

A57 Link Roads

Issue Specific Hearing 1

<p>Item 4</p>	<p>PARTS 1 TO 7 Article 2(1) Interpretation - commence Pre-commencement activities are those that are excluded from the definition of “commence”. The Applicant [REP2-021 Q1.7] said that precommencement operations are minor and are either de minimis or have minimal potential for adverse effects.</p> <p>a) Please could the local authorities comment?</p>	<p>a) It is considered that pre-commencement surveys / works are likely to be minor and should have minimal potential for adverse effects.</p>
	<p>Articles 14(6), 18(11), 19(8), 21(6) – Deemed consent The ExA is concerned that there is the potential for a lack of awareness about a guillotine being in place when the consents would be applied for. It is beneficial for consents to be properly considered and, therefore, for them not to be given by default unless reasonable measures have been taken. The ExA is concerned that the 28-day period appears to be less than some parties are comfortable with and is minded that highlighting the guillotine in any application for consent would be helpful for ensuring that the timescale for dealing with consents is reasonable. The Applicant does not appear to have provided a compelling reason why providing a statement to highlight the guillotine would cause it difficulty.</p> <p>o) Please could the Applicant and the local authorities comment? Is this a matter that the parties should take away to discuss and attempt to seek agreement? Please could an update be provided for Deadline 5, on Wednesday 23 February 2022?</p>	<p>o) Tameside Metropolitan Borough Council agree with the ExA’s comments and it should be matter to be discussed between the parties to attempt to seek an agreement.</p> <p>We will continue to discuss with the applicant to seek agreement on a timescale for any guillotine clause. These matters remain under discussion with the applicant.</p>
<p>Item 5</p>	<p>SCHEDULES 1 AND 2 Requirements 3-11 - Provisions for consultation and agreement Tameside Metropolitan Borough Council [REP2-056 Q1.32] made a number of suggestions about where it might be helpful to add provisions for</p>	<p>u) Tameside Metropolitan Borough Council have no outstanding concerns about the provisions for consultation or agreement.</p>

<p>consultation or agreement to be required with relevant bodies. The Applicant [REP3-021 page 45] responded at Deadline 3.</p> <p>u) Does Tameside Metropolitan Borough Council have any outstanding concerns about the provisions for consultation or agreement?</p>	
<p>Requirement 4 – Requirement 4(1) and (2) second iteration EMP The Applicant [REP2-021 Q1.33] said that it had no objection to there being a requirement for consultation on the second iteration EMP with the local highway authorities and the Environment Agency, as well as with the relevant planning authority, should the local authorities and Environment Agency require this.</p> <p>v) Please could the local authorities and the Environment Agency comment?</p>	<p>v) Tameside Metropolitan Borough Council would expect to be consulted on any changes to the EMP as part of the second iteration.</p>
<p>Requirement 4(2)(c) - second iteration EMP - Working hours The ExA [PD-009 Q1.34] suggested that the following be added after Requirement 4(2)(c):</p> <ul style="list-style-type: none"> • “Provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of the specified hours, except for any emergency works, which are to be notified to the relevant local authorities as soon as is practicable.” • “Any other work carried out outside the specified working hours or any extension to the working hours will only be permitted if there has been prior written agreement of the relevant environmental health officer and provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement.” <p>z) Please could the local authorities comment?</p>	<p>z) Tameside Metropolitan Borough Council would support the inclusion of the suggested phrases.</p>
<p>Requirement 4(4) and 4(5) – third iteration EMP. The ExA [PD-009 Q1.35] suggested that provisions be added for the third iteration EMP to be required to:</p>	<p>bb) Tameside Metropolitan Borough Council should be consulted on any third iteration.</p>

	<ul style="list-style-type: none"> • be submitted to and approved in writing by the Secretary of State • be consulted on with relevant planning authorities, the local highway authorities and the Environment Agency • be substantially in accordance with the measures for the management and operation stage in the first iteration EMP • incorporate the measures for the management and operation stage referred to in the ES as being incorporated in the EMP <p>The Applicant [REP2-021 Q1.35] responded that those are covered by the DMRB. The ExA considers that the provisions are key to the proper implementation of the EMP and therefore seeks certainty that they will be followed. Their inclusion in Requirement 4 appears to be supported by Tameside Metropolitan Borough Council [REP2-056 Q1.35], Derbyshire County Council [REP2-051 Q1.35], and the Environment Agency [REP2-052] Q1.35], except that they didn't comment in relation to the Secretary of State.</p> <p>bb) Please could the local authorities comment?</p>	
	<p>Requirement 5 – Landscaping</p> <p>cc) Please could the local authorities comment on whether it is sufficient to require the landscaping to be in accordance with an approved scheme? Or should the landscaping scheme be approved at a specified time, for example before pre-commencement works or before construction works commence?</p>	<p>cc) Tameside Metropolitan Borough Council consider it is reasonable for approval of the landscaping to be conditioned to be approved before any construction works commence.</p>
	<p>Requirement 10 – Archaeological remains</p> <p>The ExA [PD-009 Q1.35] suggested that requirements be added for</p> <ul style="list-style-type: none"> • any matters to be consulted and/ or agreed in writing with the Secretary of State or the County Archaeologist • any programme of archaeological reporting, post excavation and publication to be consulted on and/ or agreed in writing • suitable resources and provisions for long term storage of any archaeological archives to be consulted on and/ or agreed in writing <p>Their inclusion is supported by Tameside Metropolitan Borough Council [REP2-056 Q1.43], Derbyshire County Council [REP2-051 Q1.43], and High</p>	<p>mm) Tameside Metropolitan Borough Council have no outstanding concerns about the Written Scheme of Investigation. It should be included in Requirement 10 and Schedule 10.</p>

	<p>Peak Borough Council [REP2-053 Q1.43].</p> <p>The Applicant has submitted a Written Scheme of Investigation [REP1-034].</p> <p>mm) Do the local authorities have any comments on the Written Scheme of Investigation? Should be included in Requirement 10 and Schedule 10?</p>	
	<p>Requirement 12(1) Details of consultation – minimum period</p> <p>The Applicant and local authorities have suggested consultation periods ranging from 14 days to 28 days.</p> <p>nn) Please could the Applicant, local authorities and the Environment Agency comment further? Can a consultation period be agreed?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>	<p>nn) It is important that a common consultation period is agreed between the parties and we see no reason why a suitable consultation period cannot be agreed. These matters will be discussed further with the applicant.</p>
<p>Item 6</p>	<p>SCHEDULES 3 TO 10 Schedule 3, 4 and 5</p> <p>The Applicant has updated Schedule 3 and 4.</p> <p>a) Have Tameside Metropolitan Borough Council and Derbyshire County Council reviewed the latest versions [REP3-002]? Do they have any further comments?</p>	<p>a) Schedule 3 and 4 remain under review.</p>