



Application by Highways England for an Order Granting Development Consent for the A57 Link Roads

Planning Act 2008 – Section 88

Initial Assessment of Principal Issues

6 October 2021

This is the Initial Assessment of the Principal Issues prepared under section 88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

This is an initial assessment of issues based on information available to the ExA at the time of writing and, as such, will not be updated. This is not a comprehensive, exclusive, or detailed list. The ExA will have regard to all matters before it when it submits its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

Some Principal Issues have an interrelationship and overlap that will be reflected in the Examination.

1. General matters - to include:

- a) The PA2008 and other applicable legislation.
- b) "Important and relevant" national and local policy and other matters for the purposes of the PA2008. Consideration of any changes to legislation or policy since the assessments were carried out.
- c) The implications of any relevant National Infrastructure decisions or High Court challenges.
- d) The adequacy of the assessment and mitigation for each environmental topic. Consideration of scope, methodology, study area, receptors and their sensitivity. Baseline conditions, how they were identified and whether all necessary information was obtained given the restrictions during the COVID-19 pandemic.
- e) The magnitude and duration of construction and operational phase effects, mitigation, opportunities for enhancement, residual effects after mitigation and their significance, monitoring and maintenance.
- f) Whether any scoping out of detailed assessment is consistent with applicable legislation and policy, including the National Policy Statement for National Networks and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- g) Whether the assessment methodology reflects best practice, whether it has been applied consistently, and whether the assessment of significant residual effects is fully evidenced and reasoned.
- h) The application of professional judgements and assumptions.

- i) The need for and adequacy of outline/ draft mitigation and management strategies and plans.
- j) Whether the mitigation measures, including embedded measures, are secured and are likely to result in the identified residual impacts, consistent with the Environmental Statement (ES).
- k) The assessment of cumulative effects and the other plans and projects included in the cumulative impact assessment.
- l) Opportunities for enhancement and environmental benefits.
- m) Human rights and equalities duties.
- n) Common law nuisance and statutory nuisance.
- o) The achievement of sustainable development.
- p) Uncertainty arising from the COVID-19 pandemic.
- q) The flexibility sought for the detailed design, construction, and operational phases. Whether the extent of flexibility adopted in the Rochdale Envelope for assessment and evidence is consistent. The extent of the Rochdale Envelope. Understanding how the reasonable worst-case scenario has been assessed.

2. Transport networks and traffic, alternatives, access, severance, walkers, cyclists and horse riders - to include:

- a) The need for the Proposed Development and whether it is supported by the Road Investment Strategy.
- b) The consideration of alternatives including, but not restricted to, a long bypass of Mottram in Longdendale, Hollingworth and Tintwistle and restrictions on heavy commercial vehicles using the A57 and A628.
- c) Whether the traffic modelling is appropriate. Local highways authorities concerns about the transport assessment.
- d) The Transport Assessment, including effects on the local road network, access and severance.
- e) The potential for construction phase congestion, disruption and safety impacts on the strategic and local road networks, public transport and walkers, cyclists and horse riders (WCH). Temporary closures and diversions. Scope, level of maturity and effectiveness of mitigation in the Construction Traffic Management Plan. Liaison with the local transport authorities and other stakeholders and the mechanisms for updating mitigation and controls during detailed design and construction.
- f) The potential for operational phase congestion, disruption and safety impacts on the strategic and local road networks, public transport and WCH. Permanent closures and diversions. Definition, effectiveness and control of mitigation measures, monitoring and liaison with the local transport authorities and other stakeholders, mechanisms for updating mitigation and controls.
- g) Suitability and level of design detail of highways proposals, including, but not restricted to, the design of the junction of the proposed A57 link road with the existing A57, and the deliverability and enforceability of proposed speed limits.
- h) Temporary and permanent effects on public rights of way and non-statutory pedestrian, cycle and horse-riding routes.

- i) The effects on transport policing and other emergency services.
- j) Traffic Regulation measures in the draft Development Consent Order (dDCO).

3. Landscape and visual, green belt and good design - to include:

- a) Protected landscapes and whether the proposal will change travel patterns and demand with regard to access to the Peak District National Park.
- b) Consistency of the approach with the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment.
- c) Identification of important viewpoints and whether those in the Peak District National Park are representative.
- d) Intervisibility between the site and visual receptors.
- e) Assessment of the effects in the absence of detailed design.
- f) The effects on landscape character areas and visual receptors during construction and operation.
- g) Assessment of night-time views and the need for and design of lighting.
- h) The effects on the tranquillity of the site and the surrounding area.
- i) The effects on visual amenity in adjacent residential areas.
- j) Whether the landscape strategy including tree planting is appropriate and whether it changes the character of the sites.
- k) Assessment of effect on the Greater Manchester Green Belt (the Green Belt). Whether those parts of the Proposed Development which fall within the Green Belt would amount to inappropriate development, having regard to the National Planning Policy Framework (NPPF) and relevant development plan policies. If parts of the Proposed Development are inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and amount to the very special circumstances necessary to justify the Proposed Development.
- l) "Good design", including functionality, durability, and aesthetics and with reference to the NPPF and the National Design Guide 2021. The design of the River Etherow Bridge, underpasses and other structures.
- m) Whether the design responds to its setting, considering the effects on existing development including living conditions of occupants and other receptors such as users of public rights of way.

4. The historic environment - to include:

- a) Whether the effects of the construction and operational phases of development on the Cultural Heritage and archaeology of the site have been adequately assessed and if the post development interpretation details are appropriate.
- b) Adequacy of desk based and on-site assessment.
- c) Zone of theoretical visibility and identification of viewpoints.
- d) The effects on designated and non-designated heritage assets including, but not limited to, Melandra Castle Roman Fort, the Church of St Michael and All Angels, other listed buildings and conservation areas.
- e) The effects on the historic landscape.

- f) The effects on the setting of the Peak District National Park.
- g) The extent and effects of below ground works.
- h) Archaeological assets discovered during construction
- i) Whether there would be any sterilisation of archaeological sites.
- j) Opportunities for Public Benefit.
- k) Whether any harm would be substantial or less than substantial and weighting against public benefits.

5. Air quality and climate change - to include:

- a) The Air Quality Directive, the UK Air Quality Strategy and Air Quality Management Areas (AQMA). The potential for an Air Quality Directive-compliant zone to become non-compliant and for the potential for delays for a non-compliant zone to achieve compliance.
- b) Statutory air quality thresholds.
- c) The Greater Manchester Clean Air Plan.
- d) Whether the chosen receptor locations are representative. Consideration of receptors on footpaths.
- e) Whether assessment of the "Scheme opening year" represents a reasonable worst case for the Operational phase.
- f) Consistency of the air quality assessment and methodology with DEFRA's.
- g) The effects on air quality arising from dust deposition and elevated particulate matter concentrations during the construction phase.
- h) The effects on air quality during the operational phase from vehicle fumes.
- i) The effects on Greater Manchester AQMA, Sheffield Citywide AQMA and the potential for effects on AQMA in the High Peak Borough Council area.
- j) The effects related to fine particulate matter.
- k) Air quality pollution control, air quality monitoring and whether potential releases can be adequately regulated under the pollution control framework.
- l) The embodied greenhouse gas emissions from the construction of the Proposed Development.
- m) The greenhouse gas emissions associated with construction and operational transport.
- n) Cumulative greenhouse gas emissions.
- o) The effectiveness of measures proposed to reduce greenhouse gas emissions and minimise the contribution to climate change.
- p) Compliance with national and international obligations and targets.
- q) The vulnerability and resilience of the Proposed Development to risks arising from climate change.

6. Noise, vibration, and nuisance - to include:

- a) Compliance with statutory requirements including the Noise Policy Statement for England, NPPF and Planning Practice Guidance.

- b) Identification of receptors for the assessment.
- c) The effects on noise sensitive receptors, residential premises, Noise Important Areas, noise sensitive areas, quiet places, areas valued for their tranquillity and designated sites.
- d) Construction noise, vibration and working hour limits.
- e) Operational noise and vibration.
- f) Residential properties and other receptors likely to experience significant adverse or beneficial noise or vibration effects during the construction or operational phases .
- g) Noise and vibration control measures for the construction and operational phases. Associated measures for communication, monitoring, and complaints. How the control measures are secured.
- h) The application of the Noise Insulation Regulations and properties that may require noise insulation or temporary re-housing.
- i) Common law nuisance and statutory nuisance

7. Soils, ground conditions, material assets and waste - to include:

- a) The effects on soils, ground conditions and material assets.
- b) Contaminated land and land quality pollution control, including the degree of uncertainty of existing contamination and the extent of remedial works.
- c) Waste generation, on-site waste treatment, off-site waste management and the effects on available landfill capacity.

8. The water environment, drainage, flood risk assessment, water frameworks directive - to include:

- a) Sufficiency of Flood Risk Assessments, application of the sequential and exception tests and the account taken of climate change. The extent of land within Flood Zone 3b and the approach to compensatory floodplain storage.
- b) The effects on groundwater and surface water, including Source Protection Zones, water dependent resources and receptors during the construction and operational phases.
- c) Surface water drainage, Sustainable Urban Drainage Systems, discharges, and compliance with national standards.
- d) Modifications to local drainage systems, including ordinary watercourses.
- e) Hydrogeological risk at the Mottram Underpass.
- f) Compliance with the Water Framework Directive.

9. Biodiversity, ecological and geological conservation - to include:

- a) The Shadow Habitats Regulations Assessment. Screening of European sites. Potential impact pathways and the avoidance measures for impacts to Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Special Areas of Conservation.
- b) Other statutory designated sites.
- c) Non-statutory designated sites of interest.

- d) Non-designated sites of interest and the weight given to effects on them.
- e) Rationale for scoping in/out the sites.
- f) The effects on other habitats including marshland, grassland, trees, woodland, standing and running water.
- g) Whether there are any irreplaceable habitats.
- h) The Arboricultural Impact Assessment. The removal, cutting or lopping of trees and hedgerows, including any subject to tree preservation orders. Locations, justification, compensation and replacement.
- i) Species surveys and whether they are sufficiently comprehensive and up to date.
- j) The effects on protected and invasive species and the mitigation strategies.
- k) Habitat mitigation, management of retained habitats and how this is secured.
- l) Noise, vibration, artificial light, air quality and hydrology-related effects on biodiversity.
- m) Pre-commencement, construction, and operational phase monitoring and how it is secured.
- n) Application of the Ecological Mitigation Hierarchy.
- o) The Biodiversity Net Gain assessment, including the relevance of the Environment Bill 2020.
- p) Geological conservation.

10. Land use, social and economic, human health - to include:

- a) The effects on economic development and regeneration.
- b) The effects of visitor and worker expenditure.
- c) The effects on construction employment.
- d) The effects on the labour market, businesses, business opportunities and the supply chain.
- e) The effects on housing delivery arising from land-take and construction works.
- f) The effects of displacing existing residential dwellings.
- g) The proposed relocation of Mottram Showground.
- h) The effects on community uses, including open spaces, public rights of way and other recreational or community facilities, and the associated effects on local communities.
- i) The effects on human health and well-being, including the effects on the living conditions of surrounding residents from construction and operational activities and changes to the natural environment.

11. Other environmental topics - to include:

- a) Transboundary effects.
- b) Safety, security, accident and disasters assessments and mitigation, with particular reference, but not limited to, highway safety on the A57 at Snake Pass and A628 at Woodhead Pass and the delivery of accident mitigation measures.

- c) The effects on aviation and defence.
- d) Decommissioning.
- e) Cumulative effects.
- f) Other important and relevant considerations.

12. Compulsory Acquisition, Temporary Possession, Statutory Undertakers and funding - to include:

- a) Whether all relevant statute and guidance has been complied with, including compliance with the PA2008 and with relevant guidance, including "Planning Act 2008: guidance related to procedures for the compulsory acquisition of land Department for Communities and Local Government (DCLG) September 2013".
- b) Accuracy of the Book of Reference, including the identification of persons to be listed within Category 3. Accuracy of the Land Plans. Updates during the Examination.
- c) Whether the full extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements and rights under streets, are necessary to facilitate or are incidental to the Proposed Development.
- d) The Statement of Reasons and whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary and proportionate and whether it is clear how the Applicant intends to use the land.
- e) Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the dDCO that justifies interference with the human rights of those affected.
- f) Whether the temporary possession powers sought are needed to enable the construction of the Proposed Development; the total period of time for which the land may be subject to temporary possession; and whether the powers sought are compatible with Human Rights tests.
- g) Minimisation of the need for acquisition of land and rights, including full consideration of acquisition by agreement and the exercise of any existing land option agreements.
- h) The weight given to compulsory acquisition, temporary possession and human rights when alternatives were assessed.
- i) Whether all reasonable alternatives to compulsory acquisition have been explored.
- j) The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the dDCO; any necessary side agreements; and compliance with s127 and s136 of the PA2008.
- k) The protection of Mottram Longdendale Aqueduct.
- l) The adequacy of the Protective Provisions set out in the dDCO and the need for any other Protective Provisions to safeguard relevant interests.
- m) Potential impediments to development.
- n) Crown Land subject to escheat and the relevance of s135 of the PA2008.

- o) Special Category Land; whether any that is proposed to be developed is surplus to requirements; the suitability of replacement land; the need for Special Parliamentary Procedures and s131 and s132 of the PA2008.
- p) The demonstration of ongoing diligent enquiry to identify any unknown rights and updates during the Examination.
- q) Any objections, the Applicant's responses, and related evidence; updates on negotiations, voluntary agreements, and blight during the Examination.
- r) Whether there are suitable dDCO provisions for compensation.
- s) The adequacy and security of project funding and guarantees for compensation.
- t) Whether adequate funding would be available to enable the Applicant to carry out the compulsory acquisition within the statutory period. The robustness of costings set out in the Funding Statement.

13. The dDCO and other consents, obligations, and agreements - to include:

- a) Provisions required for the Proposed Development to be implemented satisfactorily.
- b) The reasoning provided in the Explanatory Memorandum (EM) and departures from the model provisions set out in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.
- c) The clarity of definition and the consistency of use of terms and phrases referred to in the dDCO.
- d) Whether a full, precise, and complete description has been provided of the "principal development" and "associated development".
- e) Whether all "associated development" is necessary.
- f) Whether the dDCO and supporting documents adequately define and control the phasing of the Proposed Development.
- g) The status of the dDCO Requirements and associated provisions and documents; whether they are reasonable and relevant to planning and the development to be consented; whether they are enforceable and precise; and whether they secure the proposed mitigation and monitoring.
- h) Whether any additional Requirements are necessary.
- i) Whether the flexibility provided for the detailed design, construction or operational phases can be justified, and whether it represents a reasonable approach. The limits of deviation.
- j) The proposed procedures for consultation on and the discharge of Requirements, and for approvals, consents, and appeals, including arbitration; and the roles of the local authorities and of other statutory and regulatory authorities.
- k) The need for and means of securing funding for any necessary monitoring and enforcement of the dDCO Requirements.
- l) The identification of other consents, obligations, or agreements (including relevant s106 agreements) required before the Proposed Development can become operational, progress in obtaining them, and comfort/ impediments and timescales for them being granted. The timing of applications for any required Environmental Permits from the Environment Agency.