

8. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 – REPLACEMENT PEDESTRIAN FOOTBRIDGE OVER THE RIVER WYE AT CRESSBROOK MILL. BRIDGE TO CARRY A CONCESSIONARY FOOTPATH THAT IS AN IMPORTANT ACCESS ROUTE FOR THE SURROUNDING AREA. THE STRUCTURE WILL CONSIST OF A GRIP DECK WITH TIMBER HANDRAILS AND BE OF A SIMPLE DESIGN NOT DISSIMILAR TO THE EXISTING BRIDGE. (NP/DDD/1023/1299) P. 10951

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. This application is reported to Committee as the applicant is the Peak District National Park Authority.
2. It is proposed to replace the existing footbridge over the River Wye, north west of Cressbrook Mill which closed in 2019 for safety reasons.
3. The west bank falls within the Peak District Dales Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) Wye Valley. It is therefore necessary to consider whether the proposed development is likely to have a significant effect on designated sites and therefore an appropriate assessment is required.
4. It is concluded that, taking into account proposed planning conditions, there would be no adverse effects upon the integrity of designated sites either alone or in combination with other plans or projects.

Site and Surroundings

5. The application relates to an existing footbridge crossing the River Wye at Cressbrook Mill. The bridge forms part of a concessionary footpath (Brushfield C1) which connects Cressbrook Mill on the east side of the Wye via Water-cum-Jolly across to Litton Mill, where pedestrians can continue back across the river to the Monsal Trail.
6. The path was originally formalised to enable access from one end of the Monsal Trail to the other, prior to the opening of the Litton and Cressbrook Tunnels to the public in 2011.
7. The route has since remained popular and was identified by the PDNPA Access and Rights of Way Team as a priority route. However, due to the condition of the bridge it has been closed since 2019 for safety reasons.
8. The bridge is formed of 2x steel I-section Universal Beams with timber frame beams, joists, boards and parapets. The original timber deck has been overlaid with a new timber deck, however the joists and beams remain in situ. The existing bridge deck spans a width of 20.7m. The bridge has a depth of 629mm including the old and new overlain deck and supporting beams. Timber parapets measure 870mm in height.
9. North of the footbridge is a weir and mill pond. The Grade II Listed Dale View Terrace and Grade II* Listed Cressbrook Mill are 80m and 125m south east of the bridge respectively. The east edge of the bridge is within the Cressbrook and Ravensdale Conservation Area. The eastern bank of the bridge and adjacent field lie within a TPO which extends a wider area along the bank of the River Wye and across Cressbrook Mill.
10. The west bank of the bridge is within the Peak District Dales SAC and SSSI Wye Valley.

Proposal

11. The accompanying Structural Report confirms significant works are required to upgrade the existing bridge with associated costs not dissimilar to that of a new bridge.
12. The proposal seeks to remove and replace the pedestrian footbridge crossing the River Wye at Cressbrook Mill with a more resilient design featuring a resin infused FRP (fibre reinforced polymer) deck with hardwood parapet.
13. The new bridge would be 21m in width across the River Wye, excluding the stepped access to the bridge from either bank. The bridge deck would have a width of 1.2m and depth of 900mm. Timber parapets would be 1.2m in height.
14. To accommodate the bridge structure, a new foundation would be required on the east bank of the river. The existing stone pier to the east bank of the bridge would no longer be required for the structural integrity of the bridge however it is proposed to be retained and increased in height to the bridge base for visual reasons.
15. The west abutment will be retained although may require some modification. However, due to difficulties investigating the structural integrity of the bridge abutments without removal of the existing bridge, preliminary investigation works would be required upon removal of the bridge to establish the full scope of works relating to the abutments.

RECOMMENDATION:

16. **That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the planning application at Cressbrook Mill (NP/DDD/1023/1299).**

Key Issues

17. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA).
18. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate assessment of the implications of the development for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.
19. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
20. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
21. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk

assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

22. Stage 2 – Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
23. Stage 3&4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Assessment

25. The submitted application is accompanied by an Ecology Report and Habitat Regulations Assessment which concludes that the bridge lies partially within the Peak District Dales SAC to the west and The Wye Valley SSSI.
26. The protected site subject to the HRA screening process (stage 1) is the Peak District Dales SAC.
27. Qualifying features of the SAC include semi-natural dry grasslands and scrubland facies on calcareous substrates Festuco-Brometalia and Tilio - Acerion forests of slopes, screes and ravines. Other SAC features include 3 aquatic species (bullhead, brook lamprey and white-clawed crayfish).
28. The Ecology Report and HRA concludes that the footprint of the new bridge will be within the footprint of the existing structure, therefore direct habitat impact is anticipated to be minimal and mainly confined to the construction phase which will be located on the east side of the River Wye and outside of the SAC / SSSI to the west.
29. Given this and the absence of habitat of value within the immediate potential zone of influence on the western side (i.e. within the SAC / SSSI) no direct effects on protected sites are predicted.
30. In consideration of the ecological assessment above, it is considered that there is not likely to be a significant impact on the SAC (i.e. impact on the habitats and species that are qualifying and primary reasons for selection of the designated site).
31. Nevertheless, the response from Natural England confirms no objection subject to appropriate mitigation being secured due to the potential for adverse effects on the integrity of the SAC and SSSI.
32. Natural England state:

“In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Measures identified within the PEA/HRA should be made conditions of the planning consent.”

33. We agree with Natural England that provided mitigation is secured by planning conditions in accordance with the measures outlined by the submitted Ecology Report and HRA (March 2023) and further ecology response (December 2023), that any potentially significant impacts upon the integrity of the SAC can be avoided. The pre-mitigation assessment of ‘likely significant effect’ can be revised to no likely significant effect.

Conclusion

34. At Stage 1 of the HRA, in view of potential impacts of the development during construction and operation and the extent of the works which are confined to the bridge footprint and the east bank of the river and therefore outside of the SAC/SSSI boundary and any qualifying features, there is not likely to be a significant impact upon the integrity of the SAC.
35. Nevertheless, in light of the response from Natural England which suggests that there is the potential for an adverse effect on the integrity of the SAC, it is concluded that provided mitigation is implemented in full accordance with the Ecology Report (March 2023) and further ecology response (December 2023), potentially significant impacts upon the integrity of the SAC can be avoided and the development would have no likely significant effects.
36. Mitigation can be secured by planning conditions which are recommended in the report on the planning application.
37. The application proposal is therefore not considered to be contrary to the provisions of the Conservation of Habitats and Species Regulations 2019.

Human Rights

38. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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