

A57 Link Roads

TR010034

**9.92 Applicant's Response to
Secretary of State's Consultation
Letter - 2 September 2022**

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

September 2022

Infrastructure Planning

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The Infrastructure Planning (Examination Procedure) Rules 2010

A57 Link Roads

Development Consent Order 202[x]

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1. Introduction

- 1.1.1 This document sets out Highways England's response to the Secretary of State's (SoS) letter received on 2 September 2022.
- 1.1.2 Where issues raised within the submission have been dealt with previously by Highways England, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.

2. Request for an update on outstanding Protective Provisions

National Grid Electricity Transmission PLC Protective Provisions

- 2.1.1 The Secretary of State has requested an update on progress in relation to the advanced discussions between the Applicant and National Grid Electricity Transmission PLC (NGET). Since the close of the Examination the Applicant and NGET have reached agreement. The Applicant can confirm that following agreement having been reached, no changes are required to the protective provisions submitted in favour of NGET and included at Part 4 of Schedule 9 of the draft Development Consent Order submitted at Deadline 12 on 16 May 2022 [REP12-002]. The Applicant has shared this response with NGET and is aware that NGET intends to write to the Secretary of State to confirm agreement has been reached and withdrawing its earlier representations.

United Utilities PLC Protective Provisions

- 2.1.2 The Secretary of State has also requested an update on progress in relation to discussions between the Applicant and United Utilities (UU). Since the close of the Examination the Applicant and UU have reached agreement. The Applicant can confirm that following agreement having been reached, no changes are required to the protective provisions submitted in favour of UU and included at Part 1 of Schedule 9 of the draft Development Consent Order submitted at Deadline 12 on 16 May 2022 [REP12-002] (“dDCO”).
- 2.1.3 However, UU has advised that the correct company to be identified at Article 2(1) of the dDCO is United Utilities Water Limited with company number 02366678. In the event that the Secretary of State is content to make this change, corresponding name changes would be required at Article 9(4)(b) and Schedule 1 Work Numbers 58, 59, 60, 62 and 65.
- 2.1.4 The Applicant has shared this response with UU and is able to confirm that UU has endorsed the submission of this response to the Secretary of State. The Applicant understands that UU intends to write to the Secretary of State confirming this statement represents the agreed position of both parties and withdrawing its earlier representations.

3. Request for an update from the Applicant and the Greater Manchester Combined Authority regarding the status of the Greater Manchester Clean Air Plan

- 3.1.1 The Secretary of State has requested an update from the Applicant and Greater Manchester Combined authority regarding the status of the Greater Manchester Clean Air Plan.
- 3.1.2 On the 8 February 2022 the Government agreed to lift the legal direction that Greater Manchester should achieve compliance with legal NO₂ limits in the shortest possible time and by 2024 at the latest. The Government has issued a new direction for compliance in the shortest possible time and by 2026 at the latest. As a result, the first phase of the Greater Manchester Clean Air Zone for a Category C charging zone didn't go ahead on 30 May 2022.
- 3.1.3 Greater Manchester local authorities have now submitted the case for a new Greater Manchester Clean Air Plan, with no charging Clean Air Zone, to the Government. Greater Manchester local authorities await a response from the Government and a public consultation on the Clean Air Plan proposals will take place in early 2023, subject to government feedback.
- 3.1.4 The submission for the case for the new Clean Air Plan includes:
- New analysis which shows how an investment-led approach could see financial support targeted towards upgrading vehicles which frequently travel through locations where modelling shows breaches of legal NO₂ limits might otherwise continue.
 - A commitment to review local policy changes, such as goods vehicle access controls, alongside regulatory measures such as hackney carriage and private hire vehicle licensing standards to accelerate fleet upgrades.
 - A proposal to work with government to agree the targeted use of Clean Air Plan automatic number plate recognition (ANPR) cameras to support identification of vehicles that could be upgraded, and also for potential police use to detect crime.
- 3.1.5 The Category C charging Clean Air Zone was to exclude the Strategic Road Network. However there had been a ministerial agreement to include sections of the A628 and A57 in Tameside which form part of the Strategic Road Network within the Greater Manchester Clean Air Zone that was to be implemented on 30 May 2022. The sections of the A628 and A57 which are within the Strategic Road Network will continue to be included within the new Clean Air Plan.
- 3.1.6 With regard to the Applicant's response given to Question 7.4 of the Examining Authority's first written questions [REP2-021], the Applicant does not consider its position to have changed in light of the latest status of the Greater Manchester Clean Air Plan:

- The Applicant maintains that the assessment presented in the Environmental Statement can be considered to be a worse case as it does not account for expected improvements in road traffic emissions either from a charging Clean Air Zone or via non charging measures.
- The Applicant's response states that "By the Scheme opening year (2025) Defra projections (EFT v10.1) show that 99% of HDV (heavy duty vehicle, i.e. buses, lorries) and 90% of LDV (light duty vehicle i.e. taxis, vans) will be compliant with the CAZ requirements without the CAZ implementation." The Defra Emission Factor Toolkit (EFT) v10.1 projections were the latest at the time of the assessment, but were superseded by EFT v11 published in November 2021. The EFT v11 was published to extended emission factors to cover the 2031 to 2050 period, however the fleet projection for 2025 are unchanged from those in EFT v10.1. Also it should be noted that the fleet projection assumptions on uptake rates of electric vehicles within EFT v10.1/EFT v11 predate announcements by the Government in 2021 on plans to increase the speed of electric vehicle uptake and do not take account of the Transport Decarbonisation Plan, as such the assessment presented in the Environmental Statement can be considered to be a worse case.

3.1.7 The Applicant maintains that it remains a reasonable assumption that there would not be any anticipated change to traffic patterns or traffic rerouting either from a charging Clean Air Zone or via non charging measures.

3.1.8 The Applicant has been in contact with the Greater Manchester Combined Authority which has advised it is preparing a response to the Secretary of State.

4. Request for an update from the Applicant and Natural England regarding protected species licences

- 4.1.1 The Secretary of State has requested an update from the Applicant and Natural England regarding protected species licences.
- 4.1.2 As stated in the Statement of Common Ground with Natural England [REP10-006], the Applicant forwarded the draft badger licence application to Natural England's Pre-submission Screening Service (PSS) on 27 April 2022. This request asked if their Wildlife Team could advise whether the outlined method statement would be sufficient to achieve a badger mitigation licence, with the aim of achieving a Letter of No Impediment (LONI).
- 4.1.3 Following this, the Applicant consulted the Natural England Wildlife Team (via virtual meeting) on 19 July 2022 and presented the overall approach to surveys (undertaken and ongoing), the proposed mitigation and the programme for submitting licence applications (including both bats and badgers). No concerns were raised with the information presented, however, Natural England highlighted that in order to issue a LONI, their Wildlife Team would need time to review the draft licence in detail. It was agreed that they will do this under a current discretionary advice service (DAS) agreement between the Applicant and Natural England.
- 4.1.4 A September 2022 timeframe for the Wildlife Team to undertake this review, with a view of issuing a LONI by the end of September was initially agreed. This will also include a review of the Habitats Regulations Assessment (HRA) [REP2-004] for the Scheme, to ensure it is consistent with the draft licence application.
- 4.1.5 Subsequently, the Applicant has proposed that the draft licence application is re-submitted to include up-to-date survey reporting, rather than asking the Wildlife Team to review documents based on 2021 surveys. As the 2022 surveys have only recently been completed, it means that the documents will not be updated until early October, so the timeframe for the LONI will be delayed by a month. However, it will allow the Wildlife Team to base their decision on better quality data and speed up the process for submission of a final licence application should the DCO be made.
- 4.1.6 Bat surveys are ongoing with an anticipated completion date of October 2022. Once the Applicant has the reporting for these surveys, the licence application will be finalised. The draft version of this licence application has not been submitted to Natural England's Wildlife Team for comment due to the incomplete survey data.
- 4.1.7 The Applicant can confirm it has shared this update with Natural England and anticipates that Natural England's Wildlife Team will submit a separate response confirming the actions that Natural England has agreed to take with a view to issuing the requisite LONI.

- 4.1.8 When the Applicant receives the decision from Natural England regarding the LONI, the Secretary of State will be provided with a copy of the response.

5. Request for an update from the Greater Manchester Combined Authority on the progress of the emerging 'Places for Everyone' (PfE) Joint Development Plan Document

- 5.1.1 Although no response is required from the Applicant, the Applicant has been in contact with the Greater Manchester Combined Authority which has advised it is preparing a response to the Secretary of State. The Applicant understands that response will confirm there has been no change to the representation previously provided by Tameside Metropolitan Borough Council [REP6-037], confirming that "only very limited weight" should be attributed to the draft policies in the emerging Joint Development Plan.

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