise. The concern is where would it be heard most. HPC would ask again that a loaded train is stopped/re-started along the line and the noise recorded at locations agreed with the Parish Council.
- 5.15.4 HPC monitors and maintains footpaths within the Parish and, for the safety of walkers, supports NR's proposal to close the surface crossing at Hathersage west and divert the footpath. However, HPC strongly objects to the proposals for, and the cost of, the replacement bridge. It would be an ugly structure, built at great and unjustified expense, out of keeping with the location. It would also set an unwelcome precedent within the PDNP. There should be further dialogue and investigations into the alternative options.
- 5.16 OBJ/23-Mr D Randall**
- 5.16.1 During the consultation periods we were told a number of things by NR which were not reflected in the documents subsequently published. For example, we were told that the Bamford Station car park would, would not and finally would be closed off to the public. Whilst we were told that there would not be much heavy traffic along the narrow Station Road, the ES identifies a worst case scenario of up to 32 heavy goods vehicle movements per day.

- 5.16.2 Furthermore, the application documents were not displayed in Bamford village, they were displayed around 5 miles away in Castleton Visitors' Centre. When I visited the Visitors' Centre and asked to see the documents I was directed to them, however, there was no one there to explain the contents. It was not a user friendly experience.
- 5.16.3 As residents of Bamford Station House, we would be 'captive' during the works. Our house is adjacent to the platform and the station car park, which would be used during the construction works for container storage and parking. We would be affected by the traffic and the works which would inevitably occur night after night. The environmental impact on our house cannot fail to be extensive and intrusive. We were very disappointed to learn that we would be unlikely to qualify for compensation. We have no confidence in NR's assertion that we would be unlikely to be unduly affected by the construction works.
- 5.16.4 I believe that there is a need to improve the railway system in our area. However, I do not believe that the local community have been properly consulted, they have not been given all of the facts nor are they aware of the ramifications with regard to potential disturbance of the village and potential lack of extra train services once the work is completed.
- 5.17 **OBJ/24-N Dickson**
- 5.17.1 I object to the design of the proposed Hathersage west footbridge, which would replace the crossing from my land, which I jointly own with my sisters. The design is totally inappropriate for the setting within the PDNP. I understand that the height is to allow for electrification of the line, which is unlikely to happen in the foreseeable future. Furthermore, I do not consider that a full appraisal of both the options and different locations has been undertaken.
- 5.18 **OBJ/25-S Williams**
- 5.18.1 I object to the Scheme, both as someone who uses some of the land affected to keep my competition horses and as a tax payer.
- 5.18.2 True feasibility studies along all areas of the track have not been carried out and published with full cost implications. Other locations which would cost less have merely been dismissed without strong reasons. No final decision can be made until each option is equally assessed.
- 5.18.3 I object to the proposed Hathersage west footbridge. My concerns are the cost to the tax payer and that it would be an eyesore in the PDNP.
- 5.19 **OBJ/27- M Pettit & Professor G Birtwistle**
- 5.19.1 The suggestion of a high footbridge to replace a pedestrian level crossing seems out of character in the PDNP. It would be an eyesore,
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cannot it be done without? There is a clear existing pathway 100 metres east of the intersection of Coggers and Jaggers Lanes down to the main road. For those living west on Jaggers Lane, it is not too far to walk the other way.

- 5.19.2 During construction, reducing the speed of traffic on the A6187 between Hathersage centre and the intersection at the west end of Jaggers Lane to 40 mph is an excellent idea. Loss of vision due to the dip in the road just to the east of the Jaggers Lane intersection and motorists speeding eastwards, make it quite dangerous for pedestrians and cyclists. Would that this be made permanent.

5.20 **OBJ/28-Mr D Allwood**

- 5.20.1 I am a resident of Bamford and a regular user of the train services to both Sheffield and Manchester, usually on weekdays. I am keen to ensure that the residents of Bamford gain some long term benefit in compensation for the disruption that they would have to endure during the implementation of the Bamford Loop. The compensation taking the form of an increase in the frequency of stopping trains along the Hope Valley, once the loop is in place. In the shorter term, I am interested in the availability of parking at Bamford Station and mitigation of the increase in traffic, particularly heavy goods vehicle, movement through the centre of Bamford village.

*Frequency of stopping trains*

- 5.20.2 I support the aim of the Scheme 'to increase capacity for the operation of railway services between Manchester and Sheffield'. However, the benefit of the Scheme claimed by NR of improved access to the National Park would only be achieved if the franchise operator makes use of the additional capacity by increasing the frequency of stopping trains.
- 5.20.3 Before approving this Scheme the Secretary of State should require a commitment from the franchise operator to run an hourly stopping service all day every day once the Scheme is complete.

*Car parking space at Bamford Station*

- 5.20.4 As I live at the northern end of Bamford, over a mile from the station, I usually drive to the station and park my car in the car park. Therefore, I have first hand knowledge of its usage. Whilst NR undertook a survey of car park usage on 21 July 2015 and recorded only 3 parked cars, it has confirmed that further informal checks have identified variable use with, on occasion, near to full usage. In my experience, the car park is usually close to full by 08:00 hrs on weekdays with 10-15 cars parked. I am pleased that NR has confirmed that on days when trains are stopping at Bamford: access for drop-off and collection would be maintained at all times; and, 10 spaces would be available for parking throughout the construction phase, including

when the rail-replacement bus service is in operation during periods when the station is closed.

- 5.20.5 Before approving the Scheme, the Secretary of State should require a commitment from NR to advertise the contact telephone number of its Project Manager(s), who should be available at all times during construction activity to enforce NR's commitments.

*Increased vehicle movements through the centre of Bamford village*

- 5.20.6 NR have indicated that as bulk materials would be delivered and removed by train, the increase in traffic due to construction activity would be unlikely to be significant. However, it provides no supporting data for this assertion. Furthermore, due to the road layout at the junction between the approach to Bamford Station and the A6013, all large vehicles going to or coming from compound no. 1 would have to go through Bamford Village. Crossing the main road at the centre of the village is already dangerous with blind corners, narrow pavements and the village store located on the opposite side of the road to both the primary school and the majority of the housing. The village is already in desperate need of a safe road crossing and any increase in traffic, especially heavy goods vehicles, would increase the risk of accidents, particularly involving children and elderly people. However, I understand that Derbyshire County Council (DCC) takes the view that installation of a pedestrian crossing would be too dangerous and I recognise that this is a matter to be pursued with DCC rather than NR.

*Access to compound no. 2*

- 5.20.7 NR should consider accessing compound 2 directly from the A6187. Then Bamford Station could be left untouched by the Scheme and heavy goods vehicle movements through Bamford village would be unnecessary. Before approving the Scheme, the Secretary of State should require a commitment from NR to consider the feasibility of that option.

5.21 **OBJ/31-P Grafton**

- 5.21.1 We live on Jagers Lane and own the field (no. 4165) which is crossed by the footpath leading to the Hathersage west level crossing over the railway line. The path is well used and popular with walkers and dog owners on route to the stepping stones. I understand that NR is proposing to close the crossing, due to the anticipated increase in rail traffic resulting from the Scheme, although a similar crossing to the east of Hathersage Station is to remain, in spite of inferior sight lines.

- 5.21.2 The proposed footbridge fills us with horror. At around 9.625 metres, it would be about the height of the gable end of a 3 storey house. I understand that it would be expensive and bearing in mind that this is the PDNP, a real eyesore. It could also be difficult with dogs.

- 5.21.3 Closing the crossing would not be popular. However, I do not think it would lead to the increase in pedestrians on Jagers Lane, which has been mentioned.
- 5.21.4 We are also very concerned about the increased noise levels. Living in one of the narrowest parts of the valley with fairly steep hillsides and few trees, noise reverberates and it is already unacceptably noisy. It is not possible to have a telephone conversation in a room with the door to the garden open. Although the anticipated noise from the scheme would be less than 3 dB, which is acceptable in itself, when added to the existing noise the levels would surely be more significant. Increasing the number of trains would mean more noise more of the time. I gather that we could expect 168 trains a day, which I find daunting. More trains are also likely to lead to higher levels of diesel fume pollution.

## 5.22 **OBJ/32-The Woodland Trust**

- 5.22.1 The Woodland Trust objects to the Scheme due to the loss of woodland at Poynton Wood, part of which is recorded as ancient semi-natural woodland on Natural England's Ancient Woodland Inventory. The varied and unique habitats that ancient woodland sites provide cannot be re-created and cannot afford to be lost, a matter recognised by Natural England's standing advice. The Framework, at paragraph 118, states that *'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'*. Dore is also covered by the Sheffield Local Biodiversity Action Plan (version 2011), which identifies woodland as a main habitat type for targeting conservation. Furthermore, Poynton Wood is a LNS, it is within 100 metres of a Site of Importance for Nature Conservation (SINC), and within 2 km of Totley Wood and Ladies Spring Wood SSSI.
- 5.22.2 The proposed Scheme would result in the removal of a considerable amount of vegetation and habitat that currently acts as an important buffer to the ancient woodland section. The newly created woodland edge would suffer from edge effects, such as increased wind speeds, decreased moisture and increased light levels, which would be likely to penetrate the ancient woodland and allow more generalist species to out-compete more specialist woodland.
- 5.22.3 Little to no detail has been provided regarding alternatives considered.
- 5.22.4 The proposed works are being put forward based on a perceived business need rather than a health and safety related issue. The Woodland Trust recommends that the application be turned down on the basis of the likely adverse effect on ancient woodland, contrary to local and national planning policy.

- 5.22.5 In the event that the Scheme was to proceed, we note that NR intends to maintain the area for a period of 5 years. We would ask that NR increase this period of maintenance to 10 years. 5 years is not long enough to ensure that the planting is fully established. We would also ask for monitoring to take place of the re-planted areas for 10 years. This could be done in conjunction with a local university and focus on such things as ground flora colonisation from the ancient woodland. As a comparison HS2 Limited has agreed to monitor woodland planting sites for 50 years.
- 5.23 **OBJ/34-C Sharich**
- 5.23.1 There is a lack of clarity concerning the business case for the Scheme. There is no evidence that rail operators have been consulted or to show that the Scheme would actually result in an improved service, especially for Hope Valley residents.
- 5.23.2 NR has not demonstrated that the proposed location is the most appropriate for a passing loop. Anecdotal evidence would suggest that the majority of freight trains on this route are from Hope Construction Materials. If this is the case, then it would seem to me that the loop is too close, in time and distance, to the origin of the freight trains. Perhaps the same de-confliction with fast trains could be achieved with improved coordination of the timetable.
- 5.23.3 There would be on-going noise issues related to the use of the proposed loop. Currently, freight trains shake our property windows when they pass, despite us living some distance from the railway track. Fully laden goods trains with 30 or so wagons would make considerable noise when starting from stationary on an uphill incline. It is essential that more realistic surveys are completed, not just near to the railway, but beyond and up above it and near the residences of those most seriously affected.
- 5.23.4 The proposed solution for the replacement of the Hathersage west crossing is ill-thought-out. The bridge design is totally inappropriate for a National Park landscape and would be an eyesore. Other options, for example a bridge in keeping with the National Park, foliage screening, a tunnel, continued use of the existing crossing or removal of the footpath have not been properly explored.

## 6 THE CASES FOR THE OTHER PARTIES

*The gist of the material points made by those other parties who appeared at the Inquiry in their written and oral submissions were:*

### 6.1 **REP/3-Bamford with Thornhill Parish Council (BTPC)**

6.1.1 BTPC welcomes, in principle, the plans for new loops, to allow more trains to use the Hope Valley line, given that this has potential to reduce road vehicle traffic through the PDNP.

6.1.2 As you might expect, BTPC would like to see some of the additional capacity utilised to run more local passenger trains, given that the current service is infrequent for much of the day. It is therefore disappointing to it that the focus of the proposal is so heavily towards running more express passenger trains; BTPC is not against these *per se*, but it would wish to see some extra local trains in the mix too. BTPC acknowledges that NR's scheme would provide track capacity for these, but it notes that the Secretary of State has yet to require the franchisee, Arriva Trains, to run an hourly stopping service all day every day, once the works are complete. His failure to do so has fuelled some local opposition to the scheme, and BTPC strongly urge him to correct that omission.

6.1.3 BTPC is aware of the sites which were the main contenders for the location of the eastbound loop. Given that the loop has to be somewhere, BTPC is willing to support the chosen Bamford site, as there does not appear to be anywhere which is more suitable. It acknowledges that some temporary disruption to the local community would be inevitable while the works are being undertaken, but it takes the view that the long-term benefits of the proposed scheme outweigh these.

6.1.4 Nevertheless, there is insufficient clarity at present as to how lorry movements to/from the Bamford Loop site, on the not particularly good local roads, would be managed so as to prevent significant annoyance to residents, so BTPC urges the Inquiry to be as probing as possible when considering this aspect of NR's proposals. Lorry use of the constrained road access to Bamford station is a particular concern.

6.1.5 The station car park at Bamford is quite small; on a typical day, around a dozen rail users park there. However, the figure quoted by NR, in its application, for typical daily usage of 3 is quite simply untrue. While BTPC understands that it may make sense for NR to use parts of the car park for holding materials, etc during the works, it is important that the needs of rail users (and of the residents of Station House) are not ignored as a consequence. The quoting of inaccurate car park usage data has not encouraged BTPC to believe that NR initially approached this aspect of their planning with sufficient fairness and rigour.

- 6.1.6 BTPC is aware of some voices in the Hope Valley who may seek to persuade this Inquiry that NR should have chosen, instead of Bamford, the site at Thornhill (described in detail in NR's Thornhill Option Report, which was included, as doc 68.05, in their public consultation material during Autumn 2015). BTPC would be strongly opposed to such a change of site, for the following reasons:
- a) NR's above mentioned Thornhill Option Report gives a number of cogent reasons why the Thornhill site is suboptimal;
  - b) However, NR erroneously states (in paragraphs 40 & 44 of that Report) that alternative highway access to Thornhill village during reconstruction of overbridge MAS/30 would be available via Parsons Lane and Thornhill Lane; NR have failed to recognise that the section of Thornhill Lane between Aston and Thornhill (a section sometimes locally called Aston Lane) is an extremely narrow single-track road with almost no passing places, so would be wholly unworkable as a diversionary route. The only other highway access to Thornhill is from the A6013 at Yorkshire Bridge, via Lydgate Lane and Carr Lane; however, although this is less difficult than the Parsons Lane/Thornhill Lane route, it has sharp narrow bends, so would still be unsuitable for some traffic. In short, the only satisfactory road access to Thornhill is via bridge MAS/30, and loss of that route during bridge reconstruction would be unreasonably disruptive;
  - c) Even if bridge MAS/30 did not need reconstructing, its longstanding carriageway constriction, to prevent excessive vehicle weight, would presumably remain. The use of Thornhill Lane for lorry and plant access to the loop construction site would create considerable difficulty, as this Lane, and its awkward junction with the A6187 (constrained by a listed building), are far from suitable for such traffic;
  - d) The land on which Waterworks Sidings were formerly located (north of the main line, east of bridge MAS/30) was sold by Severn Trent into private ownership in 1988. It has since been carefully nurtured as a maturing native deciduous mixed woodland with, for example, many oaks having been planted, and a willow wetland habitat (possibly too wet for railway track construction), managed by rotational coppicing. As a result, the British Naturalist Association now assesses this land as a well-developed and important woodland and wetland habitat, with a rich diversity of flora and fauna (including bats). Nearly 30 years of valuable environmental work would be largely destroyed by allowing lorries and plant to use this land to access and build NR's loop; such damage cannot be allowed to happen. The peace and tranquillity of this location is also important to a variety of stakeholders;
  - e) The noise from a locomotive waiting, maybe for some time, at the loop's exit signal would intrude upon many more residents close to the line (principally on Hope Road and Water Lane) if the loop were at Thornhill than the very few who are close to NR's preferred site.

6.1.7 For these reasons, BTPC urges the Inquiry not to be swayed by those who wish the Thornhill site to be utilised. We also note that there is no appreciable cost advantage to selecting Thornhill instead of Bamford, and that Bamford, being closer to the Midland Mainline at Dore, makes more sense from the point of view of regulating waiting freight trains into a suitable Mainline slot.

6.1.8 In summary, BTPC is broadly supportive of Network Rail's proposals, but would be strongly opposed to any suggestion of replacing the Bamford site by the previously-rejected site at Thornhill

*The gist of the material points made by those other parties who did not appear at the Inquiry in their written submissions were:*

6.2 **REP/1-Sheffield Chamber of Commerce & Industry Forum (SCCIF)**

6.2.1 SCCIF welcomes the proposals to increase capacity of the Sheffield to Manchester rail corridor and trust that the Secretary of State would approve the presently planned enhancements. As representatives of Sheffield business, SCCIF supports closer integration with other northern cities and improved rail links are a key component.

6.2.2 SCCIF was disappointed that the plans only allow 3 fast trains per hour, rather than the 4 originally hoped for. This was justified by NR by reference to the needs of the franchise operators. Clearly this is incorrect thinking. We have a Northern Powerhouse agenda to link the key northern cities together and the benchmark was a 15 minute interval service to replicate that between Glasgow and Edinburgh, which is a very similar distance and involves similar sized cities. SCCIF believes that the Secretary of State should consult with his colleague, the Chancellor, and request explanations from NR about their conclusions here.

6.2.3 SCCIF is pleased that NR has taken great care in the consultation process relating to environmental concerns, particularly in the PDNP and clearly an improved rail service should have some positive impact on road journeys, to the benefit of the environment.

6.2.4 SCCIF is concerned that the benefit of the improvements would fail to materialise unless there is an investment in many more new trains. The existing services are failing to cope with demand and a train building programme is needed to meet the requirements of the planned enhanced services.

6.3 **REP/4-Environment Agency**

6.3.1 Under Article 6(5)(g) NR are seeking powers to undertake works to 'alter the course of, or otherwise interfere with watercourses'. Whilst the submitted plans do not indicate an intention to alter the

course of the River Sheaf, as worded the Order could allow alterations to the course of the main river and for other works within the river which have not been previously identified through the application. Any such works would not have been assessed through the application process and therefore potential impacts and relevant mitigation would not have been explored and identified. The EA therefore seeks confirmation that the powers conferred would be subject to the provisions for the protection of the Environment Agency, with reference to Part 3 of Schedule 11 of the Order.

- 6.3.2 The Scheme Flood Risk Assessment, Dore Package sets out that NR is proposing to construct a new steel billet deck for underbridge DWS/1, which would result in a 70 mm reduction in soffit level from the existing bridge. This bridge crosses the River Sheaf. It would be important to ensure that the proposed works would not result in a constriction of flows that could result in an increase in flood risk elsewhere. The Weetwood Report included as Appendix H to the Flood Risk Assessment indicates that those works would be accompanied by a future programme of desiltation, to clear sedimentation around the bridge structure. The EA has no objection to the Scheme on flood risk grounds. However, NR should be aware that they would need to submit details to the EA for any temporary works needed to build the bridge and undertake desiltation.

6.4 **REP/6-Natural England (NE)**

*Internationally and nationally designated sites*

- 6.4.1 The application site is in close proximity to the Peak District Moors and South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), which are European sites, and therefore has the potential to affect their interest features. European sites are afforded protection under the *Conservation of Habitats and Species Regulations 2010* (as amended)(the Habitats Regulations). The sites are also notified at a national level as East Peak District Moors Site of Special Scientific Interest (SSSI). The SSSIs in close proximity to the application site are as follows:

- a) The Dore package-Totley Wood SSSI; and,
- b) The Bamford Loop-East Peak District Moors SSSI, River Derwent Hathersage SSSI and Hallam Barn Grasslands SSSI.

*European sites*

- 6.4.2 In considering the European site interest, NE advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard to any potential impacts that a plan or project may

have<sup>160</sup>.

- 6.4.3 The consultation documents provided by NR do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered, i.e. the consultation does not include a Habitats Regulations Assessment (HRA). In advising on the requirements relating to HRA, and to assist in screening for the likelihood of significant effects, based on the information provided, NE offers the following advice:
- a) The proposal is not necessary for the management of the European site; and,
  - b) The proposal would be unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.
  - c) When recording a HRA, NE recommends that reference is made to the following information to justify conclusions regarding the likelihood of significant effects:
    - 1) There is sufficient distance from the application site to the European designated sites for there to be no likely significant effects as a result of the construction works, in particular through dust impacts and noise impacts;
    - 2) The Scheme objectives would only lead to a small increase in the number of trains every couple of hours during its operational stage. The levels of pollutants indicated within the ES indicate this would be unlikely to lead to a Likely Significant Effect on either the identified SPA or SAC.
- 6.4.4 NE raises no objection to the Scheme with reference to the Peak District Moors and South Pennine Moors SPA and SAC.

*Sites of Special Scientific Interest*

- 6.4.5 It is noted within the ES that no operations would take place within any of the SSSIs identified above. On the basis of the information provided NE raises no objection to the proposed works being carried out, as they would be unlikely to impact negatively upon the above named SSSIs. It is for this reason that no assent under 28H of the *Wildlife and Countryside Act 1981(as amended)* is required in this instance.

*Other advice*

- 6.4.6 We would expect the Secretary of State to assess and consider other possible impacts resulting from the Scheme on the following: local sites (biodiversity and geodiversity); local landscape character; and, local or

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<sup>160</sup> The requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans and projects that could potentially affect a European site. The steps and tests within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

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national biodiversity habitats and species.

- 6.4.7 NE has not assessed this application and associated documents for impacts on Protected Species. NE's Standing Advice should be applied.
- 6.4.8 This Scheme may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Secretary of State should consider securing measures to enhance the biodiversity of the site from NR, in accordance with paragraph 118 of the Framework. Additionally, NE draws attention to section 40 of the *Natural Environment and Rural Communities Act, 2006*, which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

6.5 **REP/7-Mr Wrottesley**

- 6.5.1 After a 40 year railway career, I retired in 1998 as Timetable Development Manager Rail Track LNE Zone at York, a role which involved dealing with the timetable aspirations of train companies. Since retiring I have been a long term member of South Yorkshire Transport Users' Group.
- 6.5.2 The route between Sheffield and Dore is just as important and just as restricted as the route from Dore to Manchester when the detailed timings/pathing of all trains are considered. This is particularly important when extra trains from Sheffield to Manchester are being considered over the Hope Valley route.

## 7 INSPECTOR'S CONCLUSIONS

*Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [] to earlier paragraphs where appropriate.*

7.1 I address the matters raised by the Secretary of State in the Statement of Matters issued on 10 February 2016 in the following order: SoM 1, 2, 4, 5, 6, 7, 3, 9, 8 and 10.

7.2 **SoM 1- The aims of and the need for Network Rail's Hope Valley Capacity Scheme** (the scheme or Order scheme)

7.2.1 There is no dispute that the Order scheme would include major development in the Peak District National Park [5.3.1]. The *National Planning Policy Framework* (the Framework) indicates that consideration of major developments in National Parks should include an assessment of, amongst other things: 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 [3.3.3].

### ***National considerations***

7.2.2 The Government has affirmed its commitment to invest in transport infrastructure in the North of England in its March 2015 report *The Northern Powerhouse: One Agenda, One Economy, One North-A Report on the Northern Transport Strategy* (NTS)<sup>161</sup>. It recognises that existing road and rail connections between northern cities are a constraint to future economic growth and prosperity, necessitating investment in transport infrastructure. NR has developed plans to improve the railway network across the North of England to allow faster and more frequent services to be provided for passengers under a programme of works known as the Northern Hub, of which the Order scheme forms part. The Northern Hub Programme is intended to provide a more reliable, flexible network that allows for faster and more frequent and longer trains, with the aim of delivering economic, social and environmental benefits to the north of England<sup>162</sup> [3.1.1].

7.2.3 The background to this includes the *Manchester Hub-Objectives, options and next steps Report, August 2007* (MHR) which indicated that the Route Utilisation Strategy published by NR in May 2007 did not address the interrelated issue of the Trans-Pennine routes and was not intended to address longer term or strategic investment decisions [5.1.2]. However, as one of the next steps, it suggested a more frequent express service between Manchester and Sheffield as well as reduced journey times<sup>163</sup>. NR's *Northern Route Utilisation Strategy Draft for Consultation, October 2010* (NRUS) confirms that in October 2007, the

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<sup>161</sup> NR17.

<sup>162</sup> NR17 pages 13-18.

<sup>163</sup> NR24 para. 5.9 bullet 2.

Minister of State for Transport, responding to the Northern Way, asked NR to undertake a study to develop proposals to enhance the capacity and functionality of the rail network in and around Manchester referred to as the Manchester Hub. The study was undertaken in 2 phases. Phase 1, led by the Northern Way, identified the economic case for enhancement to the Manchester Hub and the improvements to rail services that would drive economic growth for the north of England, described as conditional outputs. Phase 2, led by NR, identified value for money interventions to address the gaps between the capability of the network in 2014 and the capability required to deliver the conditional outputs. The recommended interventions included increased inter-regional connectivity and improved journey times and performance<sup>164</sup>. The report indicated that the preferred solution to address Gap 9: Strategic connectivity across the north of England would include new tracks on the Hope Valley line between Sheffield and Manchester to allow fast trains between the major towns and cities to overtake slower trains<sup>165</sup>.

7.2.4 The Department for Transport (DfT) has confirmed that the Chancellor announced funding to increase capacity on the Hope Valley route, subject to value for money, at the March 2012 Budget. In the *High Level Output Specification* in July 2012, the Secretary of State for Transport reconfirmed the Hope Valley scheme as well as other elements, which are now part of the Northern Hub business case, as a strategic priority to address capacity constraints. This was based on a business case presented to the DfT by NR<sup>166</sup>.

7.2.5 Development of the Northern Hub schemes is based on an Indicative Train Service Specification (ITSS) for December 2018, produced in 2013, sanctioned by the North of England Project Board, which was chaired by the DfT and included representatives from Passenger Transport Authorities, Passenger Train Operating Companies (TOCs), Freight Train Operating Companies (FOCs) and NR [3.1.4, 5.1.8].

7.2.6 The Hope Valley route currently accommodates a standard weekday timetable (in each direction) of:

- 2 express trains every hour (between Manchester and Sheffield);
- 1 stopping train every 2 hours (between Manchester and Sheffield); and,
- 3 freight trains every 2 hours.

7.2.7 The ITSS requires an improved standard weekly timetable (in each direction) of:

- 3 express trains every hour (between Manchester and Sheffield);
- 1 stopping train every hour (between Manchester and Sheffield); and,
- 3 freight trains every 2 hours (as existing).

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<sup>164</sup> NR18 page 21 para. 2.4.5.

<sup>165</sup> NR18 page 80.

<sup>166</sup> NR/INQ/50.

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7.2.8 The Dft has confirmed that, as part of the Hendy Review, the value for money of the Northern Hub, including the Hope Valley scheme was reviewed, based on a business case referencing the ITSS. As a result of the Hendy Review, the scheme was confirmed as a strategic priority<sup>167</sup>.

7.2.9 As some objectors have observed, NR cannot guarantee the service levels set out in the ITSS. NR's role, and the aim of the Order, is to provide the infrastructure necessary to enable the operation of the ITSS in the December 2018 timetable. Putting in place the train services to implement the ITSS would then be a matter for the DfT through franchise agreements with the TOCs. I have no reason to doubt that, in the event that the Secretary of State was minded to make the Order, any necessary service agreements would follow implementation of the Order scheme [3.1.1, 5.1.8, 5.2.5, 5.5.3, 5.13.5, 5.15.2, 5.23.1, 5.20.2-3].

7.2.10 The proposed infrastructure comprises 2 packages of work: the Bamford package; and, the Dore package<sup>168</sup>.

- The Bamford package: Currently the route between Chinley, to the west, and Dore, to the east, is a 2 track railway with no passing places for eastbound express services. This limits the ability of this section of line to accommodate passenger services without delays being caused by the eastbound, loaded freight services which run more slowly<sup>169</sup>. The Bamford loop would make provision for freight trains up to 640 metres long to be passed, increasing the capacity such that the line would be able to accommodate the requirements of the ITSS. Westbound trains are not constrained in the same manner, as unloaded freight trains can maintain a faster speed and there is also the opportunity to path westbound trains into Earles Sidings.
- The Dore package: To the east of Dore West Junction the line to/from Sheffield is a single bi-directional line as far as Dore Station Junction. This constrains capacity as it can only be used in one direction at a time. The proposed works includes provision of a second line along this section, thereby removing the constraint. The Dore South Curve is a bi-directional single line, which is predominantly used by freight services, that links the Hope Valley line to the section of the Midland Mainline leading to Chesterfield. The current length of the curve is not sufficient to allow a 520 metre long freight train to stop on the curve without blocking either the Midland Mainline from Chesterfield (for a westbound service) or the west bound line of the Hope Valley route (for an eastbound service). The proposed works include the extension of the curve to accommodate 520 metre long trains, reducing the potential for restrictions on the Hope Valley route and Midland Mainline.

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<sup>167</sup> NR/INQ/50.

<sup>168</sup> NR16.

<sup>169</sup> NR16 Appendix C.

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- 7.2.11 The implementation of the ITSS, facilitated by the Order scheme, which would increase the frequency of trains between Manchester and Sheffield, would be likely to provide a number of benefits. Passengers would have more choice of trains and less waiting time at Sheffield and Manchester stations, if they are changing trains, and it is likely that there would be a reduction of overcrowding on existing services. The Government's NTS confirms that improved connectivity would allow businesses to recruit from a wider labour pool, and people would be able to travel to a wider range of jobs without having their horizons limited by distance from their home<sup>170</sup>. Therefore, the scheme would contribute to the Government's aim of enabling future economic growth and prosperity [3.1.5].
- 7.2.12 The Hope Valley Users' Group 2011 survey<sup>171</sup> showed the very high level of support for improving services amongst local residents and also a significant number of people indicated that they would be more likely to use the service if it was more frequent, which would also be likely to result in a decrease in travel by car [3.1.6, 3.1.9]. I share the view of NR, that due to the limited car parking facilities at local stations and the availability of non-car modes of transport to reach stations, increased use of rail by local residents would be unlikely to result in a significant increase in home to station car traffic [3.1.10]. I consider it likely that improved passenger services would also be likely to encourage more visitors to the National Park and travellers between Sheffield and Manchester to travel by train not car, which would take cars off the roads [3.1.8]. It follows that the scheme would be likely to lead to reduced road congestion as well as reductions in the associated environmental pollution, carbon emissions and road accidents<sup>172</sup>.
- 7.2.13 NR has quantified a number of the benefits identified above in monetary terms as part of its calculation of a BCR figure used to inform the business case approval process overseen by DfT<sup>173</sup>. However, the limited evidence provided in support of the monetary sums does not allow detailed scrutiny of them and so I give the figures themselves little weight.
- 7.2.14 Nonetheless, based on the other evidence set out above, I consider that the scheme would be likely to make a significant contribution towards meeting the Government's aim of delivering economic, social and environmental benefits to the north of England.

### ***Impact on the local economy***

- 7.2.15 Consideration was initially given to the impact of the Order scheme on the local economy in the EIA Scoping Reports. No significant socio-

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<sup>170</sup> NR17 pages 13-17.

<sup>171</sup> Statement of Case: Hope Valley Railway Users' Group (HVRUG) to the Network Rail (Hope Valley Capacity) Order (SUP-15), p. 6

<sup>172</sup> NR16 section 3.10.

<sup>173</sup> NR16 para 3.10.11.

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economic impacts were anticipated in the vicinity of the Dore package during operation or construction or in the vicinity of the Bamford package during operation and so these aspects were scoped out of the EIA, as confirmed by the Secretary of State in his Scoping Opinions. Whilst potential impacts of the construction of the Bamford package were considered further in the ES, no significant residual effects on the local economy were identified and I have not been provided with any compelling evidence to the contrary.

- 7.2.16 In response to a call by objectors for more information concerning the potential economic impacts of the scheme, at the Inquiry NR submitted its *Visitor Economy Economic Impact Assessment*<sup>174</sup>. I give little weight to the estimated economic impact figures set out in it, not least as it did not make clear the period over which the identified benefits would be likely to be realised [5.3.5]<sup>175</sup>. Nonetheless, the Peak District National Park is estimated to attract around 10 million visitors every year from England, which supports approximately 7,000 jobs and contributes over £356 million to the National Park economy each year<sup>176</sup>. I consider it is self-evident that the ITSS would make access to the National Park easier from the major cities, which entirely accords with a purpose of the National Park, as regards accessibility. This in turn would be likely to boost visitor numbers and, as a result, the local economy<sup>177</sup>. The improved rail service would also bring direct benefits to residents of the National Park, as identified in the EIA Scoping Reports<sup>178</sup>, an increase in the number of stopping trains would help to connect local people with jobs, potentially increasing local prosperity.
- 7.2.17 Notwithstanding that the likely impact on the local economy has not been quantified precisely, I consider it is likely that the scheme would have a positive impact on the local economy overall.

### ***Other matters***

#### *Future services*

- 7.2.18 Based on an approach of modelling a 'typical hour' of train movements, NR has demonstrated that it is not possible to increase the number of passenger trains over the route in accordance with the ITSS, whilst maintaining freight services, without infrastructure intervention<sup>179</sup>. In advance of the determination of a precise timetable, this 'typical hour' approach appears to me to be a practical and reasonable basis for modelling, notwithstanding that there is likely to be some variation around this typical position in practice [5.1.8]. However, objectors have questioned the need to maintain the freight service capacity required by

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<sup>174</sup> NR/INQ/18, 32

<sup>175</sup> NR/INQ/32.

<sup>176</sup> NR15 Folder 1 Annex B para 14.5.

<sup>177</sup> Peak District National Park Local Development Framework Core Strategy (NR43), Figure 4 National Park Spatial Objectives, p. 44

<sup>178</sup> NR15 Folder 1 Annexes A and B.

<sup>179</sup> NR16 Appendix C.

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the ITSS.

- 7.2.19 Existing destinations of freight traffic heading eastbound along the Hope Valley route include:
- Via Sheffield- Dewsbury, Scunthorpe, West Burton, Drax, Leeds, Selby Potter Group, Eggborough, Attercliffe and Ferrybridge; and,
  - Via Chesterfield- Bow East, Ripple Lane, Barrow Hill, Washwood Heath, Elstow, Walsall, Harlow Mill, Ely, Ratcliffe, Wellingborough, West Thurrock, Theale and Brentford<sup>180</sup>.
- 7.2.20 Over time the demand for freight services at some of those destinations may reduce, such as a result of the closure of power stations including Ferrybridge [5.5.4]. Furthermore, I have not been provided with any compelling evidence to support NR's contention that bio-mass and container traffic may increase the demand for freight services along the route in the future [5.3.6, 5.1.5]<sup>181</sup>. However, nor has it been shown that freight traffic along the Hope Valley line would be likely to reduce overall [5.1.5]. Whilst *One North, July 2014*<sup>182</sup>, led by the city regions of Leeds, Liverpool, Manchester, Newcastle and Sheffield, advocates the provision of a new trans-Pennine rail route, it is not self-evident that it would be likely to reduce freight demand on the Hope Valley line. This traffic predominantly runs to and from 2 locations south of the line: quarries along the Peak Forest/Buxton route, linked to the Hope Valley line at Chinley East Junction; and, Hope Cement Works, linked to the Hope Valley line at Earles' Siding. At Dore West Junction approximately two thirds of the freight services go via Dore South Curve, towards Chesterfield and beyond. The remaining freight services, and all passenger services, continue through Dore & Totley Station towards Sheffield<sup>183</sup>.
- 7.2.21 The NRUS forecasts daily freight paths on the Hope Valley line in each direction in 2030 as '*above 20 and up to 40*'. This is consistent with the general pattern of actual freight train paths recorded by NR in 2015/16, which also indicates that it is not uncommon for more than 1 eastbound freight train to run in an hour<sup>184</sup>. To cater for the variability in freight movement, thereby ensuring that freight operating companies are able to operate in line with their contractual entitlement, the current timetable makes provision for 3 freight trains every 2 hours. NR's *Long Term Planning Process: Freight Market Study, October 2013* forecasts that the level of freight traffic on the Hope Valley line would remain in the range '*above 0.5 and up to 1.5 paths per off peak hour in one direction*' in the period considered 2011/12 up to 2043<sup>185</sup>. This is consistent with the ITSS provision for 3 freight trains every 2 hours (in each direction), which is the same as at present. Based on the evidence presented, this appears to me to be a reasonable requirement

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<sup>180</sup> NR/R/1 section 2.2.

<sup>181</sup> NR16 para 3.4.2.

<sup>182</sup> NR26 page 26.

<sup>183</sup> NR16 paras 3.5.12-19.

<sup>184</sup> NR/INQ/58 and NR/R/1.

<sup>185</sup> OP/INQ/5.

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[3.1.12].

### *Train length*

- 7.2.22 Objectors have suggested that the length of the Bamford loop should be reduced to cater for trains up to 520 metres long, which are more likely to run on the route than the 640 metre long trains that have been designed for [5.1.6-7].
- 7.2.23 The DfT's *Strategic Rail Freight Network: Longer Term Vision, 2009* identified a number of key principles for longer term development of the proposed strategic freight network, which it indicates includes the Hope Valley line. Those principles included making provision where appropriate for longer heavier trains up to 775 metres long, in order to enable the optimisation of path utilisation<sup>186</sup>. The specification from the North of England Project Board in the ITSS identified an aspiration to accommodate 775 metre trains, in keeping with NR's network wide strategy. However, NR subsequently determined that in the case of the Hope Valley route, the gradients would make it impractical for a 775 metre train to operate, both in terms of speed and stresses on the wagon couplings<sup>187</sup> [3.2.15]. Nonetheless, a 640 metre train could operate and therefore the Sponsor's instruction<sup>188</sup> for the project specified that the loop should provide standage for a 640 metre train.
- 7.2.24 I understand that the Hope Valley line is not used by trains as long as 640 metres at present. However, at the Inquiry NR emphasised the importance of creating a flexible network capable of meeting the future needs of its customers. It indicated that, although NR's *Long Term Planning Process: Freight Market Study, October 2013* forecast that in 2043 no bio-mass freight would be carried by the Hope Valley line<sup>189</sup>, it has had an enquiry from one of its freight customers regarding the possibility of using the route to transport bio-mass to Drax via Sheffield and the nature of this traffic is such that trains up to 640 metres in length may operate<sup>190</sup>. There is no evidence before me to indicate that this can be relied upon as a forecast requirement. Nonetheless, the Hope Valley route is already gauge cleared for W7 gauge, which is the gauge used for standard 8' ISO containers and bio-mass wagons (manufactured by WH Davis)<sup>191</sup>, a 640 metre train could cope with the gradients along the route and a loop suitable for a 640 metre train could be accommodated on the site. Under these circumstances, I consider that the absence, at this point in time, of a firm forecast of market need would not be sufficient on its own to justify the further reduction in the capacity of the loop, advocated by objectors, which would be contrary to DfT's long term vision for the network [3.2.15, 5.1.7].

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<sup>186</sup> NR/INQ/27 Appendix B pages 13 and 18.

<sup>187</sup> NR/INQ/27 para 7.

<sup>188</sup> Network Rail ITSS Clarification Note (NR/INQ/26)

<sup>189</sup> OP/INQ/5.

<sup>190</sup> Day 2 Mr Drury evidence in chief and NR16 para 3.4.2.

<sup>191</sup> NR/INQ/41.

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- 7.2.25 The original specification of the proposed Dore South Curve included a standage of 640 metres for a freight train. However, unlike the circumstances identified above, NR does not anticipate that that capacity would be needed. Furthermore, provision of capacity for a 640 metre train on the curve would result in the need to fully reconstruct the West View Lane over-bridge, which provides the only vehicular route to a residential area. Therefore, NR has reduced the specification for freight standage on the curve to 520 metres, thereby avoiding any direct impact on the over-bridge [3.6.8]. Under these circumstances, I consider that the proposed capacity limitation of the curve would be justified [5.11]. Furthermore, it does not provide a compelling argument for reducing the loop length at Bamford, in relation to which the circumstances I have set out above are materially different [5.1.11].

#### *Constraints between Dore and Sheffield*

- 7.2.26 NR has confirmed that the constraints associated with the 2 track section of the route between Dore and Sheffield, raised by REP/7, would not be sufficient to prevent the operation of the additional services associated with the Scheme [3.1.13, 6.5]. I have not been provided with any compelling evidence to the contrary.

#### **Conclusions**

- 7.2.27 The scheme would amount to major development in a National Park. In keeping with the requirements of the Framework, consideration has been given to 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.
- 7.2.28 The aim of the Order is to facilitate provision of the infrastructure necessary to enable the operation of the ITSS in the December 2018 timetable. The associated increase in passenger trains, would be likely to make a significant contribution towards meeting the Government's aim of delivering economic, social and environmental benefits to the north of England. At a local level, it would be likely to have a positive impact on the local economy [4.1-4.22, 5.3.4, 6.2].
- 7.3 **SoM 2 - The main alternative options considered by Network Rail and the reasons for choosing the proposals comprised in the scheme**
- 7.3.1 The Framework indicates that consideration of major developments in National Parks should include an assessment of, amongst other things: the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way.
- 7.3.2 In accordance with Schedule 1 of the *Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006*, the ES provides an outline of the main alternatives studied by NR and "...an indication of the main reasons for his choice, taking account of the

environmental effects...'<sup>192</sup> [5.23.3]. At the Inquiry, NR responded to the suggestion by objectors that, with reference to the Order scheme, a number of the alternatives should be preferred.

### ***Alternative development outside the National Park***

#### *Lengthening trains*

- 7.3.3 Objectors have suggested that the need for the Scheme could be met by lengthening trains [5.1.4, 5.2.3]. That would reduce overcrowding. However, unlike the proposed scheme, which would address the key capacity constraint on the route by allowing passenger trains to pass slower moving freight trains, lengthening trains would not enable the ITSS to be met thereby providing improved connectivity between Manchester and Sheffield [3.2.2]. The additional benefits of the scheme, over and above addressing crowding, are endorsed by First TransPennine Express, who operate on the line. I have no reason to doubt that the BCR of simply lengthening trains would be far lower than that for the proposed scheme, as NR has indicated [4.3].
- 7.3.4 Whilst the NRUS advocated lengthening trains specifically as a means of addressing overcrowding on the route between Manchester and Sheffield, it also acknowledged that the Northern Hub project would provide the infrastructure required to enable an increase in services and improved journey time between Sheffield and Manchester and also an opportunity for improved connectivity beyond those cities<sup>193</sup> [5.1.4]. As part of those works it identifies the provision of new track on the Hope Valley line to allow fast trains to overtake slower trains<sup>194</sup>.
- 7.3.5 The signalling system along the route is due for renewal in the next 10 years, which may allow the planning headways between trains to be reduced from 6 to 4 minutes at best. Nonetheless, even if this were to be achieved, it would remain the case that express services would catch freight services between Chinley and Dore leading to passenger service delays<sup>195</sup>.

### ***Meeting the need for the scheme in some other way***

#### *New trans-Pennine lines*

- 7.3.6 Between 1845 and 1981 a second rail route existed between Manchester and Sheffield, which ran via Hadfield and Penistone, through the Woodhead tunnels. The tunnels are now owned and used by the National Grid for power transmission lines and the railway has been largely removed between Hadfield and Penistone, with parts of the track bed now forming part of the Transpennine Trail. Reinstatement of a second link between Manchester and Sheffield might be achieved by re-opening the route through the Woodhead tunnels or the provision of a new east-west HS3 line<sup>196</sup>. I have no reason to doubt that if such a route were to be constructed, the capacity provided by that route and the existing Hope Valley line would together be sufficient to provide a

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<sup>192</sup> NR15 Folder 1 page 24 section 3.

<sup>193</sup> NR18 page 67.

<sup>194</sup> NR18 page 80.

<sup>195</sup> NR16 Appendix C.

<sup>196</sup> NR/POE/1.2 section 4.1-4.2.

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- service level equivalent to the ITSS [3.2.5].
- 7.3.7 However, NR has identified that, in comparison with the Order scheme, any Woodhead route would involve the construction of far more new railway across the National Park, with associated environmental impacts, and would have a far higher cost. Furthermore, any such scheme would take many years to be delivered. These matters have not been disputed [3.2.5].
- 7.3.8 As regards the prospects for a new east-west link more generally, Transport for the North's *The Northern Transport Strategy: Spring 2016 Report-One Agenda. One Economy. One North* (NTS2016) recognises NR's North of England enhancement programme schemes, such as the Northern Hub which includes the Order scheme, as a baseline to build on. Whilst it indicates that it is likely to be necessary to go further than the committed investments in the existing railway in order to achieve its vision of faster and more frequent services, its options generation activity would extend beyond 2016/17 and implementation would be beyond 2020. As regards the *One North, July 2014*<sup>197</sup> aspiration regarding a new all-mode Trans-Pennine connection, it acknowledges that, if it were to proceed, it would take time to build and identifies a broad timescale for delivery of 'by 2030' [5.1.3]. NR has suggested that such a scheme would be unlikely to be delivered before 2035, based on experience of the development of the section of HS2 linking London to Crewe, which has been under development for a number of years and is not expected to be delivered before 2027<sup>198</sup>. I have not been provided with any compelling evidence to the contrary. Furthermore, NR has indicated that the business case for the Order scheme remains positive, even if assessed only over a period to 2035<sup>199</sup>. The DfT's *Trans-Pennine Routes Feasibility Study Summary, March 2015* (TPRFS), also acknowledges the part that would be played by the Northern Hub proposals in, amongst other things, facilitating the provision of additional trains<sup>200</sup>.
- 7.3.9 It appears to me that the NTS2016 and TPRFS support the Northern Hub, which includes the Order scheme, as a baseline upon which to build and although further investment may be justified, there is a significant degree of uncertainty as to what may be supported and a new link, if supported, would take a considerable period of time to deliver [3.2.6].
- 7.3.10 I consider it can be reasonably concluded on balance, without further investigation, that a new trans-Pennine line would be unlikely to amount to a preferable alternative to the Order scheme.
- Buxton-Matlock*
- 7.3.11 Re-opening the Buxton-Matlock line would potentially allow the diversion of some freight traffic, away from the Hope Valley line<sup>201</sup>. However, NR has indicated that it would be likely to involve rebuilding

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<sup>197</sup> NR26 page 26.

<sup>198</sup> NR/POE/1.2 para 4.1.2.

<sup>199</sup> NR/POE/1.2 para 4.1.3.

<sup>200</sup> NR28 page 9.

<sup>201</sup> NR/POE/1.2 para 4.2.6.

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around 18 miles of railway, much of which would be through the National Park with associated environmental impacts on the National Park. Furthermore, it is likely to be far more expensive than the much smaller Order scheme [3.2.5]. These matters are not disputed.

- 7.3.12 In my judgement, it is not self evident that reopening the Buxton-Matlock line would enable the delivery of the ITSS on the Hope Valley line. Even if it would, it would involve major development in the National Park and would be likely to cost significantly more than the Order scheme. Therefore, I consider it can be reasonably concluded on balance, without further investigation, that re-opening the Buxton-Matlock line would be unlikely to amount to a preferable alternative to the Order scheme.

*Alternative loop locations*

- 7.3.13 In addition to the proposed site of the loop at Bamford, NR considered 3 other sites within the National Park: Grindleford; Thornhill; and, Earles Sidings.
- 7.3.14 Dealing first with Grindleford. There is no dispute that, from an operational perspective, it would be advantageous to position the proposed loop as close as possible to the Midland Mainline at Dore, as this makes it easier to control the flow of traffic from the Hope Valley onto that line [5.1.9-10]. Grindleford is the closest of the 3 sites considered, with Bamford the next nearest. However, that is not the end of the matter.
- 7.3.15 The Grindleford loop would be positioned along the northern side of the existing rail tracks a short distance to the west of Grindleford Station. In that location the northern boundary of the railway is at the bottom of a steep wooded slope, much of the woodland comprising Ancient Woodland<sup>202</sup>. OBJ/33 suggested that if gabions were used to support the required embankments, it would be possible to undertake the construction works within a strip of land no wider than 15 metres from the nearest existing rail track [5.8.3, 5.8.7]. The suggested layout provided by OBJ/33 indicates that around 10 metres would be taken up by the new track and retaining wall, without any allowance for drainage infrastructure at the base of the wall, leaving only some 5 metres of the 15 metres for working space and access<sup>203</sup>. Even if 15 metres were adequate, it is clear from the layout plan that many more trees than are identified as 'trees to be removed' lie within 15 metres of the nearest track. Based on what I have read and seen at the site, not least the challenging steep topography, I share the view of NR that far more than 15 metres would be required to make a reasonable allowance for the new structures as well as working space and access for construction plant, vehicles, materials and personnel [3.2.9-11]. Contrary to the view of OBJ/33, I consider it likely that a significant number of trees would have to be removed from the southern section of the neighbouring Ancient Woodland in order to facilitate the works.
- 7.3.16 Paragraph 118 of the Framework indicates that local planning authorities should aim to conserve and enhance biodiversity by applying

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<sup>202</sup> NR/INQ/34.

<sup>203</sup> OBJ/33 POE drawing proposed Grindleford loop proposal 1.

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a number of principles, which include refusing planning permission for development resulting in the loss or deterioration of ancient woodland, unless the need for and benefits of, the development in that location clearly outweigh the loss.

- 7.3.17 Whilst Grindleford would provide more operational flexibility, being closer to Dore, the evidence confirms that the Bamford loop would provide a workable alternative from an operational perspective. Furthermore, NR has indicated that in direct comparison with the Bamford proposal, built to accommodate a 640 metre long train, the disadvantages of the Grindleford loop would include, amongst other things, that it would be likely to be: longer, allowing for the transition between the curved alignment of the existing track and the loop; more difficult to access, not least due to the steep topography on the northern side of the tracks; and, as a result of these and other factors, more expensive [3.2.12]. I have not been provided with any compelling evidence to the contrary.
- 7.3.18 It appears that, in comparison with the Bamford loop, the Grindleford option would be more remote from the nearest residential properties and so the likely impact of noise from the operation of the loop on dwellings would be likely to be less [5.1.12, 5.8.6]. However, the Grindleford alternative would be likely to have a significant impact on the noise environment experienced by users of the local footpath network, which I found to be tranquil in comparison with the Bamford site, where background noise levels are affected by traffic on the nearby A6187.
- 7.3.19 I consider it can be reasonably concluded on balance, without further investigation, that the identified Grindleford loop location would be unlikely to amount to a preferable alternative to the Order scheme. Any benefits associated with positioning the loop at Grindleford would be clearly outweighed by the likely loss of Ancient Woodland and other disadvantages [5.1.10, 5.4.3-7]. It would conflict with the aims of the Framework.
- 7.3.20 I turn now to the Thornhill and Earles Sidings options, both of which would be further from Dore than the Bamford loop, making the regulation of traffic towards the Midland Mainline more difficult, leading to a more unreliable service. In comparison with the Bamford loop, the Thornhill option would: either require more third party land or the closure and reconstruction of a road bridge, resulting in significant impacts during construction; and, complex and costly alterations to the Earles Sidings signal box and additional safety hazards associated with signal sighting [6.1.6]<sup>204</sup>. It also appears that there would be more dwellings close to the loop location, potentially giving rise to greater noise nuisance [5.2.12, 6.1.6]<sup>205</sup>, and the cost would be marginally higher<sup>206</sup>. As regards the Earles Sidings option, NR has indicated that the necessary sidings remodelling and associated signalling works would have been likely to make the scheme economically unviable<sup>207</sup>. I consider it can be reasonably concluded on balance, without further

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<sup>204</sup> NR/POE/2.2 paras 2.2.17-21.

<sup>205</sup> NR15 Folder 13 ES Volume IV supporting document E-Thornhill option report page figure 5-2.

<sup>206</sup> NR/INQ/34.

<sup>207</sup> NR15 Folder 1 page 42 and NR16 paras 4.4.33-38.

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investigation, that the identified Thornhill and Earles Sidings options would be unlikely to amount to a preferable alternative to the Order scheme [3.2.14, 4.2.2, 5.2.4, 5.5.2, 5.8.4].

*Conclusion*

7.3.21 Although the purposes of National Parks as defined by *National Parks and Access to the Countryside Act 1949* (NPAC) are referenced in the documents submitted in support of the Order application, it is unclear at what earlier stage in the evolution of the scheme NR first had regard to them [5.3.7-11]. Nevertheless, with those purposes in mind, I conclude overall that, having considered the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, none of the identified alternatives are likely to be preferable to the Order Scheme [5.18.2].

7.4 **SoM4 - The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with**

7.4.1 At the Inquiry, NR confirmed that all of the statutory procedural requirements have been complied with and this was not disputed by any of the other parties present [3.4.1].

7.4.2 Whilst the ES is a substantial document, as is necessarily the case for a scheme of this type, it contains the required non-technical summary, a summary of the assessed significant effects and I consider that it is well indexed. In my judgement, the information it contains is reasonably accessible [3.4.1, 5.16.2].

7.4.3 In response to questions raised during the course of the Inquiry regarding the likely noise impact of the Order scheme, NR submitted supplementary evidence to clarify the evidence on noise set out in NR/POE/4.2, which served to sensitivity test the findings of the ES in relation to noise [5.2.6-7]. I agree with NR that the supplementary evidence, which did not conflict with the conclusions of the ES, did not amount to 'further environmental information' [3.4.2]. Furthermore, I am satisfied that those who wanted to have been given an opportunity to comment upon it and participate in its detailed consideration at the Inquiry. The Inquiry was adjourned from 20 to 25 May 2016 to facilitate that process [1.1.3]. No party has made submissions to the contrary.

7.4.4 I consider that the Environmental Statement<sup>208</sup> (ES) is adequate, with reference to the requirements of the *Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006* [3.4.1].

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<sup>208</sup> NR15

7.5 **SoM 5 - The likely impacts of constructing and operating the scheme on land owners and tenants, local residents, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking**

***(a) the effects of noise, dust, fumes and vibration including the effects of construction traffic and works sites and (d) impacts from increased train services on residential properties***

7.5.1 The Framework seeks to ensure that existing development is not put at unacceptable risk from being adversely affected by unacceptable levels of noise [3.5.1].

*Bamford package-operational noise*

7.5.2 The NPSE indicates that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development, which include meeting the diverse needs of all people and building a strong, stable and sustainable economy which provides prosperity and opportunity for all. Furthermore, where the impact lies between LOAEL and SOAEL, it requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development<sup>209</sup>. This does not mean that such adverse effects cannot occur [3.5.2].

7.5.3 The primary noise concern raised by objectors relates to the impact of the Bamford loop package when operational. NR's assessment of operational noise is based on IEMA Guidelines concerning classification of impact from change in noise. Significance is assessed against: a façade LOAEL of 50 dB  $L_{Aeq, 18 \text{ hour}}$ , which is consistent with the threshold for moderate annoyance set out in the WHO Guidelines; and, a façade SOAEL of 67.5 dB  $L_{Aeq, 18 \text{ hour}}$ , with reference to the NIR 'specified day-time level' at which the offer of sound insulation is triggered. These benchmark levels appear reasonable to me. I give little weight to the criticism of NR's use of the IEMA Guideline criteria, given that no alternative has been put to me and I understand that they reflect the methodology used in the assessment of the HS2<sup>210</sup> [5.5.5(c)].

7.5.4 The likely impact of the scheme has been modelled using CadnaA software, which takes account of topography enabling it to represent noise transfer around the valley [3.5.6, 5.5.5(g), 5.21.4]. Input data has been derived from: measurements of the existing noise environment; the Department for Transport's *Calculation of Railway Noise 1995* (CRN) method for predicting noise from trains decelerating and accelerating in

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<sup>209</sup> NR/INQ/15(B).

<sup>210</sup> NR 15 Folder 1 ES para 2.4.17.

passing loops<sup>211</sup>; and, Defra's *Additional railway noise source terms For 'Calculation of Railway Noise 1995', 2007* [5.5.5(b)].

- 7.5.5 A number of objectors have suggested that the likely noise impact should be established by measuring the noise arising from test trains run at the proposed location of the loop, not least as it would give the public an opportunity to experience the level of noise associated with stopping/starting trains [3.5.10, 5.2.10-11, 5.6.8]. However, CRN confirms that whilst circumstances sometimes dictate that it is necessary to resort to measurement of railway noise, calculation will constitute the preferred prediction technique<sup>212</sup>. In the absence of any compelling evidence to show that calculation is inappropriate in the case before me, I consider that the approach taken is reasonable and it is not necessary to run a 'test train'. Furthermore, highway noise is a feature of the existing noise environment experienced by local residents and that would continue to be the case<sup>213</sup>. Therefore, I give little weight to the suggestion that the assessment should not have taken account of highway noise [3.5.17, 5.5.5(f), 5.6.3-6, 5.15.3].
- 7.5.6 Based on the results of the CadnaA modelling, the ES indicates that during the daytime an increase in noise consistent with a moderate adverse impact is at 3 properties. However, no noise sensitive receptors are predicted to be subject to noise levels exceeding the identified SOAEL [3.5.7]. The noise modelling has been re-visited by NR prior to and during the Inquiry, to demonstrate the sensitivity of this reported outcome to changes in the input assumptions to the model [3.5.9]. This has included, amongst other things, varying the assumptions regarding: the types of locomotives used, thereby altering the noise profile of the train; and, the distance over which a train leaving the loop would be likely to have to remain on full power, which is noisier than when it is not [5.5.5(a) & (h)]<sup>214</sup>. A manual adjustment has also been made to the modelling results to include the contribution likely to be made to the noise environment by a train idling in the loop [3.5.11-16, 5.4.8-10]. In my judgement, the associated evidence indicates that the reported outcomes of the ES, including it is unlikely that the SOAEL would be exceeded, are reasonably robust [3.5.18].
- 7.5.7 I give little weight to the suggestion that if the A6187 is re-surfaced in the future, highway noise may reduce, as there is no certainty in relation to either of these outcomes. In any event, a reduction in road noise would be likely to reduce overall noise levels, making it less likely that the SOAEL would be exceeded [5.2.8].
- 7.5.8 NPSE indicates that where the impact lies between LOAEL and SOAEL, all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the

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<sup>211</sup> NR/POE/4.2 para 5.3.1.

<sup>212</sup> NR/INQ/15(M) page 1.

<sup>213</sup> NR/INQ/63.

<sup>214</sup> NR/INQ/42, 45, 56, 57, 58, 59, 61, 62 and 63.

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guiding principles of sustainable development<sup>215</sup>.

- 7.5.9 NR has also used the methodology set out in BS4142 to give an indication of the likely impact of stationary trains, idling on the loop. In principle, the use of this method appears reasonable, given that the scope of the standard, whilst excluding sound from the passage of vehicles on railway systems, includes the assessment sound from trains on a particular site [3.5.6, 5.5.5(d), 5.6.7]. However, the BS4142 assessment is based on the predicted difference between background and rating noise, where background noise is the sound level exceeded 90% of the time. This does not fully reflect the existing noise environment, which includes trains passing on the line periodically throughout the day. Therefore, whilst the difference between background and rating noise levels at Lilybrooke, Cunliffe House and Cunliffe Cottage is predicted to exceed 10 dB, which is identified by the standard as an 'indication of a significant adverse impact depending on context', in the particular context of this case the difference between the existing noise environment and that resulting from idling trains would not be as great as the calculation suggests [3.5.8]. Nonetheless, I have no reason to dispute that the impact would be sufficient to justify the offer of a package of sound insulation measures to the residents of the properties referred to above for facades which would face towards the loop, as proposed by NR. Under the circumstances, this appears to me to amount to a level of mitigation which would be reasonably required.
- 7.5.10 Based on the outcome of the review of the modelling results, the noise levels (free field, as opposed to facade) experienced in the gardens of a small number of dwellings would be likely to exceed the level at which WHO guidelines indicate that serious annoyance may result [3.5.19]. It appears to me that this is not an impact of the scheme that could be mitigated; no mitigation has been proposed. However, at those properties noise levels are likely to be either close to or above that standard already. I consider it likely that residents of those dwellings, which are situated alongside the railway, are already likely to be acclimatised to and tolerant of train noise to significant extent. Under these circumstances, I give limited weight to this impact [5.5.5(e)].
- 7.5.11 I consider it is likely that, subject to the provision of the identified mitigation measures, noise from the operation of the Bamford loop would be unlikely to have an unacceptable effect on the living conditions of local residents, consistent with the aims of the Framework<sup>216</sup>.

*Bamford package-construction noise*

- 7.5.12 It is anticipated that completion of the construction works associated with the Bamford loop would take around 14 months and this would include some periods of night-time working<sup>217</sup>. NR acknowledges that,

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<sup>215</sup> NR/INQ/15(B).

<sup>216</sup> Framework para 109.

<sup>217</sup> NR16 para 7.2.13.

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notwithstanding the proposed provision of temporary noise barriers where practical, noise arising from the construction of the proposed loop is likely to exceed SOAEL both during the day-time as well as at night, albeit for relatively short periods. Properties affected would be likely to include: Lilybrooke; Cunliffe House; Cunliffe Cottage; as well as a number of dwellings along Jagers Lane and Sickleholme [3.5.4].

7.5.13 Following the detailed design phase for the loop, where significant adverse effects remain likely, NR would follow a hierarchical approach to mitigating them, which would include: the identification where possible of further site specific mitigation measures; and, where trigger levels and conditions set out in BS5228 are met, noise insulation measures would be offered or, for short duration/lower frequency events, residents may be offered temporary accommodation [3.5.4].

7.5.14 I accept it is likely that, notwithstanding the proposed noise barrier mitigation measures, noise associated with the construction phase of the proposed loop would exceed the SOAEL at a number of properties, contrary to the aims of the NPSE. However, the impact would be temporary and, in light of the proposed approach to further mitigation, which could be secured as part of the CoCP approval process, it would be unlikely to have an unacceptable impact [3.5.5, 5.16.3].

#### *Bamford loop-vibration*

7.5.15 The ES confirms, following a detailed assessment, that it is not expected that there would be any significant effects related to vibration, during either the construction or operational phases of the scheme. I give little weight to general concerns raised to the contrary, which are not supported by any substantive evidence [3.5.22, 5.2.10, 5.5.5(i), 5.23.3].

#### *Dore package-noise and vibration*

7.5.16 I have had regard to the general concern raised by the West View Lane Residents' Association that the package would result in noise and pollution [5.12]. However, NR's assessments indicate that, taking account of mitigation measures incorporated within the design, no significant adverse noise or vibration effects are predicted either during the construction phase or operational phase of the Dore package [3.5.23]. I have not been provided with any compelling evidence to the contrary and consider therefore, that the package would not conflict with the aims of Policy GE24 of *Sheffield Unitary Development Plan, 1998* (SUDP)<sup>218</sup> as regards the avoidance of noise nuisance.

#### *Air pollution*

7.5.17 The reasoning set out in the EIA Scoping Reports for the Bamford and

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<sup>218</sup> NR49.

Dore packages indicated that neither of them would be likely to have a significant effect on Air Quality. As a result, Air Quality was scoped out of the EIA, with the Secretary of State's agreement. However, an Air Quality Assessment for the Bamford loop was commissioned later in response to concerns raised by objectors. It confirmed that it would not have a significant detrimental impact on Air Quality. I have not been provided with any compelling evidence to show that a different conclusion would be justified in relation to either package and give little weight to the general concerns raised by objectors regarding air quality, which are not supported by any substantive evidence [3.5.24-25, 5.2.9-10, 5.5.5(j-k), 5.2.13].

### *Conclusion*

- 7.5.18 No compelling evidence has been provided by objectors to show that the likely impacts of the scheme in terms of noise, vibration or air quality have been 'under-evaluated' [5.2.12, 5.5.5(i-k)]. Based on the evidence presented, I conclude that the Order scheme, and the increased train services which are expected to follow, would be unlikely to have an unacceptable effect on the living conditions of local residents or others, with particular reference to noise, dust, fumes and vibration. In relation to this matter it would not conflict with the aims of the Framework<sup>219</sup>.

### ***(b) the impacts of the proposed changes to station facilities and rail service provision (including station parking) as a result of the scheme***

- 7.5.19 The Hope Valley line to and from Sheffield through Dore & Topley Station comprises a single bi-directional line. This single line arrangement constrains capacity as it can only be used in one direction at a time. Therefore, any delay on a train returning late from Sheffield can have an impact on the next eastbound train, which may have to be held at Dore West Junction to allow the late running westbound train to pass. The scheme would involve the installation of a second track through Dore & Topley Station. This would be accompanied by new station facilities including a new westbound platform with shelter, accessed from the existing platform by stairs and lifts [3.5.27, 5.7.2].
- 7.5.20 There are currently 6 station categories in use by NR, which has some bearing on the station design requirements. The Dore & Topley Station falls within category F: small unstaffed stations [3.5.30]. Whilst guidance indicates that category F stations serve mainly rural or low density areas, assessment is driven by the number of people using the station, category F being under 250,000 trips per annum [5.7.9]. There is no dispute that the number of trips associated with Dore & Topley Station falls well below that level. Should circumstances change in the future, NR has confirmed that features such as shelters are modular in design and the facilities could be easily extended if necessary [5.7.2, 4, 10].

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<sup>219</sup> The Framework para 109.

- 7.5.21 NR has confirmed that the proposed station modifications have been designed in accordance with normal standards and, based on the evidence presented, the criticisms of that position appear to me to lack merit. Whilst the location of the lift entrance on platform 1 would be further from the platform gateway than the start of the footbridge stairs, the overall distances travelled from the gateway to platform 2 by users of the lifts would be similar to those covered by users of the stairs. In my view, one is no more inconvenient than the other in terms of distances travelled. The existing and proposed shelters would be reasonably close to the lifts and the lift entrances would have a canopy detail for weather protection. Furthermore, when the widths of the sections of platform along each side of the proposed stairs/lift shaft are taken into account the overall width of platform available appears to meet standard requirements [5.7.5].
- 7.5.22 NR acknowledged that the visualisation material showing the proposed structures was provided in evidence for illustrative purposes only<sup>220</sup>. It does not accurately detail all aspects of the works shown on the application plans, Planning Direction Drawing Sheet Nos. 19 rev P04 and 20 rev P04<sup>221</sup>. For example: the provision of an access strip, between the proposed stair on the existing platform and the car park, which would result in the loss of some landscaping, is not shown on the visualisation; mesh is shown enclosing the space beneath the stairs, rather than the handrailing shown on the application plan; and, the existing stone platform edging would be replaced by concrete. NR confirmed that the scheme for which deemed planning permission is sought is shown on the Planning Direction Sheet plans, subject to the suggested conditions, and not as shown on the visualisation material [5.7.6].
- 7.5.23 I understand that a number of details have yet to be finalised, such as alterations to platform levels prompted by the decision not to replace underbridge DWS/1. I consider it unlikely that NR would design these details in a manner that would render parts of their station infrastructure, such as the existing shelter, unusable and see no need to require independent review/approval of those details [5.7.6].
- 7.5.24 The station, which is recorded as a non-designated heritage asset, contains a number of small brick built Victorian buildings. Although the proposed structures must be designed to NR's modern standards in the interests of safety, through the imposition of a suitable condition the local planning authority would have control over certain details, including the colour scheme, bridge deck parapet material and brick cladding to be applied to the lift shaft/motor room [3.5.29]. I consider that, in this way, it would be possible to ensure that the proposed structures, although of a modern design, would be sufficiently in keeping with the existing buildings so as not to harm the character or appearance of the station or its surroundings [5.7.4, 5.14.1].

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<sup>220</sup> NR/POE/6.3 Figures B16 and B17.

<sup>221</sup> NR 14 Part 2 sheets 19 and 20.

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Landscaping requirements in and around Dore and Totley Station, including the railway triangle which would be temporarily occupied by construction compound 8, would be within the control of the local planning authority, subject to the imposition of a suitable landscaping condition [5.7.8]. The concern raised that a park and ride facility may be located in the railway triangle in the future appears to be of little relevance, as that does not form part of the scheme the subject of the Order [5.7.2]. I conclude that the effect of the works on the character and appearance of the surroundings would be acceptable. It would accord with the aims of the Framework as well as SCS Policy CS 74 and SUDP Policies BE5, BE6 and BE7 insofar as they require good design and seek to ensure that development respects the character and appearance of the surroundings.

- 7.5.25 As to the procedures that would be followed to enable access to the new platform for people with limited mobility in the event of a lift being out of order, that appears to me to be a matter for the station operator to determine and not a matter on which direction needs be provided by the Order [5.7.7].
- 7.5.26 During the construction works NR has confirmed that it would seek to maintain a similar area for car parking at Bamford Station to that which exists at present, with capacity for around 10 spaces [3.5.35, 5.20.4].
- 7.5.27 Dore & Totley Station car park, which is generally used to capacity, has 126 spaces. This would be reduced by 24 spaces for a period of 38 weeks and there would be a full closure, excluding disabled parking, for two 29 hour possession periods and two 54 hour possession periods. I have no reason to doubt that these restrictions would be necessary in order to facilitate the proposed station works. NR expect to provide alternative temporary parking facilities at Abbeydale Sports Club, which is within walking distance of the station. The details, which have yet to be finalised, would be set out within the Traffic Management Plan, part of the Code of Construction Practice, which would be required by condition and subject to approval by SCC<sup>222</sup>. At the request of Sheffield City Council, the Order includes a Traffic Regulation Order, which allows parking controls to be imposed along Dore Road during the works. This would ensure that overspill car parking from the station does not impede the free movement of traffic along the road, whether works traffic or others [3.5.31-33]. I am content that the effects of the scheme on station parking, which would be temporary, would be acceptable.

***(c) impacts on means of access to properties***

*Properties in the vicinity of Bamford Station*

- 7.5.28 NR has confirmed that access to properties in the vicinity of Bamford Station, including Station House, Sickleholme Golf Club and Saltergate

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<sup>222</sup> NR/POE/3.2 sections 4.1 and 4.3.

Lane, would not be restricted as a result of the works. Full details of the access arrangements would be included in the Traffic Management Plan, which would be agreed with the PDNPS once a principal contractor is appointed<sup>223</sup> [3.5.37].

#### *Cunliffe House and Cunliffe Cottage*

- 7.5.29 The access that leads from the A6187 to Cunliffe House and Cunliffe Cottage passes beneath railway bridge MAS/25. It would be necessary to close the MAS/25 section of the route for around 14 weeks, in order to extend the width of the bridge to accommodate the proposed loop.
- 7.5.30 I have had regard to the concern that, due to the rising ground level of the driveway on the northern side of MAS/25, the extension of the bridge may have the effect of reducing the headroom available for vehicles passing through [5.6.10, 5.8.9]. However, it appears to me that that would not be the case, as the soffit level of the extended bridge deck would be higher than the existing, thereby mitigating the rise in ground level and providing for a small increase in headroom<sup>224</sup>.
- 7.5.31 NR has indicated that, while the bridge extension is under construction, a temporary alternative access to those properties would be provided through shared use of a construction haul road along the northern side of the railway between MAS/25 and MAS/23. Furthermore, in consultation with NW, it would take all reasonable steps to ensure that this temporary access is safe, both for vehicles and pedestrians, and also for horse riders<sup>225</sup>. NR has indicated that the surface of the haul road would be made suitable for horses and where the level of the access is within 2 metres of the adjacent rail track level, a close boarded fence would be erected to screen the line of sight of horses from passing trains. These appear to me to amount to reasonable accommodation works [3.5.36].
- 7.5.32 However, NW are of the view that the proposed haul road route would be unlikely to be suitable for exercising their horses, not least as the noise associated with trains passing close by would have the potential to frighten the horses and lead to accidents. They have indicated that they would not wish to use it for that purpose. Whilst they have identified 2 potential alternatives: transporting the horses each day to another location where they could be exercised; and, stabling them elsewhere, they do not favour either. Their reasons include it would be less convenient and more time consuming for them, and they would not wish to entrust the care of their animals to others [5.6.9]. However, based on the limited evidence presented, I am not convinced that, for the relatively short period over which the bridge would be closed, either would be likely to pose insurmountable difficulties in the event that the haul road could not be made suitable for use, which is itself not self-

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<sup>223</sup> NR/POE/2.2 para 3.4.1.

<sup>224</sup> NR14 sheet 9b proposed layout, NR/R/2 section 3.2-3.3..

<sup>225</sup> NR/INQ/48.

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evident. Under the circumstances, I give little weight to the concerns of NW in this respect.

- 7.5.33 I conclude it is likely that the effect of the scheme on means of access to properties, which would be temporary, would be acceptable.

***(e) impacts on pedestrians using the proposed footpaths to be temporarily stopped up or diverted, the level crossing to be closed, including impacts on access to Dore & Totley and Bamford Stations***

*Dore & Totley Station*

- 7.5.34 Proposed site compound no. 8, situated to the west of Twentywell Lane, would interrupt the route of public footpath SHE/318. Therefore, in order to protect pedestrians from construction activity, a short section of the footpath would be temporarily stopped up and a diversion put in place, around 68 metres long, thereby ensuring that access is maintained<sup>226</sup>.

- 7.5.35 The public footpaths along Twentywell Lane and Abbeydale Road South leading to the station would be unaffected by the scheme. At the time of submitting the Order application, it was expected that the access path (not a public footpath), across NR land, between Twentywell Lane and the station would need to be closed while planned works were undertaken to the River Sheaf overbridge (DWS/1). However, it has since been determined that the replacement of DWS/1 is not necessary<sup>227</sup>.

- 7.5.36 I conclude that the proposed works would not have a material detrimental effect on the convenience of pedestrians travelling to and from Dore & Totley Station. It would accord with the aims of the Framework as well as SCS Policy CS 74 and SUDP Policies BE5 and BE6 as regards access for all.

*Bamford Station*

- 7.5.37 NR has confirmed that access to and use of the station platforms would be unaffected by the works, other than during the planned 9 day blockade to install tracks. During that period, no trains would be running and a replacement bus service would operate. Safe pedestrian access would be provided between the station car park, where parking would continue to be provided, and the bus stop<sup>228</sup>.
- 7.5.38 I conclude that the proposed works would not have a material

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<sup>226</sup> NR/POE/2.2 para 3.8.2.

<sup>227</sup> NR/16 para 7.11.2 and NR/POE/2.2 section 2.9 and para 7.8.14.

<sup>228</sup> NR/POE/2.2 para 3.3.8.

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detrimental effect on the convenience of pedestrians travelling to and from Bamford Station.

*Hathersage west level crossing*

- 7.5.39 Hathersage west level crossing forms part of the route of public footpath Outseats FP 28, which runs between Jaggars Lane and the A6187, providing a reasonably direct route between Hathersage to the north and countryside on the southern side of the A6187. NR's *Level Crossing Risk Assessment-Hathersage West Footpath Crossing (LCRA)* identifies a peak daily usage value of 33 users, based on a survey undertaken in October 2012. It is characterised as a 'well used and popular route' by one local resident [5.21.1]. The LCRA also confirms that whilst there have been no recorded fatalities at this crossing in the last 5 years, the proposed loop would introduce a new hazard. Users deciding when to cross would have to try and differentiate and react correctly to trains stationary within the loop or emerging from it and those approaching along the main line, which would be likely to be travelling at much higher speeds. There would be an increased risk of users deciding to cross when it is unsafe to do so and, against this background, the LCRA indicates that the level crossing should be closed [3.5.38]. I consider that this is reasonable. I saw that there is another level crossing on the line to the east of Hathersage, which NR does not intend to close as part of the scheme. However, the circumstances are materially different there, as trains within or emerging from the proposed loop would not be visible to people using that crossing.
- 7.5.40 The scheme involves the closure of the Hathersage west level crossing and the provision of a footbridge over the railway lines, thereby maintaining the relatively short and direct route of Outseats FP 28 between Hathersage and the countryside on the southern side of the A6187. The design of the footbridge would be in accordance with current NR safety standards and would include features such as double height hand railings and non-slip surfaces to facilitate safe access<sup>229</sup> [3.5.44].
- 7.5.41 Although the provision of a footbridge is supported by some [4.13, 4.19], a number of local residents have argued that rather than providing a footbridge, the section of Outseats FP 28 between Jaggars Lane and the A6187 should be closed and users travelling between Hathersage and the countryside to the south of the A6187 should be diverted instead along sections of Jaggars Lane and the A6187 [5.2.14-15]. Based on the estimates contained within the LCRA, not having to construct a rail crossing would result in a significant cost saving [5.18.3]. However, all of the alternative routes suggested by objectors would involve relatively significant increases in the distance travelled along highways. Furthermore, the western section of Jaggars Lane is narrow and without footways, and where it crosses the railway there are sharp bends in the highway on either side of the road bridge. Neither the footpath

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<sup>229</sup> NR/INQ/11 Planning Direction Drawing Revised Sheet No. 14 rev P06.

authority, DCC, nor PDNPA support a diversion along Juggers Lane, citing concerns including the safety of pedestrians using the un-segregated highway and the increased walking distance<sup>230</sup> [3.5.39, 42, 5.8.8, 5.15.4].

- 7.5.42 Whilst some objectors assert that significant numbers of walkers already traverse the western section of Juggers Lane without problems, no formal surveys have been presented in evidence and in any event, routing more people along that route, as suggested, would increase the likelihood of pedestrians coming into conflict with vehicles. Although the provision of a footbridge alongside the Juggers Lane railway crossing would allow pedestrians to avoid the sharp bends in the highway, it is not self-evident that it would be a cheaper option than the footbridge proposed by NR and it may well necessitate closure of the highway during the construction phase. Furthermore, I consider that the Outseats FP 28 route, across fields and the proposed footbridge, would be a more attractive route for walkers in amenity terms than the proposed alternative along a narrow un-segregated highway [3.5.41, 5.2.16-17, 5.4.11-15, 5.9].
- 7.5.43 Given that it would be reasonably practical to make the railway crossing safe through the provision of the proposed footbridge and that the local authorities do not support diversion along Juggers Lane on safety grounds, it appears unlikely that the terms of the Highways Act 1980 could be met so as to support the extinguishment of the crossing and re-direction of pedestrians as suggested by objectors to the Order [3.5.40].
- 7.5.44 With its duties in mind under the Equalities Act 2010 and its Public Sector Equality Duty, NR has undertaken a Diversity Impact Assessment. I have no compelling reason to disagree with its finding that it would not be necessary to incorporate an alternative means to stepped access at the footbridge, such as ramps.
- 7.5.45 I conclude that the effect on the users of Outseats FP 28 of the replacement of the Hathersage west level crossing with a footbridge would be acceptable, and the alternatives proposed are neither worthy of further investigation nor to be preferred. The scheme would accord with the aims of the Framework as well as PDCS Policies GSP3 and T1 as regards access for all.

***(f) impacts on ecological and archaeological interests***

*Ecological interests*

- 7.5.46 NE has confirmed that the Order scheme would be located in close proximity to the Peak District Moors and South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). These European designated sites are afforded protection by the *Conservation of Habitats and Species Regulations 2010* (as

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<sup>230</sup> OBJ1-1, OBJ1-3.

amended)(the Habitats Regulations), under the terms of which a Habitats Regulations Assessment (HRA) is required in relation to schemes with the potential to affect the interest features of European designated sites. As the competent authority, it falls to the Secretary of State to undertake an assessment<sup>231</sup>. However, to assist in that process, I have set out below my assessment of the factors that need to be taken into account:

- 1) The Scheme is not necessary for the management of the European sites; however,
- 2) NE has confirmed that<sup>232</sup>:
  - a. there is sufficient distance between the Scheme and the European designated sites for there to be no likely significant effects as a result of the construction works;
  - b. The Scheme would only lead to a small increase in the number of trains every couple of hours during its operational stage. The levels of pollutants indicated within the ES documents indicate this would be unlikely to lead to a significant effect on either the SPA or SAC;
- 3) The ES confirms that there are no committed developments at either Bamford or Dore that have the potential to generate any significant cumulative environmental effects when considered in combination with the Scheme<sup>233</sup>.
- 4) It appears to me that the Scheme would be unlikely to have a significant effect on the interest features of any European site, either alone or in combination, and it can therefore be screened out from any requirement for further assessment; a view shared by NE [6.4.1-4].

7.5.47 The proposed works would be located in close proximity to a number of *Sites of Special Scientific Interest* (SSSI), namely: Topley Wood SSSI; East Peak District Moors SSSI; River Derwent Hathersage SSSI; and, Hallam Barn Grasslands SSSI. However, no operations would take place within any of the above sites. NE has confirmed, with reference to the ES, that the Scheme would be unlikely to adversely impact upon those sites and so it raises no objection in that regard. This is a view shared by NR and I have no compelling reason to take a different view [6.4.5].

7.5.48 The ES confirms that regard has been had to the potential impacts on national and local Biodiversity Action Plan (BAP) priorities and protected species, in relation to which surveys have been undertaken<sup>234</sup>. NR has indicated that following the implementation of all mitigation measures, to be detailed within an Ecological Management Plan (EcMP), secured by condition, there would be no significant residual effects on any

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<sup>231</sup> Regulation 61 of the Habitats Regulations.

<sup>232</sup> REP/6.

<sup>233</sup> NR15 folder 1 para 4.7.2.

<sup>234</sup> NR15 folder 3 part 1 section 3 and part 2 section 3, NR/INQ/52.

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ecological receptors<sup>235</sup>. In support of that view, the ES indicates that there would be only small net permanent losses of habitat. The impact on faunal species would be minor adverse, as there would be no direct impacts that would compromise the legal protection afforded to such species. Indirect effects would occur from habitat loss, although that would be compensated for through habitat creation measures, secured through the implementation of the EcMP<sup>236</sup>. Furthermore, the EcMP would include a commitment to complete the Defra Biodiversity Offsetting calculation to ensure a net positive gain for biodiversity as a result of the Scheme, in keeping with the aims of paragraph 118 of the Framework and section 40 of the *Natural Environment and Rural Communities Act, 2006*<sup>237</sup> [6.4.8].

7.5.49 The Woodland Trust has raised concerns regarding the potential impact of the Dore package on ancient woodland within the Poynton Woodland LNS [5.22]. However, it appears that no ancient woodland would be directly affected by the package. Furthermore, I agree with NR that, as the ancient woodland is located on a steep slope, it is highly unlikely that moisture levels would decrease, nor light levels and wind speed increase, as a result of the proposed loss of secondary woodland at the base of the slope [3.5.51].

7.5.50 I conclude that the effect of the scheme on ecological interests would be acceptable and it would accord with the aims of the Framework as well as PDCS Policy L2, SCS Policy CS 74 and SUDP Policies GE11 and GE15, with particular reference to conserving the natural environment<sup>238</sup> [3.5.45-53].

#### *Archaeological interests*

7.5.51 The ES indicates that the Order scheme would be unlikely to have any residual significant adverse effect on the historical environment<sup>239</sup>. I conclude that it would be unlikely to cause any material harm to the significance historic assets, in keeping with the aims of PDCS Policy L3<sup>240</sup> [3.5.54].

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<sup>235</sup> NR/POE/5.2 paras. 4.4.6 and 4.6.5.

<sup>236</sup> NR15 folder 3 part 1 section 5 and part 2 section 5.

<sup>237</sup> NR/INQ/52.

<sup>238</sup> NR43, 48 and 49.

<sup>239</sup> NR 15 Folder 1 ES pages 70 and 75.

<sup>240</sup> NR/POE/8.2 para 7.1.10.

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***(g) impacts on landscape and visual amenity (including the effect of the proposed new footbridges), having particular regard to the Peak District National Park designation and NPPF section 11 paragraphs 115-116***

*The Bamford package*

- 7.5.52 In keeping with the purposes of National Parks, set out in the *National Parks and Access to the Countryside Act, 1949*, paragraph 115 of the Framework confirms that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 indicates, amongst other things that consideration of major developments in these designated areas should include an assessment of any detrimental effect on the landscape and the extent to which that could be moderated<sup>241</sup> [3.3.4].

*Bamford loop*

- 7.5.53 The proposed Bamford loop would be constructed within the existing rail corridor and so would not have a material impact on the character of the landscape. The works would necessitate the removal of some mature vegetation along the northern side of the railway, which would initially open up views of the rail lines and the A6187 from vantage points within Sickleholme Golf Course and some neighbouring properties. However, mitigation planting would restore the screening over time, resulting in a visual impact which is not significant. Whilst the new cutting directly to the east of Bamford Station may initially be noticeable from elevated footpaths on the southern uplands of the Hope Valley and Surprise View, it would be a small feature of the landscape visible from those vantage points, which would have a negligible visual impact once mitigation planting is established<sup>242</sup> [5.2.18].
- 7.5.54 I conclude that the effect of the proposed loop on the character and appearance of the locality would be minor and it would have a negligible impact on the character and appearance of the National Park [3.5.55, 5.1.12].

*Hathersage west footbridge*

- 7.5.55 The design of the footbridge included in the original Order was based on the NR standard London-Midland footbridge. A number of objectors consider that the proposed footbridge would have a significant detrimental effect on the character and appearance of the landscape within the National Park. In response to concerns raised, a bespoke design has been developed by NR, which would result in a lower bridge with a less utilitarian and more refined appearance than the original<sup>243</sup>.

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<sup>241</sup> NR/POE/8.2 section 4.

<sup>242</sup> NR/POE/6.2 section 4.5.

<sup>243</sup> NR/POE/2.2 section 2.6.

Although still unacceptable to some objectors, the PDNPA's has stated that in its view the revised design of the bridge would be acceptable<sup>244</sup>. I have considered the scheme on the basis of the revised footbridge proposal, which is shown on Planning Direction Drawing Revised Sheet No. 14 rev P06<sup>245</sup>.

- 7.5.56 As to its impact on the character of the landscape, the locality is characterised by a significant amount of built development. The proposed bridge would span an operational railway corridor, which bisects a relatively narrow strip of land between 2 highways. That land, which rises up from the A6187 to Jaggars Lane, is itself characterised thereabouts by sporadic residential development interspersed with small fields. It is situated on the edge of the settlement of Hathersage, which includes a more dense pattern of built development to the northeast and southeast of the proposed bridge site. In this context, I consider that the proposed bridge would not have a significant impact on the character of the landscape.
- 7.5.57 Turning to appearance, whilst the proposed footbridge would be seen from a number of surrounding properties, the public vantage points from which it would be clearly visible would be limited. They would include views from the northeast along a relatively short section of Jaggars Lane, views from other sections being restricted by roadside development, such as Holy House and Sunnyside Cottage, and trees to the northwest of the bridge site. Approaching the site from the northwest or southeast along the A6187, views would be limited to a short section of the highway, due to roadside hedging. Although the bridge would be a prominent addition to the landscape visible from the sections of footpath leading to the bridge from the A6187 and Jaggars Lane, they are short. The bridge would be visible in part from some vantage points along footpaths to the southwest, between the A6187 to the River Derwent. However, from there it would be seen against a background of the rising valley side and development within Hathersage. Although the bridge would also form part of the landscape visible from more distant public vantage points, such as a roadway on the opposite side of the valley and Surprise View, its contribution would be negligible, due to the distances involved. I consider overall that the impact of the proposed bridge on the appearance of the locality would be minor [3.5.56, 5.2.19, 5.15.4, 5.17.1, 5.19.1, 5.23.4].
- 7.5.58 I conclude that the effect of the proposed footbridge on the character and appearance of the locality would be minor and it would have a negligible impact on the character and appearance of the National Park.
- 7.5.59 A number of objectors have suggested that the height of the bridge could be further reduced, if no headroom allowance is made for electrification of the line in the future, the likelihood of which appears to be low [5.17.1]. However, I consider that the difference in headroom

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<sup>244</sup> NR/INQ/17.

<sup>245</sup> NR/INQ/11.

would be small and it would be unlikely to materially affect the visual impact of the proposed footbridge. This would not justify the resulting loss of flexibility in the design to accommodate future electrification.

*The Bamford package-Conclusions*

- 7.5.60 I conclude overall that the effect of the scheme would be sufficiently limited that it would not conflict with the aim of the Framework, as well as PDCS Policies GSP1 and GSP2, to conserve the landscape and scenic beauty of the National Park.

*The Dore package*

- 7.5.61 The character of the landscape is predominantly man-made and functional, with trains passing through on a regular basis. The works at the station would not extend beyond the existing rail corridor and I have concluded above that they would be unlikely to harm the character or appearance of the station or its surroundings.
- 7.5.62 The rail corridor widening works associated with the extension to the Dore South Curve would result in the loss of some vegetation adjacent to the railway, including in the railway triangle which would be used as a construction compound, and the loss of a small part of Poynton Wood. Whilst the wood is designated as open space, at the Inquiry NR confirmed that the area which would be lost on the edge of the wood is overgrown and not accessible to the public, and under the circumstances, its loss would not conflict with the aims of SCS Policy CS 47 or SUDP Policies LR4 and LR5, which seek to safeguard the value of open space areas. I agree. The corridor widening works and associated loss of vegetation would result in the corridor having a more exposed appearance when viewed from neighbouring properties and a number of public vantage points, such as the road bridge leading to West View Lane flats and from a short section of public footpath SHE/318. However, the landscaping scheme, which would be implemented after the construction phase, would ensure that those effects diminish over time, as planting matures. I consider that the residual impact would not be significant<sup>246</sup>.

*The Dore package-conclusions*

- 7.5.63 Although the proposed works would have some significant adverse effects on the appearance of the locality during the construction phase, they would be temporary and mitigated to an acceptable level post-construction by landscaping. I conclude overall that the adverse effect of the Dore package on the character and appearance of the locality would be minor and acceptable. It would accord with the aims of the Framework as well as SCS Policy CS 74 and SUDP Policies BE5, BE6 and BE7 insofar as they require good design and seek to ensure that

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<sup>246</sup> NR15 Folder 1 ES page 102-111.

development respects the character and appearance of the surroundings.

### ***Other matters***

#### *Residential privacy and security-OBJ/8*

- 7.5.64 There are advantages and disadvantages for the residents of Holly House (HH) in terms of which way the proposed footbridge at the Hathersage west rail crossing is orientated [3.5.57-58]. It has been put forward with the staircase facing to the west, in order to move the span (the highest part) of the bridge as far away as possible from HH. Existing planting in the garden of HH would limit the potential for overlooking from the proposed bridge. Furthermore, additional planting, which could be secured by condition, between the base of the stairs and the garden of the dwelling would be likely to further limit the potential for overlooking into the garden and any real or perceived security risk. Security would be enhanced by the introduction of a stock proof fence at the foot of the stairs to direct walkers away from the garden gate to HH, which is shown on Planning Direction Drawing Revised Sheet No. 14 rev P06<sup>247</sup>.
- 7.5.65 I conclude it is likely that the impact of traffic associated with the proposed footbridge on the privacy and security of residents of Holly House would be acceptable.

#### *Construction traffic through Bamford*

- 7.5.66 The assessment set out in the ES, which was undertaken based on a worst case scenario of all construction facilitated by road delivery, indicated that the Bamford works would be likely to result in only a slight impact in the context of existing traffic. Since then NR have determined that much of the required construction fill material could be delivered by engineering train and consequently, only a fraction of the construction highway traffic previously assumed would be likely. A Traffic Management Plan would form part of the Code of Construction Practice, which would be subject to the approval of the PDNPA<sup>248</sup>. I consider it is unlikely that the scheme would give rise to unacceptable levels of traffic in Bamford [5.20.6].

#### *Oil pipeline diversion*

- 7.5.67 NR has indicated that a number of services have been identified in the vicinity of underbridge MAS/25, including an oil pipeline belonging to CLH Pipeline System Limited (CLH)<sup>249</sup>. Scheduled Work No. 3a set out in Schedule 1 of the Order is described as '*a diversion of an oil pipeline*

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<sup>247</sup> NR/INQ/11.

<sup>248</sup> NR/POE/3.2 para 4.4.

<sup>249</sup> NR16 para 5.2.36.

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(25.72 metres in length)' and the area affected is defined on Deposited Plans No. 2 and 6<sup>250</sup>.

- 7.5.68 In its duly made objection<sup>251</sup>, dated 8 October 2015, CLH has objected to the Order scheme based on concerns that the proposed works within the easement of its pipeline may affect the safety and operation of that infrastructure as well as access to it. CLH did not appear at the Inquiry.
- 7.5.69 NR's Statement of Case indicates that the design of the required extension to underbridge MAS/25 would take into account the location of the oil pipeline and would be detailed so as to transfer no load from the extended underbridge structure to the oil pipeline. Furthermore, a new duct would be installed parallel to the section of the existing pipeline within the shadow of the extended underbridge. The purpose being to minimise the impact of any future pipeline works on the extended underbridge structure, by providing alternative facilities<sup>252</sup>. The draft Code of Construction Practice confirms that measures would be put in place to protect services during the works, including emergency procedures in consideration of site specific hazards<sup>253</sup>. Furthermore, NR has confirmed that access to apparatus beneath MAS/25 would be made available during any emergency, by liaison with the Principal Contractor who would maintain site security<sup>254</sup> [5.10].
- 7.5.70 It appears to me that the approach to the works proposed by NR would be likely to adequately safeguard the interests of CLH. I have not been provided with any evidence to the contrary.
- 7.6 **SoM 6-The measures proposed by Network Rail for mitigating any adverse impacts of the scheme**

*(a) the proposed Code of Construction Practice (CoCP)*

- 7.6.1 The CoCP is the environmental management system which would be required, by proposed condition no. 7 set out in the Request for Deemed Planning Permission, to be agreed with the PDNPA and SCC in advance of any physical works. Its purpose is to ensure that all the construction related mitigation identified in the ES is made binding on the scheme. A draft CoCP is included within the ES<sup>255</sup> and I consider that it demonstrates an intention to secure a comprehensive range of practices and controls over contractors. In addition to the requirements of proposed condition no. 7, conditions attached to the Requested Deemed Planning Permission would secure: an Ecological Management Plan, which would incorporate the mitigation from the ecology and biodiversity assessment; and, a landscaping scheme.

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<sup>250</sup> NR10 sheet 2 of 7 and 6 of 7.

<sup>251</sup> OBJ/2.

<sup>252</sup> NR16 para 5.2.37.

<sup>253</sup> NR15 Folder 9 pages 14-15.

<sup>254</sup> NR/POE/2.2 para 3.4.4.

<sup>255</sup> NR15 Folder 9 document A.

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7.6.2 Following the making of the Order, NR would produce a commitments register for the Scheme, logging all environmental and other commitments made by NR, including in evidence to the Inquiry, as well as identifying responsibility and a timeframe for completion. This would include all relevant incorporated mitigation identified in the ES, CoCP and Deemed Planning Permission during the construction and operational phases of the scheme. NR would be responsible to auditing progress and enforcing its requirements [3.6.1-4].

*(b) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme and (c) whether, and if so, to what extent, any adverse environmental impacts would remain after the proposed mitigation*

7.6.3 PDCS Policy GSP1 indicates that where a proposal for major development can demonstrate a significant net benefit to the National Park, every effort to mitigate the potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.

7.6.4 The ES indicates that there would be residual effects in relation to: ecology and biodiversity; landscape and visual amenity; and, noise and vibration.

7.6.5 *Ecology and biodiversity* - It has been established that there is no activity that requires the acquisition of a European Protected Species licence in consideration of any bat roosts in the locality of the 2 elements of the Scheme. However, bat activity has been recorded in the vicinity of the proposed works and it is possible that disturbance caused by increased activity might have an effect on the local bat population during the construction period. This residual risk would be managed through measures to be included in the EcMP, such as sensitive positioning of lighting and consideration of the timing of noisy works. Favoured badger commuting routes may be temporarily severed during the works. To manage this risk NR intends to re-survey in advance of the commencement of the works, as part of the EcMP, to identify if further mitigation would be required. Indirect effects would occur from habitat loss, although that would be compensated for through habitat creation measures, secured through the implementation of the EcMP<sup>256</sup>. Furthermore, the EcMP would include a commitment to complete the Defra Biodiversity Offsetting calculation to ensure a net positive gain for biodiversity as a result of the Scheme, in keeping with the aims of paragraph 118 of the Framework and section 40 of the Natural Environment and Rural Communities Act, 2006<sup>257</sup> [6.4.8].

7.6.6 *Landscape and visual amenity*– I have determined that the Bamford package would not have a significant adverse effect on the character of the landscape. However, it would give rise to adverse visual impacts.

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<sup>256</sup> NR15 folder 3 part 1 section 5 and part 2 section 5.

<sup>257</sup> NR/INQ/52.

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During the construction phase there would be residual major adverse effects, due to there being views of construction activity, albeit temporary, particularly in relation to the Bamford Loop works and the Hathersage west footbridge from nearby vantage points, such as neighbouring properties and public footpaths. Following construction, a landscaping scheme would be implemented which would diminish the adverse visual impact of the scheme over time. I have concluded overall that the effect of the Bamford package on the character and appearance of the locality would be minor and it would have a negligible impact on the character and appearance of the National Park.

7.6.7 In relation to the Dore package, the vantage points from which the adverse visual impact of construction of the Dore South Curve works would be experienced would be limited. Furthermore, those effects would be satisfactorily mitigated over time, as landscaping implemented following the construction phase matures. I have concluded overall that the effect of the Dore package on the character and appearance of the locality would be minor and acceptable.

7.6.8 *Noise and vibration* - In relation to vibration, no significant adverse effects are predicted either during construction or operation of the Scheme. There is the potential for adverse effects due to construction and operational noise, which are dealt with above in SoM5(a)<sup>258</sup>. I consider that noise associated with the construction phase of the Bamford loop would be likely to exceed the SOAEL at a number of properties, contrary to the aims of the NPSE. However, the impact would be temporary and, in light of the proposed approach to further mitigation, which could be secured as part of the CoCP approval process, it would be unlikely to have an unacceptable impact on the living conditions of local residents.

7.6.9 I consider that the terms of PDCS Policy GSP1 as regards the provision of mitigation measures would be met [3.6.9-12].

7.7 **SoM 7 - The conditions proposed to be attached to the Deemed Planning Permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of conditions (Section ID:21a)**

7.7.1 The original Schedule 1 of the Request for a Direction under section 90(2A) of the *Town and Country Planning Act 1990* lists 8 conditions which NR suggested should be attached to the Direction<sup>259</sup>. At the start of the Inquiry, NR submitted a revised version of its Request, dated 10 May 2016, which contained a number of minor modifications to reflect that: the works to bridge DWS/1 are no longer required; the Hathersage west footbridge would be constructed in accordance with details set out on a submitted plan, rather than in accordance with details to be submitted under the terms of condition no. 8<sup>260</sup>. The

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<sup>258</sup> NR/POE/4.1 section 5.

<sup>259</sup> NR12.

<sup>260</sup> NR/INQ/9.

proposed conditions, including the revisions, were discussed at the Inquiry and I have considered them in light of the six tests of conditions set out in the Planning Practice Guidance [3.7].

- 7.7.2 Condition no. 1 would be required to set a reasonable time limit for the commencement of development. The approval of the stages of the development by the relevant local planning authorities, required by condition no. 2, would be necessary to control the timely submission of details required by conditions 4, 5 and 7. For the avoidance of doubt condition no. 3 would be required to secure compliance with the plans listed in revised Schedule 2 contained within the revised Request for a Direction, dated 10 May 2016. I consider that it would be necessary to omit the phrase *'unless agreed in writing by the local planning authority'*, as it would result in uncertainty and sidestep the statutory process. In my judgement, it would conflict with the 'precision' and 'reasonable' tests of conditions. The Ecological Management Plan, required by condition no. 4, would be necessary to protect and enhance the natural environment. I consider that it would be necessary, in the interests of enforceability, to include a clause to ensure that the plan would be implemented in accordance with the approved implementation timetable. Conditions 5 and 6, requiring a landscaping scheme to be submitted for approval and thereafter implemented and maintained, would be necessary in the interests of visual amenity. I share the view of NR that a 5 year maintenance period would be likely to be sufficient to ensure that planting is established [3.7.3, 5.22.5]. Condition no. 7, which requires the implementation of an approved Code of Construction Practice, would be necessary to mitigate the impacts of construction activity and to protect local and residential amenity. Condition no. 8 would be required, in the interests of visual amenity, to control the details of the proposed Dore & Totle Station footbridge.
- 7.7.3 In addition to the conditions suggested by NR, a number of objectors put forward suggested conditions at the Inquiry, including Mr & Mrs Peel (P1-12); Mr & Mrs Jewitt (J1-14); Mr Williams (W1-15); Mr Hinckley (H1-6); and, Mr Allwood (A1-6)<sup>261</sup>. In my judgement, they are not reasonable and necessary for the reasons set out below.
- 7.7.4 Mitigation measures required during the construction phase, such as working hours restrictions, protection of services and maintenance of access for local residents are matters to be controlled by the CoCP, secured by condition no. 7 above (W4, 5, 6, 7, 15). NR has confirmed that it will seek to maintain space to park 10 cars at Bamford Station throughout the construction period and when a rail replacement bus service is in operation it would pick up at the station. I consider that these matters would fall within the scope of the Traffic Management Plan within the CoCP, secured by condition no. 7 (A3, 4). The routing of heavy goods vehicles and any associated safety measures would also form part of the Traffic Management Plan to be submitted to local planning authorities for approval (A5).

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<sup>261</sup> OP/INQ/34-37 and OBJ/28.2

- 7.7.5 NR has confirmed that arrangements for liaison between the public and those managing the construction activity would be established as part of the external communications programme in the CoCP, secured by condition no. 7 (A2).
- 7.7.6 Noise associated with the Order scheme would be mitigated during construction through measures set out in the CoCP and, as necessary, during operation by the provisions of the *Noise Insulation (Railways and other guided Transport Systems) Regulations 1996*. In my view, separate conditions to secure noise monitoring and insulation are not necessary (P1, 2, 3, 4, 5, J11, 12 and 13, W2, 12). In light of my findings with respect to the likely vibration and air quality impacts of the Order scheme, I consider that monitoring would not be justified (P2, 3, 4, J11, W12).
- 7.7.7 Landscaping would be secured by condition nos. 5 and 6 set out above (P6, 8 and 9, J3, 6, 7, 8, 9, W3, 9, H6). Under the terms of the Order, NR would be obliged to reinstate land and so conditions to secure reinstatement would not be necessary (J4, 5, W14, 8). A condition requiring maintenance of existing railway drainage unaffected by the scheme, which is already the responsibility of NR, would not be necessary or relevant to the proposed development (J10).
- 7.7.8 The provision of the proposed MAS/25 extension, the Hathersage west footbridge and the Bamford loop, which I have found to be acceptable, would be secured by condition no. 3 above, further conditions relating to these matters would not be necessary (P7, 10, W10, 11, H1, 4, 5, W13). NR has confirmed that maintenance of the footbridge structure would be its responsibility as owner of the asset and Derbyshire County Council, as Highway Authority, would be responsible for the safety of the footpath crossing. Under these circumstances, I consider that it would not be necessary to condition those aspects of maintenance (P11).
- 7.7.9 Imposition of a condition to secure measures to limit the speed of vehicles on the A6187 after the construction works are completed would not be reasonable, as it would be a matter for the Highway Authority unrelated to the operation of the railway (J14, H2, 3) <sup>[5.19.2]</sup>. Compensation, which would be dealt with in accordance with the statutory Compensation Code, need not be secured by condition (P12, J1 and 2, W1).
- 7.7.10 As I have already indicated, implementation of the ITSS is a matter for agreement between the DfT and the TOCs, which is outside the scope of the Order and Requested Deemed Planning Permission (A1). I give little weight to the suggestion that the Bamford package compound 2 should be accessed directly from the A6187, to limit HGV traffic through Bamford. As observed by NR, it would require a new railway crossing, which is likely to be impractical (A6).
- 7.7.11 Condition nos. 1-8, which I have amended where necessary to satisfy
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the 6 tests, are set out in Appendix 8 to this Report, 'Schedule 1- Proposed Planning Conditions'

**7.8 SoM 3 - The extent to which the scheme would be consistent with the National Planning Policy Framework ('the Framework'), national transport policy, and local transport, environmental and planning policies**

*The Bamford package*

- 7.8.1 The *National Parks and Access to the Countryside Act 1949* (NPAC) identifies the purposes of National Parks as being: *to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and, to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public*<sup>262</sup>. The NPAC requires that *in exercising or performing any functions in relation to, or so as to affect, land in the National Park, any relevant authority shall have regard to the identified purposes of National Parks*<sup>263</sup>.
- 7.8.2 In keeping with those purposes, section 11 of the Framework: gives encouragement to the protection and enhancement of valued landscapes and confirms that great weight should be given to conserving landscape and scenic beauty in National Parks. Furthermore, it indicates that planning permission should be refused for major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. These requirements are also reflected in PDCS Policy GSP1 [3.3.4].
- 7.8.3 The Bamford package would amount to major development in a National Park. The aim of the Order is to facilitate provision of the infrastructure necessary to enable the operation of the ITSS in the December 2018 timetable. The associated increase in passenger trains, would be likely to make a significant contribution towards meeting the Government's aim of delivering economic, social and environmental benefits to the north of England. At a local level, it would be likely to have a positive impact on the local economy. In these respects it would accord with: the aim set out in the NPSRN of delivering national networks that support a prosperous and competitive economy; the aims of the Derbyshire and Greater Manchester LTPs and Sheffield City Region Transport Strategy as regards improving rail links between Manchester and Sheffield [3.3.11-14].
- 7.8.4 Having considered the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, I have determined that none of the identified alternatives are likely to be preferable to the Order Scheme.
- 7.8.5 Although during the construction of the Bamford package there would be a number of significant adverse effects on the environment, they

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<sup>262</sup> Section 5(1).

<sup>263</sup> Section 11A(2).

would be temporary. I give them limited weight. During its operational phase the Bamford package would be unlikely to have a significant detrimental effect on the environment. The enhancements to services on the Hope Valley line, which would be enabled by the Order scheme, would be likely to result in a decrease in private cars on the National Park's highways in keeping with the spatial objectives of the PDCS and in accordance with PDCS Policies T1 and T2, which give encouragement to modal shift towards sustainable transport<sup>264</sup>.

- 7.8.6 The Bamford package would be likely to improve recreational opportunities, by facilitating an increase in the frequency of train services serving a number of settlements within the National Park. The proposed Hathersage west footbridge would enable the continued use of an existing footpath route.
- 7.8.7 The overall effect of the Bamford package on the character and appearance of the locality would be minor and it would have a negligible effect on the character and appearance of the National Park. I consider that the package of works would conserve the landscape and scenic beauty of the National Park, consistent with the aims of PDCS Policies GSP2 and GSP3. Although it could not be said to enhance natural beauty or landscape of the National Park, it would conserve them and, given its contribution to recreational opportunities, on balance it would accord with the aims of PDCS Policy L1, which seeks to conserve and enhance the valued characteristics of the landscape, which include natural beauty, landscape character and opportunities for outdoor recreation. It would accord with PDCS Policy T3, as regards careful design and taking account of the valued characteristics of the National Park.
- 7.8.8 I conclude on balance that the benefits of the Order scheme would outweigh the harm that it would cause in the National Park. In the particular circumstances of this case the exceptional circumstances necessary to justify major development in the National Park exist and there is a compelling case in the public interest, consistent with the requirements of the Framework and PDCS Policy GSP1 [5.3.2].
- The Dore package*
- 7.8.9 The Dore package is an integral part of the Order scheme and its ability to facilitate provision of the infrastructure necessary to enable the operation of the ITSS in the December 2018 timetable. It would accord with the aims of: the NPSRN of delivering national networks that support a prosperous and competitive economy; the aims of SCS Policy CS 16, the Derbyshire and Greater Manchester LTPs, Sheffield City Region Transport Strategy as regards improving rail links between Manchester and Sheffield [3.3.11-14]; and, SCS Policy CS 51, which gives encouragement to developing alternatives to the car. I have found that the impacts of the Dore package with respect to the environment,

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<sup>264</sup> NR43 pages 46, 128 and 130.

access and station facilities would be acceptable and consistent with the Development Plan.

### *Conclusion*

- 7.8.10 Having had regard to the economic, social and environmental implications of the Order scheme, I am satisfied that both the Bamford and Dore packages would accord with the relevant Development Plan taken as a whole, relevant National and Local Transport Plans, and together would amount to sustainable development in relation to which the Framework presumes in favour.
- 7.8.11 Objections to the Order scheme have not been maintained by the local planning authorities and PDNPA accepts that the major development test set out in paragraph 116 of the Framework would be met [3.3.3]. This adds further weight to my findings.
- 7.9 **SoM 9 - The purpose and effect of any substantive changes to the draft Order proposed by Network Rail and other interested parties, and whether anyone whose interests are likely to be affected by such changes has been notified**
- 7.9.1 At the Inquiry, NR promoted a number of modifications to the draft Order, including the Book of Reference, and Request for Planning Permission. Those modifications as well as the amendments to the proposed conditions that I have identified above are explained below.
- 7.9.2 The draft Order, including the Book of Reference:
- NR/INQ/6 describes necessary amendments identified by NR and DfT since the submission of the application for the Order, related to: modifications as a consequence of legislative changes; a reduction in the scope of works, explained below (DWS/1); and, modifications in the interests of clarity, proposed for the most part by DfT. Those amendments were reflected in 'tracked change' and 'clean' versions of the Order at NR/INQ/7 & 8. As a result of the identification of a typographical error, those documents were updated at NR/INQ/53, 54 & 55.
    - The final version of the Order is set out in **NR/INQ/54**.
  - The Order as drafted sought powers to construct works to replace the bridge supporting the railway over the River Sheaf, known as DWS/1. Since the submission of the Order application, NR has determined that it will not be necessary to undertake those bridge works and has identified the consequential amendments to the Order [6.3]. These include the removal of Order plots 57 to 68 from the Order limits and the Book of Reference. Those with an interest have been notified by NR.
    - The necessary amendments to the deposited plans and the Book of Reference are set out in **Appendix 1 and 2 of NR/INQ/12**.
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- Since the submission of the Order application, it has been brought to NR's attention, by Mr C Jewitt, that Mrs S Williams, Ms N Dixon and Mrs A Sykes no longer have any interest in Order plots 35 and 36. These plots are now in the freehold ownership of Mr & Mrs Jewitt. In addition, Mr Peel confirmed to NR that he possesses a private right of footway over Order plot 35.
  - The necessary amendments to the Book of Reference are set out in **NR/INQ/13**.
- I will refer to the amendments set out above as the '**Order(a) modifications**'. I consider that the Order(a) modifications, which have been discussed at the Inquiry, are of a relatively minor nature and would be unlikely to prejudice the interests of anyone.

#### 7.9.3 The Request for Planning Permission:

- NR has submitted a revised drawing for the proposed Hathersage west footbridge, which it has confirmed reflects the detailed comments received from the local planning authority, the PDNPA; Planning Direction Drawing Revised Sheet No. 14 rev P06. NR/INQ/11 confirms that as the revised drawing sets out the full details of the footbridge, condition no. 8 set out in the original Schedule 1 of the request for Planning Permission would no longer be necessary insofar as it relates to Hathersage west footbridge.
  - *Planning Direction Drawing Revised Sheet No. 14 rev P06*, which replaces *Planning Direction Drawing Sheet No. 14 revision P04 in NR14*, is provided in **NR/INQ/11**. The revised *Schedule 2-Planning Direction Drawings*, attached to the Request for Planning Permission, is provided in **NR/INQ/10**.
- In the section of my Report that deals with SoM7, I have recommended a number of modifications to the suggested Schedule 1-Proposed Planning Conditions set out in NR/INQ/10.
  - Schedule 1-Proposed Planning Conditions, revised in accordance with my recommendations, is provided in **Appendix 8 of this Report**.
- I will refer to these amendments to the Request for Planning Permission as '**RPP(a) modifications**'. In my judgement, taking account of the RPP(a) modifications would be unlikely to prejudice the interests of anyone, as: a copy of the revised footbridge drawing was sent to the remaining objectors before the Inquiry and the drawing was discussed at the Inquiry; and, the revisions to the proposed conditions are of a relatively minor nature.

7.9.4 I conclude that the proposed modifications to the draft Order, including the Book of Reference, and Request for Planning Permission are not substantial in nature and would be unlikely to prejudice the interests of anyone.

7.10 **SoM 8 - Having regard to the criteria for justifying compulsory purchase orders in paragraphs 12 to 15 of the DCLG Guidance on the Compulsory Purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (published on 29 October 2015)**

***(a) whether there is a compelling case in the public interest to justify conferring on Network Rail powers to compulsorily acquire and use land for the purposes of the scheme***

7.10.1 I have set out above the reasons why I consider there to be a compelling case in the public interest in support of the scheme to justify conferring on Network Rail powers to compulsorily acquire and use land for the purposes of the scheme [3.8.1-7].

***(c) whether there are likely to be any impediments to Network Rail exercising the powers contained within the Order, including availability of funding***

7.10.2 DCLG's *Guidance on the Compulsory Purchase process and the Crichel Down Rules, 2015* indicates that the acquiring authority will need to be able to show that: all necessary funding is likely to be available within a reasonable timescale; and, the scheme is unlikely to be blocked by any physical or legal impediments to implementation, including any need for consent.

7.10.3 NR has confirmed that the Northern Hub Programme, of which the Order scheme forms part, has been affirmed as part of the DfT's High Level Output Specification issued in 2012 and will form part of NR's funded works within the current control period 2014-2019. The scheme is subject to a staged business approval process overseen by the DfT. As part of its submissions, NR has calculated, taking account of a number of the identified benefits and following WebTag methodologies, that the scheme would have a BCR of 2.6, which would be regarded by the DfT as high value for money<sup>265</sup>. The limited evidence provided in support of this particular figure does not allow detailed scrutiny of it and so I give it little weight [5.2.20]. Nevertheless, I have no reason to doubt, as confirmed by NR, that the scheme meets the DfT's requirement for value for money, given the DfT's support for the scheme thus far. I understand that this is a matter that the DfT keeps under regular review as part of the ongoing business case approval process<sup>266</sup>. NR has indicated that, under the circumstances, the works to be authorised by the Order can be regarded as fully funded and I have not been provided with any compelling evidence to the contrary. It appears likely to me that the funding necessary to implement the scheme would be available in a timely manner [3.8.10].

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<sup>265</sup> NR16 para 3.10.11.

<sup>266</sup> NR/INQ/50.

7.10.4 NR has confirmed that no consent, permission or licence required under another enactment for the purpose of the powers sought in the Order application has been refused at the date of the application<sup>267</sup> [3.8.10].

7.10.5 However, in its letter of objection, dated 8 October 2015, CLH identifies that the Order scheme would include works within the easement of its oil pipeline, for which its consent would be required under the terms of Part 4 of the *Energy Act 2013*. Furthermore, it has not given consent for those proposed works within its easement. I have not been provided with evidence to the contrary. NR confirmed at the Inquiry that it had yet to reach agreement with CLH concerning the proposed works and its objection had not been withdrawn.

7.10.6 Notwithstanding, as set out earlier in my conclusions, that it appears to me that the approach to the works proposed by NR would be likely to adequately safeguard the interests of CLH, under the circumstances I cannot be sure that CLH's consent is likely to be given.

7.10.7 I have reason to believe that a necessary consent may be refused and that this may block NR from exercising the powers contained within the Order. However, this is a legal matter upon which the Secretary of State may wish to take advice.

***(d) whether all the land and rights in land over which Network Rail has applied for such powers is necessary to implement the scheme***

7.10.8 NR has provided details of how each plot would be used for various aspects of the scheme<sup>268</sup>. I consider that, subject to the Order(a) modifications set out above<sup>269</sup>, no rights or land would be unnecessarily acquired. Furthermore, while NR has sought to acquire the land interests through negotiation, only limited progress has been made. I consider it unlikely that, without compulsory powers, it would be likely to be able to assemble all of the necessary land interests within a reasonable timescale to allow the scheme to be delivered in a timely manner [3.8.11-12].

***(b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Article 1 of the First Protocol to the European Convention on Human Rights)***

7.10.9 DCLG's *Guidance on the Compulsory Purchase process and the Crichel Down Rules, 2015* indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order

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<sup>267</sup> NR8/1.

<sup>268</sup> NR/POE/7.2 Appendix A-Order land uses schedule.

<sup>269</sup> NR/INQ/12 and 13.

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sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the *Human Rights Act 1998 (as amended)*. That is;

*'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

- 7.10.10 The Order does not seek to acquire any residential properties. The effect of the Order would be to deprive those parties identified in its schedules of titles and/or rights to land. NR has provided details of how each plot would be used for various aspects of the scheme<sup>270</sup>. I consider that, subject to the Order(a) modifications set out above<sup>271</sup>, no rights or land would be unnecessarily acquired.
- 7.10.11 In my judgement, the benefits that would result from the proposed scheme demonstrate both the compelling case in the public interest for the Order, subject to the Order(a) amendments, to be made and consistency with local and national policy. The land titles and rights sought by the Order, subject to the Order(a) amendments, are a proportionate response to the needs of the proposals.
- 7.10.12 There is clear evidence that the public benefits associated with the Order, subject to the identified Order(a) amendments, would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be disproportionate [5.12.1].
- 7.10.13 In the event it was determined that there are unlikely to be *any impediments to Network Rail exercising the powers contained within the Order*, I consider that it would be reasonable to conclude on balance, that the public benefits associated with the Order, subject to the identified Order(a) amendments, would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be disproportionate. Therefore, the purposes for which the Order would be made would sufficiently justify interfering with the Human Rights of those with an interest in the land affected.
- 7.10.14 However, I have identified that there may well be an impediment to NR exercising the powers contained within the Order and thereby realising the public benefits associated with it. Under these circumstances, I

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<sup>270</sup> NR/POE/7.2 Appendix A-Order land uses schedule.

<sup>271</sup> NR/INQ/12 and 13.

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conclude that the purposes for which the Order would be made would not sufficiently justify interfering with the Human Rights of those with an interest in the land affected. The tests set out in DCLG's *Guidance on the Compulsory Purchase process and the Crichel Down Rules, 2015* would not be met [3.8.8-9].

7.11 **SoM 10 - Any other relevant matters which may be raised at the Inquiry**

7.11.1 There were no other relevant matters raised at the Inquiry which have not been addressed elsewhere in this Report.

7.12 **Conclusions**

***The Network Rail (Hope Valley Capacity) Order 201[X]***

7.12.1 For the reasons set out above, with particular reference to my finding in relation to SoM8(c) [7.10.4-7, 13-14], I conclude that the Network Rail (Hope Valley Capacity) Order 201[X] should not be made.

7.12.2 Should the Secretary of State conclude otherwise, then in my view it would be appropriate that the Network Rail (Hope Valley Capacity) Order 201[X], the Book of Reference, the Deposited Plans and Sections and the Planning Direction Drawings should be amended in accordance with the Order(a) modifications and then made.

***Request For Deemed Planning Permission***

7.12.3 I have found that the Scheme, with the planning conditions identified in this report, would be consistent with National and Local Planning (including environment) Policy and Transport policy, and any harm would be outweighed by the Scheme's overall benefits.

7.12.4 Section 90(2A) of the *Town and Country Planning Act 1990* would allow the Secretary of State for Transport, on making the Order, to direct that planning permission for the Scheme be deemed to be granted, subject to conditions (if any).

7.12.5 However, deemed planning permission should not be given, if my conclusion on the Order is accepted.

7.12.6 In the event that my conclusion on the Order is not accepted, and the Order is modified and then made, then it would be appropriate for a Direction to be issued that planning permission for the scheme be deemed to be granted, in accordance with the Request for Planning Permission subject to the RPP(a) modifications.

## **8 INSPECTOR'S RECOMMENDATIONS**

- 8.1 I recommend that the Network Rail (Hope Valley Capacity) Order 201[X] should not be made and no Planning Direction should be given.

*I Jenkins*  
INSPECTOR

## 9 APPENDICES

### APPENDIX 1-APPEARANCES

#### FOR NETWORK RAIL:

Ms N Lieven QC	Instructed by Mr J O'Connor, Eversheds.
She called	
Mr T Drury BA MSc	NR
Mr A Dugdale BSc(Hons) CEng MICE MAPM	Mott MacDonald
Mr J Pearson BSc(Hons)	NR
Mr A Morgan BSc MSc IOA DIP Acoustics and Noise Control	Mott MacDonald
Mr N Lee-Gallon PGC BSc(Hons)	Mott MacDonald
Mr P Wyeth BA(Hons) DIP(Hons)	Mott MacDonald
Mr P Glynn Chartered Surveyor FRICS	NR
Mr M Gradwell MTCP MRTPI	NR

#### FOR THE SUPPORTERS:

Mrs K Aspinall	SUP/15
Mr A Walker	SUP/19

#### FOR THE OBJECTORS:

Mr M Hinckley	OBJ/1, OBJ/33
Mr A Peel BEng MSc CEng MIET	OBJ/8
Mr C Jewitt	OBJ/16, OBJ/20
Mrs A Robinson	OBJ/12
Mr K Wheat	OBJ/21, OBJ/26, REP/05
Mr D Crosby	OBJ/21, OBJ/26, REP/05
Ms D Biram	OBJ/21, OBJ/26, REP/05
Mr C Morgan	OBJ/21, OBJ/26, REP/05

Councillor J Monks                      OBJ/18

Mr J Burling                                OBJ/37

FOR OTHERS:

Mr P Leppard                              REP/3

## APPENDIX 2 – CORE DOCUMENTS

<b>CORE DOCUMENTS</b>	
NR1	Application, Network Rail (September 2015)
NR2	Draft Order, Network Rail (September 2015)
NR3	Explanatory Memorandum, Network Rail (September 2015)
NR4	Funding Statement, Network Rail (September 2015)
NR5	Estimated cost of the proposed works, Network Rail (September 2015)
NR6	Statement of Aims, Network Rail (September 2015)
NR7	Consultation Report, Network Rail (September 2015)
NR8	List of consents, permissions, or licenses required under other enactments, Network Rail (September 2015) (NR8/1-Revised list-filed with Mr Gradwell’s evidence bundle)
NR9	A declaration of the status of the applicant, Network Rail (September 2015)
NR10	Deposited Plans and Sections and Traffic Regulation Plans, Network Rail (September 2015)
NR11	Book of Reference, Network Rail (September 2015)
NR12	Request for Deemed Planning Permission and statement of proposed conditions, Network Rail (September 2015)
NR13	Planning and Design and Access Statement, Network Rail (September 2015)
NR14	Planning Direction Drawings in support of the request for a planning direction, Network Rail (September 2015)
NR15	Environmental Statement, Network Rail (September 2015)
NR16	Statement of Case, Network Rail (January 2016)
NR17	The Northern Powerhouse: One Agenda, One Economy, One North. Department for Transport (March 2015).
NR18	Northern Route Utilisation Strategy, Draft for Consultation. Network Rail (October 2010).
NR19	The Town and Country Planning Act (May 1990 as amended).
NR20	Section 8 of the Railways Act (November 1993 as amended).
NR21	The Northern Way Growth Strategy, Steer Davies Gleave (September 2004).
NR22	The Northern Way: Strategic Direction for Transport, Steer Davies Gleave (March, 2006)
NR23	The Eddington Transport Study, Sir Rod Eddington (December, 2006)
NR24	Manchester Hub: Objectives, Options and Next Steps, Steer Davies Gleave (August, 2007)
NR25	Sheffield City Region Transport Strategy 2011-2026, The Integrated Transport Authority for South Yorkshire (April 2011)
NR26	One North - A proposition for an Interconnected North, One North (led by the city regions of Leeds, Liverpool, Manchester, Newcastle and Sheffield) (July 2014)
NR27	Spending Review and Autumn Statement 2015, HM Treasury (November 2015)
NR28	Trans-Pennine Routes Feasibility Study Summary, Department for Transport (March 2015)
NR29	Statistical Release for Rail Passenger Numbers and Crowding on Weekdays in Major Cities in England and Wales, Rail Executive for the Department for Transport (September 2015)
NR30	Long Term Planning Process: Regional Urban Market Study, Network Rail (October 2013)
NR31	Network Rail (Ordsall Chord) Order: Decision letter, Department for Transport (25 March 2015)

<b>CORE DOCUMENTS</b>	
NR32	Manchester Hub Rail Study, Network Rail (July 2005)
NR33	Hathersage West Footpath Crossing Risk Assessment, Network Rail (August 2015)
NR34	Level Crossings Policy, Office of Rail and Road (January 2015)
NR35	Reducing Risks, Protecting People, Health and Safety Executive (December 2001)
NR36	Air Quality Assessment, Bamford Package, Network Rail (June 2015)
NR37	The Appearance of Bridges and Other Highway Structures, Highways Agency (1996)
NR38	Company Standard NR/L3CIV/020 Design of Bridges, Network Rail (March 2011)
NR39	Letter of Instruction NR/BS/LI/331 Issue 2, Network Rail (June 2015)
NR40	Track Design Handbook NR/L2/TRK/2049, Network Rail (March 2010)
NR41	An Everyone Guide to Diversity Impact Assessments, Network Rail (April 2015)
NR42	National Planning Policy Framework, Department for Communities and Local Government (March 2012)
NR43	The Peak District National Park Local Development Framework Core Strategy, Peak District National Park Authority (October 2011)
NR44	National Policy Statement for National Networks, Department for Transport (December 2014)
NR45	Value and Importance of Rail Freight, Network Rail (July 2010)
NR46	Hope Valley Capacity Scheme, Geophysical Survey, Headland Archaeology (UK) Ltd (2015)
NR47	Clause 14 and 22 of Schedule 9 of the Wildlife and Countryside Act (October 1981 as amended)
NR48	Sheffield Development Framework Core Strategy, Sheffield City Council (adopted March 2009)
NR49	Sheffield Unitary Development Plan, Sheffield City Council (adopted March 1998).

**APPENDIX 3 – LETTERS OF OBJECTION, SUPPORT AND REPRESENTATION**

	<b>LETTERS OF OBJECTION</b>
OBJ/1	Mr M Hinckley
OBJ/2	CLH Pipeline System represented by Fisher German LLP
OBJ/3	Withdrawn
OBJ/4	Mr G Pursglove
OBJ/5	Withdrawn
OBJ/6	West View Lane Residents' Association
OBJ/7	Withdrawn
OBJ/8	Mr A Peel
OBJ/9	Withdrawn
OBJ/10	Withdrawn
OBJ/11	Ms K Love
OBJ/12	Friends of the Peak District and the Campaign to Protect Rural England (South Yorkshire Branch)
OBJ/13	Mr D M Biram
OBJ/14	Hathersage Parish Council
OBJ/15	Withdrawn
OBJ/16	Mr & Mrs C Jewitt
OBJ/17	Withdrawn
OBJ/18	Ms J Monks - Derbyshire Dales District Councillor
OBJ/19	Withdrawn
OBJ/20	Mr & Mrs N Williams
OBJ/21	Dore Village Society
OBJ/22	Withdrawn
OBJ/23	Mr D Randall
OBJ/24	Ms N Dickson
OBJ/25	Ms S Williams
OBJ/26	Friends of Dore & Totley Station

OBJ/27	Ms M Pettit and Professor G Birtwhistle
OBJ/28	Mr D Allwood
OBJ/29	Withdrawn
OBJ/30	Withdrawn
OBJ/31	Ms P Grafton
OBJ/32	Woodland Trust
OBJ/33	Mr & Mrs Dickson
OBJ/34	Ms C Sharich
OBJ/35	Withdrawn
OBJ/36	Withdrawn
	<b>LETTERS OF SUPPORT</b>
SUPP/1	First TransPennine Express
SUPP/2	Ms J Collins
SUPP/3	Ms J Thompson
SUPP/4	Mr B Pierce
SUPP/5	Dr C Illingworth
SUPP/6	Ms B Doherty
SUPP/7	Cllr J Otten
SUPP/8	Mr J McIntosh
SUPP/9	Dr J Stubbs
SUPP/10	Ms M Kay
SUPP/11	Mr D Palmer
SUPP/12	Mr E de la Billiere
SUPP/13	Mr H Porteous
SUPP/14	Mr M Pedler
SUPP/15	Hope Valley Rail Users' Group
SUPP/16	Mr & Mrs J Anderson
SUPP/17	Mr A Bingham MP

SUPP/18	Mr M Rose
SUPP/19	High Peak & Hope Valley Community Rail Partnership
SUPP/20	Rev Dr S Cocksedge
SUPP/21	Ms P Enderby
SUPP/22	Manchester Airports Group
	<b>LETTERS OF REPRESENTATION</b>
REP/1	Sheffield Chamber of Commerce & Industry Forum
REP/2	Withdrawn
REP/3	Bamford with Thornhill Parish Council
REP/4	Environment Agency
REP/5	Bradway Action Group
REP/6	Natural England
REP/7	Mr Wrottesley

#### **APPENDIX 4 – STATEMENTS OF CASE**

OBJ/01	Mr M Hinckley
OBJ/08	Mr A Peel
OBJ/12	Friends of the Peak District & CPRE South Yorkshire
OBJ/14	Hathersage Parish Council
OBJ/14.1	Hathersage Parish Council - Further Statement of Case
OBJ/16	Mr & Mrs C Jewitt
OBJ/20	Mr & Mrs N Williams
OBJ/21	Dore Village Society (Objection letter to be treated as Statement of Case)
OBJ/22	Western Power Distribution (East Midlands) plc
OBJ/26	Friends of Dore and Totley Station
OBJ/28	Mr D Allwood
OBJ/33	Mr & Mrs R Dickson
SUPP/15	Hope Valley Rail Users' Group
SUPP/19	High Peak & Hope Valley Community Rail Partnership
REP/03	Bamford with Thornhill Parish Council
REP/05	Bradway Action Group

## APPENDIX 5 – PROOFS OF EVIDENCE

<b>Network Rail Original Proofs</b>	
1. Thomas Drury, Network Rail (Needs and Benefits)	
NR/POE/1.1	Summary of Need and Benefits Proof of Evidence
NR/POE/1.2	Need and Benefits Proof of Evidence
2. Andrew Dugdale, Mott MacDonald (Design and Construction)	
NR/POE/2.1	Summary of Design and Construction Proof of Evidence
NR/POE/2.2	Design and Construction Proof of Evidence
3. Jim Pearson, Network Rail (Environmental Management)	
NR/POE/3.1	Summary of Environmental Management Proof of Evidence
NR/POE/3.2	Environmental Management Proof of Evidence
NR/POE/3.3	Appendix to Environmental Management Proof of Evidence
4. Adrian Morgan, Mott MacDonald (Noise and Vibration)	
NR/POE/4.1	Summary of Noise and Vibration Proof of Evidence
NR/POE/4.2	Noise and Vibration Proof of Evidence
NR/POE/4.3	Appendix to Noise and Vibration Proof of Evidence
5. Neil Lee-Gallon, NLG Ecology Ltd (Ecology)	
NR/POE/5.1	Summary to Ecology Proof of Evidence
NR/POE/5.2	Ecology Proof of Evidence
NR/POE/5.3	Appendix to Ecology Proof of Evidence
6. Paul Wyeth, Mott MacDonald (Landscape)	
NR/POE/6.1	Summary of Landscape and Visual Proof of Evidence
NR/POE/6.2	Landscape and Visual Proof of Evidence
NR/POE/6.3	Appendix to Landscape and Visual Proof of Evidence
7. Philip Glynn, Network Rail (Property)	
NR/POE/7.1	Summary of Property Proof of Evidence
NR/POE/7.2	Property Proof of Evidence
NR/POE/7.3	Appendix to Property Proof of Evidence
8. Michael Gradwell, Network Rail (Planning)	
NR/POE/8.1	Summary of Planning Proof of Evidence
NR/POE/8.2	Planning Proof of Evidence
NR8/1	Revised list of consents
<b>Rebuttal Proofs</b>	
NR/R/1	Rebuttal to Proof of Evidence submitted by Mr Matthew Hinckley
NR/R/2	Rebuttal to Proof of Evidence submitted by Mr and Mrs Williams
NR/R/3	Rebuttal to Proof of Evidence submitted by Mr Roger Dickson
<b>Other Parties Proofs</b>	
OBJ/01 - Mr M Hinckley	
OBJ/01-1	Proof of Evidence
OBJ/01-2	Appendices to Proof of Evidence
OBJ/01-3	Rebuttal
OBJ/08 - Mr A Peel	

OBJ/08-1	Proof of Evidence
OBJ/08-2	Summary to Proof of Evidence
OBJ/12 - Friends of the Peak District & CPRE South Yorkshire	
OBJ/12-1	Proof of Evidence
OBJ/12-2	Appendices to Proof of Summary
OBJ/12-3	Rebuttal Statement
OBJ/12-4	Appendix to Rebuttal Statement
OBJ/14 - Hathersage Parish Council	
OBJ/14-1	Proof of Evidence
OBJ/16 - Mr and Mrs C Jewitt	
OBJ/16-1	Proof of Evidence
OBJ/16-2-4	Appendices to Proof of Evidence
OBJ/20 - Mr & Mrs N Williams	
OBJ/20-1	Proof of Evidence
OBJ/20-2	Statement of Case dated 16 January 2016
OBJ/21-Dore Village Society, OBJ/26-Friends of Dore & Topley Station & REP/5-the Bradway Action Group	
OBJ/21/26/REP05.1	Proof of Evidence
OBJ/21/26/REP05.2	Summary Proof of Evidence
OBJ/22 - Western Power Distribution	
OBJ/22-1	Proof of Evidence
OBJ/22-2	Appendices to Proof of Evidence
OBJ/28 - Mr D Allwood	
OBJ/28.1	Proof of Evidence
OBJ/28.2	Rebuttal Statement
OBJ/33 - Mr & Mrs Dickson	
OBJ/33	Proof of evidence with supporting documents and photographs (photographs separately bound)
REP/03 - Bamford with Thornhill Parish Council	
REP/03-1	Proof of Evidence
REP/03-2	Appendix to Proof of Evidence
SUP/15 - Hope Valley Rail Users' Group	
SUP/15-1	Proof of Evidence
SUP/15.2	Appendix to Proof of Evidence
SUP/15.3	Summary of Proof of Evidence
SUP/19 - High Peak & Hope Valley Community Rail Partnership	
SUP/19-1	Letter of Support dated 04.11.2015
SUP/19-2	Statement of Case
SUP/19-3	Proof of Evidence
SUP/19-4	Appendices to Proof of Evidence
SUP/19-5	Summary of the Proof of Evidence

## APPENDIX 6 – INQUIRY DOCUMENTS

<b>NETWORK RAIL INQUIRY DOCUMENTS</b>	
NR/INQ/1	Network Rail Opening Submission
NR/INQ/2	Network Rail List of Appearances
NR/INQ/3	Status of objectors, representatives and supporters as of 10 May 2016.
NR/INQ/4	Compliance Pack.
NR/INQ/5	Network Rail Response to Statement of Matters.
NR/INQ/6	Order amended for Inquiry (May 2016) – Tracked Version.
NR/INQ/7	Order amended for Inquiry (May 2016) – Clean Version.
NR/INQ/8	Paper of Amendments to the Order.
NR/INQ/9	Request for deemed planning permission amended for Inquiry (May 2016) - Tracked Version.
NR/INQ/10	Request for deemed planning permission amended for Inquiry (May 2016) - Clean Version
NR/INQ/11	Revision to Order Application – Hathersage West Footbridge.
NR/INQ/12	Revision to Order Application – Bridge DWS1.
NR/INQ/13	Book of References amendments for Plots 35 and 36.
NR/INQ/14	Amendments to the Appendices to Ecology PoE - Neil Lee-Gallon.
NR/INQ/15	Supplementary Appendix A to Noise PoE - Adrian Morgan
	Supplementary Appendix B to Noise PoE - Adrian Morgan
	Supplementary Appendix C to Noise PoE - Adrian Morgan
	Supplementary Appendix D to Noise PoE - Adrian Morgan
	Supplementary Appendix E to Noise PoE - Adrian Morgan
	Supplementary Appendix F to Noise PoE - Adrian Morgan
	Supplementary Appendix G to Noise PoE - Adrian Morgan
	Supplementary Appendix H to Noise PoE - Adrian Morgan
	Supplementary Appendix I to Noise PoE - Adrian Morgan
	Supplementary Appendix J to Noise PoE - Adrian Morgan
	Supplementary Appendix K to Noise PoE - Adrian Morgan
	Supplementary Appendix L to Noise PoE - Adrian Morgan

	Supplementary Appendix M(a) to Noise PoE - Adrian Morgan
	Supplementary Appendix M(b) to Noise PoE - Adrian Morgan
	Supplementary Appendix N to Noise PoE - Adrian Morgan
	Supplementary Appendix O to Noise PoE - Adrian Morgan
	Supplementary Appendix P to Noise PoE - Adrian Morgan
NR/INQ/16	Emails from DCC & PDNPA re. Jaggars Lane Footpath Diversion
NR/INQ/17	Email from PDNPA re. Revised Hathersage West Footbridge Design
NR/INQ/18	Bamford Loop: Visitor Economy Economic Impact Assessment Note (6 May 2016)
NR/INQ/19	Traffic & Transportation Review Supplementary Note (5 May 2016)
NR/INQ/20	Note on Business Case result for longer trains
NR/INQ/21	Long Term Rail Strategy (Rail North)
NR/INQ/22	Chapter 7 of the Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment
NR/INQ/23	Supplementary Appendix to Planning PoE – Michael Gradwell
NR/INQ/24	Network Rail Standard GK/RT0064
NR/INQ/25	Better Railway Stations (November 2009)
NR/INQ/26	Note on Indicative Train Service Specification
NR/INQ/26A	Sponsors Instruction
NR/INQ/27	Freight Train Length Clarification Note
NR/INQ/28	Letter from PDNPA withdrawing objection to Major Development in the National Park Test (1 March 2016)
NR/INQ/29	Clarification on GRIP Stages
NR/INQ/30	Business Case Clarification Note
NR/INQ/31	Responses to questions from Mr Dickson (OBJ/33)
NR/INQ/32	Correction to NR/INQ/18 and NR/INQ/19 – Technical notes for visitor economy impacts and traffic and transportation review
NR/INQ/33	Letter of Withdrawal from Western Power (OBJ/22) 13 May 2016
NR/INQ/34	Grindleford Note - Design and Construction - Andrew Dugdale and Jim Pearson
NR/INQ/35	Hope Valley Cunliffe House and Cunliffe Cottage Views
NR/INQ/36	Station Capacity Assessment Guidance

NR/INQ/37	Response to REP/7 Dore and Tolley to Sheffield
NR/INQ/38	Temporary access road to Cunliffe House and Cunliffe Cottage
NR/INQ/39	PDNPA letter of withdrawal
NR/INQ/40	Freight train routes – strategic alternatives clarification note
NR/INQ/41	Gauging note
NR/INQ/42	Noise Acceleration Note
NR/INQ/43	Woodhead tunnels - Written statements to Parliament - GOV
NR/INQ/44	Grindleford Layout plan
NR/INQ/45	Noise NR_R_2_Clarification para 2_3_5_Supplementary Noise Measurements
NR/INQ/46	Response from Outseats PC regarding footpath diversion
NR/INQ/47	Regional urban market study 2013_missing pages
NR/INQ/48	Letter to Mr and Mrs Williams 16 May 2016
NR/INQ/49	MAGIC Grindleford Extract
NR/INQ/50	DfT email 19 May 2016
NR/INQ/51	Letter NR to EA 8 December 2015 and Email to NR 14 December 2015
NR/INQ/52	NLG note on Natural England
NR/INQ/53	Tracked Order 20 May 2016
NR/INQ/54	Clean Order 20 May 2016
NR/INQ/55	Paper of amendments 20 May 2016
NR/INQ/56	Noise Model Parameters
NR/INQ/57	Clarifications to Inspector's Noise Questions
NR/INQ/58	Noise Model Further Clarifications 23 May 2016
NR/INQ/59	Freight Wagon Types - Clarification Note
NR/INQ/60	Senior Route Freight Manager Email dated 17 May 2016
NR/INQ/61	Noise Note in Response to Inspector's questions of 23 May 2016
NR/INQ/62	Noise Note in Response to Inspector's questions of 24 May 2016
NR/INQ/63	Noise Note in Response to Mr Peel's questions of 24 May 2016
NR/INQ/64	Response to Addendum of Closing Statement submitted by Mr & Mrs Jewitt

NR/INQ/65	Closing Statement
NR/INQ/65A	Addendum to Closing Statement
<b>OTHER PARTIES' INQUIRY DOCUMENTS</b>	
OP/INQ/1	Campaign to Protect Rural England (CPRE) Opening Statement
OP/INQ/2	Grindleford GRIP document
OP/INQ/3	Email of 27 April 2016 from Mr Hinckley clarifying wording of email dated 23 April 2016 (APP to Proof)
OP/INQ/4	Email from Mr Matthew Hinckley date 10 May 2016 with correction to wording of his document 4.4.59
OP/INQ/5	Freight Market Study
OP/INQ/6	Regional Market Study
OP/INQ/7	National Policy Statement for National Networks
OP/INQ/8	Extracts from The Northern Transport Strategy – Spring 2016 Report
OP/INQ/9	Ferrybridge – Drax Biomass Plans
OP/INQ/10	Retford Times newspaper article of 27 November 2015 – Ten-year closure countdown for Cottam and West Burton A as coal power bites the dust
OP/INQ/11	Email correspondence between Rodger Dickson and Naomi Procter
OP/INQ/12	NR letter to Matthew Hinckley date 27 May 2015
OP/INQ/13a/b	Extracts from The Northern Way – Short, Medium and Long Term Priorities March 2007 - superseded by OP/INQ/17
OP/INQ/14	Extracts from Station Design Strategy for Network Rail
OP/INQ/15	Extracts from Design Standards for Accessible Railway Stations – Transport Scotland - March 2015
OP/INQ/16	Transforming the North's Railway – Stakeholder Briefing Document and Consultation Response - February 2015, submitted by HVRU Group
OP/INQ/17	Extracts from The Northern Way – Short, Medium and Long Term Priorities March 2007
OP/INQ/18	Extracts from Yorkshire and Humber Route Utilisation Strategy – July 2009
OP/INQ/19	Minutes of meeting held between Network Rail and CPRE held on 25 February 2016
OP/INQ/20	Newspaper Article re Hathersage Lido dated 20 July 2013
OP/INQ/21	Derbyshire Time Article re. tourism 6 September 2012
OP/INQ/22	Photograph of bridge from garden of Mr & Mrs Peel
OP/INQ/23	Pages 97 and 126 of Yorkshire and Humber Route Utilisation Strategy – July 2009
OP/INQ/24	Freight on Rail response to Call for Evidence to National Infrastructure Commission

OP/INQ/25	Documents/Plans re. Gabions
OP/INQ/26	Page 29 – Northern Transport Strategy Spring 2016
OP/INQ/27	Further extracts from The Northern Transport Strategy – Spring 2016 Report
OP/INQ/28	Statement from Christopher Morgan on behalf of Friends of Dore & Totley Station, OBJ-26, Dore Village Society, OBJ-21, and Bradway Action Group, REP-05
OP/INQ/29	The Sheffield Plan – Citywide Options for Growth to 2034 – November 2015
OP/INQ/30	Statement by Mr and Mrs Williams
OP/INQ/31	Closing Statement of Mr and Mrs Peel
OP/INQ/32	Additional rebuttal on behalf of Mr and Mrs Dickson
OP/INQ/33	Aerial photo of Bamford Passing Loop on behalf of Mr and Mrs Dickson
OP/INQ/34	Mr Hinckley-Conditions
OP/INQ/35	Mr & Mrs Peel-Conditions
OP/INQ/36	Mr & Mrs Jewitt-Conditions
OP/INQ/37	Mr & Mrs Williams-Conditions
OP/INQ/38	Hathersage Footbridge Survey
OP/INQ/39	Map for site visit at East Hathersage from Mr Jewitt
OP/INQ/40	Extracts Mr Andrew Walker referred to in his Evidence in Chief
OP/INQ/41	Extracts referred to by Mrs Kath Aspinall in her Evidence in Chief
OP/INQ/42	Statement presented by Councillor Monks on behalf of Derbyshire Dales District Council
OP/INQ/43	Closing Statement submitted by Mr & Mrs Williams (OBJ/20)
OP/INQ/44	Closing Statement submitted by Mr and Mrs Jewitt
OP/INQ/45	Closing Statement submitted by Anne Robinson on behalf of the Friends of the Peak District (OBJ-12)
OP/INQ/46	Closing Statement presented by Mr Hinckley (OBJ-01)
OP/INQ/47	Response to Documents NR/INQ/56 to NR/INQ/59 submitted by Mr Peel
OP/INQ/48	Closing Statement submitted by Mr and Mrs Jewitt with additional addendum
OP/INQ/49	Confirmation of withdrawn objection by Peak District National Park

## APPENDIX 7 – ABBREVIATIONS

BAP	Biodiversity Action Plan.
BCR	Benefits to Costs Ratio.
BS4142	BS4142:2014-Methods for rating and assessing industrial and commercial sound.
BSR	Bamford Station to Jaggars Lane Loop Scoping Report.
BTPC	Bamford with Thornhill Parish Council.
CEMP	Construction Environment Management Plan.
CLH	CLH Pipeline System Limited
CoCP	Code of Construction Practice.
CR	Commitments Register.
CRN	Calculation of Railway Noise 1995.
CRP	High Peak & Hope Valley Community Rail Partnership.
DCC	Derbyshire County Council.
Defra	Department for the Environment Food and Rural Affairs.
DfT	Department for Transport.
EcMP	Ecological Management Plan.
EIA	Environmental Impact Assessment.
ES	The Environmental Statement.
EZ	Enterprise Zone.
FCPRE	Friends of the Peak District and the Campaign to Protect Rural England South Yorkshire
FOC	Freight operating company.
Framework	The National Planning Policy Framework
FTPE	First TransPennine Express.
HH	Holly House.
HPC	Hathersage Parish Council.
HRA	Habitats Regulations Assessment.
HVL	Hope Valley Line.
HVRUG	Hope Valley Railway Users' Group.
IEMA Guidelines	Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment.
ITSS	Indicative Train Service Specification.
LCRA	Level Crossing Risk Assessment-Hathersage West Footpath Crossing.
LNS	Local Nature Site.
LOAEL	Lowest observed adverse effect level.
LTP	Local Transport Plan.
MAG	Manchester Airports Group.
MDT	Major development test (paragraph 116 of the Framework).
MHR	Manchester Hub-Objectives, options and next steps Report, August 2007.
NE	Natural England.
NIR	Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996.
NPPF	The National Planning Policy Framework.
NPSE	Noise Policy Statement for England, 2010.
NPSRN	National Policy Statement for Rail Networks.
NR	Network Rail Infrastructure Limited.
NRUS	Northern Route Utilisation Strategy Draft for Consultation, October 2010.
NTS	The Northern Powerhouse: One Agenda, One Economy, One North-A Report on the Northern Transport Strategy
NTS2016	The Northern Transport Strategy: Spring 2016 Report-One Agenda. One Economy. One North.
NVMP	Noise and Vibration Management Plan.
NW	Mr & Mrs N Williams.
Order	The Network Rail (Hope Valley Capacity) Order 201[X].

ORR	Office of Road and Rail.
PDNP	Peak District National Park.
PDNPA	Peak District National Park Authority.
PDCS	The Peak District National Park Local Development Framework Core Strategy, 2011
Route	The Hope Valley route.
SAC	Special Area of Conservation.
SCC	Sheffield City Council.
SCCIF	Sheffield Chamber of Commerce & Industry Forum.
Scheme	Network Rail's Hope Valley Capacity scheme.
SCS	The Sheffield Development Framework Core Strategy, 2009
Secretary of State	Secretary of State for Transport.
SEL	Sound exposure level.
SOAEL	Significant observed adverse effect level.
SoM	Statement of Matters, provided by the Secretary of State.
SPA	Special Protection Area.
SPP	Special Parliamentary Procedure.
SSSI	Site of Special Scientific Interest.
SPP	Special Parliamentary Procedure.
SUDP	Sheffield Unitary Development Plan, 1998.
TG09	Defra's Local Air Quality Management Technical Guidance for Local Air Quality Management.
TOC	Train operating company.
TPRFS	DfT's Trans-Pennine Routes Feasibility Study Summary, March 2015.
WHO	World Health Organisation.

## **APPENDIX 8**

### **SCHEDULE 1**

#### **PROPOSED PLANNING CONDITIONS**

##### **INTERPRETATION**

In the following conditions:-

"the Applications Rules" means the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I. 2006 No. 1466);

"the Code of Construction Practice" means the code of construction practice to be submitted to and approved by the local planning authority, a draft of which accompanies the Environmental Statement;

"Commence" and "Commencement" in relation to the development authorised by the Order do not apply to preliminary works;

"the Dore & Topley footbridge" means the footbridge comprised within Work No.8;

"the Development" means the development authorised by the Order;

"the Environmental Statement" means the statement of environmental information submitted with the application for the draft Order pursuant to Rule 10(2)(g) of the Applications Rules;

"the Local Planning Authority" means, as respects development in their respective areas, Peak District National Park Authority and Sheffield City Council;

"the Planning Design and Access Statement" means the statement of planning and design and access information submitted with the application for the draft Order;

"the planning direction drawings" means the drawings listed in Schedule 2 to the request for deemed planning permission dated 10 May 2016;

"Network Rail" means Network Rail Infrastructure Limited;

"the Order" means the Network Rail (Hope Valley Capacity) Order;

"Preliminary Works" means site clearance, de-vegetation, remediation, environmental (including archaeological) investigation, site or soil survey, erection of contractors' work compounds, erection of site offices, erection of fencing to site boundaries or marking out of site boundaries;

"Stage" means a defined section or part of the development the extent of which is shown in a scheme submitted to and approved by the local planning authority pursuant to Condition 2 (Stages of development); and, references to numbered works are references to works so numbered in the Order;

Where under any of the following conditions the approval or agreement of the local planning authority or another person is required, that approval or agreement must be given in writing.

### **Time limit for commencement of development**

1. The Development shall commence before the expiration of five years from the date the Order comes into force.

### **Stages of development**

2. No development shall commence until a written scheme setting out all the Stages of the Development has been submitted to and approved in writing by each local planning authority. Thereafter, details pursuant to conditions 4, 5, and 7 must be submitted to and approved in writing by each local planning authority with responsibility for any area within the stage before development of that stage commences.

### **In accordance with the planning direction drawings**

3. The development must be carried out in accordance with the planning direction drawings listed in Schedule 2 to the request for deemed planning permission dated 10 May 2016<sup>272</sup>.

### **Ecology**

4. (a) No Stage of the Development shall commence until an Ecological Management Plan for that Stage has been submitted to and approved in writing by each local planning authority with responsibility for any area within the Stage.  
  
(b) The submitted Ecological Management Plan shall reflect the survey results and ecological mitigation and enhancement measures included in the Environmental Statement, in particular to accord with Chapter 7.6 and Chapter 8.6 of Volume I of the Environmental Statement and the landscape and mitigation details set out in figures C1.4 and C2.7 in Volume III of the Environmental Statement, and must include an implementation timetable.  
  
(c) The development shall be carried out in accordance with the approved Ecological Management Plan.

### **Landscaping**

5. (a) No Stage of the Development shall commence until a Landscaping Scheme for that Stage has been submitted to and approved in writing by each local planning authority with responsibility for any area within the Stage.  
  
(b) The submitted Landscaping Scheme shall include the landscape and mitigation details set out in figures C1.4 and C2.7 in Volume III of the Environmental Statement and the mitigation measures set out in Annex I and J of Volume I of the Environmental Statement and must contain details of hard landscaping, soft landscaping and lighting including:
  - (i) the location, number, species, size and planting density of any proposed planting;

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<sup>272</sup> NR/INQ/10.

- (ii) the cultivation and importing of materials and other operations to ensure plant establishment;
- (iii) hard surfacing material;
- (iv) minor structures such as furniture, fencing, refuse or other storage units and signs;
- (v) lighting;
- (vi) any temporary fencing to protect existing trees adjacent to the development; and,
- (vii) implementation timetables for the works comprised in the landscaping scheme.

### **Implementation and maintenance of landscaping**

6. (a) All landscaping shall be carried out in accordance with the scheme and implementation timetable approved under condition 5.
- (b) Any tree or shrub included in the approved scheme that, within a period of five years after planting, dies, is removed or becomes, in the opinion of the local planning authority, seriously damaged or diseased, shall be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

### **Code of Construction Practice**

7. (a) No Stage of the Development shall commence until a Code of Construction Practice (CoCP) for that stage, including the relevant plans and programmes referred to in paragraph (b) which incorporate the means to mitigate the construction impacts identified in the Environmental Statement, have been submitted to and approved in writing by each local planning authority with responsibility for any area within the Stage.
- (b) Part B of the CoCP shall include the following plans and programmes:
- (i) An external communications programme;
  - (ii) A pollution prevention and incident control plan;
  - (iii) A waste management plan (including a materials management plan);
  - (iv) A traffic management plan;
  - (v) A nuisance management plan concerning dust, wheel washing measures, air pollution and temporary lighting; and,
  - (vi) A noise and vibration management plan, including construction methodology assessment.
- (c) The development shall be implemented in accordance with the approved CoCP and the relevant plans and programmes.

### **Design, appearance, materials, colour scheme of the Dore & Totley Station Footbridge**

8. (a) The design, external appearance and materials for the Dore & Totley

Station footbridge shall conform to the details for this footbridge as set out in the Planning and Design and Access Statement unless otherwise agreed in writing by the local planning authority.

(b) No works in respect of the Dore & Topley Station footbridge shall commence until details of the following have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:

- (i) colour scheme;
- (ii) bridge deck parapet material; and,
- (iii) proposed brick cladding to be applied to the lift shaft and motor room.