



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 4

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 4. 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 4 is being held for the ExA to examine the draft Development Consent Order (dDCO) and invite parties to make oral representations about the dDCO. The hearing is likely to be of a particularly technical nature.

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
- Environment Agency

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 3.00pm 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 4

3.30pm on 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.
Item 2	GENERAL MATTERS, OTHER CONSENTS, AND PREAMBLE <u>Other consents</u> The Applicant provided an updated Consents and Agreements Position Statement [REP7-004]. a) Please could the Applicant summarise the position that it expects to be in at close of the Examination for protected species licensing and a letter of no impediment from Natural England? b) Would the Applicant like to advise of any further updates? c) Please could the Applicant provide an updated Consents and Agreements Position Statement for Deadline 9, on Wednesday 27 April 2022? The ExA may ask more questions or invite more oral submissions.
Item 3	PARTS 1 TO 7 <u>Article 7(a) – Limits of deviation</u> The Applicant is seeking a horizontal limit of deviation of up to 5m and said [REP4-008] that noise levels could change by between around 1dB and 2dB for receptors closer than 40m to the alignment. It said [REP6-017] that it is not practical to undertake quantitative assessments for all scenarios, but that this would be carefully considered through the detailed design stage so that in aggregate the ‘not environmentally worse than’ principles could still be applied. Tameside Metropolitan Borough Council [REP6-037] said that change in noise levels would be around 1 dB and 2dB which is unlikely to be that significant, but that if the deviation was to be greater then this would need re-assessing. a) Please could the Applicant itemise the sensitive receptors that would be closer than 40m to the alignment and, if necessary, update its estimate of how much noise levels at those receptors would be expected to change if the main carriageway moved 5m closer or 5m further away? Given the proximity of the carriageway to receptors, including a number of residences, the ExA is considering whether the degree of uncertainty is acceptable and whether an aggregate approach be sufficient for effects on individual receptors. The ExA is therefore considering a requirement to limit the horizontal deviation to 1m when the carriageway is within 40m of residential receptors and / or a requirement for the limits of deviation not to result in any materially new or worse effects for any receptor.

	<p>b) Please could the Applicant comment?</p> <p><u>Article 10 – Street Works</u></p> <p><u>Article 11 - Application of the 1991 Act and the 2004 Act</u></p> <p>The Applicant [REP6-017] said that Derbyshire County Council and Tameside Metropolitan Borough Council’s permit schemes would no longer be disapplied and has updated the dDCO [REP7-003], removing Article 11(8).</p> <p>c) Do Derbyshire County Council or Tameside Metropolitan Borough Council have any comments on the updates? Are there any remaining concerns about their permit schemes?</p> <p><u>Article 12(5) - Construction and maintenance of new, altered or diverted streets and other structures – responsibility for maintenance</u></p> <p>Derbyshire County Council [REP6-026] provided an update on discussions with the Applicant regarding maintenance liabilities, said that agreement had been reached and that the matter could be secured through the Environmental Management Plan.</p> <p>d) Does Derbyshire County Council have any remaining concerns regarding provisions related to maintenance in the dDCO [REP7-003] or in the Environmental Management Plan (First Iteration) [REP6-007 and REP6-008]?</p> <p><u>Articles 14(6), 18(11), 19(8), 21(6) – Deemed consent</u></p> <p>The Applicant has updated the dDCO [REP7-003] to require authorities to be notified of the provisions for deemed consent when it makes an application for consent.</p> <p>e) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the updates? Are there any remaining concerns about deemed consent?</p> <p><u>Article 15(2)(b) - Permanent stopping up and restriction of use of highways, streets and private means of access - Temporary alternative routes for private means of access dDCO reference</u></p> <p>The Applicant has updated the dDCO [REP7-003] to reword the provisions regarding the maintenance of access.</p> <p>f) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the updates? Are there any remaining concerns about the maintenance of access?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
	<p>Break (if required)</p>
<p>Item 4</p>	<p>SCHEDULES 1 AND 2</p> <p><u>Comments from the Environment Agency</u></p>

The Environment Agency [[REP6-039](#)] has made a number of comments regarding dDCO [[REP7-003](#)] Requirements 4 (Second Iteration EMP), 6 (Contaminated land and groundwater) and 9 (Flood risk assessment).

The ExA intends to address those matters during Issue Specific Hearing 3. Any outstanding matters from Issue Specific Hearing 3 may be considered under this Item 5, at the ExA's discretion.

Requirement 4 – second iteration EMP

The ExA [[PD-009](#), [EV-014](#) and [PD-012](#)] questioned whether dDCO provisions were required for the second iteration EMP to:

- incorporate the measures for the construction stage referred to in the ES as being incorporated in the EMP
- contain a record of the consents, commitments and permissions resulting from liaison with statutory bodies
- be kept up to date with any material changes during construction and for consultation to be required on those changes

Provisions have been supported by the local authorities [[REP2-051](#), [REP2-053](#), [REP2-056](#), [REP6-026](#), [REP6-027](#), and [REP6-037](#)].

In its latest response, the Applicant [[REP6-017](#)] referred to the processes secured for refining and updating the EMP, for later iterations to accord with those that have gone before them, and to related provisions in the DMRB.

The ExA is reflecting on the responses, the firmness with which any mitigation relied on in the assessment is secured, the need to ensure that key principles are followed in the second iteration EMP, and the degree to which it can rely on DMRB provisions. On balance, the ExA is minded to include the provisions in the dDCO [[REP7-003](#)].

- a) Does **the Applicant** have anything to add to its earlier submissions?
- b) Please could **the Applicant** advise whether the addition of these provisions to the DCO would cause it any difficulty?

Requirement 4(2)(c) - second iteration EMP - Working hours

The Applicant has added Requirement 4(2)(c)(x) to the dDCO [[REP7-003](#)] to require notification of activities outside normal working hours.

- c) Do **Tameside Metropolitan Borough Council, Derbyshire County Council** or **High Peak Borough Council** have any comments on the update? Are there any remaining concerns about dDCO provisions for working hours?

Requirement 4(4) and 4(5) – third iteration EMP.

The ExA [[PD-009](#), [EV-014](#) and [PD-012](#)] questioned whether dDCO provisions were required for the third iteration EMP to:

- incorporate the measures for the management and operation stage referred to in the ES as being incorporated in the EMP
- be substantially in accordance with the measures for the management and operation stage included in the first iteration EMP

	<ul style="list-style-type: none"> • be consulted on with relevant planning authorities, the local highway authorities and the Environment Agency • be submitted to and approved in writing by the Secretary of State <p>Provisions have been supported by the local authorities [REP2-051, REP2-053, REP2-056, REP6-026, REP6-027, and REP6-037].</p> <p>In its latest response, the Applicant [REP6-017] referred to the processes secured for refining and updating the EMP, for later iterations to accord with those that have gone before them, to related provisions in the DMRB, and to the second iteration being consulted on and approved.</p> <p>The ExA is reflecting on the responses, the firmness with which any mitigation relied on in the assessment is secured, the need to ensure that key principles are followed in the third iteration EMP, and the degree to which it can rely on DMRB provisions. On balance, the ExA is minded to include the provisions in the dDCO [REP7-003].</p> <p>d) Does the Applicant have anything to add to its earlier submissions?</p> <p>e) Please could the Applicant advise whether the addition of these provisions to the DCO would cause it any difficulty?</p> <p><u>Requirement 5 – Landscaping</u></p> <p>The Applicant has updated the dDCO [REP7-003] to require that no part of the authorised development can commence unless a written landscaping scheme for that part has been consulted on and approved.</p> <p>f) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about Requirement 5?</p> <p><u>Requirement 10 – Archaeological remains</u></p> <p>The Applicant has updated the dDCO [REP7-003] to add a requirement for any programme of archaeological reporting, post excavation and publication to be consulted on and / or agreed in writing.</p> <p>g) Do Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council have any comments on the update? Are there any remaining concerns about Requirement 10?</p> <p><u>Requirement 12(1) Details of consultation – minimum period</u></p> <p>h) Please could Tameside Metropolitan Borough Council, Derbyshire County Council or High Peak Borough Council, Tameside Metropolitan Borough Council, Derbyshire County Council and High Peak Borough Council provide an update on discussions regarding the consultation period, for which periods ranging from 14 days to 28 days have been suggested?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
Item 5	SCHEDULES 3 TO 10

	<p><u>Schedule 3, 4 and 5</u></p> <p>a) Has Tameside Metropolitan Borough Council reviewed the latest versions? Does it have any further comments, please?</p> <p>b) Do Derbyshire County Council or High Peak Borough Council have any remaining concerns?</p> <p><u>Schedule 9 – Protective Provisions</u></p> <p>The Applicant [REP6-017] reported on progress in agreeing the Protective Provisions, any side agreements, and obtaining written evidence of any agreement.</p> <p>c) Please could the Applicant provide an update? What matters are still subject to agreement with each party, what the steps being taken to resolve them and when will any updates be provided to the Examination?</p> <p><u>Schedule 10</u></p> <p>The Register of Environmental Statement Changes is a record of the latest versions of the Environmental Statement documents that would be certified under Schedule 10.</p> <p>The Applicant [REP6-017] has suggested that the Register of Environmental Statement Changes does not need to be a separately certified document.</p> <p>d) Please could the Applicant comment on how is it possible to be certain that the correct versions of the Environmental Statement documents are certified if the Register of Environmental Statement Changes is not certified?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>
<p>Item 6</p>	<p>ANY OTHER DRAFT DEVELOPMENT CONSENT ORDER MATTERS</p> <p>a) Please could the Applicant provide a written summary of its responses for Deadline 8, on Wednesday 13 April 2022?</p> <p>b) Please could the Applicant provide any updates to its final dDCO, Explanatory Memorandum and tracked versions for Deadline 8, on Wednesday 13 April 2022?</p> <p>The ExA will publish a schedule of changes to the dDCO no later than Wednesday 20 April 2022. Comments on that are required for Deadline 9, on Wednesday 27 April 2022.</p> <p>Time permitting, and at its discretion, the ExA may invite other oral submissions related to the draft Development Consent Order.</p>
<p>Item 7</p>	<p>ANY OTHER BUSINESS AND CLOSE OF ISSUE SPECIFIC HEARING 4</p> <p>Issue Specific Hearing 4 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 on the National Infrastructure Planning website as soon as is practicable.</p>