

ExQ2: Tuesday 17 December 2024  
Responses due by Deadline 5: Friday 10 January 2025



## **TR010064: Application by National Highways for the M60/M62/M66 Simister Island Interchange Project**

### **The Examining Authority's Written Questions and requests for further information**

**Issued on 17 December 2024**

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information – ExQ2.

Questions are set out using an issue-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 7 August 2024 [[PD-008](#)]. Questions have been formulated as they have arisen from representations, examination of the issues and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could provide a substantive response to all questions directed to them, or indicate that the question is not relevant to them for a reason. This does not preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code, followed by an issue number (indicating that it is from ExQ2) and a question number. For example, the first question on air quality is identified as AQ.2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a small number of questions, answers in a letter will suffice. An editable version of this table in Microsoft Word is available on request from the case team: please contact [M60SimisterIsland@planninginspectorate.gov.uk](mailto:M60SimisterIsland@planninginspectorate.gov.uk) and include 'M60/M62/M66 Simister Island Interchange Project' in the subject line of your email.

**Responses are due by Deadline 5: Friday 10 January 2025.**

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

### Abbreviations Used

<b>AP</b>	Action Point
<b>BMBC</b>	Bury Metropolitan Borough Council
<b>BNG</b>	Biodiversity Net Gain
<b>CAH1</b>	Compulsory Acquisition Hearing 1
<b>ECoW</b>	Ecological Clerk of Works
<b>EMA</b>	Environmental Mitigation Area
<b>EMP</b>	Environmental Management Plan
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>ExQ1</b>	Examining Authority's first written questions
<b>D</b>	Deadline
<b>dB</b>	Decibel
<b>DCO</b>	Development Consent Order
<b>dDCO</b>	Draft Development Consent Order
<b>DHA</b>	Designated Heritage Asset
<b>EMA</b>	Environmental Mitigation Area
<b>GhG</b>	Greenhouse Gas
<b>IPs</b>	Interested Parties
<b>ISH1</b>	Issue Specific Hearing 1
<b>ISH2</b>	Issue Specific Hearing 2
<b>LIR</b>	Local Impact Report
<b>MCC</b>	Manchester City Council
<b>NH</b>	National Highways
<b>NNPS</b>	National Policy Statement for National Networks (2024)
<b>NIR</b>	Noise Insulation Regulations
<b>NO<sub>2</sub></b>	Nitrogen Dioxide
<b>NPPF</b>	National Planning Policy Framework December 2024
<b>NPSNN</b>	National Policy Statement for National Networks (2015)
<b>PM<sub>2.5</sub></b>	Particulate matter less than 2.5µm in diameter (where the number denotes the particulate size diameter in micrometres)
<b>RPG</b>	Registered Park and Garden
<b>REAC</b>	Register of Environment Actions and Commitments (contained in the First Iteration Environmental Management Plan)
<b>PRoW</b>	Public Rights of Way

ExQ2: Tuesday 17 December 2024

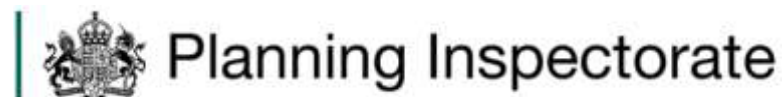
Responses due by Deadline 5: Friday 10 January 2025

<b>SoS</b>	Secretary of State for Transport
<b>SPD</b>	Supplementary Planning Document
<b>SRN</b>	Strategic Road Network

### **The Examination Library**

References in these questions set out in square brackets (eg [APP-100]) are documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR010064-000278-M60 Simister Island Examination Library.pdf \(planninginspectorate.gov.uk\)](#)



## Index

Broad, general and cross-topic questions.....	6
Air Quality .....	7
Biodiversity (including Habitats Regulations Assessment) .....	9
Climate.....	11
Compulsory Acquisition and Temporary Possession of land and Rights.....	12
Cumulative and In Combination Effects.....	14
Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment .....	14
Design.....	14
Draft Development Consent Order .....	16
Articles.....	16
Schedule 1 – Authorised Development .....	17
Schedule 2 – Requirements .....	17
Geology and Soils.....	19
Green Belt.....	19
Historic Environment.....	20
Landscape and Visual.....	21
Material Assets and Waste .....	21
Need .....	21

ExQ2: Tuesday 17 December 2024  
Responses due by Deadline 5: Friday 10 January 2025

Noise and Vibration.....	22
Population and Human Health .....	24
Road Drainage and Water Environment .....	26
Traffic, Transport and Access .....	26

ExQ1	Question to:	Question
<b>Broad, general and cross-topic questions</b>		
BCG.2.1	Applicant, Bury Metropolitan Borough Council (BMBC) and Interested Parties (IPs)	<p><b>Revised National Planning Policy Framework 2024 (NPPF)</b></p> <p>The Ministry of Housing, Communities &amp; Local Government published a revised NPPF on Thursday 12 December 2024. The applicant, BMBC and all IPs are invited to submit any comments on the revised version, and particularly whether any of the changes would have any implications for the examination of this application.</p>
BCG.2.2	Applicant	<p><b>The Management of Hedgerows (England) Regulations 2024</b></p> <p>The Management of Hedgerows (England) Regulations 2024 came into force in May 2024. Do these regulations have any implications for the application, the assessment of effects contained in the Environmental Statement (ES) or any of the proposed mitigation measures? If so, please make any adjustments to or include any additional mitigation measures so that they align with any relevant requirements in the regulations.</p>
BCG.2.3	BMBC	<p><b>Appointment of Ecological Clerk of Works (ECoW)</b></p> <p>Is BMBC satisfied that no details have been provided in the application documents on the appointment process for the ECoW, who would ultimately have responsibility for ensuring compliance with the ecological elements of the scheme, and that this process would rest solely with the applicant? If so, explain why and if not, explain whether provision should be made for BMBC to approve or be consulted on the appointment of the ECoW and how this could be secured.</p>
BCG.2.4	BMBC	<p><b>Consultation Draft Northern Gateway Development Framework Supplementary Planning Document (SPD)</b></p> <p>Provide a copy of the consultation draft of the Northern Gateway Development Framework SPD that was referred to in compulsory acquisition hearing 1 (CAH1) [EV9-001] and issue specific hearing 2 (ISH2) [EV10-001]. Include signposting to the sections within the consultation draft development framework that are relevant to this application.</p>

ExQ1	Question to:	Question
<b>Air Quality</b>		
AQ.2.1	Applicant	<p><b>ES Methodology – Baseline</b></p> <ol style="list-style-type: none"> <li>ES Chapter 5 [APP-044] uses the year 2018 as a baseline. Notwithstanding the transport baseline, explain why this baseline year was selected for air quality, why it represents a robust basis for assessment and why a more recent year was not used.</li> <li>Noting data supplied by BMBC in [REP3-034] and their comments in response to ExQ1 AQ.1.2 [REP3-031] that “<i>The GM monitoring data indicates that air pollution generally decreased in 2023 compared with 2022</i>”, is there a possibility that there would be no exceedances in limit values on the Strategic Road Network (SRN) in a <i>Do Minimum</i> scenario notwithstanding the findings in ES Chapter 5? If so, how much benefit would the scheme contribute to reducing exceedances in limit values?</li> </ol>
AQ.2.2	Manchester City Council (MCC)	<p><b>Air Quality Objectives and Air Quality Receptor Locations</b></p> <p>In the Examining Authority (ExA)’s first written questions (ExQ1) [PD-011], the ExA directed questions AQ.1.4 and AQ.1.5 to MCC, however no response was received. Noting that there are matters of relevance to your local authority area, please provide a response to the questions.</p>
AQ.2.3	BMBC	<p><b>Programme of Air Quality Monitoring for Nitrogen Dioxide (NO<sub>2</sub>)</b></p> <p>Your response to Action Point (AP) 24 from ISH2 in [REP4-029] explains why you consider a programme of air quality monitoring using diffusion tubes for NO<sub>2</sub> is required and that operational air quality monitoring could be secured in the draft Development Consent Order (dDCO) at schedule 2, Part 1, 4 (7)(b).</p> <ol style="list-style-type: none"> <li>Explain further how operational air quality monitoring could be secured in the dDCO at schedule 2, Part 1, 4 (7)(b).</li> <li>Would any additional drafting be required to the dDCO to secure operational air quality monitoring? If so, please provide this.</li> <li>Explain how securing a programme of air quality monitoring for NO<sub>2</sub> and any drafting provided in your response to point 2) would meet each of the six tests for imposing requirements listed in paragraph 15.2 in Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders (which also cross refers to the tests in paragraph 57 of the NPPF).</li> </ol>

ExQ1	Question to:	Question
AQ.2.4	Applicant	<p><b>National Highways Legal Requirement to Meet Limit Values and Monitoring</b></p> <p>Your response to AP 25 [REP4-028] states “<i>National Highways [(NH)] does have a legal requirement to meet limit values where they apply on the Strategic Road Network</i>”. It goes on to state that “<i>limit value compliance modelling and recent monitoring do not show any risk of limit value exceedance on the Strategic Road Network on or around the Scheme and so no monitoring is required.</i>”</p> <ol style="list-style-type: none"> <li>1. Provide further details of NH legal requirements with respect to meeting limit values on the SRN.</li> <li>2. Provide further details of the recent modelling referred to on the SRN on or around the scheme and the results from any such modelling.</li> <li>3. Noting your response to BMBC’s third point of context in AP 25 that NH are “<i>under no obligation to undertake air quality monitoring unless there is a potential exceedance</i>”, and also BMBC’s comment in response to ISH2 AP24 in [REP4-029] that NH is the ‘agent of change’ in the area where the main source of NO<sub>2</sub> pollution is the motorway, explain what would trigger NH to undertake monitoring if future concerns that exceedances in limit values on the SRN on or around the scheme were occurring, notwithstanding the findings in the ES. Would this require collaboration with the relevant local authorities?</li> <li>4. Explain the measures that NH could take to reduce any potential exceedances on the SRN on or around the scheme during operation, providing evidence of any examples where NH has been required to undertake measures to meet limit values on the SRN.</li> </ol>
AQ.2.5	Applicant	<p><b>Dust Monitoring – Complaints Procedure</b></p> <p>Provide further details of how the complaints procedure would operate for local residents in respect of the Air Quality and Dust Management Plan and how the responsibilities of the Principal Contractor’s Community Liaison Manager described in the First Iteration Environmental Management Plan (EMP) [REP4-024] would successfully resolve any complaints. In particular, would there be a mechanism that would allow local residents to escalate any matters to BMBC in the event of any disagreement to the Principal Contractor’s response to resolving any complaints?</p> <p>You may wish to combine your response to this question as part of your response to ISH2 AP23.</p>



<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
AQ.2.6	Applicant	<p><b>Particulate Matter (PM) 2.5</b></p> <p>In your response to Friends of Carrington Moss [REP4-027] you have referred to automatic analysers located on the M602 and the M60 (between Junction 5 and 6) which are considered to be representative of the PM<sub>2.5</sub> concentrations experienced by receptor R3, which has the highest modelled particulate concentration with the proposed scheme.</p> <p>Are the readings for NO<sub>2</sub> at these locations also representative of those modelled at Receptor R3?</p>
<b>Biodiversity (including Habitats Regulations Assessment)</b>		
BIO.2.1	Applicant	<p><b>Clarification – Foraging habitats</b></p> <p>ES Chapter 8 [REP3-010] paragraph 8.10.106 states in respect of loss of bat foraging habitat “<i>However, the losses of woodland and grassland would be small in comparison to the overall amount of habitat available in the surrounding area</i>”. Likewise, paragraph 8.10.108 refers to ‘wider landscape’.</p> <p>Explain what is meant by ‘surrounding area’ and ‘wider landscape’ in terms of the size of geographical area being referred to.</p>
BIO.2.2	Applicant	<p><b>Habitat Loss and Habitat Gain</b></p> <p>Your response to AP 30 [REP4-028] states “<i>the Scheme also needs to mitigate the general loss of habitats including lowland mixed deciduous woodland (priority habitat), broadleaved woodland, modified grassland, other neutral grassland and scrub (Table 8.17, Chapter 8 Biodiversity [REP3-010]).</i>” Whilst it is noted that the response to AP 30 refers to Figure 8.1.5 in ES Appendix 8.1 [APP-089] as allowing visualisation of the locations of existing hedgerows which would be removed during construction of the Northern Loop, this does not contain all the information detailed in Table 8.17.</p> <p>Provide a plan mapping the areas where each of the habitat types in table 8.17 would be retained, enhanced, and lost. In terms of areas to be created, also include any of the habitat types not already included in the Environmental Masterplan [APP-057].</p>

ExQ1	Question to:	Question
BIO.2.3	Applicant	<p><b>Bat Activity and Impacts from Construction Lighting</b></p> <p>Paragraphs 8.10.114 and 8.10.115 of ES Chapter 8 [REP3-010] both refer to “<i>the low levels of bat activity recorded</i>” to justify the conclusions reached in those respective paragraphs relating to site lighting during construction. However, as displayed during ISH2, there are areas within the order limits that are identified on Figure 8.3.3 in ES Appendix 8.3 [APP-091] as having high activity for Common Pipistrelle bat species.</p> <p>Given that areas of high bat activity are identified, justify the conclusions reached in those paragraphs, particularly the areas closest to the proposed Northern Loop.</p>
BIO.2.4	Applicant	<p><b>Bat Activity and Impacts from Operational Lighting</b></p> <p>ES Chapter 8 [REP3-010] paragraph 8.10.255 states “<i>On balance it is assessed that the lighting that would be provided would be no worse, but potentially an improvement compared to the existing lighting, and no worsening of effects is predicted</i>”.</p> <p>Noting that commitment G7 of the Register of Environmental Actions and Commitments (REAC) within the First Iteration EMP states that a suitable lighting strategy would be developed in accordance with good practice on lighting with regard to protected species, explain how this conclusion has been reached in the absence of a lighting strategy.</p>
BIO.2.5	Applicant	<p><b>Securing Environmental Mitigation Areas (EMAs) in Perpetuity</b></p> <p>The ExA notes the content of the Outline Landscape and Ecology Management Plan in Appendix N of the First Iteration EMP [APP-141] and particularly Table N.12 which identifies the maintenance activities for landscape and ecology following the initial five years aftercare period.</p> <p>Explain whether the Third Iteration EMP, required under requirement 4(6), (7) and (8) of the dDCO, would secure the retention of the EMAs in perpetuity and if so, how. If not, provide justification of why you consider not stipulating the retention of the EMAs in perpetuity would be appropriate.</p>

ExQ1 Climate	Question to:	Question
CC.2.1	Applicant	<p><b>Road User Greenhouse Gas (GhG) Emissions</b></p> <p>Table 14.22 summarises the estimated construction phase GhG emissions. Explain further why use of the existing road network during the construction phase (road user GhG emissions) is a negative figure and has been included in the table, or signpost to where in the application documents this is explained.</p>
CC.2.2	Applicant	<p><b>Measures to off-set Residual Carbon Emissions</b></p> <p>National Networks National Policy Statement (NNNPS) 2024 paragraph 5.35, which is potentially capable of being an important and relevant consideration in the decision-making process under the transitional provisions set out in paragraphs 1.16 and 1.17 of that same document, states that a carbon management plan should be produced as part of the DCO submission. Bullet point 4 of the list within paragraph 5.35 requires the plan to include whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework.</p> <p>No reference has been made to this requirement in the First Iteration EMP - Appendix O Outline Carbon Management Plan [APP-142], nor has this been directly addressed in either the Draft National Policy Statement for National Networks Accordance Tables [APP-148, page 56] or the Comparative Assessment with the designated NPSNN (24 May 2024) [AS-007, pages 15-16].</p> <p>Explain why the proposed development does not include any voluntary measures to off-set residual carbon emissions using a recognised framework as per NNNPS 2024 paragraph 5.35.</p>
CC.2.3	Applicant and BMBC	<p><b>Legal Judgements</b></p> <p>The ExA notes that the applicant has been unable to conclude the review of the ES with regard to the implications of recent legal judgements referred to in ExQ1 CC.1.5 and this will be submitted at deadline (D)5.</p> <p>The ExA requests that as part of its response, the applicant categorises the different emissions accounted for in any updates to its assessment which differ from those used in the current</p>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

ExQ1	Question to:	Question
		<p>assessment, particularly in relation to downstream GhG emissions and how any updated assessment would meet the findings in the Finch Judgement.</p> <p>In addition to the legal judgements referred to in ExQ1 CC.1.5, what, if any, implications does the finding in the high court ruling of Friends of the Earth Ltd &amp; South Lakeland Action on Climate Change vs SSLUHC, West Cumbria Mining Ltd &amp; Cumbria CC [2024] EWHC 2349 (Admin) have in the decision on this application?</p> <p>The applicant may wish to combine its response to this question as part of your response to ExQ1 CC.1.5.</p>
CC.2.4	BMBC	<p><b>Greater Manchester 2038 Carbon Neutrality Target and Climate Emergency Declaration</b></p> <p>To what extent does the carbon neutrality 2038 target apply to road transport emissions on the SRN?</p>
CC.2.5	BMBC	<p><b>Boswell Judgements</b></p> <p>The ExA notes BMBC's agreed note with the applicant in response to AP27 from ISH2 [REP4-029], which summarises the factual position of the Boswell judgements. Explain whether this has any implications to your position stated in response to ExQ1 CC.1.2 and CC.1.3 [REP3-031] and that advocated during ISH2.</p>
<b>Compulsory Acquisition and Temporary Possession of land and Rights</b>		
CA.2.1	Applicant	<p><b>Funding</b></p> <p>In their response to ExQ1 question CA.1.12 [REP3-023] the applicant confirmed that the Secretary of State for Transport (SoS) had commissioned a review of the Department for Transport's spending portfolio (including current and future road schemes), and that while this review was ongoing, the commitment to the scheme remained in place. This was further discussed in CAH1 [EV9-001]. Please provide any update and confirm, to the best of available knowledge, that the funds still remain available for the proposed development.</p>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
CA.2.2	Applicant	<p><b>Plot 4/2c and Plot 4/3</b></p> <p>Explain why temporary possession and permanent rights are being sought for both Plot 4/2c and Plot 4/3.</p>
CA.2.3	Applicant	<p><b>Crown Land</b></p> <p>With respect to Plot 4/3 please advise when it is expected that the necessary consent from the appropriate crown authority to the compulsory acquisition of its affected land will have been obtained.</p>
CA.2.4	Applicant, BMBC and Hillary Family	<p><b>Consultative Draft Northern Gateway Development Framework SPD and Relationship with Hillary Family Land</b></p> <p>The Hilary Family response [REP4-031] in paragraph 1.4 states “<i>The indicative masterplan for the Draft SPD indicates that all of the land in the ownership of the Hillary Family within the Order limits falls within the "potential developable area"</i>. Conversely, the applicant’s response to BMBC’s response to ExQ1 CICE.1.3 in [REP4-027] on page 34 states “<i>The Applicant also notes that the draft masterplan does not include any development parcels on land affected by the Northern Loop proposal</i>”.</p> <p>Can the Hillary Family and applicant clarify their respective positions by signposting to where in the draft framework this is detailed.</p>
CA.2.5	Applicant	<p><b>Plot 1/1a</b></p> <p>In CAH1 the applicant explained that the whole of Plot 1/1a was within the ‘limits of highway deviation’ as indicated by pink shading on the Works Plans [AS-006]. The termination of the linear works (indicated by dumbbells) is shown on the Works Plans to be at the very eastern extent of Plot 1/1a. Explain why the entirety of Plot 1/1a is required for permanent acquisition, which includes carriageway beyond the termination of the linear works, and also land to the north and south of the M60 outside the existing slip roads and verge.</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
CA.2.6	Applicant	<p><b>Plots 2/1aw and 2/1av</b></p> <p>In response to AP 5 from CAH1 it is stated <i>“To ensure that the Applicant can use Egypt Lane without constraint from any third-party interests, it has erred on the side of caution and included its own land as being subject to compulsory acquisition. This approach is consistent with the approach generally adopted by the Applicant in respect of the compulsory acquisition of its own land. It is also consistent with the approach adopted on other made DCOs.”</i></p> <p>Please supply detail of which made DCOs have used this approach.</p>
<b>Cumulative and In Combination Effects</b>		
CICE.2.1		<p><b>Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment</b></p> <p>Updated advice on cumulative effects assessment was published on 20 September 2024, replacing PINS Advice Note 17. Advise whether the updated advice has any implications for the assessment of cumulative effects in ES Chapter 15 [APP-075].</p>
<b>Design</b>		
DES.2.1	Applicant	<p><b>Equalities Act 2010</b></p> <p>Page 19 of the Scheme Design Report [APP-151] states <i>“The design of the Scheme has been developed in accordance with the Equalities Act 2010 and the needs of disabled people”</i> and notes that the Equality Impact Assessment [APP-152] <i>“discusses how the requirements of the Equalities Act 2010 have been embedded in the development of the Scheme, including design, communication and engagement strategy and mitigation strategies.”</i></p> <ol style="list-style-type: none"> <li>1. Can the applicant provide any examples of how individual components of the proposed scheme design have had regard to Equalities Act 2010?</li> <li>2. Reference is made in the Equality Impact Assessment to the <i>“type and quality of new surfacing, crossing and access points for public rights of way and other routes used by walkers, cyclists and horse riders would be suitable for the intended use and context”</i>. Explain further how this would be achieved.</li> </ol>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

ExQ1	Question to:	Question
		<p>3. Your response to AP 11 from ISH2 [REP4-028] stated that a document that further outlines the alignment between the design principles as outlined in “The Road to good design”, the elements of the scheme design, and the design measures which form fundamental mitigation of environmental impacts, could be produced for D6 of the examination. Could such a document set out specific principles for the detailed scheme design to incorporate to ensure that it would be developed in accordance with the Equalities Act 2010? If not, explain why not.</p>
DES.2.2	Applicant	<p><b>The Planning Inspectorate’s Advice on Good Design for Nationally Significant Infrastructure Projects</b></p> <p>The Planning Inspectorate’s guidance entitled Nationally Significant Infrastructure Projects: Advice on Good Design was published on 23 October 2024. Whilst the ExA is mindful that the publication of the document follows the submission of the application, we ask that you provide comments on how the design processes and proposals for the proposed development align with this advice. Include detail whether the current scheme proposals and design processes differ from those in the advice.</p>
DES.2.3	Applicant	<p><b>Design Options for Pike Fold Viaduct and Pike Fold Bridge</b></p> <p>Paragraph 4.35 of the NPSNN states where a number of different designs were considered applicants should set out the reasons why the favoured choice has been selected. In ISH2, it was explained that as part of the design development, several structural options were considered early on in terms of the different form and function of the two bridges.</p> <p>Provide further details on the different design options considered for Pike Fold Viaduct and Pike Fold Bridge and the reasons why the favoured choice in the preliminary scheme design has been selected.</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
<b>Draft Development Consent Order</b>		
<b>Please note:</b> The references to articles and requirements relate to the numbering of articles and requirements for the draft DCO that was submitted at D3 [REP3-006] unless otherwise stated.		
DCO.2.1	Applicant	<p><b>Use of ‘Significant Adverse’</b></p> <p>During ISH2, it was stated that in simple terms, using the term ‘significant’ would provide additional flexibility than used in other made DCOs. Provide further justification why a more flexible approach is considered necessary and reasonable for this scheme.</p>
<b>Articles</b>		
DCO.2.2	BMBC	<p><b>Article 12(2)</b></p> <p>No comments were received from BMBC at D2 to the applicant’s response to ISH1 AP6 in [REP1-024] on page 5. Confirm whether you are satisfied with the applicant’s response and if so, why.</p>
DCO.2.3	Applicant	<p><b>Article 24(5) and 27(4)</b></p> <p>In response to AP 12 from CAH1, reference is made to the M25 Junction 10/A3 Wisley Interchange DCO 2022 (article 22) and the Lake Lothing (Lowestoft) Third Crossing Order 2020 (article 26) which contained provisions for the applicant to create rights over land for statutory undertakers and other persons who require those rights to undertake, operate and maintain the scheme.</p> <p>However, neither of these orders included the provision for rights to be acquired on behalf of statutory undertakers and any other person by way of a vesting declaration and an amendment to the Compulsory Purchase (Vesting Declarations) Act 1981. Your response to ISH1.A.52 [REP1-023] confirmed that you were not aware of any precedent for amending the 1981 Act.</p> <p>In the absence of any precedent, explain why acquiring rights on behalf of statutory undertakers and any other person by way of vesting declarations is necessary and reasonable for this scheme, expanding further on the reasons provided in paragraphs 5.73 and 5.74 of the Explanatory Memorandum.</p>



ExQ1	Question to:	Question
DCO.2.4	Applicant and BMBC	<p><b>Article 38</b></p> <p><b>Applicant:</b> Noting your comments during ISH2 that operational land would only apply to land that would be permanently acquired, does this need to be explicitly stated within article 38 to ensure this would be secured? If so, provide updated drafting to the dDCO at D5 and if not, explain why not.</p> <p><b>BMBC:</b> No response was received from BMBC at D2 providing comment on the applicant's response to ISH1 AP13 in [REP1-024] on pages 6 and 7.</p> <ol style="list-style-type: none"> <li>1. Confirm whether you are satisfied with the applicant's response to AP13 and particularly whether you are satisfied with the areas of land within the order limits that would be included as operational land providing reasons for your answer.</li> <li>2. Confirm whether you are satisfied with the applicant's response to AP13 that operational land would only apply to the land which the applicant acquires permanently and not apply to the land shaded green or blue on the land plans [REP3-004], as further advocated by them during ISH2. Are you satisfied that this would not allow the Applicant to exercise any permitted development rights on land that is subject to acquiring new rights or temporary possession?</li> </ol>
<b>Schedule 1 – Authorised Development</b>		
DCO.2.5	Applicant	<p><b>Works No. 19, 20, 38 and 44</b></p> <p>These work numbers include the wording 'Works could include'. Such drafting is not precise. Following the update to schedule 8 of the dDCO at D3 [REP3-006] which includes a column outlining the works to be undertaken, should the wording be substituted with '<b>work to important hedgerow [add hedgerow identification] as described in schedule 8 of this Order</b>'? If not, explain why or provide alternative drafting.</p>
<b>Schedule 2 – Requirements</b>		
DCO.2.6	Applicant, BMBC and IPs	<p><b>Requirement 4(6) and (7)</b></p> <p><b>Applicant:</b> Explain why the Third Iteration EMP would not subject be subject to consultation with the appropriate public bodies and approval by the SoS?</p>

ExQ1	Question to:	Question
		<b>BMBC and any IP:</b> Do you consider that the Third Iteration EMP should be subject to consultation and approval with the appropriate public bodies? If so, what wording would you suggest should be added to the dDCO to secure this?
DCO.2.7	Applicant	<p><b>Requirement 6(2)</b></p> <p>The use of the wording “<i>must be submitted to and approved in writing by the Secretary of State</i>” implies that the SoS would be under an obligation to approve any written scheme and programme for remedial measures. In order to improve precision, provide alternative drafting such as restricting any operations until such a document has been submitted to and approved in writing by the SoS.</p>
DCO.2.8	Applicant	<p><b>Requirement 7(2)</b></p> <p>Your response [REP2-007, page 41] to BMBC’s response to ISH1.S2.16 [REP1-032] requesting that the council is copied into any consultation with Natural England on species mitigation protection stated that the proposed amendment was made to the draft DCO [REP1-004] submitted at D1. However, it does not appear that such a change was made to the dDCOs submitted at D1 [REP1-004] or D3 [REP3-006].</p> <p>Please clarify and make any necessary amendments to the dDCO to be submitted at D5.</p>
DCO.2.9	Environment Agency and Natural England	<p><b>Requirement 13 – Consultation</b></p> <p>Is the ‘not less than’ 14 day period stipulated for consultation under this paragraph a sufficient period of time for undertaking consultation? If not, explain why not and advise what an appropriate time period would be and why.</p>
<b>Schedule 9 – Protective Provisions</b>		
DCO.2.10	Cadent Gas, National Grid Electricity Transmission Plc, United Utilities and any other statutory	<p><b>Wording for Protective Provisions</b></p> <p>The ExA noted the applicant’s update during CAH1 listing the parties whereby they considered additional / alternative wording to that presently in the draft DCO would be required.</p>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
	party affected by Protective Provisions	The ExA requests that any party affected by protective provisions provides the preferred wording you are seeking to the dDCO at D5 where disagreement remains with the applicant.
<b>Geology and Soils</b>		
GS.2.1	Applicant	<p><b>Best and Most Versatile Agricultural Land</b></p> <p>Confirm that the requirements of Paragraph 5.168 National Policy Statement for National Networks (2015) (NPSNN) have been met including demonstrating that there are no areas of poorer quality land which could be used or signpost to where in the applicant documents this is detailed.</p>
GS.2.2	Applicant	<p><b>Best and Most Versatile Agricultural Land</b></p> <p>Explain how the economic and other benefits associated with the retention of the best and most versatile agricultural land is outweighed by the benefits of the DCO proposal having regard to NPSNN Paragraph 5.176 or signpost to where in the applicant documents this is detailed.</p>
<b>Green Belt</b>		
GB.2.1	BMBC and IPs	<p><b>Applicant's Assessment of Scheme Component Impacts on Openness</b></p> <p>In response to ExQ1 GB.1.1, the applicant provided an assessment of the harm on openness for each of the components of the development which are proposed in the green belt and whether openness would or would not be preserved on pages 26-28 and Appendix C of [REP3-023]</p> <p>Provide any comments on the applicant's assessment, explaining reasons for agreeing or disagreeing with the assessment provided.</p>
GB.2.2	Applicant	<p><b>Impact on Openness from Temporary Works</b></p> <p>In response to ExQ1 GB.1.1 [REP3-023], it is stated <i>"The Applicant considers any temporary works will, once completed, have no impact on openness."</i></p>

ExQ1	Question to:	Question
		<p>Explain what, if any, impact there would be on openness during construction from temporary works, including but not limited to the construction compound and stockpiles. For any impact identified, provide detail on the extent of any harm and any measures to minimise the impacts on openness.</p>
GB.2.3	Applicant and BMBC	<p><b>Assessment of ‘any other harm’</b></p> <p>Following the submission of further information in response to ISH2 APs 36 and 37 in respect of harm to the Designated Heritage Assets (DHAs) of Heaton Park Registered Park and Garden (RPG) and Brick Farmhouse, provide an update to the assessment of ‘other harm’ previously provided in your respective responses to ExQ1 GB.1.3 [REP3-023] and [REP3-031].</p>
<b>Historic Environment</b>		
HE.2.1	MCC	<p><b>Harm to Heaton Park Grade II RPG</b></p> <p>ES Chapter 6 – Cultural Heritage [REP4-008] identifies slight adverse effects to this DHA during both construction and operation through changes to its setting as a consequence of the proposed development. Further details on the extent of harm that would arise to the significance of this DHA is provided in the applicant’s response to AP 36 from ISH2 in [REP4-028]</p> <ol style="list-style-type: none"> <li>1. Noting that this DHA falls within your local authority area, provide comments on the applicant’s assessment of impacts in the ES and the extent of any harm arising to its significance.</li> <li>2. Confirm whether or not any harm would arise to the significance of any other DHAs located within the RPG, providing reasons why this would or would not be the case.</li> </ol>
HE.2.2	BMBC	<p><b>Harm to Brick Farmhouse Grade II Listed Building</b></p> <p>Provide comments on the information provided by the applicant in [REP4-028] in response to ISH2 AP 37 in respect of the ‘less than substantial’ harm identified to the significance of this DHA during the construction phase.</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
<b>Landscape and Visual</b>		
LV.2.1	Applicant	<p><b>Visual Impact of Gantries and Other Road Signage</b></p> <p>Explain how the visual impact of gantries and other road signage has been assessed in the Schedule of Visual Effects in ES Appendix 7.4 [REP4-020]. Include how the visual impact resulting from signage on the Northern Loop has been considered and detail which photomontages illustrate the new proposed gantries and road signage.</p>
LV.2.2	Applicant	<p><b>Construction Lighting Strategy</b></p> <p>During ISH2, it was explained that the Outline Construction Compound Management Plan in Appendix I of the First Iteration EMP [APP-126] would include a compound layout which would detail lighting around the compound. Noting that this information is not included within section I.5, signpost to where this is detailed within the document and how the lighting layout around the compound would be secured.</p>
LV.2.3	Applicant	<p><b>Visual Impacts from Operational Lighting</b></p> <p>The ExA notes your response to ISH2 AP 34 [REP4-028] that mitigation for the impacts on lighting would be predominantly reliant on planting. In the absence of any specific reference to residential receptors in commitment G7 in the REAC provide further details of the mitigation measures that would be incorporated to reduce any impacts from operational lighting, particularly in the earlier years of the scheme operation when planting would be maturing.</p>
<b>Material Assets and Waste</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Need</b>		
NE.2.1	Applicant and BMBC	<p><b>Scheme Benefits</b></p> <p>Your response to AP 1 ISH2 [REP4-028] referred to BMBC economic strategy 2024-2034 stating that it included a reference to the importance of the Northern Gateway and the Atom Valley Mayoral Development. [REP4-028] then quoted from page 23 of the strategy stating <i>'Page 23 of this strategy</i></p>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

ExQ1	Question to:	Question
		<p><i>highlights that “to unlock the Northern Gateway, its growth potential and to maximise socio-economic benefits and Greater Manchester net zero ambitions, significant new transport and other infrastructure investment will be required to meet future demand generated by the site, as well as ensure employment opportunities are accessible to local residents.’</i></p> <p>Please supply more detail as to how the proposed scheme benefits the BMBC economic strategy 2024-2034 and in particular how it supports the Northern Gateway and Greater Manchester net zero ambitions listed in the quote above.</p>
<b>Noise and Vibration</b>		
NV.2.1	United Utilities	<p><b>Vibration, settlement and/or loading of assets</b></p> <p>In [RR-015] United Utilities raised a concern regarding the potential effect of vibration, settlement and/or loading of their assets which may result from the construction of the proposed scheme. The applicant responded to this concern in [REP1-020]. Please confirm if you are satisfied with this response or detail any outstanding concerns.</p>
NV.2.2	Applicant	<p><b>Noise Insulation Regulations (NIR) 1975</b></p> <p>Your response to ExQ1 question NV.1.12 stated that an initial assessment identified no residential receptors met the NIR criteria. The response referred to the data in Appendix 11.5 Operational Noise Calculation Results [APP-113] and included the NIR criteria, which is;</p> <ul style="list-style-type: none"> <li>• <i>The receptor is a dwelling or a building used for residential purposes and is located within 300m of the nearest point of the carriageway of the highway;</i></li> <li>• <i>The road traffic noise level at the dwelling after the work must be above a façade level of LA10,18h 68 decibels (dB);</i></li> <li>• <i>Be at least 1dB(A) greater than the prevailing noise level immediately before the work; and</i></li> <li>• <i>The noise level from the highway, additional carriageway, or alteration must contribute at least 1dB(A) to the relevant noise level at the receptor.</i></li> </ul>

ExQ1	Question to:	Question
		<p>Following a review of Appendix 11.5 Operational Noise Calculation Results, the ExA has identified the following properties that appear to meet the criteria.</p> <ul style="list-style-type: none"> <li>• 15 Brathay Close</li> <li>• 20 Rothay Close</li> <li>• 43 Marston Close</li> <li>• 49 Marston Close</li> </ul> <p>Explain why these properties are not eligible.</p>
NV.2.3	Applicant	<p><b>Noise Important Areas</b></p> <p>Your response to AP 22 from ISH2 [REP4-028] explained that no additional noise barriers were proposed to be installed because “<i>The reductions in road traffic noise are above the threshold for significant effects in the short term, and below the long-term threshold for significant effects (based on the assumption that the performance of the surface could reduce over time to -3.5 dB in the future year).</i>”</p> <p>NPSNN paragraph 5.200 states “<i>Applicants should consider opportunities to address the noise issues associated with the Important Areas as identified through the noise action planning process.</i>”</p> <p>There are currently gaps in the noise barriers to the M60 in the vicinity of residential areas. Please provide;</p> <ol style="list-style-type: none"> <li>1. The predicted <math>L_{A10,18h}</math> dB (UK daytime road traffic noise index) for dwellings if the noise barriers were continuous.</li> <li>2. Summarise any long term noise reduction that could be supplied in locations where barriers are currently not proposed.</li> <li>3. Detail if, and how, Figure 11.9a ‘Operational Daytime Noise Future Year Magnitude of Change’ and Figure 11.9b ‘Operational Night time Noise Future Year Magnitude of Change’ [APP-071] would change particularly in the vicinity of Marston Close, Rothay Close, Brathay Close and Warwick Avenue.</li> </ol>

ExQ1	Question to:	Question
<b>Population and Human Health</b>		
PHH.2.1	Applicant, BMBC and any IP	<p><b>Public Right of Way (PRoW) 9WHI</b></p> <p>In response to AP 16 from ISH2 [REP4-028] the applicant detailed the proposed mitigation planting where the diverted PRoW 9WHI would run parallel to the M66. Could this mitigation be considered an enhancement? If so, detail why.</p>
PHH.2.2	Applicant	<p><b>Construction Compound off Mode Hill Lane</b></p> <p>In ISH2 [EV10-001] the position of the main construction compound was discussed. The Environmental Scoping Report [APP-143] stated that the main compound would be likely located in the north-east quadrant of M60 Junction 18 but now it is proposed to be in the north-west quadrant off Mode Hill Lane. Please supply detailed explanation and justification (including that which was covered orally in the hearing) why it is acceptable that the compound is proposed to be located next to a residential area.</p>
PHH.2.3	Applicant	<p><b>Construction Compound off Mode Hill Lane</b></p> <p>In response to AP 13 from ISH2 [REP4-028] it is stated “<i>The Applicant will encourage the adoption of car sharing by the workforce travelling to the site to minimise the number of private vehicles in use.</i>” Explain how this would be achieved and how it would be secured in the dDCO.</p>
PHH.2.4	Applicant and BMBC	<p><b>Mode Hill Lane</b></p> <p>In response to AP 14 from ISH2 [REP4-028] it is stated “<i>The Applicant further confirms that no pre-construction work to Mode Hill Lane outside the Order Limits is anticipated. The Applicant notes Bury Metropolitan Borough Council’s response to the Examining Authority’s first round of written questions [REP3-031] ref TT.1.3 relating to Mode Hill Lane, confirming that the adopted highway is in a condition for all traffic that may be reasonably be expected to use it.</i>” During ISH2 [EV10-001], BMBC explained that in relation to their comment regarding ‘condition’ in [REP3-031] this was referring to the fact that Mode Hill Lane was an adopted standard in terms of a highway not in relation to its physical condition.</p>



ExQ1	Question to:	Question
		<p><b>BMBC:</b> Do you consider that Mode Hill Lane is in a suitable physical condition so that use of it to access a site compound would not add to the significant adverse effects you identified in paragraph 11.7 of your Local Impact Report (LIR) [REP1A-001]? If so, explain why.</p> <p><b>Applicant:</b> With respect to the clarification supplied by BMBC in ISH2 do you still consider that no pre-construction work would be required to Mode Hill Lane? If work was required to any part of the highway outside of the Order Limits, how would this be secured in the dDCO?</p>
PHH.2.5	Applicant	<p><b>Mode Hill Lane</b></p> <p>In response to AP 14 from ISH2 [REP4-028] it stated “<i>During construction, construction traffic using Mode Hill Lane will be limited to cars and light vehicles. Heavy Duty Vehicles will not use Mode Hill Lane for access.</i>”</p> <p>Clarify if Heavy Duty Vehicles would need to use Mode Hill Lane at any point to access the construction compound before the access/egress from the M60 would be created. If so, explain how this has been considered in the ES, signposting to where in the application documents this is covered.</p>
PHH.2.6	BMBC	<p><b>Construction Hours</b></p> <p>BMBC did not raise any concern with the proposed hours of construction when discussing requirement 4 of the draft DCO in ISH1. Whilst impacts from construction are noted within the LIR [REP1A-001] in respect of each environmental topic, no direct comment has been made on the suitability of the proposed hours of construction.</p> <p>Noting that paragraph 11.4 of the LIR acknowledges that construction is “<i>likely to take a significant number of years</i>”, can BMBC provide its reasoning for the acceptability, or otherwise, of the proposed construction working hours?</p>
PHH.2.7	Applicant and BMBC	<p><b>Permissive Path</b></p> <p>Provide evidence to demonstrate that the path between Heybrook Close and Parrenthorn Road, through the Haweswater Aqueduct Underpass, is a permissive path and specifically that permission for its use has been given by all the landowners affected.</p>

ExQ2: Tuesday 17 December 2024

Responses due by Deadline 5: Friday 10 January 2025

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
PHH.2.8	Applicant	<p><b>Permissive Path</b></p> <p>In the response to ExQ1 question PHH.1.6 [REP3-023] it stated “...the Applicant is aware that the underpass provides a walking and cycling link between Parrenthorn School and the residential areas to the north and would potentially benefit from improvement. The Applicant is therefore exploring an opportunity to deliver some improvements through National Highways’ designated funding for delivery outside of the Scheme.”</p> <p>The ExA is aware that it cannot be guaranteed at this stage that the bid would be successful, but if funding was received what improvements would be made?</p>
<b>Road Drainage and Water Environment</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Traffic, Transport and Access</b>		
TTA.2.1	Applicant	<p><b>Safety</b></p> <p>Confirm if the relevant emergency services have been consulted regarding the proposed layout of Junction 18 Simister Island, specifically in relation to the closure of the M60 eastbound entry to the roundabout and the M60 southbound exit from the roundabout. If so, provide details of any responses received.</p>