



The Planning Inspectorate

Planning Act 2008 – Section 91; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 14

Application by National Highways (formerly Highways England) for an Order Granting Development Consent for the A57 Link Roads

Agenda and arrangements for Issue Specific Hearing 3

In its letter dated 2 March 2022 the Examining Authority (ExA) notified the times, dates, and locations of hearings to be held from 5 to 7 April 2022:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010034-001113>

In its letter dated 24 March 2022 the ExA set out its decision that the hearings scheduled for 5 to 7 April 2022 will only be held using Microsoft Teams, with attendance also being possible by telephone:

<https://infrastructure.planninginspectorate.gov.uk/document/TR010034-001237>

This document provides the agenda and sets out the arrangements for Issue Specific Hearing 3. These are subject to change at the discretion of the ExA, although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all.

Issue Specific Hearing 3 is being held for the ExA to examine specific issues relating to the application and to invite parties to make oral representations about those issues.

The hearing will not cover all matters that the ExA is considering. If a topic is not included, it is because the ExA is satisfied that the issues have been Examined sufficiently or can be considered through written submissions. The ExA will ensure that each party has a fair opportunity to put its case.

The National Infrastructure Planning website referred to in this letter is at:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-west/a57-link-roads-previously-known-as-trans-pennine-upgrade-programme>

Attendance

If you would like to observe the hearing in real time, then you will be able to access a public livestream on the National Infrastructure Planning website. A recording of the hearing will be published on that website as soon as is practicable.

The following parties have registered to make an oral submission, have requested to attend, or are invited to participate by the ExA. They are invited to attend using Microsoft Teams or by telephone:

- The Applicant
- Tameside Metropolitan Borough Council
- Derbyshire County Council

- High Peak Borough Council
- Peak District National Park Authority
- Bamford and Thornhill Parish Council
- Environment Agency
- Natural England
- Jonathan Reynolds MP
- Robert Lorgan MP
- Climate Emergency Policy and Planning
- CPRE Peak District and South Yorkshire Branch
- Sharefirst My Journey to School
- Anthony Rae
- Charlotte Farrell
- Daniel Wimberley
- Stephen Bagshaw

Subject to the ExA's power of control over the conduct of the hearings, it will invite relevant parties to make an oral submission at the appropriate point in the agenda.

An Arrangements Conference will be held at 9.30am for parties attending using Microsoft Teams or by telephone. Those parties should please join the Arrangements Conference promptly using the instructions that will be sent to them before the hearing.

The Arrangements Conference will be hosted by the Case Team and will cover housekeeping arrangements and allow for questions to be asked about the hearing arrangements. The ExA will not be present and there will not be a public livestream of the Arrangements Conference.

Information on how to participate using Microsoft Teams or by telephone is provided in Advice Note 8.6:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

AGENDA FOR ISSUE SPECIFIC HEARING 3

10.00am on Tuesday 5 April 2022, Wednesday 6 April 2022 and, if required, Thursday 7 April 2022.

Item 1

WELCOME, OPENING REMARKS, INTRODUCTIONS, AND HOUSEKEEPING

The public livestream and recording will start.

The ExA will welcome participants, lead introductions, and go through some housekeeping matters.

The ExA will address procedural matters raised by Mr Wimberley [[REP7-041](#)].

Item 2

TRANSPORT NETWORKS AND TRAFFIC

Modelling

The Base Model

Questions have been raised regarding the data input into the traffic model. The ExA is considering whether the baseline model is an appropriate reflection of baseline conditions.

Issues have been raised by, amongst others, CPRE Peak District and South Yorkshire and Daniel Wimberley regarding perceived discrepancies in the data used in the model.

- a) Please would the **Applicant** explain the differences between Annual Average Daily Traffic (AADT) and Annual Average Weekday Traffic (AAWT), where each of these has been used to provide inputs, and how this would affect modelled levels of traffic with reference to numbers of heavy commercial vehicles.
- b) Please would the **Applicant** comment on whether the use of one type of flow data over the other is more accurate in reflecting the environmental effects of the proposal?
- c) Please would the **Applicant** explain how peak hour flows are reflected in the model?
- d) Please would the **Applicant** clarify to what extent data gathered from traffic counts taken during restrictions introduced in response to the Covid-19 pandemic has been used and what that data has been used for within the modelling?
- e) Please would the **Applicant** explain what influence, if any, this would have on the outputs from the model?
- f) Please would the **Applicant** clarify the relationships between the total vehicle trips within the Trans-Pennine South Regional Transport Model, the area of detailed modelling and the local study area regional model. Similarly, please clarify the relationships for total vehicle kilometres within each.

The Applicant has identified, in the Transport Assessment Report [[APP-185](#)] that traffic is likely to increase on existing roads through residential areas that provide alternative routes through Glossop and surrounding areas.

- g) Please would the **Applicant** clarify whether the links in these areas within the model reflect individual roads or general permeability through areas of side streets?
- h) Please would the **Applicant** explain how the characteristics of these routes have been reflected in the modelling input?
- i) Please would the **Applicant** explain what methods have been used to verify that model outputs from the baseline model accurately reflect journey times and flows?
- j) Given the levels of on-street parking, would the **Applicant** comment on what effect, if any, increases in flow, including any increases in numbers of heavy commercial vehicles, would have on journey times, noise and air quality through residential streets and others with on-street parking?
- k) Increased traffic through these routes has potential to increase the number of accidents in the area. Would the **Applicant** explain how the existing accident history of the areas around the routes has been assessed and reflected in the modelling?

Policy

Both locally and nationally there is an aspiration to change travel habits in favour of more sustainable travel and policy reflects this. For instance Transport For Greater Manchester sets out an aim in the Greater Manchester Transport Strategy 2040 for 50% of all journeys in Greater Manchester to be made by walking, cycling and public transport by 2040. The Government's Transport Decarbonisation Plan seeks to deliver carbon reduction in transport.

The scheme lies within Greater Manchester and many of the trips within the area modelled are trips originating or arriving in Greater Manchester, travelling to local settlements.

- l) Please would the **Applicant** explain whether the scheme supports the aims of the Greater Manchester Transport Strategy 2040 and / or the Government's Transport Decarbonisation Plan? If so, how? If not, why not?
- m) Do the **local authorities** or **local highway authorities** have any comment in this regard?

Public Transport

In their representation at Deadline 7 [[REP7-034](#) paragraphs 3 and 4] CPRE Peak District and South Yorkshire perceive anomalous figures in the public transport trip matrices used in the model.

- n) Please would the **Applicant** please explain how existing public transport services have been modelled, with particular regard to whether the totality of existing public transport usage is represented and potential modal transference to, or from, busses and train services as a result of changes on the road network resulting from the scheme?

- o) Please would the **Applicant** clarify how the model reflects future public transport usage? Does it allow for, or reflect, any future growth in the sector?
- p) Regarding the concerns raised by CPRE Peak District and South Yorkshire, would **the Applicant** clarify how the figures in the matrices were derived and the perceived lack of correlation between trips to and from some sectors?
- q) If there are unrepresented trips by public transport, please could **the Applicant** comment on what effect would this have on the modelling of benefits / disbenefits resulting in passenger travel times?
- r) Would the **Applicant** please clarify the consideration given to potential changes to travel patterns that would result from improvements to the Hope Valley railway line, with particular reference to both passenger and freight services? How is this reflected in the model?

In their response to the ExA's Second Written Questions [[REP6-024](#) Q3.3 and Q3.4] CPRE Peak District and South Yorkshire refer to preparation of a Statement of Common Ground that they are seeking with the Applicant.

- s) Would the **Applicant** comment on whether such a statement is being pursued and, if it is, how it is progressing? Would **CPRE Peak District and South Yorkshire** also provide comments on any progress?

Traffic outside the Order Limit

Glossopdale and Longdendale

The Applicant, in the Transport Assessment Report [[APP-185](#)], has identified that traffic is likely to increase on roads through residential areas that provide existing routes through Glossop and surrounding areas. Capacity issues have been identified at the junction of Shaw Lane with Brookfield and Dinting Vale (the Shaw Lane Junction). In the case of the Shaw Lane Junction Derbyshire County Council have identified an aspiration to address this with junction works.

- t) Is **Derbyshire County Council** satisfied with the Applicant's modelling of the alternative routes?
- u) Does **Derbyshire County Council** consider that the predicted flows on these routes are reasonable / likely? If so, are the effects arising from the increased flows acceptable?
- v) Does **Derbyshire County Council** consider that the increased flows are likely to require additional traffic management measures to limit the traffic on these routes, either in terms of driver behaviour, vehicle numbers or to address issues of pedestrian/cycle connectivity / safety?
- w) Please would the **Applicant** explain what the consequences of those measures for the traffic modelling and the air quality and noise assessments would be?
- x) At present any works at Shaw Lane Junction or within the residential areas through which alternative routes pass lie outside of the dDCO scheme

proposal. What importance does **Derbyshire County Council** place on their provision?

- y) The traffic modelling has assumed optimisation of the traffic signals at the Shaw Lane Junction. Does **Derbyshire County Council** envisage works being required beyond optimisation to address this issue?
- z) Please would the **Applicant** clarify why, if there is an effect on the junctions or residential areas, these are not addressed within the dDCO?
- aa) Do **Derbyshire County Council** and **High Peak Borough Council** consider this a reasonable approach? If not, please explain why.
- bb) Has the **Applicant** considered whether, or not, there would be benefits in reinforcing the message to drivers travelling between the M1/Sheffield and Manchester to use the Strategic Road Network for their journey in preference to the A57 through Glossop and Snake Pass using an enhanced signing strategy?
- cc) Do the **local authorities** or **local highway authorities** have any comments on the merits, or otherwise, of such measures?
- dd) Please could the **Applicant** clarify whether the primary purpose of the A57 Link is to take traffic off the Strategic Route Network onto the local road network? How would that be supported by policy, the aims of RIS2, or good practice? Please could **Derbyshire County Council** comment?

Highway safety in the Peak District National Park

At present any works to manage driver behaviour and the safety of highway users on the A628 Woodhead Pass and A57 Snake Pass lie outside of the dDCO scheme proposal.

- ee) What importance does **Derbyshire County Council** place on their provision?
- ff) Please would the **Applicant** clarify why, if there is an effect on highway safety on these routes, it is not addressed within the dDCO?
- gg) Does **Derbyshire County Council** consider this a reasonable approach? If not, please explain why.

In the Applicant's comments [[REP7-026](#)] on Tim Nicholson's response on behalf of Peak District National Parks Authority to the ExA's Second Written Questions [[REP6-038](#) Q3.11] the Applicant identifies two speed camera based traffic management schemes on routes within the Peak District National Park. In their response to the ExA's Second Written Questions [[REP6-038](#)] the Peak District National Park Authority voices opposition to such a scheme on the A57 Snake Pass and the A628(T) Woodhead Pass.

- hh) Did the **Peak District National Park Authority** have similar reservations on the two schemes cited for implementation? If so, how were these reservations addressed in those instances? Could a similar approach be taken on the A57 Snake Pass and the A628(T) Woodhead Pass?

Alternatives

Paragraph 4.26 of the National Policy Statement for National Networks (NPSNN) requires that Applicants should comply with all legal requirements and any policy requirements set out in that NPS on the assessment of alternatives. The NPSNN draws attention to the requirements of the Environmental Impact Assessment Directive, other specific legal requirements for the consideration of alternatives, for example, under the Habitats and Water Framework Directives and policy requirements in the NPSNN, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty.

Paragraph 4.27 of the NPSNN requires that all projects should be subject to an options appraisal and that the appraisal should consider viable modal alternatives and may also consider other options. However, the NPSNN states that where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker. The NPSNN further states that for national road schemes, proportionate option consideration of alternatives will have been undertaken as part of the investment decision making process and that it is not necessary for the Examining Authority and the decision maker to reconsider this process, but they should be satisfied that this assessment has been undertaken.

- ii) Regarding the above, please would the **Applicant** explain how they have considered alternatives to the proposal, at what stage and how that assessment complies with the requirements of the NPSNN?
- jj) Please would the **Applicant** comment on whether, since the assessment of alternatives, strategic objectives for the scheme have changed in response to policy or other factors and whether, with reasons, the assessment of alternatives remains relevant?

In their response to Question 3.8 of the Examining Authority's Second Written Question [[PD-012](#)] the Applicant states that "*The scheme previously proposed and presented in Mr Bagshaw submission was not one of the potential alternative solutions identified through this process.*"

- kk) Please would the **Applicant** clarify whether Mr Bagshaw's scheme, or a similar scheme, was considered?

Highway Layout

Derbyshire County Council, in their Local Impact Report [[REP2-046](#) paragraph 7.35] expressed reservations regarding the design of the southbound merge exiting the Wooley Bridge junction. In previous responses it has been indicated that discussions have been taking place between the Applicant and the Council to address these concerns.

- ll) Would the **Applicant** and **Derbyshire County Council** provide an update on these discussions?
- mm) Does **Derbyshire County Council** have any remaining concerns regarding the design of the junction?

	The ExA may ask more questions or invite more oral submissions.
	Break
Item 3	<p>PEAK DISTRICT NATIONAL PARK</p> <p>The regard given to the statutory purposes</p> <p>The Applicant [REP6-017] referred to the statutory purposes set out in section 5(1) of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) i.e. for the purpose:</p> <ul style="list-style-type: none"> a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public. <p>The Applicant [REP6-017] also referred to section 11A of the 1949 Act and said that if it appears that there is a conflict between those purposes, then a relevant authority shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.</p> <p>The Applicant [REP6-017] then referred to Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority [2020] EWHC 2293 (Admin) (Stubbs) and said that it is only if the impact of the increase in visitation upon natural beauty, wildlife and cultural heritage cannot be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable or irreconcilable that section 11(2A) of the Environment Act 1995 falls to be applied.</p> <ul style="list-style-type: none"> a) With reference to section 5(1) of the 1949 Act, please could Peak District National Park Authority comment on whether the Proposed Development would promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public? If it doesn't then what would be the implications for the application of section 11A of the 1949 Act and of Stubbs? b) With reference to Stubbs, please could Peak District National Park Authority comment on whether the proposed increase in visitation upon natural beauty, wildlife and cultural heritage could not be managed satisfactorily to the extent that the natural beauty, wildlife and or cultural heritage cannot be conserved to a degree which is acute, unresolvable, or irreconcilable? What management measures are available and what effect are they likely to have? c) Please could the Applicant comment? <p>The regard given to policy</p>

Peak District National Park Authority [[REP6-038](#)] considers that the National Planning Policy Framework (NPPF) is applicable to the Proposed Development.

The Applicant [[REP6-017](#)] said that the Secretary of State is constrained in its decision making by section 104(3) of the Planning Act 2008. It said that there is real danger in simply applying the NPPF as if it contains policy that is determinative of applications for Nationally Significant Infrastructure Projects. The Applicant said that it does not and that to apply it as if it did could result in an error of law.

The ExA notes that section 102(d) of the Planning Act 2008 requires the Secretary of State to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. The ExA is minded to recommend that the NPPF be considered important and relevant to the decision and notes the considerable precedent for this approach in previous recommendations and decisions. The ExA notes the need to appropriately consider any conflicts between the NPSNN and the NPPF.

d) Please could **the Applicant** comment?

The Applicant [[REP6-017](#)] has summarised the consideration given to the NPSNN and the NPPF.

e) Does **the Applicant** consider that “*great weight*” should be given to conserving landscape, scenic beauty in Peak District National Park? Would it be a reasonable interpretation of the NPSNN and NPPF for “*great weight*” to only apply to development inside Peak District National Park? What is the precedent for other developments outside a national park?

f) Please could **Peak District National Park Authority** comment?

Peak District National Park Authority [[REP6-038](#)] suggests that the application of the Design Manual for Roads and Bridges (DMRB) conflicts with the NPPF with respect to the consideration to be given to Peak District National Park.

g) Please could **Peak District National Park Authority** summarise where there is a conflict?

h) Does **Peak District National Park Authority** have any concerns regarding the consideration given to NPSNN?

Indirect effects

The Applicant [[REP6-017](#)] summarised the hourly increases in traffic on the A57 and A628 through Peak District National Park. Increases are up to 132 (52.6%) on the A57 and up to 107 (9.9%) on the A628. The Applicant’s position is the changes in traffic would not result in any significant changes in noise or air quality along these routes. It considers that increases in traffic flow are not anticipated to result in any corresponding growth in the demand for car parking within the Peak District National Park. The Applicant considers that the additional headlights from increased traffic flow would not be readily perceptible in relation to the magnitude of change.

	<p>i) Please could the Applicant quantify the increase in noise levels arising from the quantified increases in traffic? Please could that quantification then be used to update the assessment of indirect effects in terms of the perception of changes in noise, landscape and visual impact, tranquillity?</p> <p>Peak District National Park Authority [REP6-038] state that the assessment process either under-estimates or fails to adequately consider potential effects within a National Park landscape and that it fails to consider that a low magnitude of effect has the potential to result in significant effects on “<i>very high</i>” sensitivity receptors.</p> <p>j) Please could the Applicant comment on whether assigning “<i>great weight</i>” to conserving landscape, scenic beauty in Peak District National Park would change the assessment and, if so, how?</p> <p>k) Please could Derbyshire County Council comment on the potential for increases in traffic flow to result in any corresponding growth in car parking within the Peak District National Park?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
	<p>Break</p> <p>Item 4 will start no earlier than 1.30pm on Tuesday 5 April 2022</p>
<p>Item 4</p>	<p>WATER ENVIRONMENT, DRAINAGE AND FLOOD RISK ASSESSMENT</p> <p>Baseline Modelling</p> <p><u>River Etherow</u></p> <p>The model for the River Etherow has not been agreed between the Environment Agency and the Applicant.</p> <p>Further, in their response to the ExA’s Second Written Questions [REP6-039], the Environment Agency identified outstanding concerns regarding the Hydrogeology Risk Assessment [REP3-025], the Flood Risk Assessment [REP5-010] and how risks could be identified, addressed and mitigation secured within the dDCO.</p> <p>Tameside Metropolitan Borough Council identify, in their response to the ExA’s Second Written Questions [REP6-037 Q11.11], that they still have outstanding concerns about flood risk and hydraulic design.</p> <p>a) Please would the Applicant, the Environment Agency and Tameside Metropolitan Borough Council please provide any update on their positions?</p> <p>b) What progress has been made towards agreement between the Applicant, the Environment Agency, and Tameside Metropolitan Borough Council?</p> <p>c) Have the Applicant, the Environment Agency and Tameside Metropolitan Borough Council scheduled any future discussions to finalise the model and / or reach agreement? What is the likelihood of agreement being reached before the end of the Examination?</p>

- d) If no agreement is reached on the model and its suitability for assessing the effects of the proposal on the water environment, drainage and flood risk at that point, what approach do the **Applicant** and the **Environment Agency** and the **Lead Local Flood Authorities** consider the Examining Authority should take with regard to the effects of the proposal?
- e) Does **Derbyshire County Council** have any comment?

Flood Risk Assessment

The Environment Agency [[REP4-019](#)] has identified concerns that the Flood Risk Assessment has not been updated to reflect the latest fluvial climate change allowances that were introduced in 2021.

In their response to the Examining Authority's Second Written Questions [[REP6-039](#) Q11.5] the Environment Agency suggests that, if it is the Applicant's intention to address issues of the flood modelling, and thus consequent implications within the Flood Risk Assessment, during the detailed design stage, assurance is needed during the examination that the development design provided is feasible and that there is confidence that it would remain feasible once the latest climate change guidance is factored in. Such an approach, the Environment Agency has suggested, may allow a conditional approach for the remaining issues to be addressed as part of an updated FRA.

Tameside Metropolitan Borough Council advise in their response to the same question [[REP6-037](#) Q11.5] that they are awaiting updated information from the Applicant.

- f) Please would the **Applicant**, the **Environment Agency** and the **Tameside Metropolitan Borough Council** provide any update on their positions?
- g) What progress towards agreement between the **Applicant**, the **Environment Agency** and **Tameside Metropolitan Borough Council** in regard to flood risk has been made?
- h) Have the **Applicant**, the **Environment Agency** and **Tameside Metropolitan Borough Council** scheduled any future discussions to finalise their positions? What is the likelihood of the Flood Risk Assessment being updated to reflect the latest fluvial climate change allowances prior to the end of the examination period within a timescale that would allow agreement with the Environment Agency and Lead Local Flood Authorities?
- i) Can the **Applicant** provide such assurances as are referred to by the Environment Agency? If so, when will this information be available, and in what form?
- j) If no agreement is reached on the model and its suitability for assessing the effects of the proposal on the water environment, drainage and flood risk at that point, or suitable assurances have not been forthcoming to assure the ExA that mitigation can be provided within the dDCO boundary, what approach does the **Applicant** consider the ExA should take, bearing in mind the advice given in Paragraphs 5.90 and 5.91 of the NPSNN?

k) Do the **Applicant**, and the **Lead Local Flood Authorities** consider a conditional approach, in the form suggested by the Environment Agency appropriate?

The Environment Agency [[REP6-039](#) Q1.7] have raised concerns regarding the wording and effectiveness of Requirements 9(1) 9(2) to address their concerns regarding flood risk and securing appropriate mitigation.

l) Please would the **Applicant** comment on the changes to the wording proposed by the Environment Agency?

Hydrogeology Risk Assessment [[REP3-025](#)]

The Environment Agency, in their representation at Deadline 4 [[REP4-019](#)] and response to the Examining Authority's Second Written Questions [[REP6-039](#) Q11.4 and Q12.1] has identified concerns that dewatering of the below ground structures within the scheme may artificially dewater natural aquifer bodies or cause temporary or localised flooding.

These groundwater bodies are known to provide sole supplies of water (from an abstraction borehole) to several private dwellings. Dewatering of the aquifer would therefore deprive the owners and abstractors of these boreholes of water.

The Environment Agency has voiced concerns that the impact from the link road scheme could extend wider than just the redline boundary as defined on site maps (0.5 Km for surface water features and 1 Km for groundwater) and that the shape of the zone of influence, rather than being idealised, may vary due to the complex geology and faulting defined for the study area.

m) Please would the **Applicant** comment on how these concerns are addressed within the Environmental Statement? If they are not, would the **Applicant** explain whether they should be, or provide an explanation why not? If the **Applicant** considers that they should be addressed, how will this be done?

n) Please would the **Applicant**, **Environment Agency** and the **Lead Local Flood Authorities** comment on how Requirements 4(1) and 4(2) seek to address the outstanding risks / challenges? Is the wording appropriate? If not, how could the Requirements be amended to secure the necessary actions / mitigation to address the Environment Agency's concerns?

o) Do the **Environment Agency** and the **Lead Local Flood Authorities** have any comments regarding the Applicant's approach in dealing with the Environment Agency's concerns in respect of the Applicant's Hydrogeology Risk Assessment?

In their response to the Examining Authority's Second Written Questions [[REP6-039](#) Q14.6] the Environment Agency state that "*A technically feasible solution is possible, but the project team will need to use the additionally collected information to populate that assessment process and arrive at a suitable way forward / solution. Linked to this is the need for a thorough ground conditions report and complete understanding of the geology and soils throughout the link road length*". At Deadline 7 the Applicant has provided a Supplementary Ground Investigation Report [[REP7-027](#)].

	<p>p) Has the Environment Agency considered the above document and when would they be able to provide comment on it?</p> <p>q) Does the Environment Agency consider that such a solution can be identified during the Examination period? How would that solution then be secured within the dDCO?</p> <p>r) If such a solution has not been identified by the end of the Examination Period, please would the Applicant comment on how the ExA can be satisfied that a reasonable worst-case scenario has been assessed and that appropriate mitigation is secured?</p> <p>Soil and Groundwater Contamination</p> <p>In their response to the Examining Authority's Second Written Questions [REP6-039 Q1.14] the Environment Agency raise concerns regarding the adequacy of the information currently provided by the Applicant within Section 6.3 of Environment Statement Chapter 13 [REP5-020]. The Applicant has undertaken further ground investigation work. The was submitted at Deadline 7 [REP7-027].</p> <p>If the ExA considers there to be inadequate information available prior to the conclusion of the Examination, the Environment Agency suggests rewording of Requirement 6 to ensure that this requirement is realised prior to the commencement of the development.</p> <p>s) Has the Environment Agency, or Applicant, a form of words in mind for such a requirement?</p> <p>t) Do the Applicant and the Environment Agency consider that such a requirement would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects?</p> <p>Drainage Design Strategy Report</p> <p>In their response to the Examining Authority's Second Written Questions [REP6-026 Q11.7] Derbyshire County Council indicated that further consideration of the Drainage Design Strategy Report [APP-188] would be needed by the Lead Local Flood Authority prior to comment.</p> <p>u) Are Derbyshire County Council's comments now available, and, if not, when will they be available?</p> <p>Maintenance of Drainage Structures</p> <p>It is of great importance that drainage systems are maintained so that they fulfil their intended function effectively.</p> <p>v) Please would the Applicant and the relevant local authorities provide an update on the discussions regarding adoption and maintenance of drainage structures associated with the scheme?</p>
	<p>Break</p>
<p>Item 5</p>	<p>AIR QUALITY</p>

Road gradient modelling

The Applicant [[REP6-017](#) and [REP7-028](#)] and High Peak Borough Council [[REP7-030](#)] have referred to road gradient modelling matters that are under discussion between them.

- a) Please could **High Peak Council** provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?
- b) Please could **the Applicant** comment and advise on the next steps?

Model verification

The Applicant [[REP6-017](#) and [REP7-028](#)] and High Peak Borough Council [[REP7-030](#)] have referred to model verification matters that are under discussion between them.

- c) Please could **High Peak Council** provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?
- d) Please could **the Applicant** comment and advise on the next steps?

Traffic routing onto Shaw Lane and Dinting Road

The Applicant [[REP6-017](#) and [REP7-028](#)] and High Peak Borough Council [[REP7-030](#)] have referred to traffic routing matters that are under discussion between them.

- e) Please could **High Peak Council** provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?
- f) Please could **the Applicant** comment and advise on the next steps?

Traffic screening thresholds for Air Quality Management Areas

High Peak Borough Council [[REP6-027](#), and [REP7-030](#)] and Peak District National Park Authority [[REP6-038](#)] have set out further concerns regarding the traffic screening thresholds used for air quality assessments in Air Quality Management Areas. The Applicant [[REP6-017](#), [REP7-026](#) and [REP7-028](#)] has replied. Parties have referred to ongoing discussions.

- g) Please could **High Peak Borough Council** provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?
- h) Please could **Peak District National Park Authority** provide an update, set out their position on the matters that are yet to be agreed, and any implications for the assessment or the mitigation?
- i) Please could **the Applicant** comment and advise on the next steps?

Air Quality Standards Regulations 2010 compliance

	<p>j) Does High Peak Borough Council have any remaining concerns regarding compliance with the Air Quality Standards Regulations 2010?</p> <ul style="list-style-type: none"> • Would the Proposed Development result in any area which is currently reported as being compliant becoming non-compliant? • Would the Proposed Development affect the ability of any non-compliant area to achieve compliance within the most recent reported timescales? • To what extent is the ability to comment on compliance dependant on resolution of other matters, including road gradient modelling, model verification, traffic routeing and traffic screening thresholds? <p>The ExA may ask more questions or invite more oral submissions.</p>
	<p>Break</p>
<p>Item 6</p>	<p>CLIMATE CHANGE</p> <p>Cumulative effects</p> <p>Tameside Metropolitan Borough Council [REP6-037] and High Peak Borough Council [REP6-027] have raised concerns about the consideration given to local policies and budgets. In general terms, the ExA is minded to consider local policies as “<i>important and relevant</i>” matters.</p> <p>a) Please could the Applicant comment?</p> <p>b) Do Tameside Metropolitan Borough Council and High Peak Borough Council have any remaining concerns?</p> <p>c) Please could the Applicant set out its position regarding whether the cumulative effects on climate change of the Proposed Development with other projects within a geographical area should be considered against a threshold that is set for a similar geographical area? Please provide a concise summary of the main arguments.</p> <p>d) Please could the Applicant provide a concise summary of its position regarding whether achieving net zero by 2050 requires reductions to be made to carbon emissions from sources in isolation that are by themselves negligible or de minimis? Please provide a concise summary of the main arguments.</p> <p>Significant effects</p> <p>Derbyshire County Council [REP6-026] asked for evidence that increases in GHG emissions are anticipated to be substantially outweighed by the benefits of electrifying the national fleet.</p> <p>e) Please could the Applicant comment?</p> <p>NPSNN Paragraph 5.18 states that “... <i>any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would</i></p>

have a material impact on the ability of Government to meet its carbon reduction targets.”

- f) Please could **the Applicant** comment on whether the term “*so significant*” should be interpreted as being at a higher threshold than “*significant*”?

The Applicant [REP4-008] said that NPSNN does not set out the criteria for what should be considered significant and later [REP6-017] that the NPSNN refers to a significant effect being one where a scheme would materially impact on the UK’s ability to meet carbon reduction targets.

- g) Please could **the Applicant** clarify its position?

The ExA is considering whether DMRB LA 114 is consistent with the NPSNN.

- h) In case the ExA concludes that it is not, please, providing reasoning, could **the Applicant** comment on the weight that should be given to compliance with DMRB LA 114? How should any conflict between the DMRB and NPSNN be considered?

The Applicant [REP6-017] said that an assessment against the updated IEMA guidance¹ would lead to a conclusion of “*a minor adverse residual effect*”, which equates to impacts being fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type. The Applicant [REP2-021] reported that the Proposed Development employs conventional methods and materials and does not appear to have provided any examples of use of lower carbon materials or construction methods in the current design.

- i) Please could **the Applicant** provide further detail of its assessment against the updated IEMA guidance? Which “*emerging policy requirements*” have been identified and how is the Proposed Development consistent with them? What “*good practice design standards*” have been applied and how have these been incorporated into the current design?

Benchmarking

The Applicant [REP6-017] said that benchmarking is not a requirement for calculating embedded carbon emissions.

Derbyshire County Council [REP6-026] is of the view that benchmarking of construction phase emissions is missing and that benchmarking these emissions would allow for carbon reduction needs and opportunities to be identified.

- j) Please could **the Applicant** respond to Derbyshire County Council’s comments?
- k) Please could **the Applicant** advise whether it has benchmarked construction emissions against other projects of this type? If so, can the results of that be submitted to the Examination?

¹ IEMA, Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2nd edition (February 2022)

l) Please could **the Applicant** clarify whether use of the PAS 2080 involves benchmarking of construction phase emissions? Should benchmarking be required to demonstrate that emissions would not be unnecessarily high?

Mitigation – construction phase

Tameside Metropolitan Borough Council [REP6-037] said that it would be valuable to have periodic report on whether mitigation has been delivered and that this information should be agreed to be made public and shared regularly to reassure stakeholders.

Derbyshire County Council [REP6-026] said that firm mitigation measures such as the use of specific low carbon construction methods or materials, should be identified at this stage, as well as provisional targets for emissions reduction. It would be able to broadly review measures and their implementation.

The Applicant [REP6-017] said that:

- Firm measures such as use of specific low carbon construction methods or materials should not be identified as this is considered to presuppose and restrict options
- A reduction target would be set in accordance with the latest National Highways Net Zero Plan
- Review of the process and mitigation used would (as the ExA understands) be carried out internally
- Independent verification would have to be as part of a wider construction verification.

The Applicant [REP2-021] referred to the potential for significant reductions due to the extensive use of relevant materials, i.e., recycled sub-base, warm asphalt, lower carbon concrete through alternative ingredients, and lower carbon steel from energy efficient production.

m) Please could **the Applicant** explain whether and / or how the use of those materials, or similar, would cause it difficulty?

n) Please could **the Applicant** suggest a form of words for a requirement that would provide some firmness for mitigation using low carbon construction methods or materials?

The ExA is minded to conclude that the local authorities should be consulted on the setting of targets, the development of proposals for the mitigation of construction emissions, the use of PAS 2080; and that progress in delivering the mitigation should be reported to the local authorities.

o) Please could **the Applicant** advise whether the addition of such a requirement to the DCO would cause it any difficulty?

p) Please could **the Applicant** suggest a form of words for a requirement?

q) Please could the **local authorities** comment?

Tameside Metropolitan Borough Council [REP6-037] said that observance of PAS2080 alone does not guarantee success in delivering a genuinely low-carbon scheme.

	<p>r) Does Tameside Metropolitan Borough Council consider that other mitigation measures are required for the construction phase?</p> <p>Mitigation – operational phase</p> <p>Derbyshire County Council [REP6-026] expressed concerns about the mitigation secured for the operational phase.</p> <p>The Applicant [REP6-017] has summarised its proposals.</p> <p>s) Have the Applicant and Derbyshire County Council discussed the mitigation measures? Are they able to seek to agree the mitigation, and confirm which matters have been agreed or not agreed?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
	<p>Break</p> <p>Item 7 will start no earlier than 10am on Wednesday 6 April 2022</p>
<p>Item 7</p>	<p>OTHER ENVIRONMENTAL MATTERS</p> <p>General oral submissions</p> <p>The ExA will invite Interested Parties to make oral submissions for up to five minutes each.</p> <p>After each submission the ExA may ask questions and will give the Applicant an opportunity to reply.</p> <ul style="list-style-type: none"> • Jonathan Reynolds MP • Robert Largan MP • Bamford and Thornhill Parish Council • Climate Emergency Policy and Planning • CPRE Peak District and South Yorkshire Branch • Sharefirst My Journey to School • Anthony Rae • Charlotte Farrell • Daniel Wimberley • Stephen Bagshaw • Other Interested Parties invited by the ExA. <p>General</p> <p><u>Outstanding responses to the Examining Authority’s First Written Questions</u></p> <p>The Examining Authority is awaiting Tameside Metropolitan Borough Council’s responses to some of their First Written Questions [PD-009] regarding:</p> <p>a) Legislation and Policy Q2.1a)</p>

- b) Soils, ground conditions, material assets and waste Q10.4, Q10.5 and Q10.6
- c) The water environment, drainage, flood risk assessment, Water Frameworks Directive Q11.12, Q11.15 and Q11.17
- d) Land use, social and economic, human health Q13.7 and 13.13
- e) For clarity, if not answered elsewhere within another representation, would **Tameside Metropolitan Borough Council** respond to the questions? If a response has been provided, please identify the location of the response within a document.

Statement of Common Ground with Greater Manchester Combined Authority

At the Preliminary Meeting on Tuesday 16 November 2021, it was suggested that Tameside Metropolitan Borough Council provide input to the Statement of Common Ground requested with Transport for Greater Manchester in Annex E of the ExA's letter of 19 October 2022 [[PD-006](#)].

- f) Please could **Tameside Metropolitan Borough Council** and the **Applicant** comment?

Consideration of the scheme under the Planning Act 2008 (PA2008)

The PA2008 sets out the basic criteria under which a proposal can be considered as a nationally strategic infrastructure project. The basic types of schemes are set out in Section 14 and include, at 14(1)(h), highway-related development.

Section 22 sets out the criteria for qualifying highway-related schemes, including minima for the scale of schemes in terms of land-take at sub-section (4).

The Case for the Scheme [[REP2-016](#)] at 1.3.1 states that "*The draft DCO boundary covers an area of 62.3 ha, of which 41.9 ha is to be retained permanently as part of the Scheme. The remaining 12.9 ha of land will be acquired for temporary possession and will be used for site compounds and working room to construct boundary fences*".

- g) Please would the **Applicant** explain the discrepancy between the land area within the DCO boundary and the total land area of the land to be permanently retained and the land required for temporary possession?
- h) For clarity, please would the **Applicant** provide a breakdown of areas for the development between M67 Junction 4 and Mottram Moor Junction and between Mottram Moor Junction and Wooley Bridge Junction?

The PA2008 s103 gives the Secretary of State the function of deciding an application for an order granting development consent. In so doing he must follow the stipulated requirements set out in s104 and s105 of the PA2008.

- i) Please would the **Applicant** explain why they have considered that s104 is applicable in this case, rather than s105?

Identification of the works within the proposal

The Explanatory Memorandum [[REP5-007](#)], at PA2008 sets out the basic criteria under which a proposal can be considered as a nationally strategic

infrastructure project. The basic types of schemes are set out in Section 14 and include, at 14(1)(h), highway-related development.

Section 22 sets out the criteria for qualifying highway-related schemes, including minima for the scale of schemes in terms of land-take at sub-section (4).

The Case for the Scheme [\[REP2-016\]](#) at Annex 1 categorises the works in Schedule 1 to the draft Development Consent Order as “*Principle Development*”, “*Associated Development*”, “*Ancillary Development*” or “*Composite Development*”. Work No 22, the carriageway of the A57 link between Mottram Moor Junction and Wooley Bridge Junction, is classed as “*Principal Development*”. This road will pass to the local highway authority following completion of the development.

- j) Please would the **Applicant** explain their reasoning, with reference to paragraphs 5 and 6 of the Secretary of State for Communities and Local Government’s Guidance on associated development applications for major infrastructure projects, for defining the A57 link as “*Principal Development*”, rather than “*Associated Development*”?

Biodiversity

In their answer to Q 12.1 of the Examination Authority’s Second Written Questions [\[REP6-039\]](#), the Environment Agency has advised that the best practice measures and guidance which has been used to inform / instruct the management approach presented, should be referred to and that in the instance of the Landscape and Ecological Management and Monitoring Plan (LEMMP), it would be advisable to refer to all schedule 9 (Wildlife & Countryside Act 1981) Invasive Non-Native Species (INNS) identified within the development site area.

- k) Please would the **Applicant** confirm that they will act positively on this advice and include these references in the LEMMP? If not, why do they feel that it is inappropriate to do so?

In the same response the Environment Agency advises that they would only provide comments on the suitability of the measures proposed to control INNS detailed within scheduled 9 associated with the water environment and / or correct disposal of ‘waste materials’ arising from control / treatment in their role as an environmental regulator for waste management and that wider review / commentary on the control of any wider schedule 9 INNS identified within the development site area would need to be sought from the relevant additional competent authorities.

- l) Please would the **Applicant** confirm the arrangements for such consultation and signpost where this is secured within the dDCO?

Mitigation

- m) Is **Tameside Metropolitan Borough Council** satisfied that the level of detail supplied of mitigating measures, including structures for species such as bats and badgers is sufficient to demonstrate that the proposed measures will be effective?

Other landscape and visual

Carriageway levels, bunds and barriers

The Applicant [[REP4-008](#) and [REP6-017](#)] set out level differences of the proposed carriageway from existing ground level (up to 8m), the heights of bunds above proposed carriageway level (up to 5m) and that some embankments would be topped by 2.5m high environmental barriers. The Applicant [[REP2-021](#)] initially said that the assessment did not take changes in existing ground levels into account and later [[REP4-008](#) and [REP6-017](#)] clarified that full consideration was given to Engineering Drawings and Sections and that section drawings were used by the assessor on site and, these, along with professional judgement were used to determine the magnitude of change and significance levels.

- n) Please could **the Applicant** provide a copy of the Engineering Drawings and Sections that were used at the time of the assessment of effects on landscape or visual receptors? Were the level differences of the proposed carriageway from existing ground level, the heights of bunds above proposed carriageway level and the environmental barriers considered as set out by the Applicant during the Examination?

Tameside Metropolitan Borough Council [[REP6-037](#)] and Derbyshire County Council [[REP6-026](#)] awaited further clarification from the Applicant.

- o) Please could **Tameside Metropolitan Borough Council** and **Derbyshire County Council** now comment on the implications of the level differences of the proposed carriageway from existing ground level, the heights of bunds above proposed carriageway level and the environmental barriers for the assessment of effects on landscape or visual receptors? Are they satisfied that assessment reflects the size and nature of the features clarified by the Applicant during the Examination?

Mitigation

Tameside Metropolitan Borough Council [[REP6-037](#)] and Derbyshire County Council [[REP6-026](#)], High Peak Borough Council [[REP6-027](#)] and Warner Bower [[REP4-028](#)] have expressed concerns about the proposed mitigation planting. Concerns have included the planting and seed mixes and the consideration given to native species and Landscape Character.

The Applicant [[REP7-026](#)] appears to suggest that these matters be resolved during detailed design.

- p) Please could **the Applicant, Tameside Metropolitan Borough Council, Derbyshire County Council** and, if appropriate, **High Peak Borough Council**, discuss the concerns and seek to agree any updates to the mitigation, including to the Outline Landscape and Ecological Management and Monitoring Plan [[REP6-013](#)]?
- q) Please could the **Applicant** update the mitigation and submit it to the Examination for Deadline 8 (Wednesday 13 April 2022)?

r) Please could **Tameside Metropolitan Borough Council, Derbyshire County Council** and **High Peak Borough Council** comment on the updates for Deadline 9 (Wednesday 27 April 2022)?

Eastern portal

CPRE Peak District and South Yorkshire Branch [[REP6-024](#)], Jeff Brown [[REP6-035](#)] and the Applicant [[REP6-017](#)] commented on the merits of a site inspection proposed by CPRE Peak District and South Yorkshire Branch [[REP3-033](#)] on private land in the pastures south of Mottram Old Hall to understand the impacts of the Proposed Development, including the proposed eastern portal and carriageway.

CPRE Peak District and South Yorkshire Branch [[REP6-024](#)] referred to the consideration of views from Coach Road and from a proposed bridleway along the top of the cutting between the new junction at Mottram Moor and Old Hall Lane. The Applicant [[REP7-026](#)] said that the assessment only considered the impact on views for existing receptors (which allows for magnitude of change). Views for users of the proposed bridleway have not been considered as there is no existing baseline to determine magnitude of change from.

The ExA [[EV-001](#)] carried out an unaccompanied site inspection of Coach Road on 21 September 2021.

s) Do **CPRE Peak District and South Yorkshire Branch** or **the Applicant** have anything to add to their written submissions?

Design

Lighting

The Applicant [[REP6-017](#) Q5.10] set out the consideration given to design options for street lighting.

Tameside Metropolitan Borough Council [[REP6-037](#) Q5.10] said that the link road to be adopted by it should incorporate street lighting with lighting levels lower than in more built up urban areas.

Derbyshire County Council [[REP6-026](#) Q5.10] said that principles had been agreed and that detailed discussions were ongoing. It referred to a need to find a balance between operational and safety requirements and the desire to minimise visual impacts.

Peak District National Park Authority [[REP6-038](#) Q5.10] referred to the need to protect dark skies, mitigate effects to wildlife and protect night-time views.

t) Please could the **local authorities, Peak District National Park Authority** and **the Applicant** provide an update on discussions? Are the necessary mitigation measures in place to ensure that an appropriate balance between operational and safety requirements and the desire to minimise visual impacts would be achieved? What lighting levels should be provided?

Design Approach Document

The Applicant has submitted a Design Approach Document [[REP7-029](#)].

- u) Please could the **local authorities** and **Peak District National Park Authority** provide any initial comments?
- Should the document set out proposals for the provision of a Design Champion and a Design Review by the Design Council?
 - Are there appropriate provisions for how the Applicant would work with the local authorities and other stakeholders?
 - Has it given enough regard to how the detailed design would respond to Landscape / Townscape Character?
 - Is enough detail provided on signage, street furniture, lighting, environmental barrier, structures and hard landscaping design and materials?
 - Are there any other measures that should be included?
- v) Please could the **local authorities** and **Peak District National Park Authority** provide detailed comments on the Design Approach Document for Deadline 8 on Wednesday 13 April 2022?
- w) Please could **the Applicant** respond to those comments and provide an updated document for Deadline 9 on Wednesday 27 April 2022?

Green Belt

The Applicant [[REP4-008](#) and [REP6-017](#)] set out level differences of the proposed carriageway from existing ground level (up to 8m), the heights of bunds above proposed carriageway level (up to 5m) and that some embankments would be topped by 2.5m high environmental barriers.

The Applicant [[REP6-017](#)] has summarised its consideration of openness. Reference is made to adverse impacts at receptors which specifically mention views / openness. The Applicant concluded that the Proposed Development would preserve openness.

The Applicant [[REP6-017](#)] said that the proposals would align with localised landscape character and balances the locations where screening using mitigation planting is appropriate. It said that the landscape design would be aligned to local landscape character in reflecting local planting patterns and vegetation types as well as creating a variety of open and enclosed views both towards the new highway as well as within it, to appreciate the local landscape character.

- x) The Applicant's explanation appears to concentrate on planting. Please could **the Applicant** clarify the consideration given to level differences of the proposed carriageway from existing ground level, the heights of bunds above proposed carriageway level and the environmental barriers in its consideration of openness, material harm to openness and local Landscape Character?

Tameside Metropolitan Borough Council [[REP6-037](#)] reserved the opportunity to comment once it had sight of the Applicant's response.

- y) Please, providing reasoning, could **Tameside Metropolitan Borough Council** now provide initial comments on:

- The spatial and visual effects on the Green Belt?
- If there would be an effect on the openness of the Green Belt?
- If there would be material harm to openness in the context of local Landscape Character?

z) Please could **Tameside Metropolitan Borough Council** provide detailed comments for Deadline 8 (Wednesday 13 April 2022)?

The ExA is considering whether the Proposed Development preserves openness and whether it should be considered as inappropriate development in the Green Belt.

aa) In case the ExA does conclude that it would be inappropriate development, please would **the Applicant** set out its case for the very special circumstances that would be needed for the Proposed Development to proceed? Please could that be provided for Deadline 8 (Wednesday 13 April 2022)?

bb) Please could the **local authorities** and **Peak District National Park Authority** provide comments on the Applicant's case by Deadline 9 (Wednesday 27 April 2022)?

Other noise, vibration, and nuisance

Baseline noise levels

High Peak Borough Council [[REP5-035](#) Item 2c] raised concerns about baseline noise levels in relation to 18 and 54 Wooley Bridge. The Applicant [[REP6-017](#) Q6.2] responded.

cc) Does High Peak Borough Council have any remaining concerns about baseline noise levels. Has enough detail been provided in the Noise and Vibration Management Plan [[REP6-007](#)]?

Section 61 of the Control of Pollution Act 1974

High Peak Borough Council [[REP5-035](#)] said the Section 61 process does not mean that there would be no additional impacts or indeed that noise impacts would not be significant. It considered it reasonable for an infrequent or unexpected activity requiring section 61 approval to not be included in the assessment. It suggested that if the activities listed are likely to become embedded, for example, nightly routine equipment maintenance then these should be included in the assessment.

The Applicant [[REP6-017](#) Q6.4] has commented on the Section 61 process.

The ExA remains concerned about the flexibility provided by the Section 61 process and is seeking reassurance that, with the mitigation measures in place, the Applicant's assessment represents a reasonable worst-case scenario. The ExA is therefore considering whether an additional requirement should be added to the DCO for the Section 61 process only to be used if it would not give rise to any materially new or worse effects.

dd) Please could **the Applicant** comment?

Night-works

Requirement 4 of the dDCO [REP7-003] lists activities permitted outside normal working hours, which would include night works.

Paragraph 11.12.1 of ES Chapter 11 [REP3-007] states that no night works are anticipated with the exception of traffic management? The Applicant [REP6-017 Q6.5] has advised that other works could take place at night-time.

ee) Please could the Applicant update ES Chapter 11 [REP3-007] and ensure that it is consistent with Requirement 4 of the dDCO [REP7-003]?

Percussive piling

The ExA [PD-012 Q6.6] asked whether restricting the use of percussive piling to when rotary bored piling is not feasible should be secured as necessary mitigation. Tameside Metropolitan Borough Council [REP6-037] and High Peak Borough Council [REP6-027] agreed.

The Applicant [REP6-017 Q6.6] wishes to retain the flexibility to use percussive piling at any location following a balanced consideration of constraints and opportunities, even if it is not the preferred option from a noise impact perspective.

ff) Other than for noise, please could **the Applicant** comment on whether any significant impacts would be likely to result from restricting the use of percussive piling to when rotary bored piling is not feasible?

Noise insulation and temporary rehousing

The ExA [PD-012 Q6.8] asked whether the process, triggers, and example threshold noise levels for noise insulation and temporary housing set out in Section E.4 of BS 5228:2009 should be secured?. Tameside Metropolitan Borough Council [REP6-037] and High Peak Borough Council [REP6-027] said that they should be.

The Applicant [REP6-017 Q6.8] said that this is already secured by Register of Environmental Actions and Commitments item NV1.5 and that further details on the process, triggers and threshold noise levels would be included in the EMP (Second iteration).

The ExA notes that NV1.5 appears to lack precision as it refers to "*certain threshold levels*" and does not mention compliance with Section E.4 of BS 5228:2009. The ExA is considering whether to include the process, triggers and threshold noise levels in the dDCO.

gg) Please could **the Applicant** comment? Can the details on the process, triggers and threshold noise levels be included in the Register of Environmental Actions and Commitments now? If not, why not?

Historic Environment

Level of harm and the NPPF tests

High Peak Borough Council [REP6-027 Q9.3] suggested a contradiction in the Applicant's approach. Peak District National Park Authority raised concerns about the weighing up of benefits against harm [REP6-038 Q9.3].

The Applicant [[REP7-026](#)] responded at Deadline 7.

hh) Do **High Peak Borough Council** or **Peak District National Park Authority** have any remaining concerns about the consideration given to level of harm and the NPPF tests?

Enhancement

The Applicant [[REP6-017](#) Q9.7] set out proposals for enhancement to Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument through its' Environment and Wellbeing Designated Fund.

ii) Do the **local authorities** and **Peak District National Park Authority** consider that the Applicant's proposals would be likely to "... *preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset ...*", consistent with NPSNN Paragraph 5.137?

Mottram Old Hall

Tameside Metropolitan Borough Council [[REP6-037](#) Q9.5] raised concerns regarding the harm to Mottram Old Hall.

jj) Please could **the Applicant** comment?

kk) Do **Tameside Metropolitan Borough Council** have any remaining concerns about the consideration of harm to Mottram Old Hall?

Tintwistle Conservation Area

Peak District National Park Authority [[REP6-038](#) Q9.6 and Q9.11] considers Conservation Areas and non-designated assets of national importance to be of High Value. They specifically said that "great weight" should be given to its conservation of Tintwistle Conservation Area.

ll) Does **Peak District National Park Authority** have any remaining concerns about the consideration given to Conservation Areas and non-designated assets of national importance?

Land use, social and economic, human health

Sterilisation of development land

In their response to the Examining Authority's First Written Questions [[PD-009](#) Q13.3], Savilles response [[REP2-084](#)] suggests the potential of the proposal to stifle developable land

mm) Does **Tameside Metropolitan Borough Council** have any comment to make on the development potential of the land in question?

Severance

Mention has been made of enhancing routes for sustainable modes as part of the "green arc" of the Glossop gateway masterplan.

nn) Please would the **Applicant, Derbyshire County Council** and **High Peak Borough Council** provide details of what steps, if any, have been taken to secure such proposals, including funding, in association with the proposal?

	<p>oo) Does the Applicant wish to comment?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
Item 8	<p>OTHER MATTERS</p> <p>Please could the Applicant provide a written summary of its responses for Deadline 8, on Wednesday 13 April 2022?</p> <p>Time permitting, and at its discretion, the ExA may invite other oral submissions.</p>
Item 9	<p>ANY OTHER BUSINESS AND CLOSE OF ISSUE SPECIFIC HEARING 3</p> <p>Issue Specific Hearing 3 may be completed on Wednesday 6 April 2022. If it is then notification that Thursday 7 April 2022 is no longer required will be provided during the hearing before it closes and published as soon as is practicable on the National Infrastructure Planning website.</p>