

Application by Highways England for an Order Granting Development Consent for A57 Link Roads
The Examining Authority's third written questions and requests for information
Issued on Friday 6 May 2022

This document sets out the Examining Authority's (ExA's) third written questions and requests for information.

Responses should be submitted for Deadline 11 on Wednesday 11 May 2022, unless noted otherwise.

The Planning Inspectorate's document references in these questions [in square brackets] can be found on the National Infrastructure Planning website at: <http://infrastructure.planninginspectorate.gov.uk/document/TR010034-000603>

Please could all parties answer all questions directed to them or explain why the question is not relevant to them. If questions can be **fully** answered within another submission, then a reference to the relevant paragraph(s) of the submission will be enough.

When you are answering a question, please start your answer by quoting the question number.

If you are answering no more than 3 questions, responses in a letter format will suffice. If you are answering several questions, it will assist the ExA if you could use a table based on that used below. An editable version of this table, in Microsoft Word, is available on request from the Planning Inspectorate. Please email your request to: A57LinkRoads@planninginspectorate.gov.uk.

Abbreviations

dDCO	Draft Development Consent Order	REAC	Register of Environmental Actions and Commitments
EMP	Environmental Management Plan	SPA	Special Protection Area
ExA	Examining Authority	TAG	Transport Analysis Guidance

Contents

Section	Topic
1.	The draft Development Consent Order (dDCO) and other consents
2.	General matters
3.	Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders
4.	Peak District National Park
5.	Other landscape and visual, design, Green Belt
6.	Other noise, vibration, and nuisance
7.	Air quality
8.	Climate change
9.	The historic environment
10.	Soils, ground conditions, material assets and waste
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive
12.	Biodiversity, ecological and geological conservation, Habitat Regulation Assessment
13.	Land use, social and economic, human health
14.	Other environmental topics
15.	Compulsory Acquisition, Temporary Possession, Statutory Undertakers, and funding

No	Question to	Reference	Question
1.	The draft Development Consent Order (dDCO) and other consents		
	Reference is made to the dDCO submitted by the Applicant for Deadline 9 [REP9-004].		
1.1.	Applicant	Article 7(a) Limits of deviation	<p>The ExA [PD-016] said that it suggested no changes to this Article subject to the Applicant updating the Work Plans at Examination Deadline 9 to reduce the limits of deviation to 1m in the locations where a proposed carriageway is within 40m of a noise sensitive receptor. The ExA wishes to ensure that the dDCO provisions are consistent with the Applicant's assessment of significant effects, including with respect to individual residential receptors.</p> <p>The Applicant added shaded areas to the Works Plans [REP9-002] to indicate "<i>Mainline alignment horizontal limit of deviation reduced to $\pm 1m$ in the proximity of sensitive noise receptors</i>". The shaded areas are not dimensioned and the term "<i>sensitive noise receptor</i>" is not defined.</p> <p>Please can the Works Plans be clarified, and/ or please can the Applicant suggest appropriate wording for the dDCO?</p>
1.2.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority	Requirements 3(3), 3(4), 3(5) and 3(6) Detailed design	<p>The Applicant [REP9-004] has incorporated the ExA's [PD-016] suggested additions. Tameside Borough Council [REP9-037] had no comments.</p> <p>a) Please could Derbyshire County Council, High Peak Borough Council and Peak District National Park Authority comment?</p> <p>b) Do the local authorities or Peak District National Park Authority have any outstanding concerns regarding Requirement 3?</p>
1.3.	Applicant	Requirement 3(4) Detailed design	<p>The Environment Agency [REP9-046] has suggested that a requirement be added for detailed design to be consulted on "<i>with relevant wider regulatory authorities</i>".</p>

No	Question to	Reference	Question
	Environment Agency		<p>a) Have the Applicant and the Environment Agency agreed the wording?</p> <p>b) If the wording cannot be agreed, please could the Applicant and the Environment Agency each provide their preferred wording, with reasoning?</p>
1.4.	Environment Agency	Requirement 4 Second Iteration Environmental Management Plan (EMP)	<p>The ExA [PD-016] said that it may suggest changes subject to further advice from the Environment Agency and the Applicant. The Applicant [REP9-028] suggested that no changes would be required following updates to the Register of Environmental Actions and Commitments [REP9-009] and the submission of an Outline Dewatering Management Plan [REP9-008].</p> <p>Environment Agency [REP9-046] said that it would not have any comments on Requirement 4, subject to the Applicant's submissions being acceptable.</p> <p>Does the Environment Agency have any outstanding concerns regarding Requirement 4? If so, does the Environment Agency consider that these can be addressed within the dDCO and can it provide any suggested wording to address these concerns?</p>
1.5.	Applicant	Requirement 4(6) Second Iteration EMP	<p>Should this be amended to:</p> <p><i>"... the approved third iteration EMP"</i>?</p>
1.6.	Applicant Environment Agency	Requirement 6 Contaminated land and groundwater	<p>The ExA [PD-016] suggested changes to address the Environment Agency's concerns [REP8-037].</p> <p>The Applicant [REP9-028] referred to discussions with the Environment Agency and provided revised wording and an Outline Dewatering Management Plan [REP9-008].</p> <p>The Environment Agency [REP9-046] said that it would comment on the Applicant's revised wording.</p> <p>a) Please could the Applicant review the formatting of its suggested changes, including the use of capital letters at the start of 6(2)(a), 6(2)(b) and 6(2)(c) and the use of brackets?</p>

No	Question to	Reference	Question
			<p>b) Please could the Applicant and the Environment Agency comment on whether "<i>previous site investigations</i>" should be removed from 6(3) to recognise that all contamination should be addressed in the approved remediation strategy?</p> <p>c) Have the Applicant and the Environment Agency agreed the wording?</p> <p>d) If the wording cannot be agreed, please could the Applicant and the Environment Agency each provide their preferred wording, with reasoning?</p> <p>e) Does the Environment Agency agree with the Applicant [REP9-028] that the provisions suggested by the ExA [PD-016] in relation to a hydrogeological risk assessment are not needed in the dDCO?</p> <p>f) Does the Environment Agency have any outstanding concerns regarding Requirement 6?</p>
1.7.	Applicant Environment Agency	Requirement 9 Flood risk assessment	<p>The ExA [PD-016] said that it may suggest changes subject to further advice from the Environment Agency and the Applicant. The Applicant [REP9-028] suggested that no changes would be required following its submission of a revised Flood Risk Assessment [REP8-007].</p> <p>Environment Agency [REP9-046] said that it would comment following its review of the revised Flood Risk Assessment.</p> <p>Does the Environment Agency have any outstanding concerns regarding Requirement 9? If so, does the Environment Agency consider that these can be addressed within the dDCO and can it provide any suggested wording to address these concerns? Are additional measures required to provide certainty that appropriate mitigation can be secured to address issues of flooding and allow the SoS to carry out any Exception Test as required?</p>
1.8.	Derbyshire County Council	Requirement 10 Archaeological remains	<p>The Applicant [REP9-028] considers that Derbyshire County Council's concerns [REP8-024] that approval of a written</p>

No	Question to	Reference	Question
			<p>scheme should also be required for pre-commencement works is addressed by 10(8).</p> <p>a) Please could Derbyshire County Council comment?</p> <p>b) Does Derbyshire County Council have any outstanding concerns regarding Requirement 10?</p>
1.9.	<p>Applicant Tameside Metropolitan Borough Council High Peak Borough Council</p>	<p>Requirement 12 Carbon management</p>	<p>The Applicant [REP9-004] incorporated the ExA's [PD-016] suggested additions, with a minor amendment. Tameside Borough Council [REP9-037] had no comments on the ExA's additions.</p> <p>a) Please could the local authorities comment?</p> <p>b) Please could the Applicant consider whether the wording of 12(1) should read "... until for that part a Carbon Management Plan ..." ?</p>
1.10.	<p>Applicant Tameside Metropolitan Borough Council High Peak Borough Council</p>	<p>Use of section 61 consent <i>"Where the undertaker is acting further to Section 61 of the Control of Pollution Act 1974 in relation to the construction of the authorised development the undertaker shall include particulars in any application pursuant to Section 61 of the Control of Pollution Act 1974 to demonstrate that the works the subject of the application, including the method by which they are to be carried out and the steps proposed to be taken to minimise noise resulting from the works, would not give rise to any materially new or worse noise effects to those in comparison with those reported in the environmental statement".</i></p>	<p>The Applicant [REP8-019 Question 7dd] suggested wording for an additional requirement to address the ExA's concerns [EV-039].</p> <p>a) Please could the Applicant, Tameside Metropolitan Borough Council and High Peak Borough Council seek to agree the wording and provide a coordinated response?</p> <p>b) Please could the Applicant add the agreed wording to the dDCO?</p>

No	Question to	Reference	Question
1.11.	Applicant	Submissions for the close of the Examination	<p>Please could the Applicant submit the following for Deadline 12, on Monday 16 May 2022:</p> <ul style="list-style-type: none"> • a clean version of the Applicant’s latest dDCO in pdf and Word formats, together with a validation report • the Applicant’s latest dDCO showing all changes since the previous submitted version • the Applicant’s latest dDCO showing all changes since the Application version, together with a schedule of changes • an up-to-date Explanatory Memorandum that covers the Applicant’s latest dDCO • an up-to-date Consents and Agreements Position Statement • signed confirmation from the Applicant and each Statutory Undertaker setting out whether each Protective Provision in Schedule 9 has been agreed, listing any side agreements and whether those have been agreed, and identifying the anticipated timescales for any outstanding matters to be agreed • a clean version of each document to be certified that is referenced in Schedule 10, clearly marked with document reference and revision numbers that are consistent with Schedule 10 and the Register of Environmental Statement Changes, together with tracked changes versions showing all changes since the Application version
1.12.	Tameside Metropolitan Borough Council Derbyshire County Council	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, the Environment Agency, and Natural England summarise any remaining concerns that they have about the dDCO?</p>

No	Question to	Reference	Question
	High Peak Borough Council Peak District National Park Authority Environment Agency Natural England		
2.	General matters		
2.1.	Applicant	Carbon CPRE Peak District and South Yorkshire Branch - comments on submissions for Deadline 7 [REP8-034]	CPRE Peak District and South Yorkshire Branch raise concerns [REP8-034] that whilst using lower traffic growth compatible with the Decarbonisation Plan the use of such growth elsewhere would alter the value for money presented by the Proposed Development. a) Would the Applicant comment on this matter? b) Does the Applicant consider that, as result of this, the Case for the Scheme [REP2-016] should be updated?
2.2.	Applicant	Statements of Common Ground	Please could the Applicant submit any outstanding or updated signed Statements of Common Ground for Deadline 12, on Monday 16 May 2022?
2.3.	Applicant Tameside Metropolitan Borough Council Derbyshire County Council	Remaining concerns	Apart from the issues covered elsewhere in these third written questions or in their signed Statements of Common Ground, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, the Environment Agency, and Natural England summarise any remaining concerns that they have about the: <ul style="list-style-type: none"> • Case for the Scheme [REP2-016]

No	Question to	Reference	Question
	High Peak Borough Council Environment Agency Natural England		<ul style="list-style-type: none"> • Environmental Management Plan (First Iteration) [REP9-008] • Register of Environmental Actions and Commitments [REP9-009] • Works Plans [REP9-002], Streets, Rights of Way and Access Plans [REP9-003], Scheme Layout Plans [REP8-004], and Engineering Drawings and Section Plans [REP5-005] • compliance of the Proposed Development with relevant legislation and policy, including local policies • any other important and relevant matters, including in relation to the ExA's Initial Assessment of Principal Issues [PD-005]
3. Transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders			
3.1.	Applicant	<p>CPRE Peak District and South Yorkshire Branch comments on submissions for Deadline 7 [REP8-034]</p> <p>CPRE Peak District and South Yorkshire Branch comments on submissions for Deadline 8 [REP9-040]</p>	<p>CPRE Peak District and South Yorkshire Branch continue to raise concerns in [REP8-034, REP9-040 and elsewhere], that anomalies in baseline flows on links that do not form part of the Strategic Route Network have not been explained adequately.</p> <p>Particular reference has been made to the difference in traffic flows between the A628(T) Market Street through Hollingworth and traffic flows on the A628(T) through Tintwistle.</p> <p>In further support of this a table is supplied [REP8-034] showing Annual Average Daily Traffic Flows on various links and identifying trends in traffic numbers using those links.</p> <p>a) Would the Applicant please provide further commentary on the perceived disparity between the 2025 Do-Minimum output flows from the traffic model and the identified flows?</p> <p>b) Would the Applicant further explain what steps have been taken to validate the model, including where traffic flow data has been used for comparison, identifying its source?</p>

No	Question to	Reference	Question
			c) Does the model comply with Transport Analysis Guidance (TAG) validation criteria?
3.2.	Applicant	Issue Specific Hearing 3 Item 2 CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-045]	CPRE Peak District and South Yorkshire Branch [REP8-045] query the Applicant's statement regarding the collection and use of traffic data during Covid-19 restrictions, suggesting anomalies between the Applicant's evidence during Issue Specific Hearing 3 and other application documents which they consider to undermine the credibility of the traffic model. Would the Applicant please provide further clarification on whether data was collected during Covid-19 restrictions and, if so, what it was used for and which data outputs it would have influenced?
3.3.	Applicant	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission [REP2-070 Paragraph 11]	CPRE Peak District and South Yorkshire Branch raised concerns [REP2-070 Paragraph 11] that whilst completing the Uncertainty Log, the second source of error identified in the TAG, error in the modelling parameters, has not been assessed. Would the Applicant clarify whether, or not, such as assessment was made and, if not, why not?
3.4.	Applicant	CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-045]	CPRE Peak District and South Yorkshire Branch [REP8-045] raise concerns that there has been no assessment of alternatives to the Proposed Development subsequent to 2015, considering that such reassessment should have been carried out at various stages since then. CPRE Peak District and South Yorkshire Branch [REP8-045] have referenced R Save Stonehenge World Heritage Site Ltd v Secretary of State for Transport - Neutral Citation Number: [2021] EWHC 2161 (Admin) (the Stonehenge Case) a) Would the Applicant comment on whether such reassessment took place? b) If not, why not? c) If so, can this be demonstrated?

No	Question to	Reference	Question
			d) Would the Applicant comment on what implication, if any, the Stonehenge Case has on the manner in which alternatives to the proposal have been considered?
3.5.	Applicant	<p>CPRE Peak District and South Yorkshire Branch Email correspondence between Transport for Greater Manchester and National Highways [REP9-039]</p> <p>Draft Statement of Common Ground with Transport for Greater Manchester [REP2-019]</p>	<p>CPRE Peak District and South Yorkshire Branch [REP9-039] refer to an e-mail to Andrew Davidson sent in January 2022 which they consider identifies concerns that Transport for Greater Manchester wished to discuss further.</p> <p>The final Statement of Common Ground between the Applicant and Transport for Greater Manchester has not yet been agreed.</p> <p>a) Would the Applicant clarify whether the matters identified in the e-mail were discussed at a later date?</p> <p>b) What were the outcomes of those discussions?</p> <p>c) Does the Proposed Development address these matters?</p> <p>d) If so, how?</p> <p>e) Was the scope of the traffic model agreed with Transport for Greater Manchester?</p> <p>f) Is the Applicant aware of any design consideration which would conflict with the provision of a bypass of Hollingworth and Tintwistle?</p>
3.6.	Applicant	<p>CPRE Peak District and South Yorkshire Branch Submission for clarification following Issue Specific Hearing 3 [REP8-034]</p>	<p>CPRE Peak District and South Yorkshire Branch [REP8-034] suggested that the Proposed Development fails to provide overall journey times between Manchester and Sheffield centres and that Proposed Development fails to demonstrate any benefits in terms of journey time/ reliability.</p> <p>Would the Applicant comment on this matter? Compliance with the EIA regulations and the sufficiency of material provided for a reasoned conclusion to be reached</p>
3.7.	Applicant	<p>Compliance with the EIA regulations and the sufficiency of material provided for a reasoned conclusion to be reached.</p>	<p>Please could the Applicant provide a detailed response to the traffic modelling matters raised by CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other related matters raised in the Deadline 10 submissions?</p>

No	Question to	Reference	Question
		Consideration given to recent policy, modal share and trip reduction targets.	
3.8.	Applicant	<p>Scheme Layout Plans [REP8-004] Sheet 4 of 10 Rev P04</p> <p>Works Plans [REP9-002] Sheet 4 of 10 Rev P05 Work 13(iii)</p> <p>Rights of Way and Access Plans [REP9-003] Sheet 4 of 10 Rev P05</p>	<p>On the A57(T) north-eastern (Mottram Moor) arm, the layout indicates a single north-eastbound traffic lane running alongside a new length of footway cycleway. This, however, appears to terminate, decanting footway users onto the carriageway.</p> <p>a) Would the Applicant clarify what is intended in terms of footway or footway/ cycleway provision connection to the footway of Mottram Moor to the north-east?</p> <p>b) Please provide updated plans showing the intended layout, with all footway connections.</p>
3.9.	Applicant	<p>Scheme Layout Plans [REP8-004] Sheet 1 of 10 Rev P03</p> <p>Works Plans [REP9-002] Sheet 1 of 10 Rev P03 Work No 4 Rev P04</p> <p>Streets, Rights of Way and Access Plans [REP9-003] Sheet 1 of 10 Rev P04</p>	<p>On the M67 Junction 4 Roundabout Mottram Road, Stockport Road and A57(T) Hyde Road arms, the alignment of connections to crossing points of the carriageway as shown on the Works Plans [REP9-002] and Streets, Rights of Way and Access Plans [REP9-003] do not accord with the Scheme Layout Plans [REP8-004].</p> <p>Please could the Applicant provide updated plans showing the intended Scheme Layout, with all footway connections?</p>
3.10.	Applicant	<p>Outline Traffic Management Plan [REP1-038]</p> <p>Register of Environmental Actions and Commitments [REP9-009]</p> <p>dDCO [REP9-004]</p>	<p>The Applicant has previously stated that, during the Construction Phase, Heavy Goods Vehicles associated with The Works will not be routed via the A57 and/ or the A628.</p> <p>The ExA requests the Applicant to update the Outline Traffic Management Plan [REP1-038] and Register of Environmental Actions and Commitments (REAC) [REP9-009] to secure a commitment to these measures in the dDCO [REP9-004].</p>
3.11.	Tameside Metropolitan	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough</p>

No	Question to	Reference	Question
	Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority		Council, and Peak District National Park Authority and summarise any remaining concerns that they have about the Applicant's consideration of transport networks, traffic, alternatives, access, severance, walkers, cyclists, or horse riders?
4.	Peak District National Park		
4.1.	Applicant	Special qualities Indirect effects	Peak District National Park Authority [REP9-034] continues to raise concerns about the consideration given to impacts on the tranquillity and quiet enjoyment of the National Park. Please could the Applicant summarise its position?
4.2.	Peak District National Park Authority	The regard given to Statutory Purposes	Please could Peak District National Park Authority comment on the Applicant's response [REP9-027] to their written summary of oral submissions regarding Peak District National Park [REP8-026]?
4.3.	Applicant	Mitigation	Peak District National Park Authority [REP8-026] has raised concerns about: <ul style="list-style-type: none"> • a lack of provision in the Design Approach Document [REP9-008 Annex C2] for engagement with Peak District National Park Authority • how the detailed design would have regard to the Peak District National Park and its setting • lighting • mitigation measures for indirect effect on Peak District National Park

No	Question to	Reference	Question
			Please could the Applicant comment? Can mitigation measures be provided?
4.4.	Natural England Peak District National Park Authority Derbyshire County Council High Peak Borough Council	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Natural England, Peak District National Park Authority, Derbyshire County Council, and High Peak Borough Council summarise any remaining concerns that they have about the Applicant's consideration of the Peak District National Park?
5.	Other landscape and visual, design, Green Belt		
5.1.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority	Landscape and visual Mitigation	The Applicant [REP9-027] has updated the Outline Landscape and Ecological Management and Monitoring Plan [REP8-014] and Design Approach Document [REP9-008 Annex C2] in response to concerns raised by the local authorities regarding planting. a) Do the local authorities and Peak District National Park Authority have any comments on the Applicant's updates? b) Do the local authorities or Peak District National Park Authority have any remaining concerns about the Outline Landscape and Ecological Management and Monitoring Plan?
5.2.	Tameside Metropolitan Borough Council	Design Mitigation	The Applicant [REP9-027] has updated the Design Approach Document [REP9-008 Annex C2] in response to concerns raised by High Peak Borough Council [REP8-025] regarding references to local policy.

No	Question to	Reference	Question
	Derbyshire County Council High Peak Borough Council		<p>a) Does High Peak Borough Council have any comments on the Applicant's updates?</p> <p>b) Do the local authorities or Peak District National Park Authority have any remaining concerns about the Design Approach Document?</p>
5.3.	Applicant Derbyshire County Council	Green Belt	<p>High Peak Borough Council [REP9-033] have raised concerns about "<i>other considerations</i>" in relation to whether "<i>very special circumstances</i>" exist, including that, in their view:</p> <ul style="list-style-type: none"> • journeys between Glossop, Hadfield and Tintwistle are likely to experience a disbenefit due to additional traffic on the existing highway network and the absence of any plans to mitigate impacts outside of the DCO boundary • the impacts of traffic growth on Shaw Lane and Dinting Road, the potential need for junction improvements, a pedestrian crossing to enable safe journeys to school across Dinting Road and the implications of on-street parking on Shaw Lane which prohibit two-way traffic movements have not been addressed or remain unresolved. <p>Please could the Applicant and Derbyshire County Council, as the local highway authority, comment?</p>
5.4.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, and Peak District National Park Authority summarise any remaining concerns that they have about the Applicant's consideration of landscape, visual, design, or the Green Belt?</p>

No	Question to	Reference	Question
6.	Other noise, vibration, and nuisance		
6.1.	Applicant High Peak Borough Council	Baseline noise levels in relation to 18 and 54 Wooley Bridge	High Peak Borough Council [REP8-025 Question 7cc] raised concerns about enforceable commitments being required and suggested some wording for the Outline Noise and Vibration Management Plan. The Applicant [REP9-027] responded, but did not suggest any changes to the Outline Noise and Vibration Management Plan. Please could the Applicant and High Peak Borough Council seek to agree on any necessary mitigation, and how it is secured, and each provide a coordinated response?
6.2.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority Environment Agency	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, and the Environment Agency summarise any remaining concerns that they have about the Applicant's consideration of noise, vibration, common law nuisance or statutory nuisance?
7.	Air quality		
7.1.	High Peak Borough Council	Remaining concerns	a) Please could High Peak Borough Council provide an update on the matters that it has noted [REP8-025] as not being resolved, including with respect to:

No	Question to	Reference	Question
			<ul style="list-style-type: none"> • speed band emission rates used in the air quality assessment • routing of traffic in Glossop from the A57 onto Shaw Lane and Dinting Road • the inclusion of Air Quality Management Areas in the air quality study area • human health receptors on the A57 in Brookfield <p>b) What are the likely implications for the adequacy of the Applicant's assessment and for their identification of significant effects?</p> <p>c) Should further mitigation be provided?</p>
7.2.	<p>Tameside Metropolitan Borough Council</p> <p>High Peak Borough Council</p> <p>Peak District National Park Authority</p>	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, High Peak Borough Council, and Peak District National Park Authority summarise any remaining concerns that they have about the Applicant's consideration of air quality?</p>
8. Climate change			
8.1.	Applicant	<p>Cumulative carbon assessment</p> <p>Compliance with the EIA regulations and the sufficiency of material provided for a reasoned conclusion to be reached</p> <p>Consideration given to recent policy and carbon targets</p>	<p>Please could the Applicant provide a detailed response to the climate change matters raised by Climate Emergency Policy and Planning [REP9-038], CPRE Peak District and South Yorkshire [REP9-040 and REP9-042], Daniel Wimberley [REP9-044 and REP9-045] and other climate change matters raised in the Deadline 10 submissions?</p>

No	Question to	Reference	Question
		Consideration given to local policies on climate change	
8.2.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, and Peak District National Park Authority summarise any remaining concerns that they have about the Applicant's consideration of climate change?
9.	The historic environment		
9.1.	Applicant Peak District National Park Authority	Tintwistle Conservation Area	The Applicant [REP9-027] considers that there would be no perceptible change to the character, appearance or noise environment of the conservation area due to the very slight increase in traffic/ key attributes of setting which contribute towards significance would be persevered. Peak District National Park Authority [REP8-026] have remaining concerns about indirect effects on Tintwistle Conservation Area. Please could the Applicant and Peak District National Park Authority seek to agree on the assessment, any necessary mitigation, and how it is secured, and each provide a coordinated response?
9.2.	Applicant	Opportunities to deliver enhancement	Paragraph 5.137 of the National Policy Statement for National Networks notes that Applicants should look for opportunities

No	Question to	Reference	Question
			<p>within Conservation Areas and within the settings of heritage assets to enhance or better reveal their significance.</p> <p>High Peak Borough Council [REP8-025] raised concerns that the Applicant's [REP6-017] suggested enhancement for the setting of the Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument are not firmly secured.</p> <p>Peak District National Park Authority [REP8-026] said that the suggested enhancement is for feasibility funding only and would not deliver enhancement.</p> <p>The Applicant [REP9-027] said that those enhancement proposals are separate to the Proposed Development.</p> <p>a) Please could the Applicant clarify the extent to which the enhancement for the setting of the Mottram-in-Longdendale Conservation Area and Melandra Castle Scheduled Monument are secured and would deliver enhancement?</p> <p>b) Please could the Applicant summarise how it has addressed Paragraph 5.137 of the National Policy Statement for National Networks?</p>
9.3.	Applicant	Level of harm and NPPF tests	<p>Peak District National Park Authority [REP8-026] has asked for clarification about how "<i>minimal harm</i>" relates to "<i>less than substantial harm</i>" in terms of severity and whether "<i>minimal harm</i>" is less severe than "<i>less than substantial harm</i>"; more severe or roughly equivalent?</p> <p>Please could the Applicant comment?</p>
9.4.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, and Peak District National Park Authority summarise any remaining concerns that they have about the Applicant's consideration of the historic environment?</p>

No	Question to	Reference	Question
	Peak District National Park Authority		
10.	Soils, ground conditions, material assets and waste		
10.1.	Environment Agency Applicant	<p>Ground Investigation Report [APP-187].</p> <p>Supplementary Ground Investigation Report [REP7-027].</p> <p>Environment Agency Written Representation at Deadline 8 [REP8-037].</p> <p>Applicant's Response to Written Representations at Deadline 8 [REP9-027].</p> <p>dDCO [REP9-004]</p> <p>Register of Environmental Actions and Commitments [REP9-009]</p> <p>Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]</p>	<p>During Issue Specific Hearing 3 and subsequently in their Written Response at Deadline 8 [REP8-037] the Environment Agency identified concerns regarding the level of data supplied within the Ground Investigation Report [APP-187] and Supplementary Ground Investigation Report [REP7-027].</p> <p>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to seek agreement on the Ground Investigation Report [APP-187] and Supplementary Ground Investigation Report [REP7-027].</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027].</p> <p>a) Would the Environment Agency confirm whether it agreed with the Applicant's summary?</p> <p>b) Does the Environment Agency consider that the revised wording of RD1.1 and RD1.20 of the REAC [REP9-009] is appropriate and acceptable?</p> <p>c) Please would the Applicant and the Environment Agency confirm whether meetings to resolve this matter are ongoing and provide any update on their positions?</p>
10.2.	Environment Agency	<p>Environmental Management Plan [REP9-008]</p> <p>Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions</p>	<p>At Deadline 9 the Applicant provided, as Annex 8 to the First Iteration Environmental Management Plan [REP9-008], an Outline Dewatering Management Plan.</p> <p>Please would the Environment Agency comment on the Outline Dewatering Management Plan [REP9-008 Annex 8]?</p>

No	Question to	Reference	Question
		made by the Applicant for Deadline 6 and 8 [REP9-046]	
10.3.	Jeff Brown	Written Representation at Deadline 8 [REP8-038] Applicant's Response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].	In his representation at Deadline 8 [REP8-038] Mr Brown asks some questions regarding the methodology of monitoring for effects resultant from work on his property. The Applicant provided details of their proposed measures in their response at Deadline 9 [REP9-027]. a) Does Mr Brown consider the information Satisfactory? b) If not, why not, and what further information would he consider useful?
10.4.	Applicant	Written Representation at Deadline 8 [REP8-038] Applicant's Response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].	In regard to the above, would the Applicant please confirm that Mr Brown's property would be captured in the Outline Dewatering Management Plan [REP9-008 Annex 8]?
10.5.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority Environment Agency	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, and the Environment Agency summarise any remaining concerns that they have has about the Applicant's consideration of soils, ground conditions, material assets or waste?

No	Question to	Reference	Question
11.	The water environment, drainage, flood risk assessment, Water Frameworks Directive		
11.1.	Environment Agency Applicant	<p>Environment Agency's representation at Deadline 8 [REP8-037]</p> <p>Applicant's Written Summary of Issue Specific Hearing 3 [REP8-019]</p> <p>Applicant's Response to Representations made at Deadline [REP9-027]</p> <p>River Etherow modelling</p> <p>Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]</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 Hydrogeological 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>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to progress agreement of modelling of the River Etherow.</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027].</p> <p>a) Would the Environment Agency confirm whether it agrees with Applicant's summary?</p> <p>b) Please would the Applicant and the Environment Agency confirm whether meetings to resolve this matter are ongoing and provide any update on their positions?</p>
11.2.	Environment Agency Applicant	<p>Environment Agency's Response to the Examining Authority's Second Written Questions [REP6-039]</p> <p>Environment Agency's representation at Deadline 8 [REP8-037]</p> <p>Applicant's Written Summary of Issue Specific Hearing 3 [REP8-019]</p>	<p>The Environment Agency [REP6-039] 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.</p> <p>The findings of the Flood Risk Assessment have potential to impact on the balance of environmental benefits against the flood risk.</p> <p>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</p>

No	Question to	Reference	Question
		<p>Applicant's Response to Representations made at Deadline [REP9-027]</p> <p>Flood Risk Assessment [REP8-007]</p> <p>River Etherow Outfall Technical Note [REP9-030]</p> <p>Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]</p>	<p>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.</p> <p>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.</p> <p>During Issue Specific Hearing 3 the Environment Agency and Applicant undertook to meet to progress agreement of Flood Risk Assessment. The Applicant submitted a revised Flood Risk Assessment [REP8-007] at Deadline 8.</p> <p>Meetings between the Applicant and the Environment Agency have subsequently taken place and a summary of progress has been provided by the Applicant [REP9-027]. This indicates that an updated Flood Risk Assessment has been provided to the Environment Agency. The Applicant has submitted, at Deadline 9, a Technical Note regarding the River Etherow Outfall [REP9-030].</p> <p>a) Would the Environment Agency confirm whether it agrees with the Applicant's summary?</p> <p>b) Would the Environment Agency comment on the Revised Flood Risk Assessment [REP8-007] and the River Etherow Outfall Technical Note [REP9-030] and whether, or not these address their outstanding concerns?</p> <p>c) If not, would the Applicant and the Environment Agency comment on the likelihood of agreement being reached prior to; -</p> <ul style="list-style-type: none"> • The end of the Examination Period? • The end of the Reporting Period? • The period for issue of the Secretary of State's decision? <p>d) If no agreement can be reached prior to each of these periods, how can the Examining Authority be satisfied that</p>

No	Question to	Reference	Question
			<p>the Secretary of State would have the necessary information available to carry out an Exception Test?</p>
11.3.	Environment Agency	<p>Environment Agency's representation at Deadline 8 [REP8-037]</p> <p>Applicants comments on Deadline 8 Submissions [REP9-027]</p> <p>Environment Agency Comments on the ExA's schedule of changes to the draft Development Consent Order and comments submissions made by the Applicant for Deadline 6 and 8 [REP9-046]</p>	<p>On pages 9-10 of its representation at Deadline 8 [REP8-037] the Environment Agency, in relation to concerns regarding the potential for adverse environmental impacts created by dewatering advises that that the action / commitment detailed under RD1.3 is currently incorrect in as much as RD1.3 currently states that exemption from an abstraction licence will apply for abstractions less than 100 cubic metres per day.</p> <p>The Environment Agency advises that, under its latest guidance a water abstraction or impoundment licence is required if there is an intention to abstract more than 20 cubic metres per day, and that the Applicant should seek to update this section of the REAC (and any other relevant sections) in accordance with the latest guidance.</p> <p>The Applicant [REP9-027] said that it is their understanding that a temporary dewatering abstraction can be licence exempt if it is less than 100 m3 per day and meets the conditions laid out in 'Regulation 5 of the Water Abstraction and Impounding (Exemptions) Regulations 2017.'</p> <p>a) Is this also the Environment Agency's understanding of those regulations?</p> <p>b) If so, does the Environment Agency still consider that the REAC should be undated to clarify the requirements?</p>
11.4.	Natural England	<p>High Peak Borough Council Written Response at Deadline 8 [REP8-025]</p> <p>Peak District National Park Authority Written Response at Deadline 8 [REP8-026]</p>	<p>High Peak Borough Council [REP8-025] and Peak District National Park Authority [REP8-026] confirmed that issues relating to high nutrient levels within their administrative areas are not applicable to the proposal as these concerns relate to Peak District Dales Special Area of Conservation / River Wye, which is more than 20km from Proposed Development at closest point.</p> <p>Would Natural England confirm that they have no issues or concerns regarding high nutrient levels in relation to the</p>

No	Question to	Reference	Question
			Proposed Development on the basis set out by the two local authorities?
11.5.	Applicant	Derbyshire County Council written summary of oral submission at ISH3 [REP8-023].	<p>Derbyshire County Council ISH3 [REP8-023] expressed an aspiration to see an emphasis on sustainable drainage and keeping the drainage system as natural and sustainable as possible. It identifies that the council has a policy that only allows for the culverting of ordinary watercourses in exceptional circumstances and that it would expect to see open channels used as much as possible, rather than culverts and where culverts are unavoidable, the Lead Local Flood Authority would prefer to see very large-oversized culverts with daylighting where possible, to encourage ecology to behave naturally and create a natural habitat.</p> <p>a) Would the Applicant comment on the feasibility of such provision?</p> <p>b) If the Applicant considers such provision feasible, how would this be secured within the dDCO?</p>
11.6.	Jeff Brown Applicant Environment Agency	<p>Written Representation at Deadline 6 [REP6-035]</p> <p>Written Representation at Deadline 8 [REP8-038]</p> <p>Applicant's Response to Written Representations at Deadline 6 [REP7-026]</p> <p>Applicant's Response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].</p>	<p>Mr Brown has identified in his representation at Deadline 6 [REP6-035] that there is a well on his land from which the property has historically abstracted water and for which there is a legal obligation to provide water to "Dial Cottage".</p> <p>a) Please would Mr Brown why he considers that there is a legal obligation to provide water to "Dial Cottage"?</p> <p>b) Would the Applicant and the Environment Agency please comment?</p>
11.7.	The Applicant	<p>Written Representation at Deadline 8 [REP8-038]</p> <p>Applicant's response to Written Representations at Deadline 8</p>	<p>The Applicant responded to concerns raised by Mr Brown in regard to possible effects of the proposal on a well on his property result from dewatering in their response to Written Representations at Deadline 8 [REP9-027 Response Reference 9.79.80].</p>

No	Question to	Reference	Question
		[REP9-027 Response Reference 9.79.80].	For clarity, would the Applicant confirm the compensation route that should be followed by anyone who considers that their water supply has been affected by the works? Is it necessary to secure measures in the dDCO?
11.8.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Environment Agency	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, and the Environment Agency summarise any remaining concerns that they have about the Applicant's consideration of the water environment, drainage, flood risk assessment, or the Water Frameworks Directive?
12.	Biodiversity, ecological and geological conservation, Habitat Regulation Assessment		
12.1.	Applicant	Report on Implications for European Sites [PD-014]	The traffic modelling indicates an increase in the number of vehicles that will use the A57 Snake Pass and A626 (Woodhead Pass). This may lead to an increase in particulate emissions. Please would the Applicant comment on the potential for impacts from the Proposed Development on the qualifying features of the European sites, in particular blanket bog/peatland, arising from an increase in particulates (including from tyre and brake wear, and any other relevant sources) associated with increased road traffic along the Affected Road Network (ARN) within 200m of the European sites?
12.2.	Natural England	Report on Implications for European Sites [PD-014]	The traffic modelling indicates an increase in the number of vehicles that will use the A57 Snake Pass and A626 (Woodhead Pass). This may lead to an increase in particulate emissions. Please could Natural England comment on whether the increase in particulates in runoff and any other relevant sources of

No	Question to	Reference	Question
			particulate from the ARN within 200m of the European sites represents a potential impact pathway for likely significant effects on any of the qualifying features.
12.3.	Applicant	Peak District National Park Authority Written Response at Deadline 9 [REP9-035]	<p>Peak District National Park Authority [REP9-035] indicated concerns remaining regarding noise disturbance to the bird qualifying features of the Peak Mors(South Pennine Moors Phase1) Special Protection Area (SPA) resulting from increases in traffic numbers.</p> <p>Please would the Applicant comment on the matters raised by the Peak District National Park Authority and present any further evidence regarding habituation of birds to existing road noise and / or any other relevant guidance applicable to considering threshold at which change in noise would be significant?</p>
12.4.	Applicant	Peak District National Park Written Response at Deadline 9 [REP9-035]	<p>Peak District National Park Authority [REP9-035] indicated that they have concerns remaining regarding the visual disturbance of the bird qualifying features of the Peak District Moors (South Pennine Phase 1) SPA resulting from increases in traffic numbers.</p> <p>Please would the Applicant comment on the matters raised by the Peak District National Park Authority and explain why night-time would be time of greatest impact for visual disturbance to SPA birds, given they are active during day or dawn / dusk?</p>
12.5.	Natural England	Peak District National Park Written Response at Deadline 9 [REP9-035]	<p>Peak District National Park Authority [REP9-035] indicated that they have remaining concerns regarding noise disturbance to the bird qualifying features of the Peak District Moors (South Pennine Phase 1) SPA resulting from increases in traffic numbers.</p> <p>Does Natural England have any further comments on information provided by Applicant at Deadline 6 [REP6-017] and/ or the concerns of Peak District National Park Authority regarding noise disturbance to birds?</p>

No	Question to	Reference	Question
12.6.	Natural England	Peak District National Park Written Response at Deadline 9 [REP9-035]	<p>Peak District National Park Authority [REP9-035] indicate that they have concerns remaining regarding the visual disturbance of birds by increases in traffic numbers.</p> <p>Does Natural England have any further comments on information provided by Applicant at Deadline 6 [REP6-017] and/ or concerns of Peak District National Park Authority regarding visual disturbance to birds?</p>
12.7.	Applicant	National Trust Written Response at Deadline 9 [REP9-048]	<p>The National Trust [REP9-048] suggest that further information is required to resolve the effects of uncertainty around the effects of closure of, or imposition of weight restrictions on, the A57 Snake Pass during maintenance works.</p> <p>Would the Applicant comment on whether such closures / restrictions would affect the need for further assessment of environmental effects on qualifying features of the Blanket Bog and Upland Heath qualifying features of the South Penning Moors Special Area of Conservation (SAC) Special Protection Area on the A628, which has previously been screened out of further assessment?</p>
12.8.	Applicant Natural England	CPRE Peak District and South Yorkshire Branch Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions – Appendix A Roadkill assessment for Peak District Mountain Hares [REP6-025]	<p>Concerns have been raised by Peak District National Park Authority and CPRE Peak District and South Yorkshire Branch regarding the effect of increased traffic numbers on the A57 and A628 on the Mountain Hare population.</p> <p>Would the Applicant and Natural England please provide comment on the contents and conclusion of the report presented by CPRE Peak District and South Yorkshire Branch [REP6-025]?</p>
12.9.	Tameside Metropolitan Borough Council Derbyshire County Council	Remaining concerns	<p>Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, Natural England, and the Environment Agency summarise any remaining concerns that they have about the Applicant’s consideration of</p>

No	Question to	Reference	Question
	High Peak Borough Council Peak District National Park Authority Natural England Environment Agency		biodiversity, ecological and geological conservation, or the Habitat Regulation Assessment?
13.	Land use, social and economic, human health		
13.1.	Tameside Metropolitan Borough Council Derbyshire County Council High Peak Borough Council Peak District National Park Authority	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, and Peak District National Park Authority summarise any remaining concerns that they have about the Applicant's consideration of land use, social and economic, or human health?
14.	Other environmental topics		
14.1.	Tameside Metropolitan Borough Council	Remaining concerns	Apart from the issues covered elsewhere in these third written questions, please could Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council, Peak District National Park Authority, the Environment Agency, Natural England, and Statutory Undertakers

No	Question to	Reference	Question
	Derbyshire County Council High Peak Borough Council Peak District National Park Authority Environment Agency Natural England Statutory Undertakers		summarise any remaining concerns that they have about the Applicant's consideration of: <ul style="list-style-type: none"> • the utility infrastructure • transboundary effects • security • major accidents and disasters • civil and military aviation and defence • decommissioning • cumulative and combined effects • other important and relevant considerations
15.	Compulsory Acquisition, Temporary Possession, Statutory Undertakers, and funding		
15.1.	Craig Dean, 21a Old Road	Applicant Valerie Bromley / Michaela Bromley / Hayley Simpson	a) Further to previous requests by the ExA [PD-012 and EV-059], please could Valerie Bromley and Michaela Bromley confirm that they are content for Hayley Simpson to represent them to the Examination? Please could the Applicant comment? b) Please could the Applicant and Valerie Bromley / Michaela Bromley / Hayley Simpson comment on any progress made in discussions and on the Applicant's provision of professional support since Compulsory Acquisition Hearing 2, on Wednesday 6 April 2022?
15.2.	Applicant	Submissions for the close of the Examination	Please could the Applicant submit up-to-date versions of the following for Deadline 12, on Monday 16 May 2022: <ul style="list-style-type: none"> • Book of Reference • Book of Reference showing all changes since the Application version, together with a schedule of changes

No	Question to	Reference	Question
			<ul style="list-style-type: none"> • Statement of Reasons • Compulsory Acquisition Schedule • Schedule of Progress in Relation to s127 and s138 an up-to-date Consents and Agreements Position Statement • Funding Statement