



The Planning Act 2008

A57 Link Roads

Examining Authority's Report
of Findings and Conclusions
and Recommendation to the
Secretary of State for Transport

Examining Authority

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16 August 2022

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Examining Authority's findings and conclusions and recommendation in respect of an application by National Highways Limited (previously Highways England) for an Order granting Development Consent for the A57 Link Roads.

File Ref: TR10034

The application, dated 28 June 2021, was made under section 37 of the Planning Act 2008 (as amended) and was received in full by the Planning Inspectorate on 28 June 2021.

The Applicant is National Highways Limited (previously Highways England).

The application was accepted for Examination on 26 July 2021.

The Examination of the application began on 16 November 2021 and was completed on 16 May 2022.

The Proposed Development is to provide a new offline bypass of dual carriageway road connecting the M67 Junction 4 to A57(T) Mottram Moor Junction, a new offline bypass of single carriageway connecting the A57(T) Mottram Moor to the A57 Woolley Bridge, two new junctions and five new structures, detrunking of the A57(T) from the M67 Junction 4 to Mottram Back Moor Junction, and safety measures and improvements to the A57 from Mottram Moor Junction to Woolley Lane Junction.

Summary of Recommendation:

The Examining Authority recommends that, subject to being satisfied about the matters set out in Section 10.31, the Secretary of State should make the Order in the form attached.

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APPENDIX D: THE RECOMMENDED DCO

1 INTRODUCTION

1.1 BACKGROUND TO THE EXAMINATION

1.1.1 The application for the A57 Link Roads scheme (the Proposed Development) (PINS Ref TR010034) was submitted by National Highways Limited (previously Highways England) (the Applicant) to the Planning Inspectorate (PINS) on 28 June 2021 under s31 of the Planning Act 2008 (as amended) (PA2008) and accepted for Examination under s55 of the PA2008 on 26 July 2021 [[PD-001](#)]. The Applicant formally changed its name to National Highways Limited [[PDL-001](#)] on the 8 September 2021.

1.1.2 The main components of the Proposed Development comprise:

- a new offline bypass of 1.12 miles (1.8 km) of dual carriageway road connecting the M67 Junction 4 to A57(T) Mottram Moor Junction;
- a new offline bypass of 0.81 miles (1.3km) of single carriageway connecting the A57(T) Mottram Moor to the A57 Woolley Bridge;
- creation of two new junctions, Mottram Moor Junction and Woolley Bridge Junction and improvement works on the existing M67 Junction 4;
- creation of five new structures (Old Hall Farm Underpass, Roe Cross Road Overbridge, Mottram Underpass, Carrhouse Lane Underpass and River Etherow Bridge);
- detrunking of the A57(T) from the M67 Junction 4 to Mottram Back Moor Junction; and
- safety measures and improvements to the A57 from Mottram Moor Junction to Woolley Lane Junction.

The Proposed Development is described in more detail in Section 2.2.

1.1.3 The location of the Order land is shown in the Site Location Plans [[APP-006](#)] and Land Plans [[REP7-002](#)]. The site is wholly in England and lies within the administrative areas of Tameside Metropolitan Borough Council (TMBC), High Peak Borough Council (HPBC) and Derbyshire County Council (DCC).

1.1.4 The legislative tests for whether the Proposed Development is a Nationally Significant Infrastructure Project (NSIP) were considered by the Secretary of State for Housing, Communities and Local Government (SoSHCLG) when deciding to accept the application for Examination in accordance with s55 of the PA2008.

1.1.5 During Issue Specific Hearing 3 (ISH3) [[EV-039](#) Item 7], we questioned the land-take of the Proposed Development and whether the identification and apportionment of the works within the Case for the Scheme [[REP2-016](#)] as 'Principal Development', 'Associated Development', 'Ancillary Development' or 'Composite Development' was correct.

1.1.6 The Applicant [[REP8-019](#)] clarified the areas of land take, such that we were satisfied that the proposed land take is above the threshold for the Proposed Development to qualify as an NSIP. The Applicant said that those

sections of highway where it would not be the highway authority should be considered as associated development. It advised that the development satisfies the core principles set out in paragraph 5 of the Secretary of State for Communities and Local Government's 'Guidance on associated development applications for major infrastructure' (2013) because there is a direct relationship between the associated development and the principal development, and the associated development would be proportionate in scale and nature to the principal development. Consistent with paragraph 6, the Applicant observed that it is typical for the development of non-strategic roads to be brought forward alongside strategic roads.

- 1.1.7 We sought clarification why the Applicant had concluded that the Proposed Development should be considered by the Secretary of State for Transport (SoST) under s104, rather than s105 of the PA2008. In their response [[REP8-019](#)] the Applicant explained their reasoning to our satisfaction.
- 1.1.8 PINS agreed with the Applicant's view stated in the application form [[APP-002](#)] that the Proposed Development is an NSIP. Although the single carriageway bypass would, following construction, pass to the local highway authorities (LHAs) and be subject to a 30mph speed limit, the main part of the works would comprise the alteration of a highway wholly within England for which National Highways (NH) (a strategic highways company) would be the highway authority, the area of the development exceeds 12.5 hectares (ha) and the speed limit would be 50mph [[PD-001](#)]. The application is, therefore, for highway-related development within the scope of s22 of the PA2008. As such, it requires development consent in accordance with s31 of the PA2008. Therefore, we agree that the Proposed Development meets the definition of an NSIP as set out in PA2008 s14(1)(h) and s22(1)(a).
- 1.1.9 The legislative tests for the adequacy of public consultation were considered by the SoSHCLG during the acceptance stage of the application as set out in s55 of the PA2008. The SoSHCLG also took into account the views of relevant local authorities (LAs) on the adequacy of consultation [[AoC-001](#), [AoC-002](#), [AoC-003](#), [AoC-004](#), [AoC-005](#)].
- 1.1.10 During the acceptance stage concerns were raised by several Interested Parties (IPs) regarding the adequacy of the public consultation. Concerns related to the timing of the 2020 Preliminary Environmental Impact Report consultation, which was held during restrictions associated with the COVID-19 pandemic, the detail and level of traffic and air quality data supplied by the Applicant, and the geographical area of consultation. Such concerns were expressed by Daniel Wimberley, CPRE Peak District and South Yorkshire (CPRE PDSA) and Peter Simon [[PDL-006](#), [REP1-045](#), [REP2-069](#), [REP4-026](#), [REP5-037](#)], amongst others.
- 1.1.11 The SoSHCLG was satisfied that public consultation requirements had been met and that the application was of a satisfactory standard, and accepted the application for Examination on 26 July 2021 [[PD-001](#)].
- 1.1.12 Following acceptance, PINS provided advice to the Applicant under s51 of the PA2008. This advice suggested taking a precautionary approach to consultation, the need to serve notice on a local authority which was not consulted for the 2020 consultation under s42(1)(b) of PA2008 checklist

when it served notice of the accepted application under s56(2)(a) of the PA2008, and the thorough checking of the environmental documents and plans for any corrections necessary [[PD-003](#)].

1.2 APPOINTMENT OF THE EXAMINING AUTHORITY

1.2.1 On 16 August 2021, Stuart Cowperthwaite (lead panel member) and Ian Dyer (panel member) were appointed as the Examining Authority (ExA) for the application under s65 of the PA2008 [[PD-004](#)].

1.3 PERSONS INVOLVED

1.3.1 The persons involved in the Examination were:

- persons who were entitled to be Interested Parties because they had made a relevant representation (RR), were a statutory party who requested to become an IP, or were Affected Persons (APs) by virtue of being affected by compulsory acquisition (CA) proposals made as part of the application; and
- other persons, who we invited to participate in the Examination because they were either affected by it in some other relevant way or because they had expertise or evidence that we considered necessary to inform the Examination.

1.3.2 Some IPs, amongst them Peter Simon [[REP12-042](#)], Daniel Wimberley [[REP12-035](#)] and CPRE PDSY [[REP12-031](#)] expressed concern regarding a lack of direct engagement with the Examination process by Transport for Greater Manchester (TfGM). During ISH3 [[EV-039](#) Agenda Item 7] we asked TMBC to confirm their position, as stated during the Preliminary Meeting (PM), that TMBC would provide input to the Statement of Common Ground (SoCG) that we requested between the Applicant and Transport for Greater Manchester. TMBC responded [[REP8-027](#)] that TfGM's SoCG included details of the strategic planning issues relating to the Greater Manchester Combined Authority's (GMCA's) 'Places for Everyone' Greater Manchester Spatial Strategy, including proposals within Tameside. While TfGM chose not to make a submission to the Examination, we are satisfied that their views regarding their policies have been made publicly available. TMBC is a member of the GMCA.

1.4 THE EXAMINATION AND PROCEDURAL DECISIONS

1.4.1 The Examination commenced on 16 November 2021 and concluded at 11.59pm on 16 May 2022. A description, timescales and dates of the events can be found in Appendix A.

The Preliminary Meeting

1.4.2 On 6 October 2021 we wrote to all IPs, Statutory Parties and other persons [[PD-005](#)] setting out our Initial Assessment of Principal Issues (IAPI).

1.4.3 On 19 October 2021 we wrote to all IPs, Statutory Parties and other persons under Rule 6 of the Infrastructure Planning (Examination

Procedure) Rules 2010 (EPR) (The Rule 6 Letter) [[PD-006](#)] notifying them of, and inviting them to, the PM and an Open Floor Hearing (OFH) and providing:

- the arrangements and agenda for the PM and OFH;
- notification of hearings to be held in the early stage of the Examination;
- the draft Examination Timetable;
- availability of RRs and application documents; and
- our procedural decisions.

1.4.4 We [[EV-002](#)] published updated details of the arrangements and agendas for the PM and OFH on the [National Infrastructure Planning website](#) on 9 November 2021.

1.4.5 The PM was held virtually and took place on 16 November 2021. Recordings of the PM [[EV-003](#), [EV-005](#), [EV-007](#)] and transcripts of the PM [[EV-004](#), [EV-006](#), [EV-008](#)] were published on the [National Infrastructure Planning website](#). A note of the PM [[EV-011](#)] was published on the website.

1.4.6 Our procedural decisions and the Examination Timetable took full account of matters raised at the PM. They were provided our the Rule 8 letter dated 19 November 2021 [[PD-007](#)].

Key Procedural Decisions

1.4.7 Most of the procedural decisions set out in the Rule 8 letter [[PD-007](#)] related to matters that were confined to the procedure of the Examination and did not bear on our consideration of the planning merits of the Proposed Development. They were generally complied with by the Applicant and relevant IPs.

1.4.8 The Examination Timetable was issued on 19 November 2021 which, among other things, reserved dates for further hearings [[PD-007](#)].

1.4.9 In the light of the public health situation at that time we expected that hearings would be likely to be blended events (in-person and part virtual). However, as the situation regarding the COVID-19 pandemic evolved, we decided that the sole use of virtual events was necessary. These occurred in accordance with the timetable published on 19 November 2021 [[PD-007](#)].

1.4.10 Our [[PD-010](#)] letter issued on 16 December 2021 under EPR Rules 13, 16 and 17 gave formal notification of our procedural decisions regarding the conduct of those hearings. Due to the ongoing health risks, we decided that the hearings from 8 to 11 February 2022 would be held virtually. The administrative arrangements for those hearings were provided in the letter.

1.4.11 Detailed agendas for the February hearings [[EV-013](#), [EV-014](#), [EV-015](#)] were published on the [National Infrastructure Planning website](#) on 31 January 2022.

1.4.12 We [[PD-011](#)] issued a letter on 2 March 2022 under EPR Rules 13 and 16 letter setting out the agendas and detailed arrangements for the hearings

held from 5 to 7 April 2022. At that time, we hoped that the hearings could be held as blended events.

- 1.4.13 On 24 March 2022, we [[PD-013](#)] issued a letter under EPR Rules 13 and 16, having considered fairness and the public health situation at that time, informing of our procedural decision to hold the hearings in April 2022 virtually. As arrangements for joining the events virtually and by telephone had been published in the letter of 2 March 2022 [[PD-011](#)] and these had not changed, there was no need to detail these arrangements further.
- 1.4.14 Detailed agendas for the April hearings [[EV-038](#), [EV-039](#), [EV-040](#)] were published on the [National Infrastructure Planning website](#) on Monday, 28 March 2022.
- 1.4.15 On 11 April 2022, we [[PD-015](#)] issued a letter under Rule 8(3) of the Infrastructure Planning (Examination Procedure) Rules 2010, which:
- amended the Examination Timetable in response to a request by the Applicant to delay Deadline 10 to Thursday 5 May 2022;
 - added an Item for the publication of the ExA's Third Written Questions on Friday 6 May 2022;
 - added Deadline 11 on Wednesday 11 May 2022 for responses to the ExA's Third Written Questions;
 - added Deadline 12 on Monday 16 May 2022 for comments on submissions for Deadline 11; and
 - amended the final Item to clarify that we would not close the Examination before 16 May 2022.

Correspondence issues

- 1.4.16 The Rule 13 Notification [[PD-010](#)] issued on 16 December 2021 incorrectly referred to the date of our hearings to be held as February 2020 and 2021. This was corrected on the [National Infrastructure Planning website](#) on 21 December 2021 and we do not consider that any injustice occurred to any party as a result.
- 1.4.17 On 3 February 2022 we announced on the [National Infrastructure Planning website](#) that we [[EV-015](#)] amended our Agenda for Issue Specific Hearing 2 (ISH2) to correct the Agenda item numbering. We also drew attention to this during the Hearing and, as this was a minor technical matter, we do not consider that any injustice resulted to any party as a result.
- 1.4.18 Due to an error, the Environment Agency's response to the ExA's Second Written Questions [[REP6-039](#)] was not published with the responses received from other parties for the same deadline. It was published on 22 March 2022 and the Examination Library (Appendix B) was updated to reflect this. Whilst there was a delay in making this submission available for comment, there was opportunity to do so at subsequent deadlines and so we do not consider that any party suffered injustice as a result.

- 1.4.19 On 23 March 2022, we recognised an issue with submitting documents via the [National Infrastructure Planning website](#) for Deadline 7. We informed the public of this on the website and made alternative arrangements for the submission of documents to be made directly by e-mail. As a result, IPs were able to submit representations by alternative means and thus we consider that no injustice resulted to any party as a result.
- 1.4.20 On 12 April 2022, we [[PD-015](#)] amended our Rule 8 (3) Letter dated 11 April 2022 to correct the date given for Deadline 11 to 11 May 2022. We drew attention to this correction on the [National Infrastructure Planning website](#) and, given the timing we do not consider that any party would have suffered injustice as a result of this error and its correction.
- 1.4.21 On 5 May 2022, we drew attention on the [National Infrastructure Planning website](#) to the correction of formatting errors which occurred in the publication of Daniel Wimberley’s Deadline 5 submission. As a result, we do not consider that any injustice resulted to any party.
- 1.4.22 Due to a technical error, IPs were notified that the A57 Link Roads Examination closed on 16 May 2022. We corrected this information on the [National Infrastructure Planning website](#) on 16 May 2022 to the correct date for the close of Examination, as 11.59pm on 16 May 2022. We accepted representations received prior to that date and so we do not consider that any injustice resulted to any of the parties.
- 1.4.23 A submission from G R Hollins [[AS-012](#)] was received on 10 May 2022, before the close of the A57 Link Roads Examination at 11:59 PM 16 May 2022. Due to an administrative error, it was not published until 9 June 2022. In view of its receipt prior to the closure of the Examination we took this representation into consideration when writing this report. We drew the attention of the public to this matter on the [National Infrastructure Planning website](#) and advised that any comments on the representation should be sent to the SoST as Post Examination Submissions.

Site inspections

- 1.4.24 Site inspections were held to ensure that we had an adequate understanding of the Proposed Development within its site and surroundings and its physical and spatial effects.
- 1.4.25 Site inspections may be accompanied or unaccompanied. In this case, there were requests for an Accompanied Site Inspections (ASIs) from:
- Stephen Bagshaw [[REP1-053](#)] to view the capacity, character and features of routes for the diversion of traffic in Glossopdale;
 - Sharefirst My Journey to School (SMJTS) [[REP2-085](#), [REP4-014](#)] suggesting an Accompanied Site Inspection to Dinting to view traffic and road conditions; and
 - CPRE PDSY [[REP3-033](#)] suggested a site inspection of private land in the pastures south of Mottram Old Hall to understand the impacts of the Proposed Development, including the proposed eastern portal and dual carriageway.

- 1.4.26 Regarding Stephen Bagshaw's and SMJTS's requests, we noted that the relevant issues related to the use of the public highway and no access to private land was required. We therefore decided not to hold an ASI during 8 to 11 February 2022. Instead, we requested a written submission from Stephen Bagshaw which would provide detail of his concerns regarding the diversion of traffic in Glossopdale from the A57. There were other considerations such as personal safety, whilst we considered that there was no need for the parties to identify features or processes.
- 1.4.27 In relation to the request from CPRE PDSY, the land from which we were requested to view the site from was in private ownership. However, there was a public right of way nearby from which the public would have views across the site. Future views would be available from vehicles, pedestrians and horse riders using the routes provided by the Proposed Development. In the event we considered that there was no benefit to viewing the existing landscape from the private land. Therefore, all the site inspections were Unaccompanied Site Inspections (USIs).
- 1.4.28 USI1 took place on 21 and 22 September 2021, USI2 on 12, 13 and 14 January 2022, and USI3 on 3 and 4 April 2022. The main purpose of these was to allow us to become familiar with the sites and settings for the Proposed Development, including from the representative viewpoints used in the Environmental Statement (ES) and the character and movement of traffic in the area.
- 1.4.29 We [[EV-001](#), [EV-012](#), [EV-061](#)] prepared procedural records of each of the USIs. We have had regard to the information and impressions obtained during the site inspections in all relevant sections of this report.

Hearings

- 1.4.30 Hearings may be held to respond to specific requests from persons who have a right to be heard or to address matters where we consider that a hearing is necessary to enquire orally into matters under examination.
- 1.4.31 We held an OFH, two Compulsory Acquisition Hearings (CAHs) and four ISHs to ensure the thorough examination of the issues raised by the application and other submissions.
- 1.4.32 The OFH was held on 18 November 2021. All IPs were provided with an opportunity to be heard on any important and relevant subject matters that they wished to raise. We also exercised our discretion to hear from others with an interest in the Proposed Development at the event. A recording is available [[EV-009](#)], together with a transcript [[EV-010](#)].
- 1.4.33 All parties who expressed a wish to be heard at the hearings (ISHs 1 to 4 and CAHs 1 and 2) were given the opportunity to participate. Parties had the choice of participating by video using a computer, tablet or smart phone or aurally using a telephone. The hearings were hosted in Microsoft Teams. All agenda items were completed successfully.
- 1.4.34 No request to speak at a further OFH was received within the relevant deadline and so the date reserved for a further hearing in our letter of 16

December 2021 [[PD-010](#)] was not required. Notification of this was posted on the [National Infrastructure Planning website](#).

- 1.4.35 ISH1, in respect of the draft DCO (dDCO), was held virtually on 8 February 2022. The agenda for the hearing is available [[EV-014](#)] along with recordings [[EV-016](#), [EV-018](#)] and transcripts [[EV-017](#), [EV-019](#)].
- 1.4.36 ISH2 was held on 8 and 9 February 2022. The matters considered at ISH2 were noise and vibration; transport networks and traffic, alternatives, access, severance, walkers, cyclists, and horse riders; biodiversity, ecological and geological conservation; climate change; air quality; and other specific issues including soils, ground conditions, material assets and waste; the water environment, drainage, flood risk assessment, Water Frameworks Directive; land use, social and economic, human health.
- 1.4.37 The agenda for the hearing is available [[EV-015](#)] along with recordings [[EV-022](#), [EV-024](#), [EV-026](#), [EV-028](#), [EV-030](#), [EV-032](#), [EV-034](#), [EV-036](#)] and transcripts [[EV-023](#), [EV-025](#), [EV-027](#), [EV-029](#), [EV-031](#), [EV-033](#), [EV-035](#), [EV-037](#)]. Due to technical issues, there is no transcript of session two on day two, although there is a recording [[EV-034](#)].
- 1.4.38 ISH3 was held on 5 and 6 April 2022. The agenda for the hearing is available [[EV-039](#)] together with recordings [[EV-051](#), [EV-052](#), [EV-053](#), [EV-054](#), [EV-055](#), [EV-056](#), [EV-057](#), [EV-058](#)] and transcripts [[EV-041](#), [EV-042](#), [EV-043](#), [EV-044](#), [EV-045](#), [EV-046](#), [EV-047](#), [EV-048](#)].
- 1.4.39 ISH3 dealt with transport networks and traffic; Peak District National Park; water environment, drainage, flood risk assessment; air quality; climate change; and other specific issues including general matters; biodiversity, other landscape and visual matters; design; Green Belt; noise, other vibration and nuisance; historic environment; and land use, social, economic, and human health.
- 1.4.40 At ISH3 general oral submissions were received from:
- Robert Largan MP;
 - Jonathan Reynolds MP;
 - Bamford with Thornhill Parish Council;
 - Charlotte Farrell;
 - Daniel Wimberley;
 - Keith Buchan, on behalf of CPRE PDSY;
 - Andrew Boswell of Climate Emergency Policy and Planning; and
 - Stephen Bagshaw.

We also exercised our discretion to hear from others with an interest in the Proposed Development at the hearing.

- 1.4.41 ISH4, in respect of the dDCO, was held virtually on 6 April 2022. The agenda for the hearing is available [[EV-040](#)] along with a recording [[EV-060](#)] and transcript [[EV-050](#)] of the event.

- 1.4.42 CAH1 was held virtually on 8 February 2022 and the agenda [[EV-014](#)], a recording [[EV-020](#)] and transcript [[EV-021](#)] are available.
- 1.4.43 CAH2 was held virtually on 6 April 2022 and the agenda [[EV-038](#)], a recording [[EV-059](#)] and transcript [[EV-049](#)] are available.
- 1.4.44 All persons affected by CA and / or Temporary Possession (TP) proposals were provided with an opportunity to be heard. We also used the CAH to examine the Applicant's case for CA and TP in the round.

Written processes

- 1.4.45 Examination under the PA2008 is primarily a written process in which we have regard to written material forming the application and arising from the Examination. All this material is recorded in the Examination Library (Appendix B) and published online. Individual document references to the Examination Library in this report are enclosed in square brackets [] and hyperlinked to the original document held online. This report does not contain extensive summaries of all documents and representations, although full regard has been had to them in our conclusions. We consider all important and relevant matters arising from them.

Relevant Representations

- 1.4.46 Nine hundred and nine Relevant Representations (RRs) were received by PINS [RR-0001 to RR-0909]. All makers of RRs received the Rule 6 Letter [[PD-006](#)] and were provided with an opportunity to become involved in the Examination as IPs. We have fully considered all RRs. The issues that they raised are considered throughout this report.

Written Representations

- 1.4.47 The Applicant, IPs and other persons were given opportunities to:
- make written representations (WRs) (Deadlines 1 and 2);
 - comment on WRs made by the Applicant and other IPs (Deadlines 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12);
 - summarise their oral submissions at hearings in writing (Deadlines 1, 4, and 8);
 - make other written submissions requested or accepted by us (Deadlines 1, 4, 5, 6, 7, 8, 9, 11 and 12); and
 - comment on documents issued for consultation by us including Written Questions (Deadlines 1, 2, 6 and 11).
- 1.4.48 We also used our discretion to accept several Additional Submissions. These comprised submissions from the Applicant, statutory parties IPs, and persons not otherwise engaged in the Examination. We have fully considered all WRs and other Examination documents. The issues that they raised are considered throughout this report.

Written questions

- 1.4.49 We asked three rounds of written questions:
- first written questions (WQ1) were published in draft form [[PD-008](#)] on 8 December 2021 and the finalised set [[PD-009](#)] on 16 December 2021;
 - second written questions (WQ2) [[PD-012](#)] were published on 2 March 2022; and
 - third written questions (WQ3) [[PD-017](#)] were published on 6 May 2022.
- 1.4.50 We issued a request for further information and comments under Rule 17 of the EPR on 16 December 2021 to request Mr Bagshaw to provide a written submission providing detail of his concerns regarding the diversion of traffic in Glossopdale from the A57 [[PD-010](#)].
- 1.4.51 We have considered all responses to our written questions.

Local Impact Reports

- 1.4.52 A Local Impact Report (LIR) is a report made by a relevant local authority (LA) giving details of the likely impact of the Proposed Development on the authority's area. LIRs were received from the following:
- Derbyshire County Council (DCC) [[REP2-045](#)] and High Peak Borough Council (HPBC) [[REP2-046](#)], in the form of a joint report;
 - Tameside Metropolitan Borough Council (TMBC) [[REP2-047](#)]; and
 - Peak District National Park Authority (PDNPA) [[REP2-048](#)].
- 1.4.53 We have taken full account of the LIRs.

Statements of Common Ground

- 1.4.54 A SoCG is a statement agreed between the Applicant and one or more IPs, recording matters either agreed or not agreed between them.
- 1.4.55 By the end of the Examination, the following parties had concluded SoCGs with the Applicant:
- DCC dated 27 April 2022 [[REP9-020](#)];
 - HPBC dated 16 May 2022 [[REP12-008](#)];
 - TMBC dated 22 April 2022 [[REP9-010](#)];
 - PDNPA dated 16 May 2022 [[REP12-014](#)];
 - Transport for Greater Manchester dated 16 May 2022 [[REP12-009](#)];
 - Environment Agency dated 16 May 2022 [[REP12-015](#)];
 - Natural England dated 5 May 2022 [[REP10-006](#)];
 - Historic England dated 12 January 2022 [[REP4-004](#)];

- Greater Manchester Archaeological Advisory Service dated 10 January 2022 [[REP-025](#)];
- Openreach dated 27 April 2022 [[REP9-016](#)];
- Cadent Gas dated 26 April 2022 [[REP9-017](#)];
- Electricity North West dated 26 April 2022 [[REP9-018](#)];
- National Grid dated 26 April 2022 [[REP9-019](#)]; and
- United Utilities dated 16 May 2022 [[REP12-016](#)].

1.4.56 The SoCG dated 16 May 2022 with United Utilities is also entitled 'Draft' but has been signed and dated by both parties. We have therefore considered this as a 'Final' SoCG.

1.4.57 The Applicant submitted an SoCG, marked as being a draft document, with Greater Manchester Archaeological Advisory Service (GMAAS) [[REP2-025](#)] signed by both parties and dated 10 January 2022 by GMAAS. There were no unresolved issues noted and so we consider this as a 'Final' SoCG.

1.4.58 The Applicant also submitted an unsigned and undated draft SoCG with Cornerstone Telecommunications Infrastructure Limited [[REP2-031](#)]. We accord some weight to the unsigned SoCG insofar as it records factual matters. Statutory Undertakers are considered further in Chapter 8.

1.4.59 At the PM we invited the Applicant and CPRE PDSY to work on a SoCG, to assist in identifying any areas of agreement or dispute between the parties. Whilst some progress was made, no such SoCG was submitted, although CPRE PDSY did provide a record of engagement between the two parties [[REP12-034](#)], which we have accorded limited weight insofar as it records factual matters.

1.4.60 Throughout the Examination CPRE PDSY commented on the timeliness of provision of information that it requested from the Applicant. The Applicant responded on each occasion.

1.4.61 CPRE PDSY [[REP12-031](#), [REP12-038](#)] and Peter Simon [[REP12-042](#)] objected to the submission of the SoCG between the Applicant and Transport for Greater Manchester at Deadline 12, as it considered that it provided late evidence and it has been unable to engage with its contents during the Examination. The SoCG was submitted in draft form on two previous occasions, the last being an Additional Submission after Deadline 11 [[AS-010](#)]. We are satisfied that the SoCG was submitted correctly.

1.4.62 We have fully considered the SoCGs (other than the draft ones referred to above) in all relevant chapters of this report.

Deadlines

1.4.63 Parties including Climate Emergency Policy and Planning (CEPP) [[AS-008](#)], CPRE PDSY and Daniel Wimberly [[REP12-027](#)], commented on the time constraints for responses, difficulties in responding within deadlines or lack of opportunity to respond to representations submitted towards the end of the Examination. The IPs considered that such constraints could lead to

unfairness. The statutory period for Examination made such constraints a practical necessity. We accommodated responses by parties who were unable to meet the deadlines, for instance by issuing WQ1 early in draft form, accepting late submissions for deadlines and posting them at the following deadline. However, with the issuing of a third set of written questions the pressure to meet deadlines increased and some parties may have submitted representations following closure of the Examination. We have not seen these representations, but they would be forwarded to the SoST for consideration. The SoST may wish to seek clarification on the points raised by the IPs in those submissions, including regarding the SoCG between the Applicant and TfGM [[AS-010](#)].

The draft Development Consent Order

- 1.4.64 On 12 April 2022 we [[PD-016](#)] published our schedule of changes to the dDCO. This was based on the version of the dDCO submitted by the Applicant on 3 April 2022 [[REP8-005](#)]. The Applicant, IPs and other persons were given the opportunity to comment on the schedule by Deadline 9. The Applicant's final version of the dDCO was submitted on 16 May 2022 [[REP12-002](#)] and forms the basis of our considerations in Chapter 9. Our recommended DCO is in Appendix D of this report.

Report on the Implications for European Sites

- 1.4.65 The Examination must include a process that provides sufficient information to enable the SoST to meet its statutory duties as the competent authority under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) relating to European protected sites. The Applicant provided a Habitats Regulations Assessment (HRA) Screening Report [[APP-054](#)] with its application. The HRA Screening Report includes matrices which set out the Applicant's reasons for excluding the potential for likely significant effects (LSEs) to arise from the Proposed Development alone or in combination with other plans and projects. The HRA Screening Report [[REP2-004](#)] and screening matrices [[REP2-044](#)] were updated at Deadline 2 in response to written questions at WQ1 but the changes did not alter the assessment or conclusions reached the version provided with the application [[APP-054](#)].
- 1.4.66 Natural England (NE) [[REP2-028](#), [REP2-054](#), [REP2-080](#), [REP4-025](#), [REP6-029](#), [REP10-006](#)] agreed with the Applicant's screening conclusions. PDNPA [[REP2-055](#), [REP4-012](#), [REP6-038](#), [REP9-035](#)], the National Trust (NT) [[REP2-079](#), [REP4-024](#)] and CPRE PDSY [[REP4-024](#), [REP9-043](#)] disagreed with the findings of the Applicant's HRA Screening Report, including the basis on which a detailed assessment of effects on air quality had been screened out. We [[PD-014](#)] published a Report on the Implications for European Sites (RIES) for comment upon it by Deadline 9.
- 1.4.67 We have fully considered the comments received in Chapter 6 of this report.

Requests to join and leave the Examination

- 1.4.68 Several individuals, who were not IPs, made WRs, which we accepted as Additional Submissions. No persons wrote to us to formally record the full settlement of their issues and the withdrawal of their representations.

1.5 ENVIRONMENTAL IMPACT ASSESSMENT

- 1.5.1 The Proposed Development is development for which an Environmental Impact Assessment (EIA) is required (EIA development).
- 1.5.2 In November 2017, the Applicant submitted a Scoping Report to the SoSHCLG under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) to request an opinion as to the scope, and level of detail, of the information to be provided in the ES (a Scoping Opinion). It follows that the Applicant is deemed to have notified the SoS under Regulation 8(2)(b) of the EIA Regulations that it proposed to provide an ES in respect of the Proposed Development.
- 1.5.3 In December 2017, PINS provided a Scoping Opinion. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development was determined to be Environmental Impact Assessment (EIA) development, and the application was accompanied by an ES [APP-058 to APP-181], which includes a Non-Technical Summary [[APP-059](#)].
- 1.5.4 On 20 September 2021, the Applicant provided PINS with certificates confirming that it had complied with s56 [[OD-003](#)] and s59 [[OD-004](#)] of the PA2008 and with Regulation 17 of the EIA Regulations.
- 1.5.5 We consider the adequacy of the ES in Chapter 4.

1.6 HABITATS REGULATION ASSESSMENT

- 1.6.1 The Proposed Development is development for which a HRA Screening Report [[APP-054](#)] has been provided. In this case the HRA Screening Report takes the form of a No Significant Effects Report, as discussed in Section 1.4.
- 1.6.2 We consider the HRA Screening Report in Chapter 6.

1.7 UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS

- 1.7.1 During the Examination, the Applicant provided updates on discussions regarding side agreements with the Environment Agency, Statutory Undertakers (SUs) including United Utilities, Cadent Gas and National Grid Electricity Transmission plc and voluntary agreements regarding CA or TP with several APs. Those matters are considered further in Chapter 8.
- 1.7.2 We have taken appropriate account of all agreements, and particularly of the evidence that they provide of whether any matters were in contention at the close of the Examination. All relevant considerations and the bearing of the agreements on the DCO are addressed in this report, including in Chapter 9.

1.8 OTHER CONSENTS

- 1.8.1 The application and Examination have identified the consents that the Applicant must obtain, in addition to Development Consent under PA2008.

The latest position on these is recorded in the Applicant's Consents and Agreements Position Statement [[REP12-004](#)]. In summary they include:

NE:

- licence under s10 of the Protection of Badgers Act 1992; and
- Regulation 55 of the Conservation of Habitats and Species Regulations 2017, a European Protected Species mitigation licence from Natural England (in respect of Bats).

Environment Agency (EA):

- applications for continuation of hazardous substances consent under the Planning (Hazardous Substances) Act 1990;
- waste carrier licences or transfer licences that may be required under the Control of Pollution (Amendment) Act 1989;
- environmental permit for the disposal of waste materials under the Environmental Permitting Regulations as amended (2016);
- Environmental Permit – Surface Water discharge consent (Regulation 12(1)(b) of the Environmental Permitting Regulations 2016);
- water abstraction: licence under s24 and s25 of the Water Resources Act 1991 (restrictions on abstraction and impounding; restrictions on impounding);
- diversion of navigable and non-navigable watercourses under Section 143 of the PA2008 and Schedule 5 Pt 1;
- Flood Risk Activities Permit (for Main Rivers) under the Environmental Permitting (England and Wales) Regulations 2016; and
- Ground Dewatering Permit under the Water Resources Act 1991 S32.

EA, NE and Department for Environment Food & Rural Affairs (DEFRA):

- consent under the Control of Pesticides Regulations 1986 (as amended) for the use of and control of any pesticides within 8m of a watercourse.

Health and Safety Executive, Local Authority, Fire and Rescue Authority, Fire Inspector, Asbestos Removal Contractors Association:

- Compliance with duties under The Regulatory Reform (Fire Safety) Order 2015; and
- Asbestos Management in line with CAR-SOILS.

National Highways and Local Authority:

- consent under Road Traffic Regulations Act 1984 – s.14 (Temporary Traffic Regulation Order).

Local Authority:

- Section 61 consent (Control of Pollution Act 1974); and

- trade effluent discharge consent under the Water Industry Act 1991.

Lead Local Flood Authority (LLFA) (TMBC):

- licence under Land Drainage Act 1991 (and sections 20 and 32) and any LLFA Byelaws or for Highways Authorities Section 339 of the Highways Act 1980; and
- consent or approval required under any relevant byelaws made under the Water Resources Act 1991 or the Land Drainage Act 1991.

Highway Authority licence under Section 100 of the Highways Act 1980.

1.8.2 Consents are further considered in Chapters 5 and 6 and, particularly whether they represent a potential impediment, in Chapters 7 and 8.

1.9 THE STRUCTURE OF THIS REPORT

1.9.1 The structure of this report:

- Chapter 1 introduces the reader to the application, the processes used to carry out the Examination and make this report;
- Chapter 2 describes the site and its surroundings, the Proposed Development, its planning history and that of related projects;
- Chapter 3 records the legal and policy context for the SoST's decision;
- Chapter 4 sets out the planning issues;
- Chapter 5 considers effects in regard to specific topics;
- Chapter 6 considers effects on European sites and the HRA;
- Chapter 7 considers the case for making the DCO and sets out the balance of planning considerations arising from Chapter 5, in the light of the factual, legal and policy information in Chapters 1 to 4;
- Chapter 8 sets out our consideration of CA and TP proposals;
- Chapter 9 considers the drafting of the DCO and relevant matters arising from the application and during the Examination; and
- Chapter 10 provides our conclusions on all relevant and important matters and sets out our recommendation to the SoST.

1.9.2 This report is supported by the following Appendices:

- Appendix A: Events in the Examination;
- Appendix B: Examination Library;
- Appendix C: List of Abbreviations; and
- Appendix D: The Recommended DCO.

2 THE PROPOSAL AND THE SITES

2.1 THE PROPOSED DEVELOPMENT SITE AND SETTING

2.1.1 The Proposed Development involves land in the administrative areas of Tameside Metropolitan Borough Council (TMBC) and High Peak Borough Council (HPBC). Derbyshire County Council (DCC) is the local highway authority for the part that falls within HPBC's administrative area. The setting for the Proposed Development is shown in the Location Plan [[APP-006](#)] and the land take is shown in detail in the Land Plans [[REP7-002](#)].

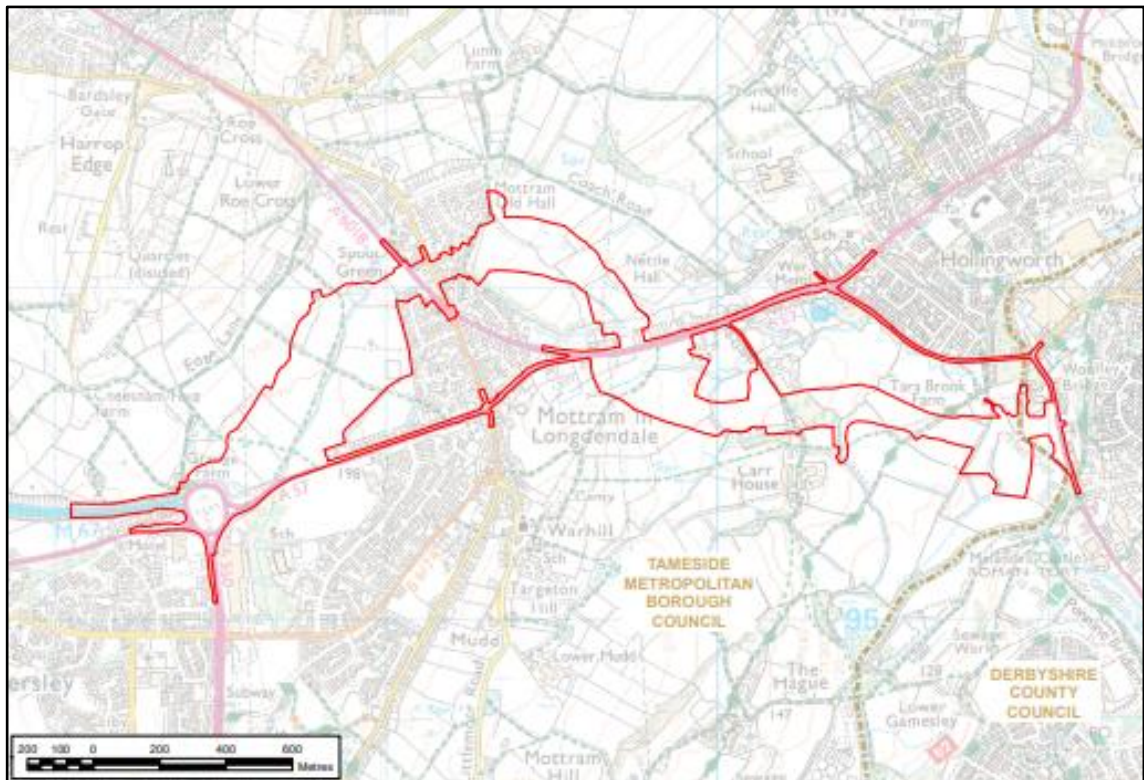


Figure 2.1.1: Location plan [extract from [APP-006](#)]

- 2.1.2 The A57 through Mottram and the A628 are part of the Strategic Road Network (SRN), and connect Manchester, Sheffield (via the A616 and A61) and the M1. The two roads thereby provide a route for west-east long-distance journeys by road. The A57, through Hollingsworth and Glossop provides a further link to Sheffield, crossing the Peak District National Park (PDNP) at Snake Pass to reach the west of Sheffield, although this route does not form part of the SRN. Traffic using the A57(T) and the A628, crosses PDNP using Woodhead Pass to reach the north-west of Sheffield via the A616 or remains on the A628 to join the M1 at Junction 37. These roads carry a significant proportion of Heavy Goods Vehicles (HGVs).
- 2.1.3 As the roads approach Manchester, passing through the smaller settlements of Glossop, Tintwistle, Hollingsworth and Mottram, local trips add to traffic levels. The interaction between strategic and local trips results in delays and queues at M67 Junction 4, the Hyde Road / Mottram Moor / Stalybridge Road / Market Street junction, the Back Moor / Mottram Moor junction, the Mottram Moor / Woolley Lane / Market Street (Gun Inn) junction, and the Woolley Lane / Woolley Bridge / Woolley Bridge Road junction.

- 2.1.4 Junction 4 of the M67 is a five-arm roundabout. The M67 and A56 (Stockport Road) arms are dual carriageways, whilst the A57 (Mottram Road), A57(T) (Hyde Road) and Harrop Edge Road arms are single carriageway. Harrop Edge Road carries significantly less traffic than the other arms and is of a relatively simple layout.
- 2.1.5 From Junction 4, the existing route of the A57(T) (Hyde Road / Mottram Moor) is through the settlement of Mottram and is fronted on both sides by dwellings. Further east, as the road approaches Hollingsworth, it again enters a predominantly suburban setting. At Gun Inn, a signal-controlled junction, the road continues to become the A628 (Market Street) again fronted on both sides by development as it passes through Hollingsworth.
- 2.1.6 From the Gun Inn junction, the A57 (Woolley Lane) ceases to be part of the SRN and heads south-east, skirting the main part of Hollingsworth and Woolley Bridge, passing through a mini roundabout at its junction with Woolley Bridge Road to become Woolley Bridge. Woolley Lane and Woolley Bridge have development predominantly on one side of the road.
- 2.1.7 The wider landscape, through which the Proposed Development would run, is a rural valley. It is predominantly rough grassland, divided into fields used for grazing, bounded by a network of hedges, ditches and fences with scattered dwellings. There are occasional limited groups of trees and shrub planting.

2.2 THE APPLICATION AS MADE

- 2.2.1 The Applicant [[APP-001](#), [APP-002](#), [APP-003](#)] submitted an application under s37 of the Planning Act 2008 (as amended) (PA2008) for an Order granting development consent for what was described as the 'A57 Link Roads scheme'. The application was submitted in the name of Highways England. However, that organisation has since formally changed its name to National Highways Limited and any Development Consent Order (DCO) that the Secretary of State for Transport (SoST) may make would be issued in that name. The Panel has considered the application as having been made in the interests of National Highways Limited. The Applicant is appointed and licenced by the SoST as the strategic highways company for England. It is responsible for operating, maintaining, and improving the SRN in England on behalf of the SoST.
- 2.2.2 The Applicant's high-level objectives for the Proposed Development include:
- reducing congestion and improving the reliability of people's journeys through Mottram, Hollingsworth and Tintwistle and also between the Manchester and Sheffield city regions to provide a benefit in connectivity;
 - improving air quality and reducing noise levels in certain areas, through reduced congestion and removal of traffic from residential areas, avoiding unacceptable impacts on the natural environment and landscape in the Peak District National Park (PDNP), to provide an environmental benefit;

- re-connecting local communities along the Trans-Pennine route to provide a societal benefit; and
- reduce delays and queues that occur during busy periods and improving the performance of junctions on the route to improve network capacity, including capacity on the SRN.

2.2.3 The Proposed Development seeks to achieve these objectives whilst also being affordable and delivering high value for money.

2.2.4 Chapter 2 of the ES [REP2-005] provides a full description of the Proposed Development, which we summarise below. No requests to change the application were received from the Applicant during the Examination.

Overview

2.2.5 The Proposed Development would provide a new dual carriageway link road (Mottram Moor Link Road) from Junction 4 of the M67 to the north of Mottram in Longdendale, passing through a new underpass to a new at-grade signalised junction just south of the existing line of Mottram Moor and a new single carriageway link road (A57 Link Road) from there to Woolley Bridge, passing over the River Etherow on a new bridge.

2.2.6 The Mottram Moor Link Road would be approximately 1.12 miles (1.8km) long creating a sixth arm on the Junction 4 roundabout. The roundabout would be signalised and modified to incorporate a through route for westbound vehicles on a new road to the M67 across the roundabout and incorporate improved pedestrian and cycling facilities.

2.2.7 The road would run through farmland, partially within a false cutting before entering a cutting and passing under a new overbridge (Roe Cross Road Bridge) carrying the A6018 (Roe Cross Road) and entering the new Mottram Underpass before proceeding on, mainly in cutting, across farmland to the new signal-controlled junction (Mottram Moor Junction).

2.2.8 A new underpass (Mottram Underpass) would be created beneath the road west of Roe Cross Road to maintain farm access and provide a facility for pedestrians, cyclists, and horse riders.

2.2.9 The A57 Link Road would comprise approximately 0.81 miles (1.3km) of single carriageway road linking the new junction at Mottram Moor to Mottram Bridge, running across farmland in a false cutting before rising on embankment to cross the new River Etherow Bridge and terminating in a new signal-controlled junction (Woolley Bridge Junction).

2.2.10 A new underpass (Carrhouse Farm Underpass) would be created beneath the road west of Roe Cross Road to maintain farm access and provide a facility for pedestrians and cyclists.

2.2.11 The Mottram Moor Link Road would form part of the SRN, whilst the old A57(T) would be de-trunked west of the new Mottram Moor junction. The A57 Link Road would form part of the road network administered by TMBC as local highways authority (LHA). Mottram Moor Link Road would be subject to a 50mph speed limit, whilst the A57 Link Road would have a

30mph mandatory limit. Street lighting incorporating light emitting diodes is proposed over almost the entire length of the Proposed Development, except over a length between Junction 4 and Roe Cross Road Bridge.

- 2.2.12 In addition, improvement works to provide cycling facilities and improved pedestrian crossings at the Gun Inn junction are proposed and it is anticipated that the de-trunked section of the A57(T) would have works carried out to discourage its use as a through route, including traffic calming and the reduction of the speed limit to 20mph. Further, it is proposed that traffic calming measures would be introduced on Woolley Lane and the speed limit reduced to 20mph.
- 2.2.13 The Proposed Development includes works to vehicular access points and bridleways / cycle / footpaths, utilities diversions, landscaping, the creation of surface water drainage works and attenuation features and environmental mitigation areas.
- 2.2.14 The Proposed Development would involve the demolition of 25 residential properties: four on Four Lanes, seven on Old Road, eight on Old Hall Lane and six on Tollemarche Close, together with nine garages on Tollemarche Close. Four employment units on Roe Cross Industrial Estate and a stable on Mottram Moor would also be demolished.

2.3 THE APPLICATION AT THE CLOSE OF THE EXAMINATION

- 2.3.1 There were no material changes to the Proposed Development during the Examination. However, several supporting documents, including parts of the ES, were updated. Clarification updates to ES documents included:
- Chapters 1-4: Introductory Chapters [[REP2-005](#)];
 - Chapter 5: Air Quality [[REP3-006](#)];
 - Chapter 6: Cultural Heritage [[REP6-005](#)];
 - Chapter 7: Landscape and Visual Effects [[REP6-006](#)];
 - Chapter 8: Biodiversity [[REP2-008](#)];
 - Chapter 9: Geology and Soils [[REP7-007](#)];
 - Chapter 10: Materials Assets and Waste [[REP7-008](#)];
 - Chapter 11: Noise and Vibration [[REP8-008](#)];
 - Chapter 12: Population and Human Health [[REP2-009](#)];
 - Chapter 13: Road Drainage and the Water Environment [[REP7-009](#)];
 - Chapter 14: Climate [[REP1-019](#)];
 - Chapter 15: Cumulative Effects [[REP1-020](#)];
 - Chapter 16: Summary [[REP2-010](#)];
 - Figure 5.5: Air Quality Results -Human Health and Ecological Receptors [[REP1-021](#)];
 - Figure 7.2: – Local Landscape Character [[REP2-011](#)];

- Figure 7.9x: – Photomontages [[REP3-009](#)];
- Figure 7.9xi:– Photomontages [[REP2-013](#)];
- Figure 11.7: Operation Phase Do Minimum Opening Year Daytime Noise Levels [[REP1-022](#)];
- Figure 11.8: Operation Phase Do Something Opening Year Daytime Noise Levels [[REP1-023](#)];
- Figure 11.9: Operation Phase Do Minimum Future Year Daytime Noise Levels [[REP1-024](#)];
- Figure 11.10: Operation Phase Do Something Future Year Daytime Noise Levels [[REP1-025](#)];
- Figure 11.11: Operation Phase Short Term Change [[REP1-026](#)];
- Figure 11.12: Operation Phase Long Term Change with Scheme (DMFY-DMOY) [[REP1-027](#)];
- Figure 11.13: Operation Phase Long Term Change without Scheme (DSFY-DMOY) [[REP1-028](#)];
- Figure 11.14: Operation Phase Do Minimum Opening Year Night Noise Level [[REP1-029](#)];
- Figure 11.15: Operation Phase Do Something Opening Year Night Noise Levels [[REP1-030](#)];
- Figure 11.16: Operation Phase Do Minimum Future Year Night Noise Levels [[REP1-031](#)];
- Figure 11.17: Operation Phase Do Something Future Year Night Noise Levels [[REP1-032](#)];
- Appendix 6.1: Cultural Heritage Desk Based Assessment [[REP1-033](#)];
- Appendix 6.2: Archaeology Scope of Work and Written Scheme of Investigation [[REP1-034](#)];
- Appendix 7.1: Visual Effects Schedule [[REP2-014](#)];
- Appendix 8.3: Aquatic Ecology [[REP2-015](#)];
- Appendix 11.4: Predicted Road Traffic Noise Levels at Selected Representative Locations [[REP1-035](#)];
- a Flood Risk Assessment [[REP10-002](#)]; and
- a Water Framework Directive compliance assessment [[REP3-004](#)].

2.3.2 In addition the Environmental Management Plan (first iteration) (EMP1) [[REP12-007](#)] and Traffic Management Plan (TMP) [[REP11-006](#)] were updated in response to matters raised by parties and ourselves.

2.3.3 Other submissions by the Applicant during the Examination clarified the ES:

- ES Appendix 13.2: Hydrogeology Risk Assessment [[REP3-025](#)];

- Our Site and Landscape patterns from Design Review Panel July 2020 [[AS-006](#)];
- Environmental Statement Figure 5.5: Air Quality Results – Human Health and Ecological Receptors [[REP1-021](#)];
- an Outline Landscape and Ecological Management and Monitoring Plan [[REP8-014](#)];
- an Outline Carbon Management Plan [[REP5-023](#)];
- an Environmental Masterplan Overview [[REP6-020](#)];
- a Supplementary Ground Investigation Report [[REP7-027](#)];
- a Noise and Vibration Management Plan [[REP11-009](#)];
- a Noise map with footpath locations [[REP4-002](#)];
- a Select Link Analysis of Dinting Road [[REP9-029](#)];
- a Technical Note on the River Etherow Outfall [[REP9-030](#)]; and
- a Supplementary Air Quality Assessment for Brookfield [[REP11-011](#)].

2.3.4 During the Examination the Applicant submitted several management and mitigation plans that were not in the version of EMP1 accompanying the Application. These include, amongst others, the Outline Dewatering Management Plan (EMP1 Annex B.8 [[REP12-007](#)]) and Design Approach Document (EMP1 Annex C.1). The Works Plans [[REP11-002](#)], Streets, Rights of Way and Access Plans [[REP11-003](#)] and Scheme Layout Plans [[REP11-004](#)] were also amended.

2.3.5 We have had regard to these clarifications and, where necessary, further reference is made to them in Chapters 4 and 5. Schedule 10 of the Development Consent Order (DCO) (Appendix D), which specifies the documents to be certified, reflects these changes.

Further details, mitigation and consultation

2.3.6 The proposed mitigation measures were updated during the Examination. These measures are detailed and secured through the recommended Development Consent Order (rDCO) (Appendix D), EMP1 [[REP12-007](#)] and the TMP [[REP11-006](#)]. EMP1 would be succeeded by the EMP (second iteration) (EMP2) for the construction phase and the EMP (third iteration) (EMP3) for the operation phase. The relationship between the EMPs is described in more detail in EMP1 [[REP12-007](#)].

2.3.7 The rDCO (Appendix D) requirements are set out at Schedule 2. Requirement 1 defines terms used in the rDCO, including the EMP. Requirement 4 secures the approval of EMP2 and EMP3 by the SoST and requires the development to be constructed in accordance with the approved EMP2 and operated and maintained in accordance with the approved EMP3. It also requires EMP2 and EMP3 to be substantially in accordance with the certified EMP1 [[REP12-007](#)]. Nevertheless, EMP1 also recognises that EMP2 and EMP3 would need to be revised to remain up to date and makes provision for consultation and approval of that process.

- 2.3.8 Where a requirement necessitates further details to be approved, the rDCO (Appendix D) sets out the provisions for consultation with the local planning or highway authority or other relevant body prior to the submission of the details to the SoST. Requirement 4 sets out the procedure for reporting those consultations.
- 2.3.9 The TMP [[REP11-006](#)] is secured through the EMPs and Requirement 4. It outlines the measures for the management of traffic and temporary road layouts during the construction phase of the Proposed Development. It would be revised to provide greater detail of these measures during the detailed design phase, such that it would form a part of the EMP2. The TMP [[REP11-006](#)] recognises the need for on-going consultation and identifies a range of stakeholders, including the LHAs and the SoST.
- 2.3.10 Similarly, other management and monitoring plans are secured through the rDCO (Appendix D) and require similar consultation and approval.
- 2.3.11 EMP1 [[REP12-007](#)] sets out the roles and responsibilities of the project team and the detailed mitigation measures in the form of a Register of Environmental Actions and Commitments (REAC) [[REP11-005](#)]. The REAC addresses pre-construction, construction, and post-construction phases of the life of the works. The REAC would be a 'living document', updated during the life of the Proposed Development to reflect changes in circumstances and in line with the evolution of the EMP.
- 2.3.12 As well as specific mitigation measures, the EMP requires the preparation and approval of the following:
- Soil Resource Plan;
 - Noise and Vibration Management Plan;
 - Construction Water Management Plan;
 - Site Waste Management Plan;
 - Materials Management Plan (MMP);
 - Community Engagement Plan;
 - Nuisance Management Plan;
 - Dewatering Management Plan; and
 - Carbon Management Plan.
- 2.3.13 The above have been provided in outline within the EMP1 [[REP12-007](#)]. Final versions would be developed and included in the EMP2. Where EMP1 [[REP12-007](#)] requires further details to be approved, it also sets out any requirements for consultation with the relevant bodies, prior to submission of the details to the SoST.
- 2.3.14 EMP2 would include developed and approved versions of:
- Pollution Prevention Plan;
 - Emergency Spillage Response Plan;

- Emergency Flood Response Plan;
- Asbestos Management Plan;
- Arboricultural Method Statement;
- Ecological Management Plans;
- Biosecurity Management Plan;
- Invasive Non-Native Management Plan;
- Traffic Management Plan;
- Landscape and Ecological Management and Monitoring Plan; and
- Archaeological Fieldwork Strategy.

2.3.15 Requirement 4 of the rDCO (Appendix D) secures a Design Approach Document. An outline version [[REP12-021](#)] was appended to the EMP1. This would be updated into a detailed Design Principles Document prior to commencement of works in accordance with Requirement 4 of the rDCO (Appendix D) and, as set out in Action GEM1.1 of the REAC [[REP11-005](#)] and, following consultation, would be annexed to EMP2.

2.4 RELEVANT PLANNING HISTORY

Early studies from 1967 to 2015

- 2.4.1 The history of the Proposed Development is set out in ES Chapter 3 [[REP2-005](#)]. Issues on the A57 / A628 routes across the Pennines and in the area around Mottram, Hollingworth and Tintwistle have been identified as a problem for some time. In 1967, during the public inquiry for the M67 motorway, there were discussions regarding an extension of the motorway across PDNP to provide a second motorway link across the Pennines to the south of the planned M62 and avoid the Snake and Woodhead passes.
- 2.4.2 As there was no certainty that the whole M67 scheme would be completed by this time, it was decided by the Government at the time that the scheme would not be built with motorway characteristics, but as a single carriageway with crawler lanes.
- 2.4.3 However, a scheme to alleviate traffic congestion along the A57 / A628 trunk road through Mottram, Hollingworth and Tintwistle was not introduced into the Roads Programme until 1989. From the initial appraisal of seven alternative route options, two routes, known as the brown and grey routes, were presented at Public Consultation in 1992. The brown route was announced as the Preferred Route Option (PRO) in 1993. In 1996 the bypass was suspended from the Roads Programme.
- 2.4.4 Aspirations remained for a scheme to solve the traffic problems within the three villages of Mottram, Hollingworth and Tintwistle. In 1998 the A57 / A628 Mottram to Tintwistle Bypass and A628 / A616 Route Restraint Measures were listed as a scheme, subject to full appraisal and the views of the Regional Planning Bodies. In 1999 this was approved subject to further appraisal.

- 2.4.5 In 2000, the Highways Agency assessed the impacts of various strategies including an HGV lorry ban, public transport improvements and a bypass option. At that time the assessment concluded that there were no realistic alternatives to a bypass of the villages. The results of these assessments were presented to the Regional Planning Bodies in November 2002. Following their approval, a scheme was included in the Government's Targeted Programme of Improvements (TPI) in April 2003.
- 2.4.6 This resulted in the promotion of a preferred route of approximately 5.7km in length, which would bypass the existing A57 /A628 route in the villages of Mottram, Hollingworth and Tintwistle, with a link road connecting to the A57 at Mottram Moor between Mottram and Hollingworth. An extension of this link road was jointly promoted by TMBC and DCC as the Glossop Spur.
- 2.4.7 In 2007 both the A57 / A628 Mottram to Tintwistle Bypass and A628 Route Restraint Measures, and the Glossop Spur projects were subject to public inquiry, but were subsequently withdrawn. The A57 / A628 Mottram to Tintwistle Bypass and A628 Route Restraint Measures project was removed from the Highways Agency programme.
- 2.4.8 Following the decision of the Highways Agency to withdraw from promoting the bypass, TMBC started developing alternative proposals in 2009. These were known as the Longdendale Integrated Transport Strategy (LITS). Six options were presented for consultation including public transport options, highway options and a combination of both. In 2010 LITS became subject to government spending cuts and was consequently scrapped, although two of the options were used later to inform the Trans-Pennine Feasibility Study.

The Trans-Pennine Upgrade

- 2.4.9 In September 2015 the Department for Transport (DfT) commissioned a series of feasibility studies to investigate solutions to some of the most significant and longstanding congestion hotspots in the country which led to a study to identify the opportunities and understand the case for future investment on Trans-Pennine routes that would improve connectivity between Manchester and Sheffield. Twenty-three options were initially assessed and scored against several criteria and four packages were consequently identified for further development and assessment at option selection stage.
- 2.4.10 The Trans-Pennine Upgrade (TPU) was made up of a series of measures announced in March 2015's Road Investment Strategy (RIS) for the 2015-2020 road period, published by the DfT. A second RIS (RIS2) has since been published, which covers the 2020-2025 period. The Proposed Development (the A57 Link Roads) was part of this wider package of work and remains an identified scheme within RIS2.
- 2.4.11 In October 2015 a long list of 9 options was considered, included those set out in Figures 2.4.1, 2.4.2 and 2.4.3, below.

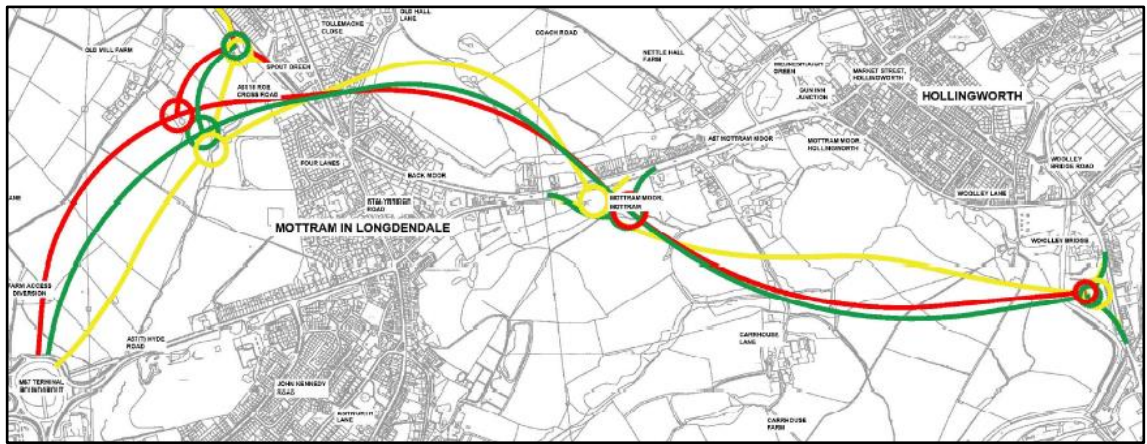


Figure 2.4.1: Options 0, 3 & 4 – A57(T) to A57 Link Road crossing the A57(T) close to Mottram [extract from Figure 3.1 of [APP-075](#)]

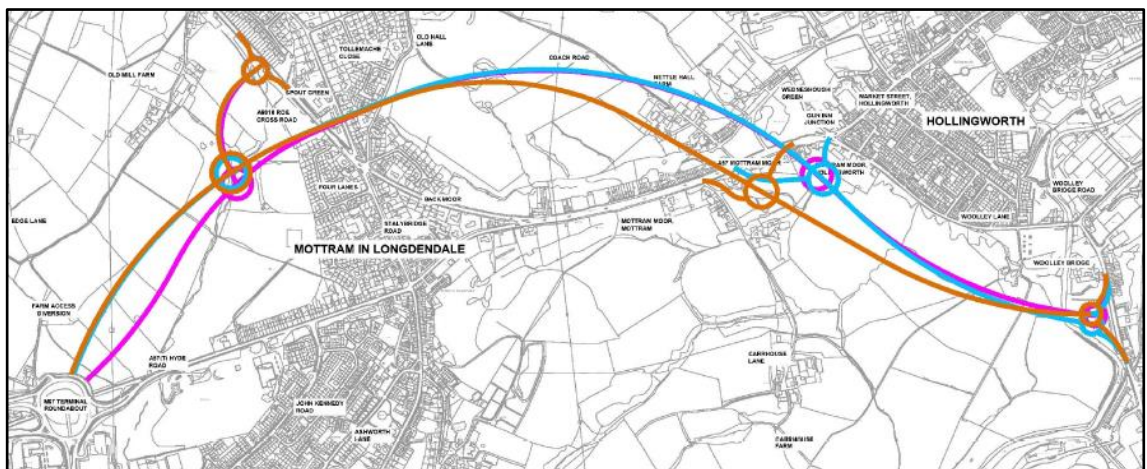


Figure 2.4.2: Options 1, 2 & 5 – A57(T) to A57 Link Road crossing the A57(T) closer to the Gun Inn junction at Hollingworth [extract from Figure 3.2 of [APP-075](#)]

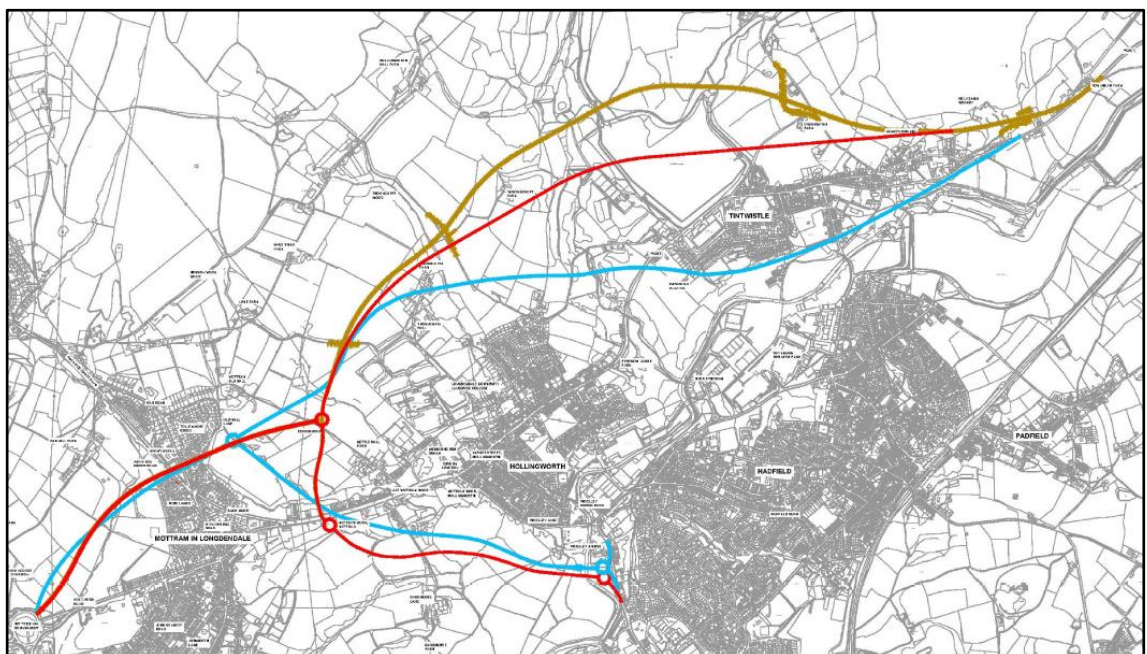


Figure 2.4.3: Brown Route, Blue Route and Red Route – options for a Mottram, Hollingworth, and Tintwistle Bypass [extract from Figure 3.3 of [APP-075](#)]

- 2.4.12 The Brown Route was the preferred route for the Mottram, Hollingworth and Tintwistle Bypass taken to Public Inquiry in 2007.
- 2.4.13 In January 2016, following a second sift, Option 0 and Option 5 were taken forward and renamed Option A and Option B.
- 2.4.14 Public consultation for the TPU followed, starting in October 2016 with public awareness events. These were followed in March and April 2017 with public exhibitions held at five local locations. These presented two options for improving the A57, including safety and technology improvements on the A57 / A628 and A616 / A61, two options for dualling the A61 and the climbing lane proposals on the A628. In June 2017 a Value Management Workshop was held to ensure the options proposed for the Preferred Route Announcement met the high-level strategic drivers defined in the Client Scheme Requirements. The outcome of this process was the selection of Option A (shown as Option 0 in the Figure 2.4.1, above) as the preferred route and the TPU entered the Preliminary Design Stage.
- 2.4.15 Between 2017 and 2021 ongoing environmental surveys, consultation and geotechnical surveys were conducted to further inform design to complete and freeze the preliminary design of the preferred route.
- 2.4.16 During this stage several elements were removed from the scope of the Proposed Development, and it was redefined as the A57 Link Road Scheme, as opposed to the wider TPU package. The elements removed were:
- dualling the A61 between Tintwistle and Sheffield;
 - climbing lanes on the uphill stretch of the A628 between Woodhead Bridge and Salters Brook Bridge; and
 - Westwood roundabout and technology improvements on the A628 were not considered to be NSIP and so they were brought forward in March 2020 as two separate schemes under permitted development rights.

Applicant's assessment of alternatives: Trans-Pennine Feasibility Study

- 2.4.17 The Trans-Pennine Feasibility Study commissioned by the DfT in 2015 undertook a sifting exercise to identify the most optimal options in terms of development design, technology, location, size and scale. In terms of geographic scope, the study considered the following Trans-Pennine road and rail routes:
- the A57, A628, A616 and A61 in terms of the SRN;
 - the A57, A6, A623, A624, A625, A6187 and A6103 on the local authority road network; and
 - the Hope Valley rail line.
- 2.4.18 Potential rail investment was progressed at the time by the Rail Electrification Task Force and 'Rebalancing Britain: From HS2 towards a national transport strategy' which considered improvement to east-west connectivity, including improvements to the Hope Valley line. The option generation subsequently focussed on road-based options.

- 2.4.19 Historic schemes, as outlined above, which had previously been consulted on and taken forward, or elements thereof taken forward, were reviewed as part of this process.
- 2.4.20 The Applicant states that the feasibility studies followed the DfT's Transport analysis guidance (WebTAG) as well as inputs provided by a Stakeholder Reference Group to ensure the views of stakeholders were captured and considered as part of the option selection. This Stakeholder Reference Group consisted of local Members of Parliament, local authorities, business organisations, environmental groups, and transport organisations.
- 2.4.21 The WebTAG approach sought to ensure that the selection of the preferred solution was driven by a set of defined problems and objectives. The key problems and objectives identified for the feasibility study were:

Key problems:

- accidents reduce journey time reliability, with high accident rates on some routes and a number of accident clusters;
- severe weather causes road closures reducing journey time reliability;
- a lack of technology to assist in the operation and management of the routes and provide information for travellers;
- reduced journey-time reliability due to maintenance on single carriageway sections;
- asset condition, including the standard, age and damage;
- reduced journey-time reliability through significant maintenance operations and risk from closures;
- journey-times increased by delays at junctions and the geometry and topography of routes; and
- long term traffic growth would take some urban sections to capacity.

Key transport objectives developed for the Trans-Pennines routes:

- connectivity – improving the connectivity between Manchester and Sheffield through reduction in journey times and improved journey-time reliability;
- environmental – avoiding unacceptable impacts on the natural environment and landscape in the Peak District National Park, and optimising environmental opportunities;
- societal –improving air quality and reducing noise impacts, and addressing the levels of severance on the Trans-Pennine routes in urban areas;
- capacity – reducing delays and queues that occur during peak hours and improving the performance of junctions on the routes;
- resilience – improving the resilience of the routes through reductions in the number of incidents and reduction of their impacts; and

- safety – reducing the number of accidents and their impacts.
- 2.4.22 An initial sift was conducted to identify any ‘showstoppers’ which would likely prevent an option from progressing at subsequent stages in the process. ‘Showstoppers’ were identified if they met the following criteria:
- they failed to meet the key objectives;
 - they did not fit with existing local, regional and national programmes and strategies or wider government priorities; and
 - they were unlikely to pass key viability and acceptability criteria, in that they were unlikely to be deliverable in a particular economic, environmental, geographical, or social context, technically sound, financially affordable, or acceptable to stakeholders and the public.
- 2.4.23 The initial sift considered the deliverability and technical feasibility of 23 options, which were assessed and scored using an initial-sifting tool. This allowed a qualitative assessment of the scale of impact of each option against the route problems and objectives and also against a set of deliverability and feasibility criteria.
- 2.4.24 The first element of the scoring process related to assessing how well each option tackled each of the specific problems and objectives identified in the study area as above. Each option was allocated a score under each objective. The initial sift tool also involved assessing if the option was deliverable and feasible, with scores allocated to each of these.
- 2.4.25 In terms of deliverability, likely stakeholder and public acceptability, planning, legal issues, Compulsory Purchase Orders (CPOs), implementation timescales, funding likelihood and third-party issues were considered.
- 2.4.26 Option feasibility was assessed using a similar method, with each option scored based on physical constraints, land ownership and technical feasibility.
- 2.4.27 For an option to progress to the next stage of sifting, it had to achieve an overall moderate or better impact against identified problems, overall moderate or better fit with route objectives, and be deliverable and feasible.
- 2.4.28 As option development progressed, Highways England sought the views of stakeholders and feedback considered with any suggested measures raised included in the assessment process.
- 2.4.29 The options are presented in the ES Chapter 3 [[REP2-005](#) Table 3-3], which also outlines those options which were taken forward or rejected at that initial sift and a high-level summary of the justification for that decision.
- 2.4.30 The scope for the assessment of the possible options within the above feasibility studies focused on investment proposals that had the potential to be delivered in the short to medium term. The study nonetheless recognised that some potential, more transformational investment options (such as the tunnel options) could provide a high performing road link. The study established that such options would merit further consideration, given that they had the potential to deliver a step change in the future levels of

connectivity between Sheffield and Manchester. Subsequently, a series of Trans-Pennine tunnel strategic studies have been undertaken which considered the case for the Trans-Pennine tunnel road scheme separately to the Proposed Development.

- 2.4.31 Assessed against these deliverability timescales, the four best performing individual options were determined to be:
- A57 Mottram One Way;
 - M67 to A57 Mottram Moor Link Road;
 - bypass of Mottram, Hollingworth and Tintwistle; and
 - dualling the A61 between Junction 36 of the M1 and the Westwood roundabout on the A616.
- 2.4.32 It was considered that these four options had the potential to address the issue of congestion on the SRN and were therefore expected to improve journey times and journey time reliability. Proposals at the western end were also expected to address, to different extents, issues of community severance identified in Mottram, Hollingworth and Tintwistle.
- 2.4.33 At that time, it was decided that six of the options in Table 3-3 should be assessed further by packaging them in combination with the four options which had progressed to the second sift in their own right. These six options had not been progressed as they did not significantly tackle the identified problems and objectives or were not feasible or deliverable.
- 2.4.34 The decision was also taken to reconsider the HGV Control Schemes as part of a package. The reason it did not progress was because of it being potentially difficult to deliver. However, the HGV Control Scheme option was supported by several groups, so the Applicant decided that it merited further consideration.
- 2.4.35 The second sifting exercise adopted the same methodology, scoring system and evaluation criteria as the initial sift, but focused on packages of options rather than considering options individually.
- 2.4.36 On completion of the second sifting exercise, a total of fifty-six packages of options successfully met the evaluation criteria and were consequently taken through to the final stage of sifting, utilising the DfT's Early Assessment Sifting Tool (EAST).
- 2.4.37 At this point the Applicant considered that the key issue regarding deliverability of the HGV Control Scheme, including complementary measures, remained unchanged. As the evaluation criteria clearly stipulated that an option (or sub-option within a package) must be deliverable. Any package of options which included the HGV Control Scheme was deemed undeliverable and not progressed further.
- 2.4.38 The packages which performed the best against the evaluation criteria within the second sifting process were taken forward to the final stage of sifting using the EAST decision support tool. The tool had been designed to be consistent with the DfT's Transport Business Case principles, based

around the five-case model approach of strategic case, value for money, financial case, delivery case, and commercial case.

- 2.4.39 For this appraisal, the packages were appraised against each of these principles using WebTAG's scale of impact.
- 2.4.40 Following this final appraisal, an overall ranking was conducted, from which four packages were identified for further development and assessment:
- Package 1: Bypass of Mottram, Hollingworth and Tintwistle with A57(T) to A57 Link Road, Climbing Lanes (including a realignment of Salter's Brook), Route Safety Improvements and Maintenance Strategy / Technology Package;
 - Package 2: Dual carriageway link road M67 to A57 and spur connecting to A6018 (Mottram Moor Link) with A57(T) to A57 Link Road, Climbing Lanes (including a realignment of Salter's Brook), Route Safety Improvements and Maintenance Strategy / Technology Package;
 - Package 3: A57 Mottram One Way with A57(T) to A57 Link Road, Climbing Lanes (including a realignment of Salter's Brook), Route Safety Improvements and Maintenance Strategy / Technology Package; and
 - Package 4: A61 Dualling with A57(T) to A57 Link Road, Climbing Lanes (including a realignment of Salter's Brook), Route Safety Improvements and Maintenance Strategy / Technology Package.
- 2.4.41 The results of this assessment were taken forward and considered for the Option Identification stage of the project lifecycle.
- 2.4.42 The aim of the Option Identification stage was to identify options to take forwards for public consultation. At this stage further assessment of the options in terms of environmental impact, traffic forecasts and economic benefits was undertaken to allow prioritisation between schemes and options and ensure that value for public money is achieved.
- 2.4.43 Following the feasibility studies, a long list of nine options were presented to the Applicant in 2015. In accordance with the design brief provided these included the long bypass options (of Mottram, Hollingworth and Tintwistle) and short bypass options (of Mottram only) and all included the central package of the climbing lanes, the Route Safety Improvements and Maintenance Strategy / Technology Package and the option to include or exclude the A57(T) to A57 Link Road.
- 2.4.44 These nine options were:
- Mottram Moor Link Road and A57(T) to A57 Link Road Options 0, 3 & 4 – options for A57(T) to A57 Link Road crossing the A57(T) close to Mottram (Figure 3.1, [APP-075](#));
 - Mottram Moor Link Road and A57(T) to A57 Link Road Options 1, 2 & 5 – options for A57(T) to A57 Link Road crossing the A57(T) closer to the Gun Inn Junction at Hollingworth (Figure 3.2, [APP-075](#)); and
 - the Brown Route, Blue Route and Red Route options for a Mottram, Hollingworth, and Tintwistle Bypass.

The Brown Route was the preferred route for the Mottram, Hollingworth and Tintwistle Bypass taken to Public Inquiry in 2007.

The main difference between the two sets of link road options was the location and alignment of the new junction at Mottram Moor; for Option 1, 2 & 5 it was located closer to the A628 / A57 Woolley Lane junction (and for Options 0, 3 & 4 it was located close to the A57 Mottram Moor / A6018 Back Moor junction, providing a tighter alignment east of Mottram-in-Longdendale, after the tunnelled section, meeting the A57 Mottram Moor further west.

- 2.4.45 The Applicant decided that a sifting exercise should be completed to inform a strategic decision as to whether to pursue a long or short bypass. For this reason, the First Sift exercise was completed using one long and one short bypass option (Option 0 and Brown Route). Both were considered with and without the inclusion of the A57(T) to A57 Link Road.
- 2.4.46 The elements included within the First Sift were appraisal using an additional sift tool, appraisal using the EAST, and a high-level economic assessment using Transport User Benefit Appraisal (TUBA).
- 2.4.47 The First Sift came to the broad conclusions that:
- the Brown Route performed better economically than Option 0 route, both with and without the A57(T) to A57 Link Road; and
 - options with the A57(T) to A57 Link Road performed better than the comparative option without the A57(T) to A57 Link Road.
- 2.4.48 As a result, a decision was made to remove options without the A57(T) to A57 Link Road, as these performed less well. However, a strategic decision between long and short bypass options could not be made at the time of sifting, and so it was decided to proceed to a Long List Sift.
- 2.4.49 This sift was completed using the EAST, alongside an Additional Sift Tool which considered the performance of each option against the Trans-Pennine Upgrade objectives.
- 2.4.50 The nine options presented in 2015 were all considered as part of the Long List Sift, although this time only the A57(T) to A57 Link Road was included.
- 2.4.51 The options discarded at this stage were:
- Options 1 and 2: The proximity of these two options to the Gun Inn Junction affected the potential deliverability and feasibility in comparison to Option 5 which is of a similar alignment;
 - Options 3 and 4: The highway alignment of these two options was less preferable in terms of Highways Standards in comparison to Option 0;
 - Blue Route: This route would pass directly between Hollingworth and Tintwistle, potentially bringing additional severance issues between the two villages. The route would also include the upgrade of the existing road within Tintwistle Conservation Area; and

- Red Route: This route would require construction over the top of Arnfield Reservoir, which was considered to pose deliverability challenges.

2.4.52 The best performing options that were taken forward to the Second Sift Exercise were:

- Brown Route, as it was found to be the better performing of the Mottram, Hollingworth, & Tintwistle type options considered in the Long List Sift;
- Option 0, as this option was appraised in the original First Sift and was considered the better performing of the Mottram Moor Link Road options considered which crossed the A57(T) closer to Mottram; and
- Option 5, as this option was considered the better performing of the Mottram Moor Link Road options which crossed the A57(T) closer to the Gun Inn at Hollingworth.

2.4.53 At this stage a historic options review exercise was also undertaken to reconsider the reasons for rejection at the time. This identified a potentially feasible option, named 'DfT Low Cost Option 1', which was considered a viable alternative to the Brown Route and was therefore taken through to the Second Sift Exercise, alongside Options 0, 5 and the Brown Route.

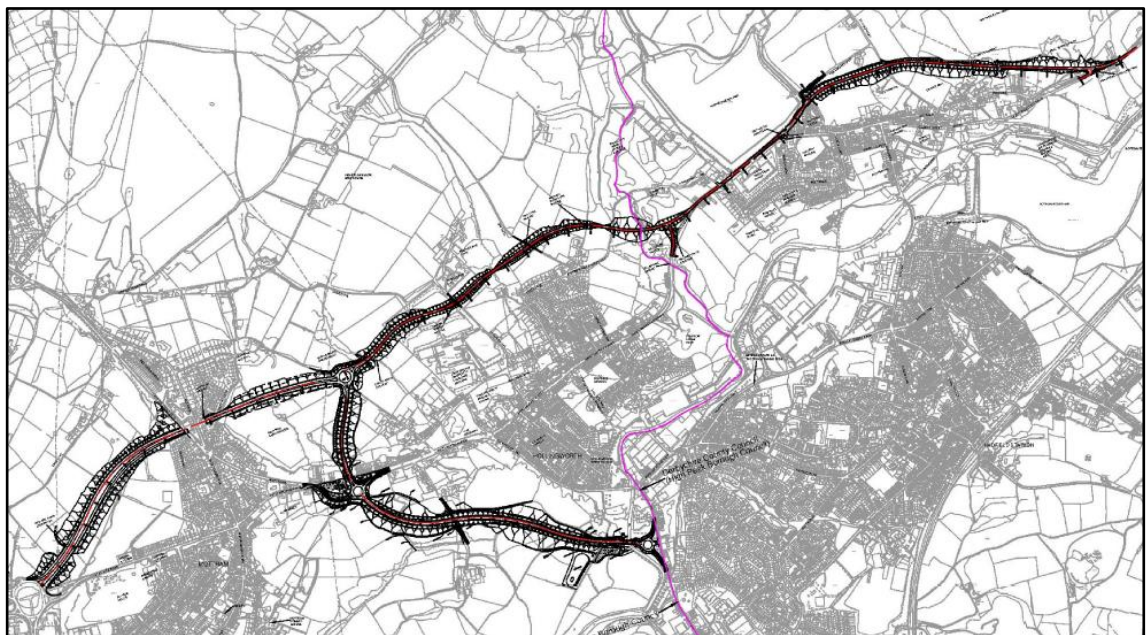


Figure 2.4.4: DfT Low Cost Option [extract from Figure 3.4 of [APP-075](#)]

2.4.54 The second sift exercise was undertaken using the WebTAG criteria Option Assessment Framework, provided within the TAG Unit.

2.4.55 The options presented for Second Sift were:

- the Brown Route including A57(T) to A57 Link Road (long bypass);
- DfT Low Cost Option 1 including A57(T) to A57 Link Road (long bypass);
- Mottram Moor Link Road Option A, including A57(T) to A57 Link Road (short bypass); (formerly Option 0); and

- Mottram Moor Link Road Option B (formerly Option 5) including A57(T) to A57 Link Road (short bypass).

2.4.56 Observations were made about the environmental impacts of each option:

- DfT Low Cost option 1 plus A57 and Brown Route plus A57 both indicated greenhouse gas disbenefit whereas Mottram Moor Link Road Options A and B both indicated some benefit;
- all four options presented the opportunity to improve noise within existing Noise Important Areas;
- for air quality impacts, all options were scored as 'negative' due to the uncertainty regarding the changes and the inability to quantify the significance of any impacts at that stage;
- larger landscape impacts were expected for both the Brown Route plus A57 and DfT Low Cost Option 1 plus A57, although all options were likely to have some impact on the Mottram Showground;
- Mottram Moor Link Road Options A and B were found to improve the townscape for Mottram and Hollingworth but would cause an increase in traffic through the Tintwistle Conservation Area which may be detrimental to townscape at this location;
- the Brown Route plus A57 and DfT Low Cost Option 1 plus A57 were found to improve townscape within Mottram, Hollingworth and Tintwistle through a reduction in traffic. However, a Moderate Adverse impact would arise in Tintwistle associated with the loss of open land on the northern and eastern extents of the Conservation Area;
- the Brown Route plus A57 and DfT Low Cost Option 1 plus A57 were found to have the most significant impact on the Tintwistle Conservation Area, due to loss of open land within the northern and eastern periphery; and
- all four options would increase traffic on the A628 close to the Peak District Moors Special Protection Area, South Pennine Moors Special Area of Conservation and the Dark Peak Site of Special Scientific Interest, however, the extent of traffic changes associated with the Brown Route plus A57 and Low Cost Option 1 plus A57 would be much greater than for Mottram Moor Link Road Options A and B.

2.4.57 The benefits and disbenefits of the four options were considered during an internal Value Management workshop. The two long bypass options were expected to attract significantly more traffic to the area and result in environmental impacts in relation to the Peak District National Park, for example air quality and noise. Funding risk relating to a long bypass being unavailable within the current RIS was highlighted. As a result, the decision was made to take two Mottram Moor Link Road options through to the next stage. These were Mottram Moor Link Road Options A and B:

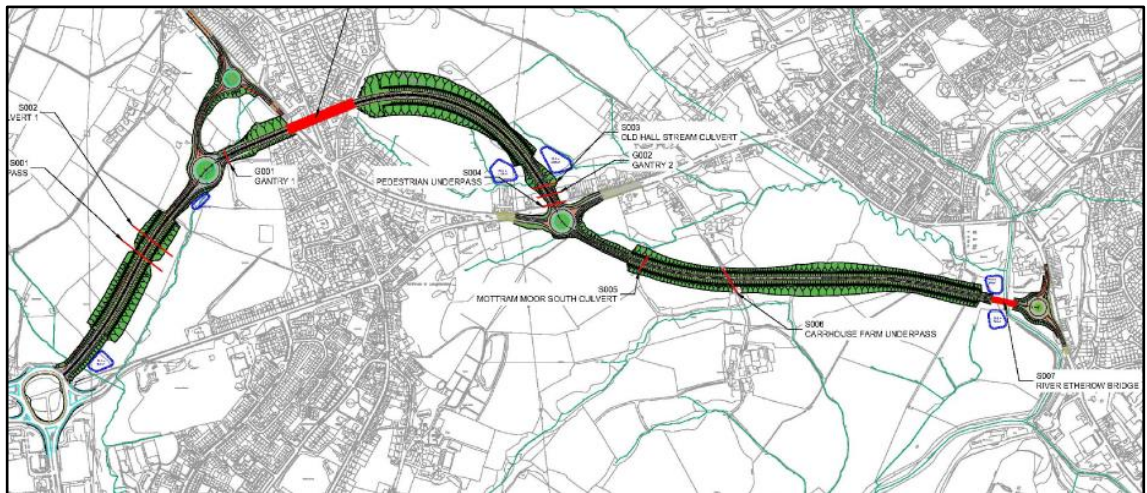


Figure 2.4.5: Assessment of alternatives Option A [extract from Figure 3.5 of [APP-075](#)]

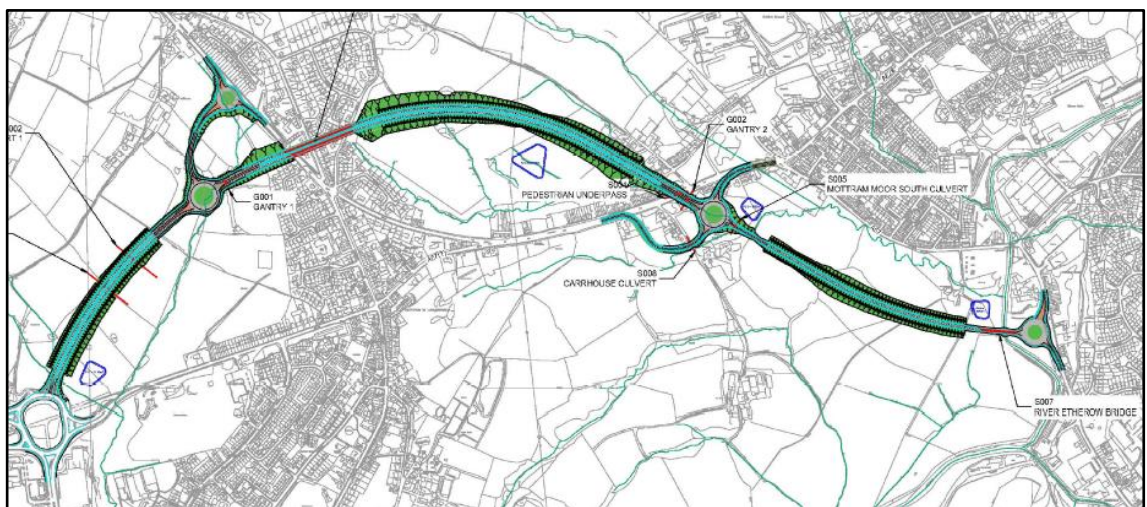


Figure 2.4.6: Assessment of alternatives Option B [extract from Figure 3.6 of [APP-075](#)]

- 2.4.58 The option selection stage mainly consisted of public consultation, including exhibitions to gather input on the options being considered to support the selection of a preferred option. A decision on which option to progress was made and a public announcement was made on this preferred route.
- 2.4.59 Option A and Option B were presented during the Non-Statutory Consultation March 2017 to April 2017. It was found that most respondents preferred Option A to Option B because they believed it to be the most sensible and logical route, had a minimal impact on the environment, fewer properties would be affected, provided a safe route and was more like previously proposed routes.
- 2.4.60 It was found that those who preferred Option B did so because it bypasses more of Mottram Moor and congestion problems would be better addressed. The information gathered was used as part of the non-statutory options consultation to help to inform the decision on the Preferred Route.
- 2.4.61 On 22 June 2017, another Value Management Workshop was held to ensure the options proposed for the 'Preferred Route Announcement' met the high-level strategic drivers defined in the Client Scheme Requirements:

- encouraging economic growth;
- making the network safer;
- keeping the network in good condition;
- supporting the smooth flow of traffic;
- delivering better environmental outcomes;
- helping cyclists, walkers and other vulnerable users of the network;
- improving user satisfaction; and
- achieving real efficiency.

2.4.62 Whilst considering the merits of Option A and Option B of the Mottram Moor Link Road / A57(T) to A57 Link Road, Option A and Option B both met the transport objectives as defined in the Client Scheme Requirements. The workshop identified Option A as the preferable option due to it having:

- less impact on properties;
- a lower cost than Option B; and
- a stated preference by most respondents to the non-statutory consultation undertaken in March and April 2017.

2.4.63 It was therefore recommended that Option A should be progressed as the preferred route and was subsequently included in the 'Preferred Route Announcement' (PRA) made on 2 November 2017.

2.4.64 The process behind the justification for the Applicant's chosen option is summarised in ES Chapter 3 [[REP2-005](#) Table 3-6].

2.4.65 Through this process Option A was identified as the preferred route because it was found to perform the best in terms of community impact and had the most support from those taking part in the consultation.

2.4.66 As highlighted in Section 3.3, both Option A and B met the high-level strategic drivers defined in the Client Scheme Requirements. However, the Applicant found that most respondents during pre-non statutory consultation with primary consultees, held from October 2015 to March 2017, preferred Option A to Option B because they thought:

- it to be the most sensible and logical route;
- it had a minimal impact on the environment;
- fewer properties would be affected;
- it provided a safe route; and
- it was more like previously proposed routes.

2.4.67 Those who preferred Option B did so because it bypasses more of Mottram Moor and congestion problems would be better addressed.

- 2.4.68 The Proposed Development then progressed to preliminary design during which various activities, such as consultation, environmental surveys and geotechnical surveys were completed to further inform design. The Applicant sought to refine and freeze the preliminary design of the preferred route based on such activities.
- 2.4.69 This stage of the process resulted in several key changes to the preferred route since the 2017 announcement, including that:
- dualling the A61 between Tintwistle and Sheffield, was not progressed because the relatively straight stretches of road along the route already provide good visibility for overtaking;
 - climbing lanes on the uphill stretch of the A628 between Woodhead Bridge and Salters Brook Bridge were not progressed because assessments demonstrated that the existing A61 could accommodate the traffic levels expected over the next 20 years, especially with the development of Westwood roundabout which was previously responsible for much of the congestion. The negative environmental impact of these climbing lanes associated with construction in PDNP was also highlighted; and
 - the A628 Safety and Technology improvements and A61 Westwood Roundabout were not considered to be NSIP and have been delivered separately.
- 2.4.70 The design of the Proposed Development was an iterative process that considered environmental mitigation measures and buildability along with the Highways England (now National Highways) licence requirements to develop an economic solution and a good road design that is restrained and sensitive to the context of its surroundings and nearby communities.
- 2.4.71 In addition to the key changes highlighted above, as part of the Preliminary Design stage, the design was refined and changed in response to ongoing assessment and consultation with the public and stakeholders, ongoing environmental assessment, and continual assessment of the evolving Proposed Development against the good design principles outlined in 'The Road to Good Design' and reiterated in DMRB GG 103.
- 2.4.72 A summary of these key refinements and changes to the design since the PRA, together with the Applicant's justification for the changes are outlined in ES Chapter 3 [[REP2-005](#) Table 3-7].

3 LEGAL AND POLICY CONTEXT

3.1 INTRODUCTION

3.1.1 As understood by the Applicant, the legal and policy context for the Proposed Development is described primarily in the Environmental Statement (ES) Chapter 1 [[REP2-005](#)] and in the Planning Statement and National Policy Statement Accordance Tables [[REP2-016](#) Appendix B].

3.2 THE PLANNING ACT 2008 AND NATIONAL POLICY STATEMENTS

3.2.1 The Planning Act 2008 (PA2008) provides different decision-making processes for NSIP applications where a relevant National Policy Statement (NPS) has been designated (s104) and where there is no designated NPS (s105). Paragraphs 1.1.1 and 1.1.9 above identify that the application is for highways related NSIP development. Consequently, it is an application to which s104 is applicable because it is subject to policy in the designated National Policy Statement for National Networks (NPSNN). Therefore, the matters that the Secretary of State for Transport (SoST) must consider are:

- any NPS which has effect in relation to development of the description to which the application relates (a 'relevant NPS');
- the appropriate marine policy documents (if any), determined in accordance with s59 of the Marine and Coastal Access Act 2009;
- any Local Impact Report (LIR) (within the meaning given by PA2008 s60(3)) submitted to the SoST before the specified deadline;
- any matters prescribed in relation to development of the description to which the application relates; and
- any other matters which the SoST thinks are both important and relevant to the decision.

3.2.2 PA2008 s104(3) of the requires the SoST to decide the application in accordance with any relevant NPS. This creates a presumption in favour of NPS compliant development unless, in accordance with subsections (4) to (8), the SoST is satisfied that:

- deciding the application in accordance with any relevant NPS would lead to the United Kingdom (UK) being in breach of any of its international obligations;
- deciding the application in accordance with any relevant NPS would lead to the SoST being in breach of any duty imposed on her / him by or under any enactment;
- deciding the application in accordance with any relevant NPS would be unlawful by virtue of any enactment;
- the adverse impact of the Proposed Development would outweigh its benefits; and / or
- any condition prescribed for deciding an application otherwise than in accordance with a NPS is met.

- 3.2.3 These matters are addressed in Chapter 5. The NPSNN sets out the need for, and Government's policies to deliver, development of NSIPs on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs and the basis for examination by the Examining Authority and decisions by the SoST. No other NPSs are directly applicable to the Proposed Development.
- 3.2.4 The NPSNN states that applicable policies from relevant development plans can be important and relevant matters. Such policies are identified later in this chapter and addressed further in Chapter 5.
- 3.2.5 Daniel Wimberley [[REP2-072](#), [REP8-036](#)], CPRE Peak District and South Yorkshire Branch (CPRE PDSY) [[REP2-069](#)] and others questioned whether the NPSNN had been overtaken by developments in policy and law and was no longer fit for purpose for assessing impacts on climate change.
- 3.2.6 The NPSNN is under review. Nonetheless, this, of itself, does not mean that the NPSNN is out of date, and it remains the current NPS for National Networks, including the road network. This position was confirmed in a recent judgment in the High Court (The Queen on the application of Transport Action Network Ltd v. Secretary of State for Transport [2021] EWHC 2095 (Admin) CO/2003/2020).

3.3 UK LEGISLATION

- 3.3.1 We have had regard to all relevant UK legislation.

Wildlife and Countryside Act 1981

- 3.3.1 The Wildlife and Countryside Act 1981 is the primary legislation which protects animals, plants, and certain habitats in the UK. It provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). In England, these sites are identified for their flora, fauna, geological or physiographical interest by Natural England (NE). The Act contains measures for the protection and management of SSSIs.
- 3.3.2 The Act is divided into four parts: Part I relating to the protection of wildlife, Part II relating to designation of SSSIs and other designations, Part III on public rights of way and Part IV containing miscellaneous provisions. If a species protected under Part I is likely to be affected by development, a protected species licence is required from NE.
- 3.3.3 The Act is relevant to the Proposed Development because of the sites and species identified in the ES, principally Chapter 8 [[REP2-008](#)]. Relevant considerations are discussed in Chapter 5 of this report.

Natural Environment and Rural Communities Act 2006 (NERC Act)

- 3.3.4 The NERC Act makes provision for bodies concerned with the natural environment and rural communities, including in connection with wildlife sites and Sites of Special Scientific Interest (SSSI). It includes a duty that every public body must, in exercising its functions have regard, so far as is consistent with the proper exercising of those functions, to the purpose of biodiversity, including the United Nations Environment Programme

Convention on Biological Diversity. We have had regard to the NERC Act 2006 and the biodiversity duty.

OTHER RELEVANT LEGAL PROVISIONS

United Nations Convention on Biological Diversity 1992

3.3.5 The UK Government ratified the Convention in June 1994. Responsibility for the UK contribution to the Convention lies with the Department for Environment, Food and Rural Affairs (DEFRA), who promote the integration of biodiversity into policies, projects, and programmes within Government and beyond. The Convention is of relevance to biodiversity, ecology, landscape, and visual matters, which are discussed in Chapter 5.

3.3.6 As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the Convention in our consideration of the likely impacts of the Proposed Development and appropriate objectives and mechanisms for mitigation and compensation. We find that compliance with the UK provisions on Environmental Impact Assessment (EIA) and transboundary matters (referred to below) satisfy the requirements of Article 14 regarding impacts on biodiversity.

The UK Biodiversity Action Plan

3.3.7 Priority habitats and species are listed in the UK Biodiversity Action Plan, which is relevant to the Proposed Development in view of the biodiversity considerations discussed in Section 5.11.

Flood and Water Management Act 2010

3.3.8 NPSNN (paragraph 5.100) advises that where construction work has drainage implications, approval for the project's drainage system would form part of any development consent issued by the SoST. The SoST will, therefore, need to be satisfied that the proposed drainage system complies with the National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.

Transport Decarbonisation Plan 2021

3.3.9 Alongside the DfT's Carbon Management Programme, the Transport Decarbonisation Plan (TDP), published in 2021, sets out the Government's strategy for managing whole life carbon in transport infrastructure.

OTHER ENVIRONMENTAL LEGISLATION

3.3.10 We have considered all relevant environmental legislation, including:

- the Environment Act 1995;
- the Hedgerows Regulations Act 1997;
- the Protection of Badgers Act 1992;
- the Wild Mammals (Protection) Act 1996;
- the Salmon and Freshwater Fisheries Act 1975;

- the Control of Pollution Act 1974 (COPA);
- the Pollution Prevention and Control Act 1999; and
- the Land Drainage Act 1991.

Marine legislation and policy

- 3.3.11 Having had regard to the submitted evidence, we considered whether the Proposed Development could affect the coastal or marine environment in a manner sufficient to invoke this body of legislation and policy, including the marine and coastal change matters identified in the NPSNN. Given the inland location of the Proposed Development, there would be no pathway to the marine environment. Consequently, we conclude that the Proposed Development would not have such an effect and no further consideration is given to marine or coastal change legislation or policy in this report.

Climate change

- 3.3.12 The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental treaty that was adopted in 1992 with the objective to “*stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent anthropogenic interference with the climate system*”. The Paris Agreement 2015 was adopted by the parties to the UNFCCC, including the UK, at a conference in Paris in December 2015 with the purpose of strengthening the global response to the threat of climate change. It provides a framework for keeping global warming well below 2°C and was ratified by the UK Government in November 2016. Subsequently, the Glasgow Pact 2021, again adopted by the constituent nations of UNFCCC, asked countries to set more ambitious 2030 emissions reduction targets to limit global warming to 1.5°C.
- 3.3.13 The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force on 27 June 2019 and changed the Government’s target for reducing greenhouse gas emissions by 2050 from at least 80% to 100% compared to 1990 levels.
- 3.3.14 We consider climate change in Section 5.4.

Environment Act 2021

- 3.3.15 The Environment Act 2021 makes provision for long term, legally binding targets, plans and policies with the intention of improving the natural environment, for statements and reports about environmental protection, for establishing the Office for Environmental Protection, about waste and resource efficiency, about air quality, for the recall of products that fail to meet environmental standards, about water management, about nature and biodiversity, for conservation covenants, about the regulation of chemicals, and for environmental connected purposes.
- 3.3.16 The Environment Act 2021 makes provision for biodiversity gain, including in respect of NSIPs. However, the biodiversity gain statement for NSIPs is expected to be published in 2023, after consultation, with the implementation of mandatory biodiversity gain for NSIPs in 2025.

Equalities Act 2010

- 3.3.17 The Equalities Act 2010 establishes a Public Sector Equality Duty (PSED) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The PSED is applicable to us in the conduct of this Examination and reporting to the SoST for decision-making. We have had regard to the PSED, including in our decision to hold virtual hearings during the extended Examination period as well as in producing the guidance for, and conducting, those hearings.

The historic built environment

- 3.3.18 When deciding an application which is likely to affect a listed building, a conservation area, a scheduled monument, or their settings, the SoST must comply with the duties set out in Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010. The Proposed Development lies in a valley below Melandra Castle, the site of a Roman fort which is now a Scheduled Ancient Monument. Two grade II* listed buildings: the Church of St Michael and All Angels and adjacent Cross, 45 grade II listed buildings and two conservation areas (Mottram-in-Longdendale Conservation Area and Tintwistle Conservation Area) lie outside the DCO boundary. We have had regard to these matters in Section 5.7.

OTHER RELEVANT LEGISLATION

- 3.3.19 We have considered other relevant legislation, including:

- the Highways Act 1980;
- the Town and Country Planning Act 1990;
- the Countryside and Rights of Way Act 2000;
- the Health and Safety at Work Act 1974;
- the Human Rights Act 1998; and
- the Neighbourhood Planning Act 2017.

3.4 EUROPEAN LAW AND RELATED UK REGULATIONS

Leaving the European Union

- 3.4.1 The UK left the European Union (EU) as a member state on 31 January 2020 with the transition period concluding on 31 December 2020. The European Union (Withdrawal Agreement) Act 2018 converted EU law into UK law and preserves the laws made in the UK which implement EU obligations.
- 3.4.2 This report has been prepared based on retained law and references in it to European terms such as 'Habitats' have also been retained for consistency with the Examination documents. However, where terminology has changed, for example 'national site network' rather than 'Natura 2000 network', the amended terminology will be utilised. It will be a matter for

the SoST to satisfy itself as to the position on retained law, obligations, and equivalent terms at the point of their decision.

The EIA Directive and the EIA Regulations

- 3.4.3 The EIA Directive defines the procedure by which information about the environmental effects of a development is collected and considered by the relevant decision-making body before consent can be granted. It applies to a wide range of public and private projects, which are defined in Annexes I and II of the Directive. The most recent EIA Directive is 2014/52/EU, which came into force on 15 May 2014.
- 3.4.4 The EIA Directive is transposed into law for Nationally Strategic Infrastructure Projects (NSIPs) in England and Wales by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), which came into force on 16 May 2017.
- 3.4.5 The EIA Regulations establish the minimum information to be supplied by an applicant within an ES, as well as information that can be requested as being reasonably justified in the circumstances of the case. Regulation 14 and Schedule 4 of the EIA Regulations set out the information required in an ES. This is reinforced by Regulation 4(2), which sets out the core duty of the decision maker in deciding on EIA development. It states that the decision maker "*must not ... make an order granting development consent or ... grant subsequent consent unless an EIA has been carried out in respect of that application.*"
- 3.4.6 The Proposed Development is EIA development under Schedule 2 of the EIA Regulations. The Applicant submitted a notification to the Planning Inspectorate (PINS) of its intention to submit an ES under Regulation 8(1)(b) and has provided an ES [APP-058 to APP-181] as part of the submitted application. As set out in Section 2.3, parts of the ES were updated during the Examination.
- 3.4.7 All the submitted environmental information has been taken into consideration, as defined in Regulation 4 of the EIA Regulations including the ES and all other information received during the Examination. The ES is addressed in Chapters 4 and 5.

The Habitats Directive, the Birds Directive and the Habitats Regulations

- 3.4.8 The Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) form a cornerstone of Europe's nature conservation policy. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are the principal means by which they are transposed into the law of England and Wales. The Habitats Directive is built around two pillars: a network of protected sites, and a system of species protection.
- 3.4.9 Habitat types requiring the designation of Special Areas of Conservation (SACs) are listed in Annex I of the directive. Animal and plant species of interest whose conservation requires the designation of SACs are listed in Annex II. SACs form part of the national site network of protected sites. Annex IV lists animal and plants species of interest in need of legal

protection. All species listed in these annexes are identified as European Protected Species.

- 3.4.10 The Birds Directive is a comprehensive scheme of protection for all wild bird species naturally occurring in the EU. It requires classification of areas as Special Protection Areas (SPAs) comprising all the most suitable territories for these species. All SPAs form part of the national site network.
- 3.4.11 Assessment processes taking place pursuant to the Habitats Regulations are referred to as Habitats Regulations Assessment (HRA). When determining this application, the SoST must consider whether the Proposed Development may have a significant effect on a European site of nature conservation importance alone or in combination with other projects.
- 3.4.12 We consider the Habitats Directive, Birds Directive and Habitats Regulations in Chapters 5 and 6 of this report.

The Water Framework Directive and the WFD Regulations

- 3.4.13 Directive 2000/60/EC establishes a framework for Community action in the field of water policy (the WFD). It includes objectives such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. The WFD requires Member States to identify River Basin Districts (RBD).
- 3.4.14 The WFD is transposed into law in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. They require the 'appropriate agency' to prepare River Basin Management Plans for each River Basin District. The Order land is covered by the North West RBD River Basin Management Plan 2016.
- 3.4.15 Regulation 3 places a general duty on the SoST and the EA to exercise their 'relevant functions' to secure compliance with the WFD. The PA2008 is not a 'relevant function' for this purpose. However, these bodies, together with public bodies, also have a specific duty to have regard to the relevant River Basin Management Plan and any supplementary plans made under it in exercising their functions, which would include functions under the PA2008.
- 3.4.16 We address the WFD in Section 5.10.

The Air Quality Directive, the UK Air Quality Strategy and the Clean Air Strategy

- 3.4.17 Directive 2008/50/EC on ambient air quality and cleaner air for Europe came into force on 11 June 2008. It sets limit values (LVs) for compliance and establishes control actions where the LVs are exceeded for ambient air quality with respect to sulphur dioxide (SO₂), nitrogen dioxide (NO₂) and mono-nitrogen oxides (NO_x), particulate matter (PM₁₀ and PM_{2.5}), lead, benzene, and carbon monoxide. The Air Quality Standards Regulations 2010 give direct statutory effect to the Air Quality Directive (AQD).
- 3.4.18 The UK Air Quality Strategy (AQS) establishes the UK framework for air quality improvements. It establishes a long-term vision for improving air quality in the UK and offers options to reduce the risk to health and the

environment from air pollution. Individual plans prepared beneath its framework provide more detailed actions to address LV exceedances for individual pollutants. In turn, these plans set the framework for action in specific local settings where LV exceedances are found, including the designation of Clean Air Zones and more localised Air Quality Management Areas (AQMAs) where Air Quality Management Plans are prepared by local authorities (LAs).

- 3.4.19 The Clean Air Strategy 2019, published on 14 January 2019, sets out actions required across government and society to improve air quality.
- 3.4.20 The EU (Withdrawal Agreement) Act 2020 sets out arrangement for implementing the limit values and the Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 and Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020 amend the Air Quality Regulations to account for the UK's withdrawal from the EU.
- 3.4.21 We consider Air Quality in Section 5.3.

Other European Directives

- 3.4.22 Other relevant European legislation has been considered for this report, including the Waste Framework Directive (2008/98/EC) and the Waste (Circular Economy) (Amendment) Regulations 2020.

3.5 MADE DEVELOPMENT CONSENT ORDERS

- 3.5.1 There is nothing in the application documents or other submissions made to the Examination to indicate that the Proposed Development would substantively affect, or be affected by, other made DCOs.

3.6 NATIONAL PLANNING POLICY FRAMEWORK

- 3.6.1 The National Planning Policy Framework (NPPF) and its accompanying National Planning Practice Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied for the purposes of making development plans and deciding applications for planning permission and related determinations under the Town and Country Planning Act 1990 (as amended).
- 3.6.2 The NPPF does not contain specific policies for NSIPs. These are determined in accordance with the decision-making framework in the PA2008 and relevant NPSs for major infrastructure, as well as any other matters that are relevant, which may include the NPPF.
- 3.6.3 Paragraphs 1.17 to 1.20 of the NPSNN further describe the relationship between the NPPF and the NPSNN. In summary, these provide that:
- the NPPF may be an important and relevant consideration in decisions on NSIPs, but only to the extent relevant to a project;
 - the NPPF is not intended to contain specific policies for individual NSIPs, where particular considerations can apply. The NPSNN performs that function; and

- the NPPF provides a framework within which responses to individual project effects can be considered, but that in relation to tests or standards to be met, these are normally derived from the NPSNN.

3.6.4 Following submission of the application, in July 2021, a revised NPPF was published by the Ministry of Housing, Communities and Local Government. NPPF policies have been considered in respect of all relevant planning issues in Chapter 5 and our considerations reflect the current NPPF as revised. They are typically drawn out only where they identify different considerations from those arising through the NPSNN.

3.7 DEVELOPMENT PLANS

3.7.1 When deciding applications, s104(2)(d) of the PA2008 requires the SoST to have regard to any other matters considered both important and relevant. The NPSNN requires consideration to be given to policies and information in the development plan regarding matters including other developments which may give rise to cumulative impacts, non-designated heritage assets, the Green Belt, impacts on land use, the preclusion of other development, local transport networks and the management of travel demand.

3.7.2 Since the Order land extends into the administrative areas of High Peak Borough Council (HPBC), Tameside Metropolitan Borough Council (TMBC), and Derbyshire County Council (DCC) the development plans of these Councils are relevant. The LIRs identify the development plans considered to be relevant to the Proposed Development.

3.7.3 The Proposed Development is not located within PDNP and thus the PDNPA is not an LA in whose area the DCO is located. However, the Affected Road Network runs, in part, through its administrative area. Thus, its Development Plan policies are relevant.

3.7.4 To the extent that the policies within the Development Plans add anything to the requirements of the NPSNN and the NPPF, they are covered in the relevant sections of Chapter 5.

3.7.5 Where a plan pre-dates the current NPPF the weight to be attached to policies may be limited by their degree of conformity with the current NPPF.

3.7.6 Relevant Development Plans include:

- Saved Policies of the Tameside Unitary Development Plan (2004). Several policies in the Tameside Unitary Development Plan (2004) (TUDP) have been saved pending the adoption of the Greater Manchester Spatial Framework (GMSF), now 'Places for Everyone'. However, this Plan pre-dates the NPSNN and the NPPF and this limits the weight to be attached to its policies;
- High Peak Borough Council Local Plan (2016). The policies of the High Peak Borough Council Local Plan (2016) (HPLP) set out the Council's vision and strategy for the borough until 2031. The Local Plan covers the High Peak area except for the part that lies within PDNPA's area;
- Peak District National Park Development Management Policies (2019);

- Peak District National Park Core Strategy Development Plan Document (2011);
- Derby and Derbyshire Minerals Local Plan (2000, amended 2002) (saved policies). The Derby and Derbyshire Minerals Local Plan sets out detailed policies and proposals for mineral working in Derbyshire County Council (DCC) except for those areas within the National Park. A new Minerals Plan is being prepared, but, at the time of writing, had not yet been published;
- Derby and Derbyshire Waste Local Plan (2005). The Derby and Derbyshire Waste Local Plan explains the situations in which planning permission for waste development would be granted or refused. A new Waste Plan is being prepared, but, at the time of writing, had not yet been published; and
- Greater Manchester Joint Minerals Development Plan Document (2013).

Association of Greater Manchester Authorities 'Places For Everyone' Joint Development Plan Document – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan (formerly Greater Manchester Spatial Framework)

- 3.7.7 The emerging 'Places for Everyone' (PfE) Joint Development Plan Document (DPD) was published in August 2021. It was submitted to the SoSDLUHC in February 2022 and Inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester LAs, including Tameside (but excluding Stockport Metropolitan Borough Council), and is intended to provide the overarching framework to strategically manage growth across the boroughs. It is being progressed following the withdrawal of Stockport Metropolitan Borough Council from the process of preparing the draft GMSF in December 2020.
- 3.7.8 Whilst currently at an early stage of development PfE will set out allocations for development within the nine LAs.
- 3.7.9 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given);
 - the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 3.7.10 TMBC [[REP6-037](#)] advised that, whilst PfE was published, submitted and its content considered consistent with the NPPF, a number of representations had been received objecting to policies within it on both detailed and strategic matters. Therefore, in accordance with paragraph 48 of the NPPF, it was considered that only very limited weight should be given to policies within the plan at this time.

- 3.7.11 We consider that this approach is appropriate at the time of this report. However, the SoST will need to satisfy itself as to the position on the draft policies at the point of their decision. Nonetheless, to the extent that these draft policies add anything to the requirements of the NPSNN and the NPPF they are covered in the relevant sections of Chapter 5.

Emerging Tameside Local Plan

- 3.7.12 This document is at a very early stage of development. It is intended to provide the necessary policy detail where that is absent from the scope of the emerging PfE Joint DPD and is envisioned to consist of strategic policies incorporating the site allocations and amendments / alterations to the Green Belt identified within the PfE, non-strategic site allocations, infrastructure requirements and development management policies. It is yet to be examined and thus carries limited weight in our considerations.

3.8 OTHER RELEVANT POLICY STATEMENTS

NATIONAL POLICIES

Road Investment Strategy

- 3.8.1 The Road Investment Strategy (RIS) sets out a long-term programme for motorways and major roads with the stable funding needed to plan effectively. The Road Investment Strategy for the 2015/16 – 2019/20 Road Period (RIS1) announced 127 major schemes to be delivered over the course of the first Road Period (2015/16 to 2019/20). Two of the schemes were the Proposed Development, which were referred to as "*Mottram Moor link road – a new dual carriageway link road from the M67 terminal roundabout to a new junction at A57(T) Mottram Moor and a new single-carriageway link*" and "*A57(T) to A57 link road – a new single carriageway link from the A57 at Mottram Moor to a new junction on the A57 at Brookfield, bypassing the existing A628/A57 and A57 Woolley Lane/Hadfield Road junctions*".
- 3.8.2 The vision for the Road Investment Strategy 2: Period 2020-2025 (RIS2) seeks a strategic road network (SRN) which supports the economy and is greener, safer and more reliable, more integrated and smarter. Amongst the environmental actions identified are reducing the impact of noise pollution, ensuring no net loss (NNL) of biodiversity, measures to reduce NO₂ exceedances and respect for protected wildlife sites. The Proposed Development is included as a project to be delivered during the second Road period. RIS2 combined the two schemes from RIS1 as a committed scheme for the second Road Period.
- 3.8.3 Other relevant national policy documents include:
- National Infrastructure Delivery Plan (2016);
 - Department for Transport Single Departmental Plan 2015–2020 (2015);
 - Highways England Delivery Plan 2020-2025 (2020);
 - Highways England Designated Funds Plan 2020-2025(2020);

- Highways England Environment Strategy (2015);
- Highways England Sustainable Development Strategy (2017); and
- Noise Policy Statement for England (NPSE) (2010).

REGIONAL POLICIES

Northern Transport Strategy: 'The Northern Powerhouse: One Agenda, One Economy, One North'

- 3.8.4 The Northern Transport Strategy: 'The Northern Powerhouse: One Agenda, One Economy, One North' (2015) (NTS) sets out a vision for the North of England with a vibrant and growing economy. The NTS recognises the need for a package of measures that will support the Northern Powerhouse alongside transformative transport interventions.
- 3.8.5 Included amongst such interventions the NTS identifies "*a new Mottram Moor link road, a link between the A57 and A57 trunk road*".

LOCAL POLICIES

Derbyshire County Council Local Transport Plan (2011-2026)

- 3.8.6 This Local Transport Plan (LTP) sets out the transport vision, goals and challenges for Derbyshire, which comprise supporting a resilient local economy, tackling climate change, contributing to better safety, security and health, promoting equality of opportunity, and improving quality of life and promoting a healthy natural environment.
- 3.8.7 The Glossop A57 Link Roads project is identified in Derbyshire's LTP, which also referred to the Longdendale Integrated Transport Strategy (LITS). At this stage of the LITS project TMBC, subject to the outcome of revisions to funding and approval processes, wished to pursue a scheme to address issues around traffic congestion in the Longdendale villages. Options for this included the provision of a 'Glossop Spur,' crossing the boundary into Derbyshire, and improvements to public transport networks and services.

Greater Manchester Biodiversity Action Plan (2009)

- 3.8.8 Similarly, the Greater Manchester Biodiversity Action Plan (2009) (GMBAP) aims to provide an over-arching document across all ten districts in Greater Manchester, including Tameside. The overall aim of the GMBAP is to "*promote the conservation, protection and enhancement of biological diversity in Greater Manchester for current and future generations*".

Greater Manchester Transport Strategy 2040 (2017, updated 2021)

- 3.8.9 The Greater Manchester Transport Strategy 2040 (GMTS) sets out Greater Manchester's approach to planning their transport system up to 2040 to achieve a network that addresses an ageing population, climate change, and achieving the 'right mix' of transport modes on their network.
- 3.8.10 However, the GMTS highlights the delivery of the Mottram Moor Link Road and the adjacent A57(T) to A57 Link, in line with the roll-out of RIS2.

Transport for Greater Manchester (TfGM) and the Greater Manchester Combined Authority (GMCA) commit to working with partners to help develop this investment plan over the longer-term. It also plans to ensure that SRN schemes do not impact adversely on the local road network.

Greater Manchester Transport Five Year Delivery Plan 2021-2026 (2021)

- 3.8.11 The Greater Manchester Transport Five Year Delivery Plan 2021-2026 was developed by TfGM, GMCA and the local authorities, including TMBC. The Plan sets out shorter-term measures, schemes and development work needed to achieve the Our Network (2019) vision to create a world-class, modern, integrated and reliable transport system for Greater Manchester. The plan is also committed to Greater Manchester's aim to tackle poor air quality and to be a carbon neutral city-region by 2038.
- 3.8.12 Amongst the schemes included in the 5-year delivery plan are the Mottram Moor and A57(T) to A57 Link Roads, as part of a package to improve Trans-Pennine connectivity between Greater Manchester and South Yorkshire.

Tameside Local Implementation Plan (TfGM, 2021)

- 3.8.13 The Tameside Implementation Plan sets out TMBC's transport priorities for the next five years, as part of the Greater Manchester Transport Strategy 5-Year Delivery Plan. The A57 Link Roads are referred to as Strategic Transport Interventions for Tameside on the Tameside Delivery Map.

Tameside Inclusive Growth Strategy 2021-2026 (TMBC, 2021)

- 3.8.14 The Tameside Inclusive Growth Strategy focuses on ensuring that the quality of life, health and happiness of local people is improved. Digital and transport infrastructure, skills and employment programmes are highlighted as key to driving recovery and bringing long term benefits.
- 3.8.15 The Mottram Bypass and Glossop Spur scheme is noted as a key project for Tameside. This is stated to be a major transport infrastructure upgrade, improving links between Greater Manchester and South Yorkshire to reduce congestion, improve productivity and reduce air pollution.

Tameside Housing Strategy (TMBC, 2021)

- 3.8.16 The Tameside Housing Strategy provides a vision of how TMBC, alongside its residents and partners, can achieve a shared aspiration of providing high quality housing and safe neighbourhoods across the area. The Strategy aims to ensure that land has the appropriate transport infrastructure to support economic growth and maximise connectivity across the region, with a focus public transport, walking, and cycling.

Peak District Biodiversity Action Plan 2011-2020

- 3.8.17 The Peak District Biodiversity Action Plan 2011-2020 (PDBAP) aims to enhance and protect the landscape, habitats, and biodiversity of PDNP.

Tameside Environment and Sustainability Plan

- 3.8.18 The Tameside Environment and Sustainability Plan 2021-2026 is an emerging document, set to be published in November 2021. Tameside has previously been adhering to the Low Carbon Tameside – Sustainable Use of Resources Action Plan 2010-2020, which discusses four key priorities for the area: reducing environmental impact, making Tameside more attractive, protecting the natural environment, and developing community champions.

Clean Air Plan (Clean Air Greater Manchester)

- 3.8.19 The constituent local authorities of the GMCA have worked together to develop the Greater Manchester Clean Air Plan, which aimed to bring nitrogen dioxide (NO₂) levels on local roads within legal limits by 2024. The final Clean Air Plan was approved by the councils, following a public consultation and further development work. The Plan, which included a Greater Manchester-wide Clean Air Zone (GM CAZ) was anticipated to launch on 30 May 2022. The CAZ originally assumed that the A57(T) and A628 would be excluded, however the Government subsequently indicated its intent that the CAZ would be inclusive of these roads.
- 3.8.20 Subsequently, Government has agreed that the GM CAZ would not go ahead as had been planned on 30 May 2022, and a new Clean Air Plan is being developed. The SoST may wish to satisfy itself on the latest position.
- 3.8.21 We consider the GM CAZ in Section 5.3.

3.9 LOCAL IMPACT REPORTS

- 3.9.1 Section 104 of the PA2008 states that in deciding the application the SoST must have regard to any LIR within the meaning of s60(3). There is also a requirement under s60(2) to give notice in writing to each LA falling under s56A inviting them to submit LIRs. This notice was given on 19 October 2021 [[PD-006](#)].
- 3.9.2 Concerns were raised by PDNPA [[PDL-004](#)] on 1 November 2021 that PINS had overlooked the serving of such notice. However, we addressed such concerns, confirming at the Preliminary Meeting held on 16 November that PDNPA would be invited to submit a LIR. We confirmed this in the Rule 8 Letter [[PD-007](#)] issued on 19 November 2021
- 3.9.3 As set out at paragraph 1.4.43, LIRs were submitted by DCC, HPBC, TMBC and PDNPA. Summaries of matters raised in LIRs are set out in Section 4.3.

3.10 'IMPORTANT AND RELEVANT' MATTERS

- 3.10.1 Based on the above, apart from legislation, 'other matters' that we consider 'important and relevant' for the purposes of s104(2)(d) of the PA2008 are:
- the NPPF, to the extent relevant to the Proposed Development;
 - the development plans referred to in Section 3.7; and
 - the national and local policies referred to in Section 3.8.

3.11 THE SECRETARY OF STATE'S POWERS TO MAKE A DCO

- 3.11.1 Throughout the Examination we have remained aware of the need to consider whether revisions to the application documents have changed the Proposed Development to a point where it became a different application and, therefore, whether the SoST would have the power under s114 of the PA2008 to make a DCO having regard to the application.
- 3.11.2 Planning Act 2008: Guidance for the Examination of applications for development consent (March 2015), provides guidance at paragraphs 109 to 115 in relation to changing an application post acceptance. The view expressed by the Government during the passage of the Localism Act was that s114(1) places the responsibility for making a DCO on the decision-maker and does not limit the terms on which it can be made.
- 3.11.3 Having regard to this context, we consider that the changes to the application (primarily consisting of clarifications or changes to the proposed mitigation measures as set out in Section 2.3) have not resulted in any material changes to the Proposed Development for which the application was originally made.
- 3.11.4 It follows that we consider that the SoST has the power to make the DCO as recommended in Chapter 8 and provided in Appendix D to this report.

4 ISSUES ARISING

4.1 INTRODUCTION

4.1.1 This chapter and Chapter 5 consider the main planning issues in the Examination. First, our identification of the Initial Assessment of Principal Issues (IAPI) is considered. The chapter then deals with topics in turn and sets out conclusions in relation to them. The only topics not dealt with in this chapter are Habitat Regulations Assessment (HRA), Compulsory Acquisition (CA) and the Development Consent Order (DCO) which are dealt with in Chapters 6, 8 and 9 respectively.

4.2 MAIN ISSUES IN THE EXAMINATION

4.2.1 Our IAPI, prepared in accordance with s88 of the Planning Act 2008 (PA2008) and Rule 5 of the Infrastructure Planning (Examination Procedure) Rules 2010, was published in a letter dated 6 October 2021 [[PD-005](#)]. We had regard to the application documents, the National Policy Statement for National Networks (NPSNN) and any relevant Department for Levelling Up, Housing & Communities (DLUHC) (formerly Ministry of Housing, Communities and Local Government (MHCLG)) guidance together with Relevant Representations (RRs) submitted by Interested Parties (IPs). It was made clear in our IAPI that the list was not comprehensive or exhaustive and that regard would be had to all relevant matters in reaching a recommendation after the conclusion of the Examination. The issues identified in that initial assessment were:

- general matters;
- transport networks and traffic, alternatives, access, severance, walkers, cyclists and horse riders;
- landscape and visual, green belt and good design;
- the historic environment;
- air quality and climate change;
- noise, vibration, and nuisance;
- soils, ground conditions, material assets and waste;
- the water environment, drainage, flood risk assessment, water frameworks directive;
- biodiversity, ecological and geological conservation;
- land use, social and economic, human health;
- other environmental topics;
- Compulsory Acquisition, Temporary Possession, Statutory Undertakers and funding; and
- the dDCO and other consents, obligations, and agreements.

- 4.2.2 Our IAPI was discussed at the Preliminary Meeting (PM) and there were no objections to them from any of the parties. For the most part, the main issues in the Examination turned out to be broadly consistent with those identified in the IAPI. That said, the issues of air quality and climate change, transport networks and the effect of the Proposed Development on the Peak District National Park (PDNP) gained prominence during the Examination. These are dealt with in the relevant sections of Chapter 5.
- 4.2.3 The impact assessment and mitigation methodology identified in the IAPI are dealt with as part of individual topic areas. Following this section, the chapter considers issues arising in the Local Impact Reports (LIRs), written and oral submissions, the need for the Proposed Development, alternatives, and the Environmental Statement (ES). It then considers in principle conformity with national, development plan and other policies.
- 4.2.4 Chapter 5 covers the following planning issues, although no significance should be attached to their order:
- transport networks and traffic;
 - air quality;
 - climate change;
 - noise, vibration and nuisance;
 - landscape, visual design and Green Belt;
 - the historic environment;
 - Peak District National Park;
 - soils, ground conditions, material assets and waste;
 - the water environment;
 - biodiversity and ecological conservation;
 - land use, social and economic and human health; and
 - other environmental topics.
- 4.2.5 In accordance with paragraphs 4.18 to 4.20 of the NPSNN, we also considered how to handle matters where details of the Proposed Development are still to be finalised. This was particularly relevant in this case, given the Applicant's approach to the preparation of the Proposed Development, where many of the detailed design elements were not fully resolved. The NPSNN requires that appropriate development consent requirements are secured in a DCO in the event of deciding to grant development consent for an application where details are still to be finalised.
- 4.2.6 The Applicant explained that its approach to the design was due to the nature of the highway design process in which the precise details of the Proposed Development and its construction would necessarily evolve from the preliminary design. As such, the exact detail of what was required and how it could be delivered, in the Applicant's view, would only be determined through the subsequent development of the detailed design, which would

follow on from a DCO being made. The Applicant supported this approach by identifying limits of deviation (LoD) from the preliminary design. The LoD would be secured through the recommended DCO (rDCO) (Appendix D) together with controls set out in Environmental Masterplans, Environmental and Traffic Management Plans which would also be secured through the rDCO. This process was relevant to establishing the Rochdale Envelope for the purposes of the environmental impact assessment (EIA) that has been undertaken by the Applicant and reported upon in its ES.

4.2.7 Given the scale of the Proposed Development and the advice in the NPSNN, we accept that not all details would be resolved during the Examination. Consequently, our approach has been to satisfy ourselves that all details would be capable of resolution within the envelope defined in the ES and secured by the rDCO's (Appendix D) requirements where necessary. In large part, the changes to the dDCO [[REP12-002](#)] and supporting application documents reviewed in Section 2.3 arose from this process. Specific instances relating to individual topic areas are also considered further in the later sections of this chapter.

4.3 LOCAL IMPACT REPORTS

4.3.1 The general matters raised in the LIRs were:

- relevant national and local policies;
- the need for the Proposed Development having regard to its role in providing additional capacity on the highway network, which would facilitate local housing and economic development;
- environmental effects including the impacts on the Green Belt, the highway network, flood risk, landscape and visual, ecology, air quality, climate, heritage and minerals and waste implications; and
- the economic, social and environmental sustainability of the Proposed Development.

4.3.2 Specific concerns raised in the LIRs included the following:

- Tameside Metropolitan Borough Council (TMBC) [[REP2-047](#)]: noise and vibration; dust emissions; designated assets; and road safety;
- the joint LIR of Derbyshire County Council (DCC) and High Peak Borough Council (HPBC) [[REP2-045](#), [REP2-046](#)]: increased traffic on local roads in the Hadfield, Dinting and Glossop area; capacity at the A57 Brookfield / Shaw Lane / Dinting Vale North junction; effects on journey times in and around Glossop; highway safety; effects of the Proposed Development on active modes and public transport networks within and around Glossop; air quality with particular reference to the Air Quality Management Areas (AQMAs) in Tintwistle and Dinting Vale; effects on Shire Hill Ancient Woodland; climate change; effect on the local economy and arrangements for the future management of the highway network following construction; and
- Peak District National Park Authority (PDNPA) [[REP2-048](#)] raised the general increase in traffic crossing PDNP and its effects on the 'special

qualities' of the Peak District, whilst impacting on the achievement of the statutory purposes of PDNP. It raised concerns about air quality, biodiversity, and Special Protection Area (SPA) qualifying features, highway safety, heritage, fire risk, human health, and severance regarding the Public Rights of Way (PRoW) crossing PDNP. It also raised specific concerns about the traffic model, effect of the Proposed Development on climate change, and cumulative impacts.

Conclusion on issues arising from the LIRs

- 4.3.3 We have had regard to all matters raised in the LIRs, as required by s104(2) of the PA2008. The overall support for the Proposed Development by TMBC and its benefits in facilitating growth and transportation and improving human health are noted. The other concerns expressed are discussed later in Chapters 5, 6 and 8.

4.4 WRITTEN AND ORAL SUBMISSIONS

Introduction

- 4.4.1 At the outset of the Examination there was a relatively high level of support expressed for the Proposed Development in the 909 RRs compared to opposition. Several issues gained prominence in subsequent submissions, as are summarised below.

Relevant Representations

- 4.4.2 Concerns raised in RR include:

- lack of consideration of other options, some of which were considered to be better and available, including an HGV ban, traffic management measures, improvements to public transport, improved non-motorised traffic facilities, a gyratory system in Mottram, a long bypass (Daniel Wood [[RR-0183](#)], Stephen Bagshaw [[RR-0818](#)], CPRE Peak District and South Yorkshire Branch (CPRE PDSY) [[RR-0485](#)] and others);
- destruction of local countryside, effect on the Green Belt, loss of Open Access Land, threat to PDNP and adverse effect on wildlife (PDNPA [[RR-0677](#)], British Mountaineering Council [[RR-0106](#)], Campaign for National Parks [[RR-0113](#)], Stephen Bagshaw [[RR-0818](#)], Halina Billingham [[RR-0318](#)], Udo Pope on behalf of Peak and Northern Footpaths Society [[RR-0887](#)], Paul Waring [[RR-0671](#)] and others);
- increases in traffic (Bamford with Thornhill Parish Council [[RR-0089](#)] Andrew Webber [[RR-0049](#)], John Pasiecznik [[RR-0436](#)], Stephen Bagshaw [[RR-0818](#)] and others);
- effect on highway safety (British Mountaineering Council [[RR-0106](#)], Richard Holland [[RR-0735](#)], David O'Brien [[RR-0211](#)], CPRE PDSY [[RR-0170](#)] and others);
- effects on air quality (Jill Kirk [[RR-0407](#)], Sheffield Green Party [[RR-0801](#)], Stephen Bagshaw [[RR-0818](#)], and others);

- loss of Mottram Showground (Jason Farrow [[RR-0383](#)], Stephen Bagshaw [[RR-0818](#)], Dr Jeffrey Brown [[RR-0259](#)]);
- effect on climate and carbon dioxide (CO₂) emissions (Andrew Webber [[RR-0049](#)], Stephen Bagshaw [[RR-0818](#)], Sheffield Green Party [[RR-0801](#)], Climate Emergency Planning and Policy [[RR-0161](#)], CPRE PDSY [[RR-0170](#)], Anthony Rae [[RR-0080](#)], Daniel Wimberley [[RR-0182](#)] and others);
- noise and air quality impacts (Andrew Webber [[RR-0049](#)], Stephen Bagshaw [[RR-0818](#)], Sharefirst My Journey to School (SMJTS) [[RR-0796](#)] and others);
- reduced connectivity (Stephen Bagshaw [[RR-0818](#)], Sheila Saunders [[RR-0803](#)] and others);
- will result in overdevelopment (Stephen Bagshaw [[RR-0818](#)] and others);
- lack of benefit to / adverse effect on communities beyond Mottram (John Pasiiecznik [[RR-0436](#)], Stephen Bagshaw [[RR-0818](#)]);
- flawed consultation exercise (Yasir Hayat [[RR-0905](#)], John Pasiiecznik [[RR-0436](#)], Daniel Wimberley [[RR-0182](#)] and others);
- accuracy of traffic modelling (SMJTS [[RR-0796](#)], HPBC [[RR-0330](#)], Anne Robinson [[RR-0069](#)], Paul Saunders [[RR-0667](#)] and others);
- increased risk of flooding (Anne Robinson [[RR-0069](#)]);
- effects on the operation of local businesses (CS, JJ and WE Bower [[RR-0173](#)], C Bower & Sons Ltd [[RR-0174](#)], John J, Bower [[RR-0434](#)] and the Trustees of Mrs E Bissill's Marriage Settlement [[RR-0794](#)]);
- lack of justification for CA (Jason Farrow [[RR-0383](#)], Hayley Simpson [[RR-0323](#)], Graham Beaumont [[RR-0308](#)], the Trustees of Mrs E Bissill's Marriage Settlement [[RR-0794](#)], Savills (UK) Ltd on behalf of Crossways Commercial Estates Ltd [[RR-0792](#)] and Mr D Radford [[RR-0793](#)]; and
- the adequacy of Protective Provisions for statutory undertakers (Cadent Gas [[RR-0110](#)], National Grid Electricity Transmission plc [[RR-0619](#)]).

4.4.3 Other RRs referred to the delays and congestion in the area, effect on living conditions on the existing route and welcomed the relief that the Proposed Development would bring.

Written and oral submissions

4.4.4 The Examination offered the opportunity for IPs to supplement their RRs and to respond to submissions by other IPs. We also exercised our discretion to accept additional written submissions from others who were not registered as IPs and to hear from others at the OFH and ISHs. The substantive new matters to emerge from these contributions include:

- whether the Proposed Development is justified and whether it fulfils its stated aims (Section 4.5 and relevant sections of Chapter 5);

- concerns whether the Proposed Development would induce more car travel and lead to congestion elsewhere on the network (Section 5.2);
- traffic congestion, noise and air quality impacts and disruption to traffic during the construction phase (Section 5.2);
- the impact on bus journey times and usage (Section 5.2);
- whether adequate provision is made for non-motorised users (NMUs) (Section 5.2);
- disruption to businesses during the construction and operational phases (Section 5.2);
- increased flood risk as a result of climate change (Section 5.10);
- ground de-watering during the construction and operational phases (Section 5.9);
- compliance with current legislation (Sections 4.5, 5.3 and 5.4); and
- whether the need for the development and the use of a road-based solution has been adequately justified, particularly in the face of uncertainty over future conditions (Section 4.5).

Conclusion on issues arising from the RRs and written and oral submissions

- 4.4.5 We consider the issues raised in the RRs and written and oral submissions. The matters are addressed later in this chapter and in Chapter 5.

4.5 THE NEED CASE AND ALTERNATIVES

The need case

- 4.5.1 Paragraph 2.13 of the NPSNN establishes the importance of the national road network which *“provides critical links between cities, joins up communities, connects our major ports, airports and rail terminals. It provides a vital role in people’s journeys, and drives prosperity by supporting new and existing development, encouraging trade and attracting investment”*. Paragraph 2.21 and Table 1 go on to advise that, whilst there are a range of options for meeting the identified need, including maintenance and management, demand management and modal shift, relying solely on these alternatives is not viable or desirable.
- 4.5.2 Paragraph 2.22 of the NPSNN further advises that improvements to the road network will help to support further economic development, employment, and housing. As such, the Government has concluded that, at a strategic level, there is a compelling need for development of the national road network. Paragraph 2.23 explains that works may take the form of *“improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads and additional lanes on existing dual carriageways to increase capacity and to improve performance and resilience”* and / or *“junction improvements, new slip roads and upgraded technology to address congestion and improve performance and resilience at junctions, which are a major source of congestion.”*

- 4.5.3 The Applicant [[REP2-016](#)] sets out how it considers that the Proposed Development satisfies its objectives in terms of connectivity, environmental, societal and capacity. The Applicant considers that the Proposed Development, in conjunction with other proposed TPU works being advanced separately, would improve traffic flow, and reduce congestion for the settlements of Mottram and Hollingworth and improve the flow at Junction 4 of the M67 (Junction 4). The Applicant said that this would address longstanding issues of connectivity, congestion, reliability, and safety of strategic Trans-Pennine routes between the M67 at Mottram and M1 Junction 36 and Junction 35A North of Sheffield.

Matters raised during the Examination

- 4.5.4 CPRE PDSY [[REP8-034](#)] observed that a safety objective was identified in the 2015 and 2018 consultations and said that the Proposed Development should have road specific safety objectives and climate objectives. Whilst public safety is important, we consider that it does not necessarily follow that the Proposed Development needs to have a specific safety objective. The NPSNN, in paragraph 4.60, states that "*Some developments may have safety as a key objective, but even where safety is not the main driver of a development the opportunity should be taken to improve safety*". The Proposed Development must, nevertheless, be tested against current policy, including NPSNN, which identifies safety amongst the Government's vision and strategic objectives for the national networks. We consider effects on highway safety in Section 5.2.
- 4.5.5 Whilst no climate objective has been specifically identified, the Proposed Development must nevertheless be assessed against policy and the NPSNN states at paragraph 4.36, that "*Section 10(3)(a) of the Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS*". This matter is considered in detail in Section 5.5 of this report.
- 4.5.6 CPRE PDSY [[REP9-041](#), [REP11-022](#)] question whether the use of increased carbon values would reduce the overall monetised benefits resulting from the Proposed Development. The Applicant [[REP10-010](#)] responded that, even taking new carbon values into account, the reduced Benefit Cost Ratio (BCR) of the Proposed Development was still supportive.
- 4.5.7 CPRE PDSY [[REP2-069](#)] consider that the root causes of the problems to be addressed by the Proposed Development had not been properly identified, and that the Proposed Development only addresses symptoms manifesting on the network. They [[REP11-022](#)] said that the Proposed Development, developed and evolved over a prolonged period was 'piecemeal', rather than addressing the entire corridor between Manchester and Sheffield.
- 4.5.8 It is apparent from the planning history that the Proposed Development, whilst less grandiose in aspiration than some options, evolved in response to local problems, would contribute towards overall improvement of the corridor, and would be deliverable within a foreseeable timeframe.
- 4.5.9 The Applicant considers that the Proposed Development would provide additional capacity within Mottram and Hollingworth, making journey times more reliable. This would assist in facilitating regeneration, development,

and economic growth in the local area and regionally. TMBC's LIR [[REP2-047](#)] recognises this as a key long-term positive impact. Conversely, in their LIRs [[REP2-045](#), [REP2-046](#)] DCC and HPBC expressed concerns about the balance of the impact on local businesses through increased local journey times and increased severance on Glossop High Street.

- 4.5.10 The Proposed Development was the subject of an economic assessment which considered its economic, environmental, and social benefits and disbenefits. The assessment of benefits and disbenefits followed the DfT's WebTAG guidance and Treasury Green Book guidance. This assessment was based on the assignment of a forecast core growth scenario, with sensitivity testing using low growth and high growth assumptions for the volume of traffic using the Proposed Development. Benefits and disbenefits were monetised to provide a BCR. The DfT benchmarks a BCR of 2 as high value for money. While the Applicant [[REP10-010](#)] acknowledged that the increased cost in carbon affects the overall monetised benefits, this does not persuade us that the need for the Proposed Development is altered.
- 4.5.11 The traffic modelling included a limited assessment of public transport. The Proposed Development is anticipated to change bus journey times, with both negative and positive effect on different links. However, given the limited contribution that bus journeys make to the overall monetised benefits, we find that the consideration given to non-car modes by the Applicant has been proportionate and appropriate, and that the limited modelling for bus journeys would be unlikely to have a significant impact on the scale of monetised benefits accruing from the Proposed Development. Similarly, we consider that the limited modelling of pedestrian journeys would be unlikely to have any significant impact upon the overall monetised benefits, given their relative contribution to the overall transport system.
- 4.5.12 CPRE PDSY questioned whether current uncertainty in the economic climate and other factors would adversely affect the Proposed Development's value for money. It further questioned whether the use of lower traffic growth compatible with the Transport Decarbonisation Plan (TDP) would alter the value for money presented for the Proposed Development.
- 4.5.13 A number of written submissions were made, including the combined LIR of DCC and HPBC [[REP2-045](#), [REP2-046](#)], Chris Hallam [[RR-0133](#)], Mark Pugh [[RR-0571](#)], in which it was asserted that homeworking will become more common, particularly as a result of the COVID-19 pandemic, eliminating the need for the Proposed Development. While new technology can make homeworking easier, the extent to which the COVID-19 pandemic will change working arrangements in the long term has yet to be established. The limited evidence submitted on this does not persuade us that the COVID-19 pandemic materially changes the need case.
- 4.5.14 The Applicant [[REP2-021](#)] advised that the assessment of the Proposed Development is based on the most up to date DfT traffic forecasts and that no alternative recognised traffic forecasts are currently available. The TDP postdates the assessment of the Proposed Development and the Applicant explained that transport data reflecting post COVID-19 pandemic scenarios was yet to be released. The Applicant, in Section 9 of the TAR [[APP-185](#)] sets out its approach to the levels of uncertainty, which follow the DfT

guidance 'A route map for updating TAG during uncertain times', for where TAG guidance data is updated.

- 4.5.15 The Applicant's Case for the Scheme [REP2-016] makes clear that the summary of economic impacts set out, and therefore any related monetarised benefits, focussed on the central growth assumptions, but that additional scenario testing was performed. These additional scenarios were assessed by the Applicant to test the sensitivity of performance, not to indicate an alternative most likely forecast [REP11-010]. The economic forecasts were based on long term growth and the DfT's proposed scenarios for future sensitivity testing and included a range of impacts affecting the Proposed Development's performance both positively and negatively.
- 4.5.16 Based on the DfT's latest advice on future growth scenarios the Applicant considered that there were no grounds for further updating its case for the Proposed Development beyond those amendments included in [REP2-016].
- 4.5.17 CPRE PDSY and IPs also questioned the accident modelling. Consideration of the way in which accidents have been modelled, are reported on in Section 5.2. However, CPRE PDSY argue that the Applicant's modelling underestimates the number of predicted accidents arising from the Proposed Development, further affecting monetised benefits. In Section 5.2 we conclude that the traffic model is sufficiently robust to allow assessment of the effects of the Proposed Development.
- 4.5.18 Concern (for example Jonathan Cantrill [RR-0449]) was expressed that the methodology used to justify the case for the Proposed Development in the Road Investment Strategy (RIS) was biased towards road schemes. We note that the RIS assessment process prioritises potential road schemes rather than making comparisons between road schemes and other forms of transport infrastructure. As such, output of the RIS process would inevitably be the prioritisation of a road scheme, regardless of the methodology used. Paragraph 4.6 of the NPSNN is clear that we and the SoST do not need to be concerned with the national methodology and national assumptions around the key drivers of transport demand.
- 4.5.19 We are, therefore, satisfied that the Proposed Development would be likely to improve traffic flow and reduce congestion in Mottram and Hollingworth and at Junction 4 of the M67. The Proposed Development would be likely to improve journey times and reliability between Manchester, Sheffield, and settlements along the route between them and release constraints on development to support the local and regional economy. We are also content that the costs and benefits of the Proposed Development have been assessed appropriately.

Overall conclusion on the need case

- 4.5.20 There have been changes to the economy since the application was submitted, including from the combined effects of the COVID-19 pandemic, increases in energy prices, and the cost and availability of some commodities. We consider the implications of increased cost in Chapter 8, and we consider monetarised benefits in this section and in Chapter 5. The evidence before us does not lead us to doubt that these events would be addressed within the parameters of the sensitivity testing. We are,

therefore, satisfied that the approach taken to the economic assessment is consistent with NPSNN paragraph 4.5 of the. We leave submissions in relation to value for money for the SoST to consider as necessary.

- 4.5.21 We conclude that the need for the Proposed Development has been established in accordance with the requirements of the NPSNN and the presumption in favour of development is engaged.

Consideration of alternatives

Policy context

- 4.5.22 Paragraphs 4.26 and 4.27 of the NPSNN provide guidance for the consideration of alternatives and require Applicants to comply with relevant legal and policy requirements on the assessment of alternatives.
- 4.5.23 Paragraph 4.27 of the NPSNN states that all projects should also be subject to an options appraisal, which should consider viable modal alternatives. Paragraph 4.27 goes on to advise that national road schemes will have been subject to a proportionate options appraisal as part of the investment decision making process and that it is not necessary for the ExA and the decision maker to reconsider that process if they are satisfied that an assessment has been undertaken. Paragraph 2.21 also advises that relying solely on alternatives such as demand management and modal shift *"is not viable or desirable as a means of managing need"*.
- 4.5.24 The Proposed Development is included in RIS1 and RIS2 and the Applicant confirmed that the Proposed Development was appraised using the DfT's TAG which follows Treasury Green Book guidance. Some IPs suggested that the Applicant's appraisal was out-of-date due to changes in circumstances, legislation, and policy, citing the judgement concerning The Queen (on the application of) Save Stonehenge World Heritage Site Ltd, v Secretary of State for Transport [2021] EWHC 2161 (Admin) (the Stonehenge Case).
- 4.5.25 As explained in Section 2.4, there was considerable work carried out prior to the Preferred Route Announcement for the Proposed Development in 2017 involving the identification and selection of options, both before, and after, the publication of RIS1 in 2015. The consideration of alternatives continued after the Preferred Route announcement as evidenced by the subsequent incorporation of key changes to the Preferred Route since 2017.
- 4.5.26 We are satisfied that the Proposed Development was subject to an iterative design process and responded to consultative feedback from the public and other stakeholders.
- 4.5.27 CPRE PDSY's concern with respect to the assessment of alternatives focusses on whether the strategic case for the Proposed Development should be reappraised. The Applicant [[REP2-016](#) paragraph 7.2.21] explained that the national policy review demonstrates that the Proposed Development is supported by a variety of policy documents. The aims of the National Infrastructure Delivery Plan (2016 to 2021) include the provision of a reliable and high-performing road network and the Applicant submitted that the Proposed Development would support that objective.

The Proposed Development is included in RIS1 and RIS2, plus Highways England's Delivery Plan (HEDP) 2020-2025.

- 4.5.28 Whilst the TDP seeks to reduce the carbon emissions it recognises that future transport will remain heavily dependent on the use of roads although the power trains for vehicles using roads will be moving away from internal combustion engines. The Government therefore considers that continued high investment in roads will be necessary to ensure the functioning of the nation and to reduce the congestion which is a major source of carbon. Road transport remains a central focus for policy and the Proposed Development would contribute to that.
- 4.5.29 The Applicant [[REP9-027](#), item 9.79.35] explained the process of review of the Proposed Development in line with Treasury Green Book guidance. At each stage, that process either confirmed that previous findings remained valid or identified where new information was likely to result in changes to those findings. Whilst carbon and climate change issues came to the fore, such issues had been very important for some time, albeit that some matters, such as the value of greenhouse gas emissions, varied. The Applicant said that would not automatically trigger a full, and costly, reappraisal of all options from scratch. It drew attention to a process involving workshops used to ensure all versions of the Proposed Development beyond the initial option sifting process continued to be aligned with the wider strategic objectives as recommended in guidance.
- 4.5.30 The Stonehenge judgement establishes that there is a need to consider all reasonable alternatives in designing NSIPs. With respect to the Proposed Development, we are content that the Applicant has undertaken an appropriate assessment of reasonable alternatives, that we have noted.
- 4.5.31 We find that the Applicant [[REP2-036](#)] has demonstrated the main alternatives and provided a brief explanation of the reasons for the choice of the preferred option taking into account the environmental effects in accordance with paragraph 4.26 of the NPSNN and satisfied that alternatives have been considered in accordance with the NPSNN.
- 4.5.32 CPRE PDSY [[REP2-070](#), [REP2-071](#), [REP4-016](#), [REP12-032](#)], promoted a package of measures to provide a low carbon travel alternative, an aspiration also supported by other IPs, such as the High Peak Green Party [[REP2-076](#)]. Other IPs [[REP1-052](#), [REP2-049](#), [REP2-073](#), [REP2-075](#), [REP2-085](#)] supported elements of this package, such as controls on HGVs crossing PDNP, improvement of the Woolley Bridge mini-roundabout, and support to public transport, cyclists and pedestrians.
- 4.5.33 Elements of CPRE PDSY's proposals are included in the Proposed Development, such as improvements to Junction 4, traffic calming and the provision of pedestrian and cycling facilities. However, such standalone measures, or combinations of such improvements were considered during the development and optimisation of the Proposed Development, but not taken forward for the reasons outlined in ES Chapter 3 [[REP2-036](#)] and amplified by the Applicant [[REP1-042](#), [REP4-009](#)]. We are mindful of NPSNN's advice that relying solely on alternatives such as demand management and modal shift is not viable or desirable to manage need.

We are conscious of the part that such proposals must play in tackling the transport and climate challenges of the future and further consideration of such proposals is included in Section 5.2. We are therefore satisfied that the appraisal of alternatives to a road-based scheme has been undertaken and is sufficient to meet the requirements of the NPSNN.

- 4.5.34 Various IPs, including John Pasiiecznik [[REP2-077](#), [REP4-023](#)] and others have called for the provision of a long bypass, encompassing Hollingsworth and Tintwistle. Schemes to provide such a measure were considered during the development and optimisation of the Proposed Development, but not taken forward for the reasons outlined in ES Chapter 3 [[REP2-036](#)] and we are satisfied that the appraisal of alternative schemes was undertaken and has been sufficient to meet the requirements of the NPSNN.
- 4.5.35 Stephen Bagshaw [[REP2-088](#)] and Peter Simon [[REP2-082](#)] suggested a gyratory using Hyde Road and other parts of the existing network, together with a new link from Junction 4 to Roe Cross Lane through the fields to the north of Hyde Road, as an alternative to the Proposed Development. A similar scheme was considered during the development and optimisation of the Proposed Development, but not taken forward for the reasons outlined in ES Chapter 3 [[REP2-036](#)]. We are therefore content that a gyratory scheme was considered sufficiently and that there was no deficiency in this regard in the Applicant's consideration of alternatives.

Conclusion on the consideration of alternatives

- 4.5.36 In accordance with paragraph 4.26 of the NPSNN the Applicant included within the ES an outline of the main alternatives studied and provided an indication of the main reasons for choice of the preferred route, considering the environmental effects.
- 4.5.37 In accordance with paragraph 4.27 of the NPSNN, we are satisfied that the Proposed Development has been subject to a full options appraisal in achieving its status within the RIS, and that a proportionate consideration of alternatives was undertaken.
- 4.5.38 Taking all these matters into account, we are satisfied that the consideration of alternatives does not count against the DCO being made.

4.6 ENVIRONMENTAL STATEMENT

Policy context

- 4.6.1 Paragraph 4.15 of the NPSNN states that "*All proposals for projects that are subject to the European Union's Environmental Impact Assessment Directive and are likely to have significant effects on the environment, must be accompanied by an environmental statement, describing the aspects of the environment likely to be significantly affected by the project*". Paragraph 4.16 deals with significant cumulative effects and advises that "*any environmental statement should provide information on how the effects of the Applicant's proposal would combine and interact with the effects of other existing or consented development.*"

The application

- 4.6.2 As set out in Section 1.5 above, the application was supported by an ES, the scope of which had been agreed with relevant parties [[APP-152](#)]. The ES comprises 17 chapters [APP-060 to APP-073] together with supporting Figures [APP-074 to APP-149 and REP1-021], Appendices [APP-150 to APP-181] and a Non-Technical Summary [[APP-059](#)].
- 4.6.3 Several IPs [[REP8-029](#), [REP9-038](#), [REP9-040](#), [REP9-044](#), [REP9-045](#), [REP11-020](#), [REP12-033](#), [REP10-017](#), [AS-007](#), [AS-008](#)] questioned whether the Application was compliant with the EIA Regulations for transport and climate change. The concerns particularly related to the traffic model, the transport appraisal, and the carbon assessment. We [[PD-017](#) questions 3.1, 3.3, 3.7 and 8.1] sought clarification on the issues raised.
- 4.6.4 The Applicant [[REP10-010](#), [AS-011](#)] considered that its submitted application was compliant with the EIA Regulations, setting out individual responses to address the matters raised by the IPs.
- 4.6.5 We consider the transport model in Section 5.2 and conclude that it is sufficiently robust and provides an appropriate indication of how traffic would use the road network in response to changes due to the Proposed Development compared to without it, whilst accounting for forecast traffic growth and other committed future modifications to the road network. We find that it is sufficient for our consideration of the environmental effects of the Proposed Development.
- 4.6.6 Compliance with the EIA Regulations, and the need to assess against local and regional policy targets, are addressed as necessary in Chapter 5.
- 4.6.7 The Design Manual for Roads and Bridges (DMRB), whilst not statutory policy, was relied on by the Applicant in the preparation of many of the assessments in the ES. The DMRB guidance was updated between adoption of the Scoping Opinion and submission of the DCO application. A sensitivity analysis was undertaken by the Applicant to demonstrate that this did not require a change to scope or methodology [[APP-154](#)].
- 4.6.8 We sought clarification of the Applicant's approach to the assessment of transport and carbon updated document at ISH2 [[EV-015](#)] and ISH3 [[EV-039](#)] and in our Written Questions [[PD-009](#), [PD-012](#), [PD-017](#)]. The Applicant stated that ES Chapter 14 [[REP1-019](#)] was not intended to be in accordance with the Institute of Environmental Management and Assessment (IEMA) guide on Assessing Greenhouse Gas Emissions and Evaluating as this was not published at the time of the DCO submission and was not the methodology adopted by National Highways. It considered the scenarios that had been assessed to be in line with reporting set out within Section 7.3 of the IEMA guidance on "*What should be included when reporting on Greenhouse Gas (GHG) emissions within an ES chapter*".
- 4.6.9 As discussed in Section 4.2, the ES uses the Rochdale Envelope approach to assessment of environmental effects where there are uncertainties. In particular, the Works Plans [[REP11-002](#)] and rDCO (Appendix D) Article 8 define LoD for the horizontal and vertical alignment of the proposed carriageways. The ES said that it assumed a worst-case scenario for

environmental effects within these limits. This approach is supported by PINS Advice Note 9: Using the Rochdale Envelope and the reasons for its use in this case are explained in Section 4.2. The effects assessed in the ES would be mitigated by measures included in the Outline Landscape and Ecological Management and Monitoring Plan [[REP8-014](#)].

- 4.6.10 Section 2.3 details the clarifications made to the ES during the Examination and explains how the environmental effects of the Proposed Development would be controlled, and mitigation measures secured, through the rDCO (Appendix D), the Transport Management Plan (TMP) [[REP11-006](#)] and the Environmental Management Plan (First Iteration) (EMP1) [[REP12-007](#)]. The revisions to these documents addressed our queries regarding the use of the Rochdale Envelope and how it would be ensured that the Proposed Development would have no materially new or materially worse adverse environmental effects in comparison with those reported in the ES.
- 4.6.11 There were no substantive challenges to the overall scope of the ES from IPs or other parties during the Examination. We deal with specific ES matters later in this report.
- 4.6.12 ES Chapter 3 [[REP2-005](#)] reviews the notable alternatives considered during design development. While the options appraisal for the Proposed Development was challenged, as noted in Section 4.5, we are content that NPSNN requirements for the consideration of alternatives have been met.

Cumulative effects

- 4.6.13 Cumulative effects with other projects in the locality are considered in ES Chapter 15 [[REP1-020](#)]. An initial long list of fifty developments was sifted [[APP-180](#)] to produce a short list of forty-three developments [[APP-149](#)] which were considered in greater detail.
- 4.6.14 The Applicant, TMBC and DCC also reviewed the potential for interaction with other highway schemes. It was found that there were no relevant schemes within 5km of the Order land and, therefore that there would be no cumulative environmental effects with other highways schemes.
- 4.6.15 Cumulative effects are considered in Chapter 5.

Transboundary impacts

- 4.6.16 On behalf of the Secretary of State for Housing Communities and Local Government (SoSHCLG), PINS carried out a screening exercise to determine whether the Proposed Development would result in any LSEs on the environment in a European Economic Area (EEA) State. The screening completed on 5 April 2018 followed the Applicant's request for a scoping opinion. PINS carried out a re-screening exercise following submission of the DCO application, taking account of any changes since the earlier screening, with the results issued on 1 October 2021 [[OD-001](#)].
- 4.6.17 Under Regulation 32 of the EIA Regulations it was concluded that the Proposed Development would be unlikely to have a significant effect either alone or cumulatively on the environment in an EEA State. This conclusion took account of the Proposed Development's likely impacts, including

potential pathways and the extent, magnitude, probability, duration, frequency, and reversibility of the impacts.

4.6.18 Since the end of the transition period following the UK leaving the EU, the relevant legislation has changed, but the effect has not materially altered.

4.6.19 The Regulation 32 duty is an ongoing duty, and on that basis, we have considered whether any facts have emerged to change the screening conclusions, up to the end of the Examination. No mechanisms emerged whereby conceivable transboundary effects could occur.

Conclusions on the EIA and ES

4.6.20 We are content that the ES, together with the other information submitted by the Applicant during the Examination, is adequate and meets the requirements under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Full account has been taken of all environmental information in the assessment of the application and in the recommendation to the SoST.

4.6.21 Considering the EIA process, the submitted and updated ES, the Works Plans and Environmental Masterplans, we conclude that:

- the Proposed Development is EIA development;
- the submitted documents, as supplemented by the subsequent submissions, provide an adequate assessment of the environmental effects of the Proposed Development;
- the Rochdale Envelope has been properly defined and considered in the ES; and
- the ES gives enough consideration to alternatives to the Proposed Development.

Habitats Regulations Assessment

4.6.22 Under Regulation 63 of the Habitats Regulations, the Competent Authority must consider whether a development will have Likely Significant Effects (LSE) on a European site, either alone or in combination with other plans or projects. The purpose of the LSE test is to identify the need for an Appropriate Assessment (AA) and the activities, sites or plans and projects to be included for further consideration in the AA.

4.6.23 In Chapter 6 we find that LSE on the European sites from the Proposed Development when considered alone or in combination with other plans or projects can be excluded for the impact-effect pathways assessed. We consider that an AA of the Proposed Development is not required to be undertaken by the SoST to fulfil their duty under the Habitats Regulations.

5 CONSIDERATION OF SPECIFIC TOPICS

5.1 INTRODUCTION

5.1.1 This chapter deals with specific topics in turn and sets out our conclusions on them. It concentrates on matters arising in the application and during the Examination that are material to our recommendation on the case for development, which is considered in Chapter 7. The Habitats Regulation Assessment is addressed in Chapter 6.

5.2 TRANSPORT NETWORKS AND TRAFFIC

Introduction

5.2.1 This section considers the effect of the Proposed Development on transport networks and traffic, including public transport and road safety.

- Section 5.12 considers effects on walkers, cyclists and horse riders; public rights of way; community severance; and businesses, including retail.
- Alternative options are addressed in Sections 2.4 and 4.5 and Chapter 7.

Policy context

5.2.2 Paragraphs 2.2, 2.3, 2.4 and 2.6 of the National Policy Statement for National Networks (NPSNN) identify an overarching need for development of the strategic road network (SRN) to address existing congestion points and the forecast rise in road traffic of 30% from 2014 to 2030, and to facilitate economic growth.

5.2.3 Paragraphs 2.12 to 2.14 highlight the importance of the SRN for providing links between cities, communities and other transport modes and for supporting national and regional economies.

5.2.4 Paragraph 2.23 identifies policy support for enhancements to the SRN to meet the underlying growth in demand, including:

- junction improvements and new slip roads to address congestion and improve performance and resilience at junctions, which are a major source of congestion; and
- improvements to trunk roads, in particular dualling of single carriageway strategic trunk roads to improve performance and resilience.

5.2.5 Paragraph 2.24 highlights that policy favours schemes that tackle specific issues rather than simply meeting unconstrained traffic growth.

5.2.6 Paragraphs 3.9 and 3.10 identify the serious nature of road accidents, both in terms of the human and economic cost.

5.2.7 Paragraph 4.60 of the NPSNN states that developments should take the opportunity to improve safety, including introducing the most modern and effective safety measures where proportionate. Paragraph 4.61 goes on to

require the Applicant to undertake an objective assessment of the impact of the Proposed Development on safety. This includes putting in place arrangements for the road safety audit process (paragraph 4.62).

- 5.2.8 Paragraph 4.64 requires that the Applicant demonstrate that their scheme is consistent with the Highways Agency's Safety Framework for the SRN and with the National Strategic Framework for Road Safety. Applicants will wish to show that they have taken all steps that are reasonably required to minimise the risk of death and injury arising from their development, contribute to an overall reduction in road casualties, contribute to an overall reduction in the number of unplanned incidents; and contribute to improvements in road safety for walkers and cyclists.
- 5.2.9 Paragraph 4.66 states that development consent should not be granted unless all reasonable steps have been taken and will be taken to minimise the risk of road casualties arising from the Proposed Development and that it would contribute to an overall improvement in the safety of the SRN.
- 5.2.10 Paragraph 3.17 identifies the direct role for the national road network to play in helping pedestrians and cyclists and to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. Applicants are expected to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking by correcting historic problems, retrofitting the latest solutions, and ensuring that it is easy and safe for cyclists to use junctions.
- 5.2.11 Paragraph 5.203 requires the Applicant to have regard to the policies set out in local plans, for example, policies on demand management being undertaken at the local level. Paragraph 5.204 requires the Applicant to consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts.
- 5.2.12 Paragraphs 5.211 and 5.212 make it clear that the SoST must consider impacts on the local transport network and local transport policies, including those in local plans, and that account should be taken of local models. However, the NPSNN is intended to prevail unless a legislated exception arising from s104(4) to s104(8) of the Planning Act 2008 (PA2008) applies. Relevant local plans and policies are set out in Sections 3.7 and 3.8 above, but of relevance to the issues being considered in this section are the development plans applicable to the Peak District National Park (PDNPA) and the policies of Transport for Greater Manchester (TfGM).
- 5.2.13 Paragraphs 5.147 and 5.148 of the NPSNN identify the need for Applicants to comply with requirements in other national legislation and guidance for significant road widening or the building of new roads in National Parks. 5.148 identifies the need to fulfil the requirements set out in Department for the Environment, Food and Rural Affairs (DEFRA) 'English national parks and the broads: UK government vision and circular 2010 or successor documents' (the DEFRA guidance) states "*Any investment in trunk roads should be directed to developing routes for long distance traffic which avoid the Parks*".

- 5.2.14 Paragraph 5.152 states a strong presumption against any significant road widening or the building of new roads in a National Park unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Planning of the SRN should encourage routes that avoid National Parks. Paragraph 5.154 advises that the duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.
- 5.2.15 Paragraph 5.215 of the NPSNN states that mitigation measures should be proportionate, reasonable, and promote sustainable development.
- 5.2.16 Paragraph 5.216 states that where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated.
- 5.2.17 Paragraph 88 of the DEFRA guidance states that *"Road transport authorities should design essential road improvements to avoid increasing the capacity or the perceived speed of the road unnecessarily. Transport authorities should work with Authorities to introduce innovative speed management schemes that are in keeping with the requirements of a protected landscape. Traffic calming and other traffic management and signage measures should be minimal and sympathetic to their settings. Measures should be implemented in a way that can be formally monitored"*.
- 5.2.18 Core Strategy Policy T1 of the Peak District National Park Core Strategy Development Plan Document (2011) (PDCS) sets out a high-level ambition for transport within PDNP [[REP2-048](#)]. It seeks, amongst other things, to reduce the general need to travel and encourage sustainable transport, deter traffic crossing the PDNP, conserve and enhance the PDNP's valued characteristics.
- 5.2.19 PDCS Policy T2 sets out the PDNPA's strategic approach to road building within PDNP. It seeks to prevent new road schemes, including those road schemes (including improvements) that are beyond the direct jurisdiction of the PDNPA, unless they provide access to new businesses or housing development or there are exceptional circumstances.
- 5.2.20 The Peak District National Park Development Management Policies of 2019 (PDDMP) [[REP2-048](#)] provides detailed policies that underpin the Core Strategy. Policy DMT1 (Cross park roads) states that new roads for cross-Park travel will not be supported, and proposals for a major alteration to an existing road will not be permitted unless it meets certain criteria to satisfy the requirements of Core Strategy Policy T2 of the PDCS which may make proposed development acceptable to the local planning authority.
- 5.2.21 Policy T2 of the Tameside Unitary Development Plan of 2004 (TUDP) [[REP2-047](#)] states that the Council will protect the line of the Mottram to Tintwistle Bypass from the M67/A57/A560 intersection at Hattersley to the Derbyshire border. Policy T3 explains that the Glossop Spur will add to the proposed

A57(T)/A628(T) Mottram to Tintwistle Bypass by extending the link off their main east-west route beyond Mottram Moor through to Woolley Bridge, promoted jointly by Tameside Metropolitan Borough Council (TMBC) and Derbyshire County Council (DCC). The routes of these schemes are being protected by TMBC.

- 5.2.22 The Greater Manchester Transport Strategy 2040 (2021) (GMTS) [[REP2-047](#)], published by TfGM sets out Greater Manchester's approach to planning their transport system up to 2040, and the interventions needed to achieve a network that addresses an ageing population, climate change, and the 'right mix' of transport modes on their network.
- 5.2.23 However, the GMTS highlights the delivery of the Mottram Moor Link Road and the adjacent A57(T) to A57 Link, in line with the roll-out of the Road Investment Strategy (RIS) and TfGM and the Greater Manchester Combined Authority (GMCA) commit to working with partners to help develop this investment plan over the longer-term. It also plans to ensure that SRN schemes do not impact adversely on local roads.
- 5.2.24 The Greater Manchester Transport Five Year Delivery Plan 2021-2026 (2021) [[REP2-047](#)] was developed by TfGM, GMCA and local authorities including TMBC. The Plan sets out shorter-term measures, schemes and development work needed to achieve a vision to create a world-class, modern, integrated, and reliable transport system. Amongst the schemes included in the 5-year delivery plan are the Mottram Moor and A57(T) to A57 Link Roads, as part of a package to improve Trans-Pennine road connectivity between Greater Manchester and South Yorkshire.
- 5.2.25 The Tameside Implementation Plan published by TfGM [[REP2-047](#)] sets out TMBC's transport priorities for the next five years, as part of the GMTS 5-Year Delivery Plan. The A57 Link Roads are referred to as Strategic Transport Interventions for Tameside on the Tameside Delivery Map.
- 5.2.26 The Mottram Bypass and Glossop Spur scheme is noted in the Tameside Inclusive Growth Strategy 2021-2026 (2021) [[REP2-047](#)] as a key project for Tameside, being part of the 'Hyde Triangle'. This is stated to be a major transport infrastructure upgrade, improving links between Greater Manchester and South Yorkshire to reduce congestion, improve productivity and reduce air pollution.
- 5.2.27 Derbyshire Local Transport Plan (2011-2026) [[REP2-045](#)] sets out the transport vision, goals and challenges for Derbyshire, including supporting a resilient local economy, contributing to better safety, security and health, improving quality of life, and promoting a healthy natural environment.
- 5.2.28 The Glossop A57 Link Roads project is identified in Derbyshire's LTP, which also referred to the Longdendale Integrated Transport Strategy (LITS). At this stage of the LITS project TMBC, subject to the outcome of revisions to funding and approval processes, wished to pursue a scheme to address issues around traffic congestion in the Longdendale villages. Options for this included the provision of a 'Glossop Spur,' crossing the boundary into Derbyshire, and improvements to public transport networks and services.

The application and issues considered during the Examination

5.2.29 The main sections of the application, as may have been updated during the Examination, relevant to the transport matters considered here are:

- Transport Assessment Report (TAR) [[APP-185](#)];
- Outline Traffic Management Plan (TMP) [[APP-186](#)] updated to [[REP11-006](#)];
- ES Appendix 2.1: Traffic Data [[APP-151](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- Environmental Management Plan (first iteration) (EMP1) [[APP-183](#)] updated to [[REP12-007](#)]; and
- Register of Environmental Actions and Commitments (REAC) [[APP-184](#)] updated to [[REP11-005](#)].

5.2.30 Transport networks and traffic matters considered during the Examination included:

- study area, baseline conditions and overall methodology;
- the transport model;
- traffic flows congestion and delay;
- traffic management during the construction phase;
- walkers, cyclists and horse riders (WCH);
- public rights of way;
- public transport;
- modal choice; and
- highway safety.

Study area, baseline conditions and overall methodology

Traffic modelling

5.2.31 The traffic modelling for the Proposed Development was undertaken on an iterative basis prior to the application's submission. It involved the use of a Simulation and Assignment of Traffic to Urban Road Network (SATURN) software, combined with a variable demand model (VDM), to predict changes in travel demand arising from the Proposed Development. The use of the modelling software accord with the Department for Transport's Transport Analysis Guidance (TAG).

5.2.32 The extent of the modelled area is shown below in Figure 5.2.1:



Figure 5.2.1: Area of traffic modelling [extract from Figure 2.1 of [APP-185](#)]

- 5.2.33 The base model year is 2015, with model runs representing the average hour in the AM peak (07:00-10:00), interpeak (10:00- 16:00), and PM peak (16:00-19:00). The traffic model around Mottram and Glossop was improved during 2019, increasing the level of detail in and around Glossop.

Traffic Survey Data

- 5.2.34 Traffic surveys comprising automatic traffic counts, classified turning counts and roadside interviews were undertaken during 2015/16.
- 5.2.35 The Applicant deemed that an extensive data collection exercise was not necessary as part of its modelling. However, a series of traffic surveys were used to verify vehicle volumes on the A57, increase the level of network coverage, improve model validity in the immediate study area and inform the development of an operational model.
- 5.2.36 The Applicant, carried out additional surveys during 2020/21:
- traffic counts in Mottram Road (A57) and Stockport Road (A560) to the south-west, the A6018 to the north and the A57 towards Glossop;
 - Automatic Traffic Counter (ATC) and Manual Classified Count (MCC) data were collected on the A57 between the Woolley Bridge junction and Shaw Lane to provide more detailed vehicle type classification data for the environmental assessment;
 - classified turning counts at junctions on the A57 around Glossop; and
 - the gathering of proprietary journey time data.

Local study area

5.2.37 A local study area was identified for the baseline network conditions review:

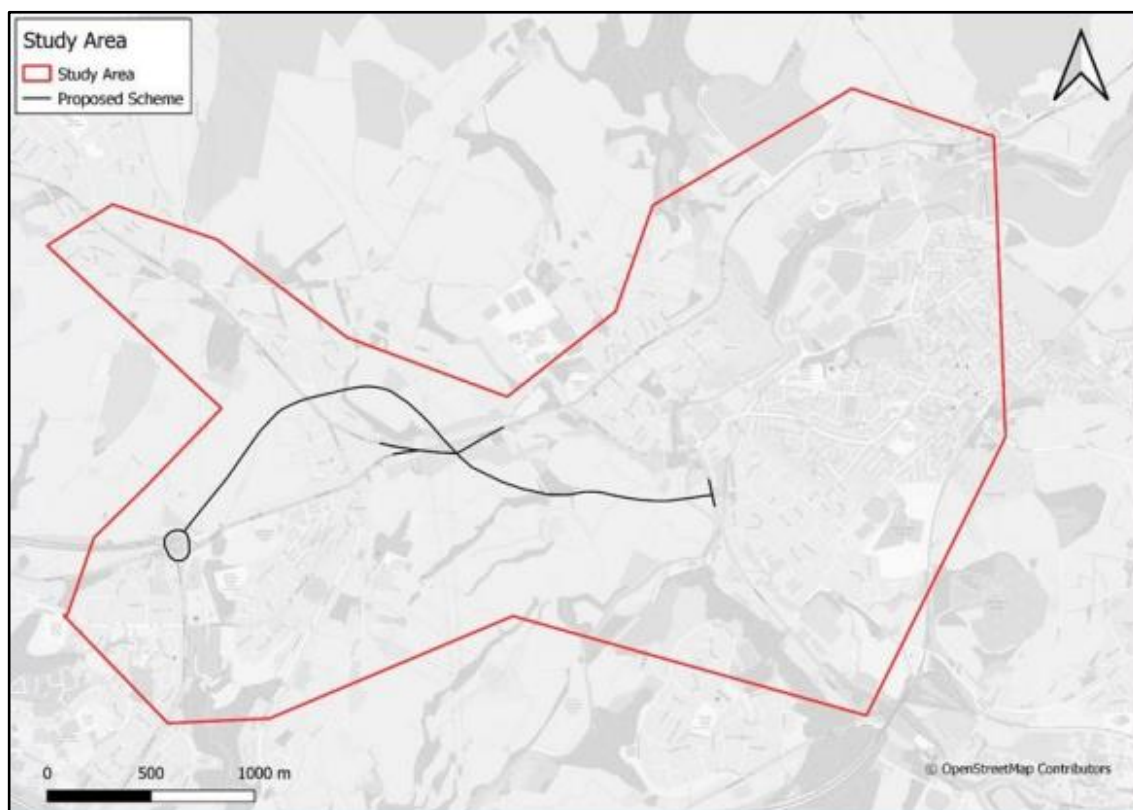


Figure 5.2.2: Local study area [extract from Figure 3.1 of [APP-185](#)]

5.2.38 The local study area encompassed the Proposed Development, the western end of the A628, the A57 through Glossop and alternative routes, such as Hadfield Road, Shaw Lane and Dinting Road. Two of the four main routes between Manchester and South Yorkshire pass through the local study area.

Public transport

5.2.39 The Applicant collected data regarding public transport. The data collected for rail services included the routes, service frequency and station patronage. Bus service route and frequency data were also gathered.

Accidents

5.2.40 The Applicant collected accident data for 2014 to 2018 for a Cost and Benefit to Accidents Light Touch (COBALT) analysis for the local study area.

5.2.41 The study area for accidents included the major roads within it but omitted residential roads that the traffic modelling predicted would be unaffected. A 20-metre buffer beyond the major roads was used to capture any accidents that may have occurred at nearby junctions.

5.2.42 Concerns about the predictions for accidents were raised by, amongst others, Daniel Wimberley [[REP3-032](#), [REP5-040](#), [REP9-044](#), [REP9-045](#)] and CPRE Peak District and South Yorkshire Branch (CPRE PDSY) [[REP12-033](#)].

- 5.2.43 The Applicant [[REP7-025](#)] explained that the forecast impact of the Proposed Development on accidents did not just consider the roads shown in Figure 3.8 of the TAR, but also considered the potential impact on accidents on all roads within the area for the detailed traffic modelling. This included all roads that could be used to a lesser or greater degree for through trips and, therefore, potentially subject to changes in traffic flows due to the Proposed Development. Minor roads that were not expected to attract through traffic because of the operation of the Proposed Development were excluded from the assessment for accidents.
- 5.2.44 We [[EV-039](#)] we questioned how the accident rate had been assessed for residential streets, including Shaw Lane and Dinting Road.
- 5.2.45 The Applicant [[REP8-019](#)] explained how the data was gathered and future accidents were predicted. It said that forecasts of changes in accident numbers resulting from the Proposed Development were driven by changes to the road network and changes in traffic flow. No significant road network changes were anticipated in Glossop side streets or other settlements.
- 5.2.46 The current underlying rate of accidents per vehicle kilometre through Glossop was determined using accident data collected from the Statement of Administrative Sources (STATS19) Road Safety Database, which includes all recorded road traffic accidents by severity. The data represented the most recent 5-year period available. Accident records used in this analysis for Glossop reflected accidents along the A57, including at junctions.
- 5.2.47 Where, such as the other roads in Glossop, a road has very low recorded accident rate (mostly either zero or one in five years), use of that data was considered inappropriate as it would be unlikely to represent a long-term average rate. In those circumstances national average rates by accident severity for relevant generic types of roads was applied with the forecast traffic flows to predict future accident numbers in both the 'Do-Minimum' and 'Do-Something' scenarios.

Congestion

- 5.2.48 For Wednesdays and Thursdays, proprietary journey time data was obtained to assess the level of congestion on the existing road network at different times of the day, through the analysis of the average speeds of vehicles on each road on the network. This journey time data was consistent with that utilised by the Applicant in its baseline modelling. The identified slow-moving traffic was consistent with observed traffic queues in the area.

Walkers, Cyclists and Horse Riders

- 5.2.49 The WCH assessment describes existing pedestrian, cyclist and equestrian facilities in the study area that would potentially be affected.

Construction traffic

- 5.2.50 The construction phase was expected to exceed 28 months. Construction phase traffic impacts were assessed in accordance with the Design Manual for Roads and Bridges (DMRB). Construction phase traffic management would be split into five phases, each lasting approximately six months.

Future baseline (Do-Minimum)

- 5.2.51 The future baseline, against which the effects of the Proposed Development were assessed, was established by predicting traffic growth and applying it to a scenario without the Proposed Development, establishing a 'Core scenario'. Uncertainty over how the future may affect the central forecasting assumptions that underpin the core scenario was addressed by modelling three scenarios for each forecast year, reflecting Core, Low and Optimistic growth in accordance with the TAG.
- 5.2.52 The following uncertainty status assumptions were made for each scenario:
- core: 'near certain' and 'more than likely' infrastructure schemes, constrained to growth from the National Trip End Model (NTEM)¹;
 - low growth: 'near certain' and 'more than likely' infrastructure schemes, constrained to a lower level of background growth; and
 - optimistic: 'near certain', 'more than likely' and 'reasonably foreseeable' infrastructure schemes and developments, constrained to a higher level of background growth.
- 5.2.53 The effects of uncertainty in assumptions underpinning the need case for the Proposed Development are considered in Section 4.5.
- 5.2.54 Peter Simon [[REP4-026](#)] and CPRE PDSY [[REP12-031](#)] raised concerns about whether the proposed Godley Green development of up to 2,150 new homes, for which a planning application has been submitted, was considered within the core scenario for traffic growth. CPRE PDSY drew attention to the ES [[REP1-020](#) Table 15-4] identifying this development as "reasonably foreseeable in the traffic model" and asserted that it should, therefore, have been addressed within the Core Scenario. ES Chapter 15 [[REP1-020](#) Table 15-7] states that it is included within the traffic model.
- 5.2.55 The Applicant [[REP5-022](#) 9.54.31] identifies that the National Trip End Model (NTEM) "provides forecast growth in trips based on forecast changes in the economy and demographics by area, e.g. forecast changes in population, car ownership, household spending, levels of employment, etc. NTEM therefore inherently accounts for future development since population growth cannot take place without additional housing development and economic growth cannot take place without additional commercial development. Therefore, the traffic forecasts used in the traffic modelling that underpins the assessment of the Proposed Development inherently accounts for other developments in the vicinity of the Proposed Development, such as the proposed Godley Green development".
- 5.2.56 The agreed position regarding Godley Green is set out in the Applicant's Statement of Common Ground (SoCG) with TfGM [[REP12-009](#) 10.20]. This explains that the "traffic modelling for the current scheme as detailed in the Transport Assessment Report submitted as part of the application, shows that Developments such as Godley Green are incorporated in the high growth scenarios, the uncertainty logs were updated before the final runs of the traffic modelling were undertaken to ensure the latest information was contained in the modelling, this refresh was done in conjunction with all

Greater Manchester Authorities, including TfGM, Derbyshire County Council and High Peak Borough Council". Both TfGM [[REP12-009](#)] and TMBC [[REP6-037](#)] indicated that they are content with the Applicant's approach to assessing the effects of Godley Green Development.

- 5.2.57 CPRE PDSY [[REP12-031](#)] drew attention to the Applicant's comments concerning the Godley Green development, citing its holding objection as at 29 April 2022. Godley Green has been identified as a housing site in the emerging Development Plan, 'Places for Everyone', which is at an early stage in its formulation. TMBC [[REP6-037](#)] advised that only very limited weight should be given to policies within the emerging Development Plan.

Other matters

- 5.2.58 Concerns were raised by Daniel Wimberley [[REP5-040](#)] as to whether the traffic flows generated would reflect the worst case scenario for any particular environmental matter. For instance, it was queried whether flows, excluding weekends, would be better for assessing the impacts most pertinent to heavy goods vehicles (HGVs), as HGV numbers are reduced at weekends, and whether traffic peak hours were used, rather than whole day averages. At ISH3 we sought to establish whether effects for each issue had been assessed appropriately. The Applicant [[REP7-025](#), [REP8-019](#)] stated that different traffic flow data had been used to assess different environmental impacts in accordance with best practice guidance and that the traffic modelling uses the average hourly flow over three weekday time periods, AM peak (07:00 to 10:00), the inter-peak (10:00 to 16:00) and the PM peak (16:00 to 19:00). We are satisfied that appropriate data has been used to consider each of the different environmental effects.

Conclusions on study area and baseline conditions

- 5.2.59 Whilst CPRE PDSY and others continue to express reservations regarding the fitness of the traffic model for assessing the Proposed Development, importantly by the close of the Examination neither TMBC nor DCC, in their capacity as the local highway authorities (LHAs), had any concerns in this regard. We consider that the data collected, and the scope of the modelling is proportionate to the scale of the Proposed Development and is adequate to provide a suitable baseline for the assessment. We consider that, as the Godley Green Development would appear in both the DM and DS scenarios it's inclusion, or not, would be unlikely to affect the outcomes of the ES significantly. Our detailed consideration of the principle of the cumulative assessment including other developments in both the baseline (Do-Minimum) scenario and in the (Do-Something) scenario with the Proposed Development is set out in Section 5.4.

The transport model

- 5.2.60 The reliability of the traffic modelling was questioned by many IPs, including, amongst others, PDNPA in its Local Impact Report (LIR) and subsequent representations [[REP2-048](#) and others], CPRE PDSY [[REP2-050](#), [REP4-015](#), [REP5-028](#), [REP5-029](#), [REP6-033](#), [REP7-034](#), [REP7-035](#), [REP7-036](#), [REP8-033](#), [REP8-045](#), [REP9-043](#), [REP12-030](#), [REP12-033](#)], Daniel Wimberley [[REP3-032](#), [REP9-045](#) and others], Stephen Bagshaw [[REP4-027](#) and others] and Peter Simon [[REP10-016](#)].

- 5.2.61 Concerns about the Applicant's modelling were reiterated in the joint submission from Andrew Boswell of Climate Emergency Policy and Planning (CEPP), Anne Robinson of CPRE PDSY, Helen Rimmer and Richard Dyer of Friends of the Earth, Chris Broome of South Yorkshire Climate Alliance, Laura Stevens of Derbyshire Climate Coalition, Linda Walker of High Peak Green New Deal, Anthony Rae, Daniel Wimberley and Peter Simon [[REP10-017](#)]. This raised concerns about perceived anomalies between the modelling results and data external to it (including on the Department for Transport (DfT) website relating to traffic flows counted on specific links), traffic growth, the area covered by the detailed model, and whether data collected during the COVID-19 pandemic was used in modelling.
- 5.2.62 Further concerns related to levels of uncertainty regarding the impact of the COVID-19 pandemic, increases in the cost of fuel, and other matters that could undermine the predicted growth. There was also concern that public transport, pedestrian and cycling modelling had been too limited, only reflecting modal transference between cars and buses where a household has access to a car. There was concern that walking and cycling had not been modelled at all, and that this missing data skewed the operational case for the Proposed Development by concentrating on road transport and the financial case for the Proposed Development by omitting benefits or disbenefits to bus passengers.
- 5.2.63 Regarding the area covered by the detailed modelling, CPRE PDSY argued that, given the proximity of the Proposed Development to Manchester this conurbation should have been included within the area of detailed modelling pointing out that this had been done for Glossop and the surrounding settlements to the east of the Proposed Development. The IPs were concerned that by omitting, screening detail, or treating urban areas as countryside within Greater Manchester to the west of the Proposed Development, the effects could not be accurately assessed. Other concerns related to the nature of the modelling for Glossop and the settlements to the east of the Proposed Development.
- 5.2.64 The Applicant considered that travel between zones in most Manchester would be largely unaffected by the Proposed Development, while journeys made passing through the area subject to the detailed modelling, which would be the most relevant journeys, were addressed in the model.
- 5.2.65 IPs argued that the analysis of the Proposed Development should be against a Do-Minimum scheme that assumed a traffic growth trajectory that would achieve net zero in carbon emissions in line with current Government policy, rather than that modelled, which applied national growth figures. We [[EV-015](#), [EV-039](#), [PD-009](#), [PD-012](#), [PD-017](#)] explored these in our questioning.
- 5.2.66 The Applicant [[REP1-043](#), [REP2-021](#), [REP3-020](#), [REP3-021](#), [REP3-028](#), [REP4-008](#), [REP5-021](#), [REP5-022](#), [REP6-017](#), [REP7-025](#), [REP7-026](#), [REP8-018](#), [REP8-019](#), [REP9-027](#), [REP10-010](#), [REP11-010](#), [REP12-022](#), [REP12-023](#), [AS-011](#)] explained the modelling process, the reason for the perceived anomalies in flows, and the uses to which data collected during the COVID-19 pandemic period were put. It said that the traffic modelling had been developed, calibrated and validated in accordance with TAG.

- 5.2.67 The Applicant explained that the traffic model was a conventional equilibrium assignment model that equated user benefits, in terms of travel costs consisting of value of time and vehicle operating cost, for any alternative routes between any given origin and destination. Traffic was assigned to a route based on the inputting of several factors and the model would continue to run until there is an equilibrium state. Whilst the algorithms which the modelling program uses were readily transparent, the methodology was widely used by transport modellers. The Applicant [[AS-011](#)] clarified how the model assigns traffic to the road network
- 5.2.68 In relation to the use of alternative traffic growth to a 'Do-Minimum' scenario that achieves a vehicular use trajectory reflecting reduced vehicle usage to achieve net zero by 2050, the Applicant said there was no approved growth figures for inputting into the model. Any 'Do-Something' model would use the same data to produce a comparison between the with and without the Proposed Development scenarios.
- 5.2.69 The modelling used the current National traffic growth projections in the National Trip End Model to predict flows on the modelled network. Not only was this the latest practice, but by using a standard data base different schemes on the network can be assessed against each other on an equal footing. Unless, and until, a new set of traffic growth data was available, the method used was said to be a routinely recognised assessment method.
- 5.2.70 The degree to which bus travel contributes to trips in the area was considered by the Applicant to be limited and it exercised professional judgement to restrict its consideration of it in any great detail.
- 5.2.71 We, including at ISH2 [[EV-015](#)], questioned the geographical scope.
- 5.2.72 The Applicant explained its reasoning behind the extent and detailing of the model. It said that the coverage of the strategic traffic model extended to both Manchester and Sheffield, but those cities were not included in the detailed traffic modelling area. The city areas were modelled in less detail. The Applicant considered that approach appropriate. It said that any rerouting of traffic within either of the cities would be likely to be minimal and spread across the dense road network within them. The changes in traffic flows on any individual street in Manchester or Sheffield were considered unlikely to be material to the assessment. The Applicant said that the wider effects of the Proposed Development were reflected in the modelling as it covers an extensive area of the north of England.
- 5.2.73 In contrast, to the east of the Proposed Development route options were more limited, being constrained within the valleys. Preliminary studies indicated issues that required more detailed analysis, including a degree of transference of trips off the A57 and main roads, or 'rat-running'. The modelling was refined, and new links added so that the model would more accurately reflect events on the ground.
- 5.2.74 Whilst the detail of the modelling within the Glossop area continued to be limited and did not model every road as a link, DCC agreed that, whilst it was possible to refine the model further, on balance the level of modelling within the Glossop area was acceptable. TMBC confirm [[REP5-031](#)] that it did not have any remaining areas of dispute concerning the scope and

detailing of the traffic model and considered that the level of detailed modelling provided for both Manchester and Sheffield was appropriate. TMBC further advised that it considered that more detailed modelling would not be appropriate for Manchester and Sheffield.

- 5.2.75 The Applicant considered that the development, calibration, and validation of the traffic model was undertaken in full accordance with the DfT's TAG applicable at the time and passed the necessary TAG criteria for validation, which must be met to ensure that the baseline model accurately represents the operation of the existing road network. The traffic model was subject to the Applicant's quality assurance process undertaken by an independent team. The Applicant considered that the TAR [[APP-185](#)] was prepared in accordance with best practice and provided an appropriate amount of information to enable the Proposed Development to be assessed.
- 5.2.76 CPRE PDSY [[REP9-040](#)] acknowledged that the model "*may be internally robust for traffic assignment*" but still considered it as "*unsuitable for assessing travel as a whole*". Disagreement remained between the Applicant and Interested Parties (IPs) over the transport modelling.

Conclusions on the transport model

- 5.2.77 Traffic modelling is not a precise science, and a model is normally only a best estimate of the future operation of the network. We are satisfied by the Applicants explanations of perceived anomalies and reasons for gathering additional data during 2020/21. We do not consider that the reasons for which data was gathered at that time, or its limited use in the modelling undermines the integrity of the Applicant's modelling.
- 5.2.78 Given the above we consider that the traffic model is sufficiently robust and provides the best indication of how future traffic would use the road network in response to changes arising from the Proposed Development's implementation, whilst accounting for forecast traffic growth and other committed future modifications to the road network.
- 5.2.79 Noting the dialogue between the Applicant and the LHAs [[REP9-010](#), [REP9-020](#), [REP12-009](#)], we are content that NSPNN paragraph 5.204 is satisfied.
- 5.2.80 The implications of changes to traffic due to the Proposed Development that were identified by the traffic modelling are considered below.

Traffic flows, congestion, and delay

- 5.2.81 The Proposed Development would take traffic away from the residential streets of Hyde Road, Mottram Moor, Woolley Lane and the Hyde Road / Mottram Moor / Stalybridge Road / Market Street, Back Moor / Mottram Moor, Mottram Moor / Woolley Lane / Market Street (Gun Inn) and Woolley Lane / Woolley Bridge / Woolley Bridge Road junctions and improve capacity at M67 Junction 4 by segregating out traffic.
- 5.2.82 The Applicant [[REP11-010](#) Q3.6] said that the Proposed Development would consequently reduce overall delays within and in the immediate vicinity of the SRN through Mottram, Hollingworth and Tintwistle, and on the sections of the A57 that do not form a part of the SRN in Hollingworth. This

reduction in congestion would be anticipated to improve journey time and reliability on the SRN between Manchester and Sheffield. Many local trips would benefit from the overall increase in the capacity of the junctions, which would also resolve conflicts between local traffic and SRN traffic movements. Benefits are recognised in TMBC's LIR [[REP2-047](#)].

- 5.2.83 The reduction in congestion was anticipated to draw traffic from other roads [[REP2-021](#) Q3.6(c)], resulting in other areas experiencing increases in flow, and possible congestion, particularly within residential streets in Glossop and settlements to the east the A57 and PDNP. That was raised as an issue by DCC [[REP2-045](#)], HPBC [[REP2-046](#)] and PDNPA [[REP2-048](#)] and by other IPs including Stephen Bagshaw [[REP2-088](#), [REP2-089](#), [REP4-027](#), [REP4-029](#), [REP9-051](#)], CPRE PDSY [[REP5-029](#)] and Daniel Wimberley [[REP2-072](#), [REP5-039](#), [REP5-040](#), [REP6-034](#), [REP8-035](#), [REP9-044](#), [REP9-045](#)]. The junction of Shaw Lane with Brookfield and Dinting Vale, the latter both forming part of the A57 which is not a part of the SRN, was identified as a particular concern by DCC [[REP2-045](#)] and others. We consider this below.

Effects within the DCO boundary

- 5.2.84 The Proposed Development seeks to address a traffic bottleneck in Mottram by diverting traffic from the existing A57(T) and Woolley Lane onto two new road links.
- 5.2.85 In the TAR [[APP-185](#)] the Applicant identifies savings in journey time within the DCO boundary resulting from relieving congestion through Mottram, Hattersley and Woolley Bridge. The benefits accrue, in the main, from relieving congested junctions within Mottram, improving the flow through Junction 4 of the M67, thereby resulting in capacity benefits and reducing delay. The Applicant said that there would be improvements for non-motorised users, some of which would cause delays to motor vehicles.

Effects on the wider network

- 5.2.86 HPBC and DCC [[REP2-046](#), [REP2-045](#)] identified increased journey times within the Glossop area for drivers making local journeys not using the new link roads, suggesting disbenefits for those road users.
- 5.2.87 CPRE PDSY [[REP2-069](#), [REP4-031](#), [REP5-028](#), [REP8-034](#), [REP9-040](#), [REP10-013](#), [REP11-022](#), [REP12-033](#)] raised concerns about increased use of the M67 to the west of the Proposed Development and overall delays on the network between Manchester and Sheffield. Concerns centred around whether the overall journey times between Manchester and Sheffield were reflected in the model and its data output, validated and whether these showed a benefit. It said that journey time reliability did not necessarily mean that benefits would accrue from reduced journey times and that a true assessment of the benefits had not been made. CPRE PDSY questioned the reliability of the do minimum (DM) scenario junction model for M67 Junction 4 as the modelled performance showed little queuing, whilst at times queuing was evident. We [[PD-009](#) questions 3.1 and 3.2] sought to verify whether the model predicted overall journey time savings, where these were gained, and any disbenefits that would offset them.

- 5.2.88 The Applicant [[REP2-021](#), [REP3-018](#), [REP5-022](#), [REP10-010](#)] responded to our concerns and those expressed by HPBC, DCC and CPRE PDSY. It said that there were some routes where journey times were forecast to increase due to the Proposed Development, but that the overall improved journey times offset those disbenefits. The Applicant further explained that the modelled road network captured the changes in journey times for all vehicles across the whole of the modelled road network and that the model was calibrated in accordance with industry best practice. Travel between zones in most of Manchester were anticipated to be largely unaffected by the Proposed Development, whilst journeys passing through the area of detailed modelling, which would be those journeys that are most relevant, were accounted for within the model.
- 5.2.89 The Applicant explained their reasoning in linking journey times to reliability and said that delays due to minor fluctuations in traffic demand vary significantly as a junction's demand approaches or exceeds capacity.
- 5.2.90 The Applicant said that, of the total travel time benefits delivered by the Proposed Development, approximately 6% came from trips between Manchester and Sheffield. A further 10% came from trips starting or ending in Manchester or Sheffield with the other end of the trip being in the corridor between those cities. The bulk of the remaining benefits were for more localised journeys in the vicinity of the Proposed Development. The Proposed Development was forecast to deliver time savings of approximately five minutes for journeys between Sheffield and Manchester.

Effects in Glossop and nearby settlements

- 5.2.91 Concerns were expressed about increased traffic flows and journey times on the A628 through Hollingworth and Tintwistle, the A57 through Glossop, and residential streets in Glossop. Those were voiced by, amongst others:
- HPBC and DCC [[REP2-046](#), [REP2-045](#)];
 - Peter Simon [[REP2-082](#), [REP4-026](#), [REP7-042](#), [REP8-039](#), [REP9-049](#), [REP11-024](#), [REP12-042](#)];
 - Daniel Wimberley [[REP2-072](#), [REP5-039](#), [REP5-040](#), [REP6-034](#), [REP8-035](#), [REP9-044](#), [REP9-045](#)];
 - Stephen Bagshaw [[REP4-027](#), [REP9-051](#)];
 - CPRE PDSY [[REP2-069](#), [REP2-090](#), [REP3-031](#), [REP5-028](#), [REP5-029](#), [REP7-036](#), [REP10-012](#), [REP12-033](#)];
 - Sharefirst My Journey to School (SMJTS) [REP2-085](#), [REP4-014](#), [REP8-041](#), [REP9-050](#)]; and
 - High Peak Green Party [[REP2-076](#)].
- 5.2.92 Concerns related to increases in traffic forecast in Hadfield Road, Park Road, Cemetery Road, Shaw Lane, and Dinting Road (the 'alternative routes') and on the A628 through Tintwistle, and the effects of that increased traffic on the amenity of residents. Most submissions echoed the issues raised by HPBC and DCC or raised concerns about traffic modelling or alternatives

that we consider above. This part of the report considers congestion. Effects on residential amenity are considered later in this chapter.

- 5.2.93 John Pasiiecznik [[RR-0436](#), [REP2-077](#), [REP4-023](#)] Mark Pugh [[RR-0571](#)], Lisa Hopkinson [[RR-0526](#)], Kevin Knott [[RR-0497](#)] and Sharon Jones [[REP1-052](#)] raised concerns that the Proposed Development would not address congestion on the A628 through Hollingworth and Tintwistle. CPRE PDSY [[REP2-069](#), [REP12-033](#)] raised concerns about increased use of the M67.
- 5.2.94 During our unaccompanied site inspections (USIs) [[EV-001](#), [EV-012](#), [EV-061](#)], we visited the above mentioned roads to observe traffic flows, conditions on the streets and pedestrian and cycle movement. During our inspections we observed locations where on-street parking restricted two-way flow, the routes used by schoolchildren to cross roads, and the operation of the Brookfield / Shaw Lane / Dinting Vale junction.
- 5.2.95 Comparing the 'Do Something' (DS) and DM scenarios, the traffic model [[APP-151](#)] indicated an additional annual average daily traffic (AADT) flow of 950 vehicles through Tintwistle in 2025, rising to 1,100 in 2040.
- 5.2.96 The traffic model [[APP-151](#)] indicated that, in design year (2040) traffic flows through the centre of Glossop would remain similar for the DM and DS scenarios, even showing a slight decrease. However, traffic would increase on the alternative routes and side streets.
- 5.2.97 We [[PD-017](#)] asked DCC to comment on the IP's concerns [[REP11-012](#)] about the impacts of traffic growth on Shaw Lane and Dinting Road, the potential need for improvements, and the implications of on-street parking on Shaw Lane for two-way traffic movements. DCC considered that the increases in traffic due to the Proposed Development on Shaw Lane and Dinting Road would be largely imperceptible, although it was considering a review of the signalling at the A57 / Shaw Lane junction and the need for a formalised pedestrian crossing near Glossopdale School. DCC referred to the significant levels of on street parking which it considers deters through traffic and was also of the view that vehicles generally using the side roads in Glossop because they had a trip end within those areas.
- 5.2.98 The Applicant [[REP2-021](#), [REP6-017](#), [REP8-019](#), [REP11-010](#)] considered that forecast traffic flows across the modelled road network represented a reasonable and appropriate worst-case scenario for the assessment of impacts through Glossop and on roads outside the DCO boundary.
- 5.2.99 The Applicant provided a Select Link Analysis [[REP9-029](#)] for Shaw Lane and Dinting Road. This indicates that the traffic using Dinting Road in the 2025 DM scenario would be a mix of local traffic and strategic traffic drawn from a wide area using routes such as the M67 and, to a lesser extent, the A57 Snake Pass and Roe Cross Road. It considered that Dinting Road was a viable alternative route for journeys between the A57 Snake Pass / Glossop and the M67 due to congestion on Glossop High Street in the DM scenario. The traffic volumes were said to stay the same with in the DS scenario but there was forecast to be approximately a 50% increase in the two-way flow on Dinting Road over a 12-hour period, equating to approximately one additional vehicle per minute. That was attributed to more trips being

made because of improved journey times and Dinting Road presenting a viable alternative route when there was congestion on Glossop High Street.

- 5.2.100 Peter Simon [[REP2-082](#), [REP4-026](#), [REP7-042](#), [REP8-039](#), [REP9-049](#), [REP11-024](#), [REP12-042](#)] raised concerns that the predicted additional use of side roads such as Shaw Lane and Dinting Road would result in the Proposed Development becoming a 'bypass' for the A57. In that regard it was contended that parked cars, the operation of bus services and the geometry of junctions made increased usage implausible.
- 5.2.101 Similar concerns were raised by other IPs including Stephen Bagshaw [[REP2-088](#), [REP4-029](#)], SMJTS [[REP4-014](#), [REP11-025](#)], CPRE PDSY [[REP9-042](#), [REP12-033](#)] and Daniel Wimberley [[REP5-040](#), [REP9-044](#)]. Stephen Bagshaw identified the locations of future developments along the routes and various locations on the Shaw Lane and Hadfield Road routes where he considered its increased use would be impractical or hazardous.
- 5.2.102 The Applicant [[REP3-020](#), [REP5-022](#), [REP8-018](#), [REP9-027](#), [REP10-010](#), [REP12-023](#)] advised that the traffic model had been calibrated and validated using observed traffic data and that the assessment followed the principles in DMRB LA 105. It also explained how the model assigned traffic to alternative routes and considered that it had made accurate forecasts for the changes in traffic flows arising from the Proposed Development on the A57 and the alternative routes. It said that there was no requirement to discourage traffic from using the alternative routes and there would not be any significant adverse effects requiring mitigation to be applied to them. The Applicant clarified that the purpose of the Select Link Analysis [[REP9-029](#)] was to show where traffic using Dinting Road came from and was going to, both with and without the Proposed Development. It considered that it had undertaken an appropriate and proportionate assessment of the impacts for the alternative routes and noted that DCC [[REP11-012](#)] had no remaining concerns in this regard.
- 5.2.103 DCC [[REP2-045](#)] raised concerns regarding the impact on capacity of the Brookfield / Shaw Lane / Dinting Vale junction (the Shaw Lane junction). The Applicant [[REP3-018](#)] said that the Shaw Lane junction was forecast to operate over-capacity in the opening year, but that even in the DM scenario it would be very close to its capacity. It considered that, irrespective of the Proposed Development, the Shaw Lane junction should be considered for operational improvements and committed to liaising with DCC to investigate viable alternative solutions.
- 5.2.104 With this in mind, we [[EV-039](#)] investigated the potential for resolving capacity concerns at the Shaw Lane junction and the likely scope of possible works. DCC [[REP8-023](#)] responded that it considered it appropriate to review the traffic flow forecast through this junction, and in consultation with the Applicant explore the scope for a system of linked signalling arrangements with the proposed new junction on Woolley Lane in order to manage the traffic entering Glossop on the A57. The Applicant and DCC [[REP9-020](#) item 9.10] agreed that approach should be followed. DCC identified an underlying concern that any significant increase in the A57's capacity through Glossop may have the effect of drawing further traffic onto the route and so it would be seeking a minimal solution at the junction.

- 5.2.105 Stephen Bagshaw [[REP9-051](#)] identified the land constraints around the Shaw Lane junction and the restricted opportunities to improve its capacity, and was concerned whether the improvement of the Shaw Lane junction would result in A57 traffic being drawn to the alternative routes.

Routes across PDNP

- 5.2.106 PDNPA [[REP2-048](#), [REP2-055](#)], Daniel Wimberley [[REP5-040](#), [REP6-034](#), [REP9-045](#)], CPRE PDSY [[REP2-069](#), [REP2-090](#), [REP3-031](#), [REP5-029](#), [REP12-033](#)], Bamford with Thornhill Parish Council [[REP2-060](#)], Charlotte Farrell [[REP2-063](#), [REP5-027](#)], the Campaign for National Parks [[REP2-049](#)], and High Peak Green Party [[REP2-076](#)] expressed concerns about the predicted increases in traffic through PDNP, including the A57 Snake Pass, A628 Woodhead Pass, and the A6013 through Bamford. During our USIs [[EV-001](#), [EV-012](#) and [EV-061](#)] we visited those routes and observed traffic flows, road conditions, and pedestrian and cycle movements.

- 5.2.107 The Applicant [[REP2-021](#), [REP6-017](#), [REP8-019](#), [REP11-010](#)] considered that forecast traffic flows across the modelled road network represented a reasonable and appropriate worst-case scenario for the assessment of traffic-related impacts across the PDNP. It [[REP5-021](#), [REP9-027](#), [REP10-010](#), [REP12-022](#), [REP12-023](#), [AS-011](#)] also advised that:

- the methodology used to create the traffic model was compliant with TAG and utilised the most up to date traffic forecasts. No alternative approach recognised or endorsed by DfT to the forecasting, modelling and assessment of the Proposed Development was available;
- the additional traffic using the alternative routes would be of a magnitude that did not warrant additional specific consideration; and
- the methodology involved the comparison of effects predicted through modelling with and without the Proposed Development, rather than a comparison with the baseline.

- 5.2.108 Bamford with Thornhill Parish Council [[REP2-060](#)] and Charlotte Farrell [[REP2-063](#), [REP5-027](#)] were concerned about the potential for effects in Bamford. The Applicant [[REP3-020](#)] explained that the modelling indicated that the traffic flow on the A6013 through Bamford would marginally reduce by 1% compared to the DM scenario and that the TAR demonstrated that the Proposed Development would not result in increases in traffic on roads in the PDNP sufficient to trigger the need for mitigation.

- 5.2.109 PDNPA [[REP2-048](#), [REP2-055](#), [REP4-012](#), [REP11-016](#), [REP12-014](#)] raised concerns about conflicts with national and local policy. These were echoed by CPRE PDSY [[REP2-069](#), [REP4-015](#), [REP5-028](#), [REP9-042](#), [REP12-033](#)]. The concerns centred around the requirements of paragraph 5.152 of the NPSNN, Policy DMT1 of the PDDMP and Policies T1 and T2 of the PDCS.

Other matters

- 5.2.110 SMJTS [[REP2-085](#)] and others contended that routing traffic, particularly HGVs, so as to avoid Glossop and the A57 Snake Pass and remain on the SRN, would help to address issues of increased traffic on the A57.

- 5.2.111 At ISH3 [[EV-039](#)] we explored the potential for affecting the choice of routes using an enhanced signing strategy. The Applicant [[REP8-019](#)] commented that the existing signing strategy for vehicles travelling between Sheffield and Manchester encourages the use of the SRN by directing drivers to use the A628 and drivers are directed towards the A57 only for Glossop. It considers that the increasing reliance on satellite navigation systems is reducing the effectiveness of signage guidance. The Applicant suggested that the public did not differentiate between the SRN and other A-roads. As the A57 and A628 are both A-roads, the Applicant was of the view that there would be no significant benefit in seeking to revise the messaging for drivers. The Applicant confirmed that the signing strategy proposed for the Proposed Development would direct drivers travelling to Sheffield to use the SRN (A628).
- 5.2.112 During ISH3 the local authorities generally agreed with the Applicant's position. TMBC [[REP8-027](#)] later confirmed that they agreed with it.
- 5.2.113 CPRE PDSY [[REP9-039](#)] drew attention to an email between TfGM and the Applicant. In that email, TfGM supported the Proposed Development, but noted that it would only bypasses Mottram and that *"the question of Hollingworth / Tintwistle is still open"*. It noted that *"GM doesn't yet have a firm commitment to this (though informally it falls into the limited category of road schemes we are not necessarily averse to) – but either way Mottram needs to be done in a way that it is future proofed ie allows for a future which includes the H-T bypass."*
- 5.2.114 Other IPs, including Sharon Jones [[REP1-052](#)] and John Pasiecznik [[REP2-077](#), [REP4-023](#)], said that the Proposed Development would not address perceived issues in Hollingworth and Tintwistle and that a full bypass of Mottram, Hollingworth and Tintwistle was needed.
- 5.2.115 We [[PD-017](#) question 3.5] asked whether the design of the Proposed Development would be in conflict with providing a bypass for Hollingworth and Tintwistle. The Applicant [[REP11-010](#)] responded that any further development to deliver an improvement to the wider areas of Hollingworth and Tintwistle would need to be considered in a future Road Investment Strategy (RIS) round and would need to take account of the Proposed Development. In the SoCG with TfGM [[REP12-009](#) item 10.9] it is stated that the *"scheme is about removing current issues of congestion and environmental effects in the village of Mottram; is standalone and not part of any wider transport improvements along the A57 / A628 corridor. There are further studies looking to assess Trans-Pennine connectivity between Manchester and Sheffield, which sit outside the scope of the current scheme"*.
- 5.2.116 CPRE PDSY [[REP12-031](#)] questioned the need for works in the vicinity of Mottram Moor of the proposed scale if a full bypass were to be provided.
- 5.2.117 During the feasibility studies [[REP2-005](#) ES Chapter 3], severe weather causing road closures and affecting journey time reliability was identified as a key problem on the routes between Manchester and Sheffield. Early in the Examination the National Trust (NT) [[REP2-079](#)] raised concerns that increased traffic movements on the A57 Snake Pass would increase the

frequency of closures for maintenance. Initially the Applicant [[REP3-020](#)] responded that this was a matter between DCC and the NT.

- 5.2.118 During ISH2 [[EV-015](#) Agenda Item 7] we sought clarification as to whether an increase in frequency and / or duration of closures would increase as an indirect result of increases in traffic movements associated with the Proposed Development. The discussion around this issue is dealt with in detail in Section 5.9 of this report.
- 5.2.119 A number of representations [such as [RR-0677](#), [REP8-033](#)] have expressed concerns that building the Proposed Development would, of itself, encourage car trips and this would undermine congestion benefits. The Applicant [[REP1-042](#)] responded that total vehicle kilometres across the appraised road network would be effectively the same with the Proposed Development as without it. This indicated that the Proposed Development was not forecast to induce additional traffic on to the road network and that increases in traffic flows on some roads due to the Proposed Development are balanced out by reductions on other roads because of rerouting or redistribution of some journeys.

Conclusions on traffic flows, congestion and delay

- 5.2.120 The Applicant provided detailed responses to IPs concerns about the assessment of overall delay on the network and how this related to journey time reliability. It concluded that significant adverse effects on congestion, traffic flows and journey times due to the Proposed Development had been identified appropriately. DCC agreed, TMBC had no remaining concerns, and we have no reason to disagree. We find no compelling evidence of a lack of background data for an adequate comparison to be made between the prevailing situation and the effects of the Proposed Development.
- 5.2.121 From the submitted information we consider that the Applicant carried out an appropriate and proportionate assessment of any delays associated with the Proposed Development. That assessment is sufficient to demonstrate to us that the relief of congestion at specific junctions within the DCO boundary would result in overall time savings for journeys between Sheffield and Manchester. We conclude that, in relieving those congestion bottlenecks and increasing capacity through the junctions, the Proposed Development would reduce uncertainty for travellers about the delay encountered at those junctions and allow them to make better judgements about their overall journey times. Whilst journey time saving for the overall journey between Manchester and Sheffield would be modest, they would be made across large numbers of trips.
- 5.2.122 The modelling demonstrates that traffic would be drawn onto the A628 through Tintwistle and over Woodhead Pass, and the A57 through Glossop and over Snake Pass by reducing congestion around Mottram. This would attract journeys from elsewhere on the highway network. Benefits to capacity at the Gun Inn junction would be offset by improved WCH facilities. We consider the balance of the changes to journey times and congestion in the round and the level of congestion identified in Tintwistle does not change our conclusion regarding the overall benefits of the Proposed

Development. More local journeys that are unable to make use of the new road are likely to suffer from increased journey times.

- 5.2.123 Eastbound traffic from the proposed Mottram Moor Link Road would join the existing A57 (Mottram Moor) east of a new signalised junction. This traffic would continue on to Hollingworth along the A628 crossing the Gun Hill junction, through Tintwistle and over the Woodhead Pass. That traffic would mix with local traffic drawn onto the route.
- 5.2.124 During our USIs [[EV-001](#), [EV-012](#), [EV-061](#)] we observed traffic queuing to get onto M67 Junction 4. We saw traffic queuing back along Hyde Road and obstruct the circulatory flows within the roundabout, affecting the ability of other drivers to enter it. Having regard to the Applicant's modelling for this roundabout junction and our observations of how it is currently performing, we consider that the introduction of traffic signals would be likely to improve the operational efficiency of this junction.
- 5.2.125 Differing views were expressed about the extent to which traffic on the A57 would divert along alternative routes, including Shaw Lane and Dinting Road, away from the centre of Glossop. There were many concerns that insufficient consideration had been given to restrictions to traffic flow on the alternative routes, that their use would be significantly less than had been assessed, and that the traffic on the A57 through the centre of Glossop would be greater. Those concerns were supported by some evidence that the traffic model had not been directly validated against the constraints. On the other hand, the Applicant was confident that its modelling was appropriate for the identification of significant effects and that the Select Link Analysis [[REP9-029](#)] demonstrated that the main alternative route would be used by vehicles passing through the area. Meanwhile HPBC maintained its concerns and DCC considered that significant levels of on street parking acted as a deterrent to through traffic and that vehicles using the side roads in Glossop did so because they had a trip end within the area in question. We observed the traffic flows and the constraints during our USIs [[EV-001](#), [EV-012](#), [EV-061](#)].
- 5.2.126 Earlier in this section we note that traffic modelling is not a precise science and that a model normally is only a best estimate of the future operation of a network. We consider that the traffic model modelling is sufficiently robust and provides an appropriate basis for understanding how future traffic demand would be accommodated with the Proposed Development.
- 5.2.127 On balance, taking account of our own observations and the evidence provided by the parties, we find the Applicant's argument that some through traffic from the A57 would be likely to divert to alternative routes reasonable, particularly when the A57 was subject to high levels of use. Although the constraints on the alternative routes appear not to have been modelled in detail, we are not persuaded that those constraints would lead to journey times or traffic flows differing significantly from those identified in the model. We consider that a reasonable worst-case assessment of the number of vehicles using the alternative route was carried out.

- 5.2.128 We have also considered the alternative scenario where greater numbers of journeys are made through the centre of Glossop. This would be likely to result in increased traffic and delays on that route.
- 5.2.129 More traffic might use Glossop High Street (A57) than predicted, altering the balance of benefits and disbenefits between the alternative routes and the A57. Excessive delays on Glossop High Street would tend to encourage the use of the alternative routes and so, in effect, the balancing exercise carried out by the modelling would be realised. On this basis we consider the overall traffic flows, resultant congestion and journey times as modelled provide a reasonable basis for assessing the Proposed Development.
- 5.2.130 Regarding the A57 Brookfield / Shaw Lane / Dinting Vale North junction, the Applicant and DCC agreed that the likely scope of the works needed to address junction capacity would be limited to linking the operation of some of the traffic signals on the A57 with another through Glossop. While we note concerns regarding the limited availability of land around the junction to provide physical works, no such requirement was identified in implementing the likely solution identified by the Applicant and DCC. We note DCC's concerns regarding the potential for traffic to be drawn into Glossop by increases in capacity along that corridor. On balance, the approach identified by the Applicant and DCC appears to us to provide an appropriate way of addressing junction capacity through Glossop.
- 5.2.131 There were many representations regarding the acceptability, or otherwise, of an increase in traffic on roads within PDNP. However, other than specific concerns about projected flows through Bamford these relate, in the main, to environmental effects such as severance, air quality and the fundamental purposes of PDNP (which are dealt with elsewhere in this chapter) rather than road capacity or journey times within PDNP. Having considered the various submissions we consider it unlikely that the Proposed Development would have any significant adverse effects on Bamford.
- 5.2.132 Issues related to the stability of the road are considered within Section 5.9, and it will be seen that we find no evidence that the fabric of the road would become less stable because of the Proposed Development.
- 5.2.133 Generally, we consider there is limited evidence demonstrating that there would be any unacceptable increases in congestion or delay within PDNP arising from the Proposed Development.
- 5.2.134 With respect to policy considerations, no works are proposed for within the boundary of PDNP. Accordingly, the strong presumption against undertaking any significant road widening or new road building in a National Park under paragraph 5.152 of the NPSNN does not apply in this instance.
- 5.2.135 The Applicant argued a compelling national need for the Proposed Development, that it is in the overall public interest, and would provide long-term local transport benefit albeit those benefits would not relate to PDNP. The Proposed Development would increase traffic on roads within PDNP and no long-term net environmental benefit within PDNP or long-term net economic benefit for PDNP was demonstrated. While the Proposed Development would not comprise works within the PDNP, and therefore

would not conflict with Policy DMT1 of the PDDMP, it would increase cross-park traffic and thus be in tension with Policies T1 and T2 of the PDCS.

- 5.2.136 Based on the submitted evidence we are satisfied that junction capacities have been appropriately assessed and would provide sufficient capacity to accommodate the traffic generated by the Proposed Development. In addition, we are satisfied that no further benefit would accrue from enhanced signage on the network beyond that proposed.
- 5.2.137 We have sought to establish whether the design of the Proposed Development would preclude the construction of a longer bypass at a later date for Hollingworth and Tintwistle. The Proposed Development has been identified as a standalone scheme, addressing issues for Mottram and, to a degree, Hollingworth. Whilst the Proposed Development would involve construction of works that might become unnecessary should a longer bypass be constructed, there is no evidence before us suggesting that what is now proposed would be excessive. Nor is there any delivery method identified for a longer bypass at the current time. We therefore find that the works comprising the Proposed Development are relevant and necessary for its delivery, but not excessive.
- 5.2.138 Drawing these matters together we find that the Proposed Development would, by increasing network capacity between M67 Junction 4 and Woolley Bridge, address specific congestion points on the SRN and provide substantial net benefits in terms of relieving congestion and providing improved journey time reliability on a principal route between Manchester and Sheffield. The Proposed Development thereby accords with the overarching policy objectives in paragraphs 2.2, 2.3, 2.4, 2.6, 2.12, 2.13 and 2.14 of the NPSNN. The Proposed Development tackles the specific issue of congestion in Mottram; however, the scale of the solution is sufficient without providing capacity for unrestrained growth and therefore gains support from paragraph 2.24 of the NPSNN.
- 5.2.139 We find that no material conflict between the Proposed Development and paragraph 5.152 of the NPSNN or Policy DMT1. We find that there is conflict with policies T1 and T2 in PDNPA's Development Plan as the Proposed Development would be likely to increase traffic across PDNP.

Traffic management during the construction phase

- 5.2.140 During the Examination we considered the effect of construction work on the movement of traffic, including WCHs. Matters of highway safety during the construction phase are considered within this section of the report.
- 5.2.141 Whilst the Proposed Development would mostly be built offline, there would be a need to tie existing roads into the new works. Several public rights of way (PRoW) cross the line of the Proposed Development. There is no dispute between the parties that delays would arise during the works. Delays would impact adversely on public transport journey times and business costs, as well as costs to the general travelling public in terms of delays. The temporary closure or diversion of PRoW crossing the site may deter their use and reduce active travel, with an adverse effect on human health.

- 5.2.142 TMBC [[REP2-047](#)] expressed concerns about the potential for disruption on local roads, delays and impacts on local amenity for residents, including due to contractor parking during the construction phase.
- 5.2.143 Paul Saunders [[RR-0667](#), [REP2-081](#)] raises detailed concerns regarding delays, citing recent works within the DCO boundary that resulted in delays associated with their traffic management. Peter Allan [[RR-0681](#)], Joan Rutherford [[RR-0414](#)] and Ray Collins [[RR-0725](#)] raised more general concerns, querying whether the benefits of the Proposed Development justify the disruption that the construction works would cause.
- 5.2.144 We sought clarification [[PD-009](#)] regarding how the LHAs would be able to contribute to the development of the TMP and what measures would be put in place to review the traffic management measures to ensure that they would be appropriate, would accommodate vulnerable users and minimise delays on the SRN and the local network. We investigated how the public would be able to raise concerns about safety.
- 5.2.145 The Applicant produced an Outline TMP, to be secured under Requirement 4 of the draft DCO (dDCO) [[REP12-002](#)]. This would include, amongst other things, proposals for routing construction and delivery traffic, temporary footpath diversions and closures during the works. Through the TMP consultation with the LHAs for traffic management during the works and any necessary updating of the TMP during the life of the works would be secured. Further, Requirement 4 of the rDCO (Appendix D) secures a Community Engagement Plan, a Nuisance Management Plan, a Site Waste Management Plan, a Materials Management Plan, and a Soil Resource Plan. These provide a framework for the public to report concerns and issues and for minimising disruption from traffic movements associated with construction.
- 5.2.146 The LHAs [[REP5-031](#), [REP5-034](#), [REP9-010](#), [REP9-020](#)] expressed general satisfaction with the various management plans, albeit that they are currently in outline form and would need to be finalised in complying with Requirement 4 of the dDCO, supplemented by the existing permitting systems for highway works operated by the LHAs.

Conclusions on traffic management during the construction phase

- 5.2.147 There would be disruption to traffic during the construction phase. However, we find that the embedded mitigation measures to be stated in the various management plans, including the TMP and secured via Requirement 4 of the dDCO would provide adequate mitigation for the effects of the construction traffic during the construction phase.
- 5.2.148 Nonetheless, whilst the impacts would be minimised, a degree of disruption would be inevitable and an adverse impact on journey times would remain, affecting public transport journey times, business costs, and costs to the general travelling public. Further risk of accidents cannot be eliminated, only reduced by management. Residual adverse impacts would remain. Given the scale of the works interfacing with the public realm and their duration, these effects are limited, and we consider the overall remaining impact from construction traffic to be slight adverse. We consider that the

mitigation proposed is appropriate and proportionate to the scale of the harm identified. A residual adverse effect would remain.

Walkers, cyclists and horse riders (WCH)

- 5.2.149 The effects on WCH during construction have been considered above.
- 5.2.150 The Applicant carried out a WCH Assessment and it described the existing WCH facilities, together with the proposed changes [[REP2-016](#) Table 4-5]. The Applicant's traffic model predicts that the Proposed Development's opening would remove substantial numbers of traffic movements from Hyde Road, Mottram Moor and Woolley Lane [[APP-151](#) Inserts 1, 5, 9 and 13].
- 5.2.151 The Applicant submitted that it would be able to re-engineer the environment on Hyde Road to improve its use by WCH. The greatest alterations would be on Hyde Road and Woolley Lane as these roads are predicted to experience the most significant reductions in traffic numbers although the Applicant also identifies opportunities for improvements on Mottram Moor to the east of the proposed new junction.
- 5.2.152 The works to M67 Junction 4 would include additional facilities for pedestrians and cyclists. Alterations are also proposed at the Gun Inn junction to provide improved WCH provision. However, the Applicant expects that these WCH alterations would impinge on journey times saving for drivers of motorised vehicles.
- 5.2.153 The Proposed Development would include two wholly new junctions, one at Mottram Moor and one at Woolley Bridge. Those junctions would incorporate signal controlled crossing points, with the one on Mottram Moor including provision for horse riders.
- 5.2.154 Bridleways would run alongside the proposed links, connecting with existing or diverted PRoW. However, cycling on the dual carriageway between M67 Junction 4 and Mottram Moor would be prohibited for safety reasons. The link along the A57 Link Road between Mottram Moor and Woolley Bridge would link to Mottram to the Trans Pennine Trail which is National Cycle Network (NCN) Route 62.
- 5.2.155 CPRE PDSY [[REP7-036](#), [REP8-033](#)] raised concerns that, as no all-red phase would be provided at signal-controlled junctions, pedestrians would be subject to delays when using the crossing facilities and that this would engender frustration and increase the risk of accidents. It further considered that, as no assessment of pedestrian delays had been made, the monetised costs or benefits had not been assessed for them.
- 5.2.156 PDNPA [[REP2-048](#)] identified that PDNP is popular with leisure cyclists and raised concerns that increased traffic on roads, particularly the A57 Snake Pass and A628 Woodhead Pass, would create an unwelcoming environment and deter cyclists. It did, however, acknowledge that the A628(T) does have an alternative off-road route for those who do not wish to use the road in the Trans Pennine / Longdendale Trails.
- 5.2.157 TfGM, in its SoCG with the Applicant [[REP12-009](#) Reference 10.17] acknowledged that it considered there would be benefits to WCH users

resulting from the Proposed Development, but identify the need to build on potential benefits, identifying the A57 as a 'Streets for All' corridor and the need for a linkage to be made between the Gun Inn junction and local services.

- 5.2.158 The Applicant, in its SoCG with TfGM [[REP12-009](#)], commits to work with TMBC and TfGM on the final detailed designs, to ensure WCH schemes would be delivered that meet Streets for All principles and standards.
- 5.2.159 HPBC and DCC, in their combined LIR [[REP2-045](#), [REP2-046](#)], exhorted the Applicant to take advantages of opportunities to link the Proposed Development with the existing network of PRoW to gain maximum benefit.
- 5.2.160 TMBC [[REP2-056](#)] identified concerns regarding lack of a linkage to Roe Cross Road from the west.
- 5.2.161 We [[PD-009](#), [PD-012](#), [PD-017](#), [EV015](#)] sought to clarify details of how WCH would be accommodated, including the footway connections at M67 Junction 4 and around the Mottram Moor junction. We also sought to establish the deliverability of the intended changes on Hyde Road and Woolley Lane and at the Gun Inn junction. We also explored whether the WCH facilities would be appropriate for the level of use and if further provision could be made to satisfy aspirations of others.
- 5.2.162 The Applicant [[REP1-042](#), [REP2-021](#), [REP3-021](#), [REP4-008](#), [REP6-017](#), [REP11-010](#)] provided further details and updated the Work Plans [[REP11-002](#)], Rights of Way and Access Plans [[REP11-003](#)] and Scheme Layout Plans [[REP11-004](#)] where it considered that necessary.
- 5.2.163 The Applicant stated that the cycling provision had been designed in accordance with guidance in Local Transport Note 1/20. However, where that guidance would conflict with the Greater Manchester Active Travel Design Guide, any conflicts were resolved in favour of the local guidance. It said DMRB design criteria had been used for walking and horse riding.
- 5.2.164 In response to TMBC [[REP2-056](#)] concerns regarding WCH linkage from the west and aspirations to connect with cycling facilities on Roe Cross Road to be provided under an Active Travel Scheme, we queried whether a bridleway link could be provided from the northern side of the dual carriageway onto Roe Cross Road. The Applicant [[REP3-021](#), [REP4-008](#), [REP6-017](#)] explained the difficulties in linking directly to Roe Cross Road due to differences in levels between the dual carriageway link and Roe Cross Road. The Applicant explained that this movement would be catered for by improving the environment for cyclists on Hyde Road and by the improvement of an existing PRoW linking to Edge Lane, for which it would provide delivery support through the 'Designated Funds' scheme. TMBC [[REP5-031](#)] agreed that the topography may present an issue for future users.
- 5.2.165 The Applicant clarified that the works proposed on Hyde Road, Woolley Lane and to the Gun Inn junction are currently subject to consultation with TMBC, who are the LHA. There was discussion at ISH2 [[EV-015](#)] regarding the effects of those works on the wider area, DCC [[REP2-051](#)] having expressed concerns that they may lead to heavier use of alternative routes.

- 5.2.166 At ISH2 TMBC [[REP5-031](#)] confirmed that discussions regarding traffic management of Woolley Lane that would be self-enforcing in terms of vehicular speed and driver behaviour had commenced with the Applicant. TMBC also confirmed that there were traffic calming measures in place on residential streets to deter, and in some cases, physically prevent, them being used as cut throughs. TMBC considered that the closure of Woolley Lane or the banning of movements at the Gun Inn junction would result in significant diversions for local residents and would be unnecessarily disruptive for them. TMBC identified benefits to pedestrians from the junction improvement at Gun Inn and considered that the proposed works, in combination with the link roads themselves would effectively reduce use of Woolley Lane by motor vehicles.
- 5.2.167 DCC did not disagree with TMBC's views, and it was not overly concerned about the diversion of motor vehicles to avoid traffic calming measures. There was general agreement between the LHAs that banning movements from the Gun Inn junction to Woolley Lane would be counterproductive, in as much as may encourage the heavier use of the alternative routes. The Applicant [[REP4-008](#)] confirmed their confidence in the modelling, which indicated that traffic would divert away from Woolley Lane because of the benefits to journey times.
- 5.2.168 CPRE PDSY [[REP3-031](#), [REP4-031](#)] considered that there was no evidence to show that the proposed de-trunking of Hyde Road and the measures on Woolley Lane would be effective in preventing through traffic from using those roads. CPRE PDSY cited lack of enforcement by the police and its requirement that lower speed limits be self-enforcing. CPRE PDSY suggested that any queues visible to drivers at the Woolley Bridge junction would choose Woolley Lane to bypass the queue. CPRE PDSY considered that a similar effect would apply on the dual carriageway as drivers at the Mottram Moor junction would see the congestion and choose to rat run along Hyde Road.
- 5.2.169 The Applicant [[REP5-022](#)], in response to CPRE PDSY's comments, advised that the traffic management schemes were intended to be self-enforcing and that the traffic modelling assigned traffic on the basis of comparative benefits for users of the various available routes. The Applicant considered that the assignment of traffic in the traffic model, based on a combination of the quickest and lowest cost route, accurately represents the likely routing of traffic in response to the changes associated with the Proposed Development.

Other matters

- 5.2.170 The Peak and Northern Footpaths Society [[RR-0887](#)] raised a concern that the underpasses through which PRoW would be diverted would be perceived as ugly and intimidating.
- 5.2.171 DCC [[REP2-045](#)] identified potential added benefits for the Proposed Development were it to deliver active travel routes for schools through industrial sites. HPBC [[REP4-011](#)] drew attention to the ongoing development of a Glossop Gateway Masterplan, currently in draft form. HPBC submitted an extract of the draft masterplan to the Examination for

information following ISH2 [[REP4-011](#)]. The masterplan is intended to reinforce positive impacts arising from the A57 Link Roads project whilst helping to address any residual negative impacts. The masterplan aims, amongst other things, to deliver improvements to the 'Glossop Gateway'; to establish a 'green arc', an access and ecological corridor along the Glossop Brook and River Etherow providing a continuous walking and cycling route between Glossop town centre through to Woolley Bridge and Hadfield linking communities with facilities and employment and connecting with the Trans-Pennine Trail and Pennine Bridleway. The masterplan is only in draft form and no delivery method or funding was identified, but HPBC are in discussion with the Applicant.

Conclusion on walkers, cyclists and horse riders

- 5.2.172 The Proposed Development would provide controlled crossing facilities at the proposed junctions and improve facilities for pedestrians and cyclists at existing crossing points such as the Gun Inn junction. While not all the aspirations of equestrian users have been satisfied, we are content that the Applicant has made appropriate provision. Similarly, where potential WCH links have not been provided, we consider the Applicant applied reasonable endeavours to secure suitable alternatives. The Proposed Development would provide linkage to existing WCH networks and there would be an opportunity to build on that to improve modal choice, as we consider below.
- 5.2.173 While there would be delays for pedestrians while waiting for a crossing phase at traffic signals, safe crossings for pedestrians would be available. The design of such junctions is a balance of competing needs and in finding a suitable balance, some compromises cannot be avoided. We [[EV-001](#), [EV-012](#), [EV-061](#)] observed pedestrian movements during our USIs. Considering competing demands, we conclude that the proposed arrangements for pedestrian crossings at the signal-controlled junctions would be appropriate. Given the relatively low proportion of pedestrian trips in comparison to the total number of trips in the modelled area, we consider that this is unlikely to significantly affect the overall monetised benefits of travel.
- 5.2.174 Given the likely levels of WCH usage in the area we consider that the design parameters used, which would accord with the requirements of either DfT or TfGM guidance would be appropriate.
- 5.2.175 The Proposed Development provides an opportunity to improve the environment for WCH users in Mottram and Hollingworth. Doubts have been expressed by CPRE PDSY that speed management in the area would be effective, or that traffic would be deterred to the degree modelled. However, the proposed measures have been used elsewhere and we consider that there is no substantive evidence that those measures would be ineffective in this instance. Drivers observing queues at Mottram Moor Junction may take note of that, but any diversion would take them to the same junction via a longer, traffic managed route. We therefore consider there would be limited incentive to use Woolley Lane to avoid the Mottram Moor to Woolley Bridge Link. Traffic travelling to M67 Junction 4 would face a similar choice.

- 5.2.176 The proposals for Hyde Road and Woolley Lane, whilst yet to be finalised, would be likely to reduce the through-flow of motor vehicles and manage the speed of those continuing to use these roads. We consider that Hyde Road and Woolley Lane would be likely to become more pleasant and less threatening routes for WCH.
- 5.2.177 Underpasses, particularly in urban areas can present a threatening and unpleasant environment for pedestrians. The location of the proposed underpasses would, however, be more rural. We note that TMBC [[REP9-010](#) 5.3] and the Applicant have agreed that the underpasses would be lit. Leisure pedestrians are more likely to use the underpasses during the day or early evening. While underpasses can attract graffiti and other antisocial behaviour, we consider that, given the location and likely usage, the risk to safety would be more a perceived risk than an actuality.
- 5.2.178 Regarding the indirect effect of increased traffic across PDNP acting as a deterrent to leisure cyclists, we consider the effect of traffic increases on safety on these roads elsewhere within this section of our report. There is predicted to be an increase in traffic on the A628 Woodhead Pass and the A57 Snake Pass. These roads already experience a significant number of traffic movements, the A628 carrying larger numbers of motor vehicles with a higher proportion of HGVs. PDNPA have identified an alternative leisure route running parallel to the A628 and we consider that this would be a reasonable and convenient alternative for leisure cyclists to use if they considered the A628 unsuitable for their purposes. Given the traffic flows and mix, that is already likely to be the case. On the A57 there is no such alternative route, but again, in the absence of any evidence to the contrary, given its nature and the traffic on it, it is unlikely that cyclists using the A57 would perceive a significant additional risk from the relative increase in vehicles and be deterred in significant numbers if they currently find the road to be acceptable.
- 5.2.179 Paragraph 3.17 of the NPSNN states *“There is a direct role for the national road network to play in helping pedestrians and cyclists. The Government expects applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes. The Government also expects applicants to identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions”*.
- 5.2.180 From the above considerations we find that reasonable endeavours have been applied to address the needs of WCH. Where that has not been possible, that was for practical reasons and the solution would be disproportionate to the benefit. We find that the Proposed Development has, in instances such as the Gun Inn junction, taken reasonable and practicable opportunities to address historic shortcomings and that there would be significant benefits to WCH. We identify positive benefits to WCH in the proposals for Hyde Road and Woolley Lane.
- 5.2.181 Overall, we consider that the Proposed Development would be likely to provide significant benefits for WCH.

Public rights of way

- 5.2.182 The Proposed Development would affect the PRoW network, with some parts needing to be temporarily or permanently closed.
- 5.2.183 The Applicant carried out a PRoW Alternatives Assessment [[REP2-016](#) Appendix F] in accordance with the requirements of PA2008 s136 to provide information when drawing up diversion proposals for PRoW. The Applicant provided Streets, Rights of Way and Access Plans [[REP8-003](#)]. Affected PRoW are identified in the rDCO (Appendix D).

Construction phase

- 5.2.184 During the construction works a number of PRoW would be temporarily closed, resulting in disruption to access, pedestrian or cyclist delays and increases in journey length. A negative health outcome from effects such as reduced usage for active travel and recreation was identified [[REP2-040](#)].
- 5.2.185 The Applicant, in their PRoW Alternatives Assessment identified the proposed diversions and the disruption in terms of additional distance and time for their use. The Applicant is proposing embedded mitigation through the operation of its Community Engagement Plan and TMP. Those plans would give warning of works affecting PRoW and diversions, allowing users of the affected routes to make alternative arrangements or minimise the effect on them, whilst managing the disruption to the PRoW network.
- 5.2.186 The LHAs [[REP5-031](#), [REP5-034](#), [REP9-010](#), [REP9-020](#)] expressed general satisfaction with the contents of the Applicant's outline Community Engagement Plan and TMP, supplemented by the existing permitting systems for highway works operated by the LHAs.

Operational phase

- 5.2.187 DCC and HPBC [[RR-0240](#), [RR-0330](#), [REP2-045](#), [REP2-046](#)] raised concerns relating to the connectivity of the Proposed Development with the surrounding PRoW network, particularly the Trans-Pennine trail that runs close to the eastern boundary of the Proposed Development adjacent to the River Etherow and existing A57 Woolley Bridge. DCC and HPBC have indicated support of the provision of a new footpath/cycle path running alongside the south side of the proposed Mottram Moor Link Road between Mottram Moor and Woolley Bridge, providing a link to the Trans-Pennine Trail, but requested clarification as to whether the footpath / cycle path would also be used for horse riders. The Applicant [[REP1-042](#)] confirmed that the link would be suitable for equestrian use.
- 5.2.188 The Peak and Northern Footpaths Society [[RR-0887](#)] raised several concerns about the effects of the Proposed Development on PRoW. The Peak and Northern Footpaths Society expressed a preference for bridges, rather than underpasses and that these should be provided closer to the line of the PRoW affected by the Proposed Development. The Applicant [[REP1-042](#)] did not provide a specific response to this concern.
- 5.2.189 We [[PD-009](#) question 13.5] sought information regarding the safety of the public when using the PRoW whilst they were diverted or closed. The

Applicant [[REP2-021](#)] advised that the routes would only be closed or diverted for the minimum time necessary to carry out the works, that Stage 1 Safety Audits had been carried out during preliminary design, and any issues raised would be addressed within detailed design.

Other matters

- 5.2.190 With respect to the River Etherow Bridge, TMBC [[REP2-056](#)] voiced concerns that the overhead clearance provided should be a minimum of 2.3 metres, stating that 2.5 metres would be preferable. We [[PD-009](#) question 3.18] sought confirmation that the bridge overhead clearance for the new footpath connection would be sufficient for the PRoW's users. The Applicant [[REP2-021](#), [REP3-021](#)] submitted that the route was identified as provision for walkers only and that the clearance proposed was appropriate as a minimum. However, it undertook to achieve a minimum clearance of 2.5 metres in the detailed design.
- 5.2.191 Warner E Bower [[REP4-028](#)] expressed concern that there was an insufficient length of stopping up for two footpaths, leaving stub ends that went nowhere. He submitted that, in his experience, footpaths which go nowhere inevitably lead to trespass and damage and that the layout as shown would lead to substantial incursion onto the farmland. The Applicant [[REP5-022](#)] advised that it was in discussion with TMBC about the most appropriate means for achieving the stopping up of the footpath stub ends.
- 5.2.192 We [[PD-012](#) Q3.22] sought further information. The Applicant [[REP6-017](#)] agreed that it would be beneficial to stop cul-de-sac lengths of footpaths up in the vicinity of Tara Brook Farm, which the landowners were supportive of. The Applicant undertook to work with TMBC to ensure that such stopping up would be achieved outside the DCO.
- 5.2.193 Roy Hollins [[REP9-052](#), [AS-012](#)] stated his support for the Proposed Development, but referred to a Crown Court judgement establishing Carrhouse Lane / Pingot Lane as an Ancient Highway. This IP cited correspondence from TMBC recognising the status of Carrhouse Lane / Pingot Lane as an Ancient Highway and referring to issues of 'essential' maintenance. Roy Hollins contended that this matter should be taken into account, but the Applicant had failed to do so.
- 5.2.194 The Applicant [[REP10-010](#)], in response to Roy Hollins' submissions, said the route is only shown as being a public right of way footpath on the Ordnance Survey and that aerial photographs only show a grass path between The Hague and Carr House Farm. The Applicant further commented that the online map of adoptable highways only shows a PRoW connection between The Hague and Carr House Farm. The Applicant was of the view that it considered the public highway and PROW networks appropriately, based on the evidence provided. It drew attention to vehicular access to Carr House Farm being retained via an underpass [[REP11-004](#) Sheet 5 and [REP5-005](#) Sheet 4].

Conclusions on Public Rights of Way

- 5.2.195 There would be disruption for PRoW users during the construction phase. However, we conclude that the mitigation measures secured by the rDCO

(Appendix D) via the TMP and Community Engagement Plan would minimise and manage risk to public safety and disruption in a proportionate manner. The TMP would be updated throughout the construction period and so would remain relevant and be able to react to changes on the network.

- 5.2.196 We find that the Proposed Development would provide improved linkages to the existing PRoW network for WCH through the provision of additional links. This would provide more opportunity for and encourage active travel. Similarly, there would be benefits through the availability of improved crossing facilities for WCH.
- 5.2.197 Whilst provision of bridges over the carriageway may be preferable to some users, their provision, including suitable overhead clearance to the carriageway and ramps to maintain access for WCH would be likely to result in substantial structures. These would be more visually intrusive into the landscape than the proposed underpasses, particularly were they to be lit. Given the location within the Green Belt, we consider that the proposed underpasses would provide an appropriate means of maintaining access whilst managing the visual impact of crossing points.
- 5.2.198 The proposed Carrhouse Lane Underpass would maintain access for users of Carrhouse Lane / Pingot Lane. We consider the Proposed Development would therefore make reasonable provision for continued access within this part of the area affected by the DCO sought by the Applicant.
- 5.2.199 We are content that the Applicant provided appropriate mitigation measures to address adverse effects for users of the affected PRoW and took reasonable opportunities to improve access for WCH. It assessed and considered the use, character, attractiveness, and convenience of the affected PRoW. We consider that the mitigation measures would be acceptable and necessary measures are secured by the rDCO (Appendix D). We conclude that NPSNN paragraph 5.184 is accorded with.
- 5.2.200 We are satisfied that, where PRoW would be extinguished, suitable practicable alternatives would be provided that would avoid unreasonable inconvenience to future users. We therefore conclude that the Proposed Development satisfies the requirements of NPSNN paragraph 5.185.
- 5.2.201 During the construction phase a degree of disruption would be inevitable for PRoW users. These residual impacts cannot be eliminated, only reduced by management. Given the scale of the works interfacing with the public realm and their duration, we consider these effects would be limited and the overall impact from construction traffic would be slight adverse. We consider that the mitigation proposed is appropriate and proportionate to the scale of the harm identified, but a residual adverse effect would remain.
- 5.2.202 We consider that the increased connectivity and opportunity for active travel provided by the Proposed Development during the operational phase would be likely to provide a significant benefit.

Public transport

- 5.2.203 We received a number of representations identifying the current unreliability of local buses [[RR-0176](#), [RR-0262](#), [RR-0276](#), [RR-0344](#), [RR-](#)

[0559](#), [RR-0706](#) and others] and the need to support and improve public transport [[RR-0096](#), [RR-0271](#), [RR-0479](#), [RR-0721](#), [RR-0751](#) and others].

Construction phase

- 5.2.204 The effects of delays on the network on buses during construction are considered above. The Applicant submitted that its TMP and Community Engagement Plan would address the construction effects on the operation of bus services.

Operational phase

- 5.2.205 As outlined above, the transport model predicts increased vehicle flows and, as a result, delays in Glossop. DCC and HPBC [[REP2-045](#), [REP2-046](#)] have raised concerns about increased local journey times affecting the timing and reliability of bus services, decreasing their desirability and, therefore, use. HPBC [[REP6-027](#)] and other IPs have raised similar concerns [[REP2-050](#), [REP2-069](#), [REP3-031](#), [REP5-029](#), [REP7-034](#), [REP7-036](#), [REP8-045](#), [REP9-040](#), [REP3-032](#), [REP5-040](#), [REP6-034](#)], together with concerns regarding the lack of modelling of public transport.
- 5.2.206 We sought to clarify changes to bus travel times [[PD-009](#), [PD-012](#), [EV-015](#)] and how public transport had been considered by the Applicant in its modelling. The Applicant [[REP2-021](#), [REP3-021](#), [REP4-008](#), [REP5-021](#), [REP6-017](#)] explained how it had considered public transport.
- 5.2.207 The Applicant acknowledged that limited information was available from the model for buses, as their movements are incorporated within general traffic flows. However, as bus numbers are comparatively low compared to overall traffic flows the Applicant took what it considers to be a reasonable and proportionate approach to assessing the effects for bus services. There was general agreement between the Applicant and the LAs that bus services would make limited use of the new roads and would, for the most part, remain on the existing road network. The Applicant [[REP6-017](#) Q3.17 and Appendix A] produced a table and set of plans showing changes for bus travel times taken from the traffic.
- 5.2.208 DCC [[REP8-023](#)] said current congestion and capacity issues created a significant challenge for delivering improved bus services. It stated that the Proposed Development would enable the provision of complementary public transport measures and, overall, the operation of buses services would not be disadvantaged and future service improvements would not be precluded.
- 5.2.209 TMBC [[REP12-025](#)] continued to express concerns regarding increased local journey times and their effect on future patronage. TfGM [[REP12-009](#) 10.17] noted benefits to bus users.

Other matters

- 5.2.210 We [[PD-009](#), [EV-015](#)] sought to verify that we had the most up-to-date timetabling for buses and trains. The Applicant [[REP2-021](#)] provided updated information. It was noted by PDNPA [[REP6-038](#)] and others [[RR-0518](#)] that services were being withdrawn due to lack of patronage.

- 5.2.211 We [[PD-009](#), [EV-015](#)] sought to verify that satisfactory arrangements had been made to retain accessible bus stops. The Applicant [[REP2-021](#), [REP4-008](#)] advised that two bus stops would be removed to allow for the construction of the Mottram Moor Junction and one would be relocated to allow for the construction of Woolley Bridge Junction. The Applicant further advised that it was in discussion with DCC to agree the relocation of the affected bus stop and had agreed the removal of the two bus stops at Mottram Moor Junction with TfGM.
- 5.2.212 DCC [[REP2-051](#)] submitted that neither of the bus stops at the Woolley Bridge Junction were currently in use. TMBC [[REP2-056](#)] explained that TfGM usually carries out a public consultation exercise when bus stops are removed or relocated. DCC does not undertake such consultations.

Conclusions on public transport

- 5.2.213 There remains disagreement between IPs about the effect of the Proposed Development on the operation of bus services.
- 5.2.214 No detailed analysis of overall bus patronage was undertaken, and it is therefore unclear how the use of bus services might be affected. However, we consider it reasonable to conclude, as the Applicant has done, that the number of existing bus journeys are relatively small when compared with the overall number of journeys made on the roads affected by the Proposed Development. We therefore consider that the Proposed Development's effect on bus service provision would be unlikely to be significant.
- 5.2.215 We consider that bus journeys would be likely to become more attractive because of an overall improvement to journey time reliability arising from the Proposed Development, with opportunities for further improvement. This would be partially offset by increased journey times on certain sections of some routes, but overall, we find it likely that that there would be a significant benefit to bus passengers.
- 5.2.216 We are content that appropriate mitigation is secured through the rDCO (Appendix D), particularly Requirement 4, to minimise effects on bus services during the construction phase. The construction effects on bus services would be short-term and temporary and we conclude that there would be a minor adverse impact.

Modal choice

- 5.2.217 Many Relevant Representations expressed concerns that the Proposed Development would encourage increased private car usage which would undermine national and local policies encouraging more use of sustainable and active travel modes. These concerns were repeated during by CPRE PDSY, Daniel Wimberley and others. Many of those representations also requested that a full reappraisal of the Proposed Development against options based solely on low-carbon alternatives be carried out during the Examination, as they considered that could deliver a better scheme. We consider the appraisal of alternatives in Chapter 4.
- 5.2.218 Our attention was drawn to various recent policies supporting increased use of sustainable transport including such national policy documents as Gear

Change (2020), Bus Back Better (2021), Transport Decarbonisation Plan 2021 (TDP), Net Zero Strategy: Build Back Greener (2021) (NZS), and local policy documents including the GMTS 2040 (2021) and the Right Mix Vision therein. CPRE PDSY identified that the DCO boundary lies almost entirely within the Greater Manchester Combined Authority's boundary and that the road network carries many trips starting within, or entirely between, places within that boundary.

- 5.2.219 DCC and TMBC [[REP2-045](#), [REP2-046](#)] said that the Proposed Development did not seem to contribute enough to creating a network of cycleways and footways to encourage active travel and reduce the reliance on vehicle use. The PDNPA raised a concern that increased traffic on roads used for leisure cycling may present a deterrent to that form of active travel.
- 5.2.220 We [[PD-009](#), [PD-012](#), [PD-017](#), [EV-015](#), [EV-039](#)] sought clarification about how the Proposed Development might increase the volume of motor vehicles using roads in the area and how that might affect sustainable and active travel modes and what implications that might have for national and local policies. The Applicant [[REP1-042](#), [REP2-021](#), [REP3-018](#), [REP3-019](#), [REP3-021](#), [REP4-008](#), [REP4-009](#), [REP6-017](#), [REP7-025](#), [REP7-026](#), [REP8-019](#), [REP9-027](#), [REP10-010](#), [REP11-010](#)] provided detailed responses.
- 5.2.221 DCC [[REP2-051](#), [REP4-010](#), [REP6-026](#), [REP8-023](#), [REP11-012](#)], HPBC [[REP2-053](#), [REP4-011](#), [REP6-027](#)], TMBC [[REP2-056](#), [REP5-031](#), [REP6-037](#), [REP8-027](#), [REP11-018](#)] and PDNPA [[REP11-016](#)] commented on the Applicant's approach to the provision of active and more sustainable travel modes and how this relates to policies encouraging modal transference.
- 5.2.222 The Applicant, DCC and HPBC were in general agreement that the councils' initial concerns regarding connectivity had been addressed. HPBC remain concerned regarding the effect of additional traffic flows on the amenity of users of PRoW and WCH routes of national importance.
- 5.2.223 TMBC [[REP8-027](#)] consider that the Proposed Development would support the aims of the GMTS and contribute to providing the 'Right Mix' by providing segregated walking and cycle routes and making the de-trunked A57 more attractive to walkers and cyclists. TMBC also consider that the Proposed Development would provide scope for improved bus services to Mottram and Glossop. TMBC drew attention to the eight-step strategy for achieving the 'Right Mix' and how this targets short, medium, and longer distance trips differently.
- 5.2.224 DCC [[REP8-023](#)] identify the current congestion and capacity issues as being a significant challenge for delivering sustainable transport improvements, particularly with respect to making bus service improvements. However, DCC submitted the Proposed Development "*does not undermine sustainable alternatives. The scheme provides comprehensive improvements for non-motorised users, does not overall disadvantage bus services and does not preclude future improvements to public transport*".
- 5.2.225 In their SoCG with the Applicant [[REP12-009](#)] TfGM confirms that the proposed Mottram Moor and A57 link roads are included in the GMTS and

Delivery Plan. TfGM identify that 'Right Mix' does not assume net-zero traffic growth in all areas of Greater Manchester.

- 5.2.226 However, TfGM requested the Applicant identifies where any potential increase in traffic resulting from the Proposed Development would be offset elsewhere through other mitigation measures, to ensure there would be no conflict with the emerging GMTS 2040. The Applicant noted that request and committed to continue working with TMBC and TfGM during the detailed design phase for the Proposed Development.
- 5.2.227 TfGM considers that the benefits of the Proposed Development would not just be travel time savings for motorists but would also involve an improvement to the urban environment in Mottram, which would be beneficial for walkers, cyclists and bus users.

Conclusions on modal choice

- 5.2.228 There remained disagreement as to whether the Proposed Development would accord with national and local policies promoting the transfer from private motor car usage to active and more sustainable travel modes.
- 5.2.229 We have considered the overall thrust of Government and local policy. We are mindful of the guidance provided in paragraph 2.21, including Table 1, of the NPSNN. The very nature of the use of the SRN means that its users have less scope to make use of alternative modes of travel. Paragraph 2.24 indicates that individual schemes will be brought forward to tackle specific issues rather than to meet unconstrained traffic growth.
- 5.2.230 As the SoST explained, in introducing the TDP, it is "*not about stopping people doing things: it's about doing the same things differently ... we will still drive on improved roads, but increasingly in zero emission cars*".
- 5.2.231 Policy documents, such as Gear Change (2020), Bus Back Better (2021), the TDP, and the NZS do not preclude road building or other proposals to address specific issues on the network, but rather form a part of an overall transport strategy to encourage the use of the most appropriate mode of transport for any journey. No approach on a single modal basis will solve the substantial challenges in providing a sustainable transport network and Government policies recognise this. These policies encourage walking and cycling for neighbourhood journeys, and the creation of sustainable neighbourhoods to reduce the need to travel long distances. Buses would be encouraged for medium to longer journeys, as more active modes become impractical for many travellers. For freight and longer distances, such as between towns and cities, rail and road traffic would remain necessary options for many trips.
- 5.2.232 TfGM's GMTS and Delivery Plan reflect this thrust in policy. The Proposed Development is identified within the plan as a scheme necessary to provide the environment in which sustainable transport and appropriate modal choice can be encouraged. This is reflected in the views of TfGM, TMBC and DCC. We are satisfied that the Applicant had due regard to the policies set out in local plans on demand management being undertaken at the local level in accordance with paragraph 5.203 of the NPSNN.

- 5.2.233 That said, in isolation the Proposed Development has potential to focus attention on private cars and encourage their use when more sustainable alternative options may be available. We note the intent of the Applicant to work with the LAs to monitor the effects of the Proposed Development on modal share, along with its ongoing strategy to improve the SRN between Manchester and Sheffield overall.
- 5.2.234 DCC and HPBC identified developing strategies that could build on the benefits of the Proposed Development. Similarly CPRE PDSY [[REP2-069](#), [REP2-070](#), [REP2-071](#), [REP12-032](#)] provided a reasoned and costed approach to travel in Longdendale and Glossopdale that could provide significant additional benefits in modal transference. Some of CPRE PDSYs proposed interventions would be provided by the Proposed Development, others would be complementary to it. We consider that the Proposed Development would not preclude additional modal shift measures being implemented in the future. Should they be forthcoming, they would be likely to provide an additional benefit to the area in line with the thrust of national and local policy. The Proposed Development would put in place one building block to address specific local problems.
- 5.2.235 Severance is addressed in Section 5.12. Earlier in this section we conclude that there would be an overall significant beneficial impact for WCH users. We consider it of note that TMBC and DCC, in their capacities as LHA, are generally supportive of the proposed measures to improve modal choice within the Proposed Development.
- 5.2.236 We therefore conclude that the Applicant fulfilled the requirements placed upon them by paragraph 5.205 of the NPSNN that it "*should consider reasonable opportunities to support other transport modes in developing infrastructure*" and that it "*used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users.*"
- 5.2.237 We consider there would be no conflict between the Proposed Development and national or local policies relating to modal choice.
- 5.2.238 As noted above, the embedded mitigation and enhancements to active travel would provide a significant benefit to WCH users.
- 5.2.239 Above, we find that there would be no unacceptable effect on the operation of bus services, with the result that this public transport mode would continue to be available to contribute towards a modal shift. We consider that this would be a positive benefit of the Proposed Development.

Highway safety

- 5.2.240 The Applicant advised [[REP2-016](#) Appendix B] that the design for the Proposed Development had been carried out in accordance with the relevant sections of the DMRB. The Applicant further advised that a stage 1 independent Road Safety Audit had been carried out following the preliminary design. Further safety auditing would be undertaken during detailed design, during the construction phase, and prior to opening.

Construction phase

- 5.2.241 During the Examination we considered the safety of the network, particularly where construction traffic or works would interface with the travelling public.
- 5.2.242 Whilst the Proposed Development would mostly be built offline, there would be a need to tie existing roads into it. Several PRow cross the line of the Proposed Development.
- 5.2.243 The Applicant produced an outline TMP and the availability of a final version would be secured under Requirement 4 of the rDCO. The TMP would include, amongst other things, the arrangements for routing construction and delivery traffic, temporary footpath diversions and closures during the works. As part of the TMP's finalisation there would be consultation with the LHAs about the proposals for traffic management during the works. There would also be the opportunity to update the TMP during the construction phase via the provisions of Requirement 4 of the rDCO in response to concerns that may have been raised by members of the public.
- 5.2.244 The LHAs [[REP5-031](#), [REP5-034](#), [REP9-010](#), [REP9-020](#)] expressed general satisfaction with the outline TMP's provisions.

Operational phase

- 5.2.245 The TAR at paragraphs 7.2.7 to 7.2.14 [[APP-185](#)] predicts that over the 60 year appraisal period there would be a net monetised disbenefit of £7.32 million arising from accidents. The estimate for the number of accidents for each road link having been based on an accident rate per million vehicle kilometres, the link's length, and the forecast annual traffic flow.
- 5.2.246 The summary of accidents and casualties over the appraisal period, shown in Table 7.3 of the TAR identifies an additional 102 personal injury accidents over the whole modelled network. The modelled network extending over an area that is significantly larger than the road network immediately affected by the Proposed Development (Figure 7.2 of the [[APP-185](#)] TAR).

Effects within the DCO boundary

- 5.2.247 With the transfer of traffic onto the proposed link roads from the existing A57 through Mottram and Woolley Lane, it is predicted that there would be a reduction in accident numbers. However, this would be offset by accidents on the new links, including at their junctions. As traffic speeds would be anticipated to be higher than on the existing congested links, the severity of accidents has been forecasted to increase.

Effects Outside the DCO boundary

Effects in Glossop and nearby settlements

- 5.2.248 Highway safety concerns were expressed by, amongst others:
- HPBC and DCC [[REP2-046](#), [REP2-045](#)];
 - Peter Simon [[REP2-082](#), [REP4-026](#), [REP7-042](#), [REP8-039](#), [REP9-049](#), [REP11-024](#), [REP12-042](#)];

- Daniel Wimberley [[REP2-072](#), [REP5-039](#), [REP5-040](#), [REP6-034](#), [REP8-035](#), [REP9-044](#), [REP9-045](#)];
- Stephen Bagshaw [[REP4-027](#), [REP9-051](#)];
- CPRE PDSY [[REP2-069](#), [REP2-090](#), [REP3-031](#), [REP5-028](#), [REP5-029](#), [REP7-036](#), [REP12-033](#)];
- SMJTS [[REP2-085](#), [REP4-014](#), [REP8-041](#), [REP9-050](#)]; and
- High Peak Green Party [[REP2-076](#)].

The concerns principally related to the predicted increases in traffic forecast for residential streets, including Hadfield Road, Park Road, Cemetery Road, Shaw Lane and Dinting Road, and the A628 through Tintwistle and Hatherleigh. Regarding highway safety the IPs raised concerns about increased conflict between vehicles, pedestrians, and cyclists.

- 5.2.249 The Applicant [[REP2-021](#), [REP6-017](#), [REP8-019](#), [REP11-010](#)] considered that forecast traffic flows across the modelled road network represented a reasonable and appropriate worst-case scenario for the traffic impacts of the Proposed Development through Glossop for roads outside the DCO boundary.
- 5.2.250 The Applicant undertook a Select Link Analysis [[REP9-029](#)] for Shaw Lane and Dinting Road. That analysis identifies the traffic using Dinting Road in the 2025 DM scenario would be a mix of local traffic and strategic traffic drawn from the wide area using routes such as the M67 and, to a lesser extent, the A57 Snake Pass and Roe Cross Road. The Applicant therefore considers that Dinting Road is a viable alternative route for motorists travelling between the A57 Snake Pass / Glossop and the M67 due to congestion on Glossop High Street in the DM scenario. The traffic patterns were said to stay the same with the Proposed Development in place, but there was forecast to be an increase in the two-way flow on Dinting Road of approximately 50% over a 12-hour period, or approximately one additional vehicle per minute. The Applicant attributed that to more trips being made through the local area because of improved journey times and due to Dinting Road presenting a viable alternative route when there was congestion and delays on Glossop High Street.
- 5.2.251 We [[PD-017](#)] asked DCC, as LHA, to comment on concerns [[REP11-012](#)] about the impacts of traffic growth on Shaw Lane and Dinting Road, the potential need for improvements, and the implications of on-street parking on Shaw Lane which restrict two-way traffic movements. Regarding the need for improvement, DCC considered that increases in traffic due to the Proposed Development on Shaw Lane and Dinting Road would be largely imperceptible, but that it would be considering a review of the signalling of the A57 / Shaw Lane junction and the need for a formalised pedestrian crossing in the vicinity of Glossopdale School. DCC referred to the significant levels of on street parking which it considered acts as a deterrent to through traffic. DCC was also of the view that vehicles using the side roads in Glossop did so because they had a trip end within this area.
- 5.2.252 Concerns about highway safety due to increased use of the A628 and residential streets was raised by IPs many times. Amongst other things, IPs

contended that the Applicant's consideration of the highway safety was contrary to paragraphs 4.64 and 4.66 of the NPSNN; paragraphs 1.21 and 1.27 of the Strategic Framework for Road Safety 2011; the DfT's Road Safety Statement 2019 A Lifetime of Road Safety; Policies T1 and T2 of the Peak District National Park Core Strategy Development Plan Document; Transport for the North's Strategic Transport Plan 2019 (pages 38 and 61) and the National Highways licence agreement.

- 5.2.253 In addition to the responses set out elsewhere, the Applicant [[REP5-021](#), [REP9-027](#), [REP10-010](#), [REP12-022](#), [REP12-023](#), [AS-011](#)] advised that road safety is always a crucial consideration regardless of whether it is stated as a specific objective for a scheme. An assessment of the impact of the Proposed Development on road safety forecast an overall increase in accidents across the appraised road network of 0.3% over 60-years, which it considered insignificant. The TAR demonstrated that it does not result in increases in traffic on roads outside the DCO boundary sufficient to trigger the need for any mitigation measures on those roads.

Routes across PDNP

- 5.2.254 The TAR paragraph 7.2.13 [[APP-185](#)] advises that a more detailed analysis of impacts across the network shows that the A57 Snake Pass, which is known to have a high accident rate, is forecast to experience a modelled predicted increase of more than 160 accidents over the 60-year appraisal period, as a result of increased flows in the DS scenario. The TAR concludes in paragraph 7.2.14 that "*As Snake Pass is an identified accident issue which will see flow increased as a result of the Scheme, measures should be pursued to minimise these negative impacts*". The predicted increase in accidents on the A57 Snake Pass, taken in isolation would exceed the total impact across the rest of the network combined.
- 5.2.255 The Proposed Development, by increasing capacity on the network to address congestion issues on the A57 (T), was predicted to trigger the transfer of trips from other roads, both on the SRN and LHA road networks. The A57 Snake Pass and A628 have poor accident records, as acknowledged in the TAR and referred to by various IPs. Some of the roads from which traffic would transfer would have a better safety record per million vehicle kilometres driven than those to which traffic is predicted to transfer to. Particular concerns relate to pedestrians crossing the A57 and A628 when using PRow [[REP2-048](#), [RR-0106](#) and others].
- 5.2.256 The Applicant [[REP3-021](#)] identified that the Proposed Development would not result in any new hazards on these roads, however vehicle numbers, and hence kilometres driven, would increase on them, hence the predicted increase in accident numbers. The Applicant advised [[REP1-042](#)], the accident history indicates a significant proportion of accidents on the A57 Snake Pass involved motorcyclists. Concerns were also expressed regarding the safety of cyclists on the route.
- 5.2.257 During our USIs [[EV-001](#), [EV-012](#), [EV-061](#)] we visited the Woodhead Pass and Snake Pass to observe traffic flows. We observed that vehicles crossing the passes tended to form groups, or 'platoons', behind slower moving vehicles. Such platooning would affect the potential for acceptable gaps to

form. We further observed roadside parking around the crossing point of the A57 by the Pennine Way.

- 5.2.258 We [PD-009] sought further information on safety issues on the A628 Woodhead Pass and A57 Snake Pass, particularly in regard to pedestrians crossing the road. DCC [REP2-051] responded that no analysis had been done by it on options for mitigation for the PRow for which road crossings would become more difficult because of increased traffic flows. DCC stated it had an expectation that this would be done and that the Applicant would liaise with it in that regard. DCC further advised that the safety on the A57 Snake Pass is a major concern to it as this is traditionally a route where various safety measures had been undertaken over the years and that any increases in flows along this route would compromise road safety further. DCC said that it had exhausted its road safety engineering options for the route and that the only solution to ensure safety along the route was considered to be the installation of a system of average speed cameras as a means of controlling vehicle speed.
- 5.2.259 The Applicant [REP2-021] acknowledged that it had not assessed gaps for crossing the A57 or A628. However, it had considered the potential gaps in traffic and under the DM scenario flows approximated to two to three vehicles per minute in each direction. In the DS scenario this was anticipated to increase to three to four vehicles. The Applicant considered that the average gap between vehicles would be decreased from about 30 seconds to about 20 seconds. The Applicant considered that 20 seconds between vehicles would provide sufficient gaps and time to cross but waiting times for pedestrians would be likely to increase.
- 5.2.260 The Applicant [REP3-021] undertook to collaborate with DCC to identify potential measures to improve road safety on the A57 Snake Road / Pass. The Applicant recognises that any road safety improvement measures would need to be delivered by DCC as LHA and would need to be agreed in conjunction with the PDNPA. However, if a suitable scheme to address the current issues could be identified, then the Applicant would look to support DCC through the Designated Funds allocation process.
- 5.2.261 We explored this matter further at ISH2 [EV-015]. The Applicant [REP4-008] identified the roads from which traffic would be diverting. The Applicant explained that it is forecast that the Proposed Development could result in an increase of 41 personal injury accidents (PIAs) over 60 years on the section of the A628 between Hollingworth and the A616, which represents less than one PIA accident each year and an increase of approximately 5%. A quarter of that increase would be due to a transfer of traffic flow away from the B6105 section of Woodhead Road, for which it is predicted there would be a reduction of 9 PIAs over 60 years.
- 5.2.262 DCC [REP4-010] explained that it had previously undertaken a number of safety measures on the A57 Snake Pass but had largely exhausted opportunities for conventional intervention. That being the case DCC was now of the view that average speed cameras may provide a means of addressing its concerns.

- 5.2.263 On the A57 Snake Road / Pass the predicted increased in PIAs was forecast to be up to 163 over 60 years, an increase of just under three PIAs per year and an increase of approximately 14%. The Applicant acknowledged that this would represent a notable increase in the number of PIAs on the A57 Snake Pass. It explained that it is because of the forecast increase in traffic on the A57 on a road that already has a relatively poor road safety record. The Applicant maintained that the Proposed Development would not otherwise make the A57 inherently unsafe. Furthermore, the Proposed Development was forecast to reduce the number of PIAs on other sections of the road network, with the overall forecast change in the number of PIAs across the affected road network due to the Proposed Development representing an increase of less than 0.3%, which it considered marginal. Consequently, on balance, the Applicant did not consider the effect on road safety on the A57 Snake Pass to be significant. Given the proportion of accidents involving motorcyclists, it postulated [REP1-042], that it would be unlikely that significant numbers of motorcyclists would transfer from other routes and the projected increase may not occur. Consequently, the Applicant considered that the forecast increase in PIAs on the A57 Development would not have a significant effect on road safety.
- 5.2.264 Peter Robinson [REP10-015] drew our attention to Figure 4.7 in the 'Routes to Market – Delivery Integration Partnership A57 TPU A57 Economic Appraisal Package' amongst the documents submitted by CPRE PDSY [REP2-090]. This identifies a clear decreasing trend in the number of annual accidents over the length of the A57 Snake Pass.
- 5.2.265 However, for individual roads we consider that the increase in PIAs and the potential effect of such on human lives and the economy would be significant and merited further investigation to establish whether appropriate mitigation could be provided.
- 5.2.266 We [PD-012] sought to ascertain the acceptability, in principle, of installing average speed cameras within PDNP. Further, we asked whether additional formal parking provision would provide a safety benefit by managing informal parking near the pedestrian crossing points.
- 5.2.267 PDNPA [REP6-038] provided a comprehensive response expressing grave concerns in regard to the acceptability of installing measures such as average speed cameras, which, whilst recognising the effectiveness of such measures, would be an unacceptable intrusion into the sensitive landscape of PDNP, citing an existing example. PDNPA drew attention to its adopted Transport Design Guide Supplementary Planning Document (2019). At paragraph 14.16 this document states, regarding Enforcement Cameras:
- "Whilst recognising the traffic calming effects of average speed camera schemes, the Authority is also concerned about the visual intrusion of such schemes. Given the visual impact that average speed cameras (and their associated infrastructure) have on the setting of the National Park; the Authority's preferred approach would be to utilise other measures ... to address the enforcement of speeding vehicles. The delivery of further average speed camera schemes should only be considered in extremis, and may be opposed by the Authority without sufficient evidence to support their introduction."*

- 5.2.268 We asked PDNPA if it had any suggestions for physical safety measures that could be used. PDNPA drew attention to the potential effect of slow-moving vehicles on the A57 engendering driver frustration and inappropriate overtaking and referred to perceived benefits from restrictions imposed on HGVs during recent roadworks and it also suggested the closure of the route to through traffic. PDNPA suggested measures such as reducing speed limits to make A628 Woodhead Pass less attractive as a route.
- 5.2.269 PDNPA expressed concerns about the visual intrusion of formal parking and expressed a preference for the introduction of parking restrictions. While it had reservations about the visual intrusion of parking controls, it considered them to be preferable to the installation of average speed cameras. It also cited policy objections to development of the open countryside within the PDNP and drew attention to the PDDMP which sets out the planning policy for the provision of visitor parking facilities within PDNP, including that:
- "new or enlarged car parks will not be permitted unless a clear, demonstrable need, delivering local benefit, can be shown; where new or additional off-street visitor parking is permitted, an equivalent removal of on-street parking will usually be required. This will be delivered through Traffic Regulation Orders to restrict on-street parking; and in considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a Park & Ride system or right of way".*
- 5.2.270 CPRE PDSY [[REP6-024](#)] was also opposed to additional parking provision. In summary PDNPA, CPRE PDSY and HPBC [[REP6-027](#)] consider the matter of parking within PDNP would be better addressed by supporting public transport and prioritising active travel to provide access. PDNPA however observe that a bus service providing such access was recently withdrawn but refer to Bus Service Improvement Plans as a delivery mechanism.
- 5.2.271 In response the Applicant [[REP7-026](#)] cited two schemes that DCC had recently secured Safer Roads Funds for that would involve the installation of average speed cameras within the PDNP. Both schemes are expected to be implemented within the next three years.
- 5.2.272 At ISH3 [[EV-039](#)] we sought further information on PDNPA's approach to the camera schemes being promoted by DCC. PDNPA [[REP8-026](#)] explained that, as of that time, it had not been formally consulted on either of the schemes by DCC and that without knowing the details of either proposed scheme, it was unable to provide comment. The PDNPA did, however, advise that the principles established within the PDNP Transport Design Guide Supplementary Planning Document and quoted within their previous response would equally apply to the two schemes identified by the Applicant and that this would form the starting point for its consideration.

Other matters

- 5.2.273 HPBC and DCC [[REP2-045](#), [REP2-046](#), [REP2-051](#)] expressed concerns about the design of the Woolley Bridge junction, relating to the length of a merge lane on the southern arm. Later, DCC [[REP8-023](#)] and the Applicant [[REP8-](#)

[019](#)] advised that a revised design involving a longer merge lane had been agreed in principle, with DCC confirming that it had no remaining concerns.

- 5.2.274 To satisfy ourselves that the design of the link roads would not engender an unacceptable risk from inappropriate overtaking we sought [\[PD-009\]](#) to establish whether the TMBC, the LHA for the links, had any concerns in this regard. TMBC [\[REP2-056\]](#) considered that both links would provide safe overtaking opportunities. The Applicant [\[REP2-021\]](#) advised that the geometry of the single carriageway section would accord with the current design guidance to reduce the risks of unsafe overtaking.
- 5.2.275 CPRE PDSY [\[REP7-036, REP8-033\]](#) raised concerns that, as no all-red phase would be provided at signal-controlled junctions, pedestrians would be subject to delays when using the crossing facilities and that this would engender frustration and increase the risk of accident.

Conclusions on highway safety

- 5.2.276 We consider that the Applicant's assessment of safety accords with the requirements of paragraphs 4.61, 4.62 and 4.65 of the NPSNN because the Applicant put in place arrangements for safety auditing, the design of the Proposed Development accords with the relevant technical guidance and standards and an appropriate assessment was made of the likely implications of the Proposed Development on highway safety.

Construction phase

- 5.2.277 There would be a risk to the public during the construction phase arising from the potential interaction with construction traffic, including delivery vehicles. However, we consider that appropriate mitigation could be provided through the operation of various management plans, including the TMP, with their approval and operation being secured through Requirement 4 of the rDCO (Appendix D).
- 5.2.278 There would, nevertheless, remain a residual risk. Whilst we are satisfied that risk would be minimised it could not be eliminated and the potential for harm would remain. Given the limited scale of the works within the public realm and their duration, we consider that the resulting adverse impact would be unlikely to be significant.

Operational phase

- 5.2.279 Regarding the design of the southbound merge at the Woolley Bridge junction there is agreement between the Applicant and DCC that an acceptable design could be brought forward. We are therefore content that the Woolley Bridge junction would be acceptable in safety terms.
- 5.2.280 In relation to safe overtaking on the new road links, TMBC and the Applicant are seeking to ensure that this is addressed appropriately during the detailed design. Given that agreed position we see no reason to come to a contrary conclusion with respect to the design of the link roads from a safety perspective.

- 5.2.281 There were differences between the parties regarding the baseline traffic flows from which future accidents would be determined and the way in which future accidents on residential streets had been assessed. The Applicant provided detailed responses to concerns raised by IPs regarding the methodology for predicting future accidents. Importantly neither TMBC nor DCC, as the LHAs, have raised concerns about the adequacy of the baseline data used by the Applicant to predict the Proposed Development's accident rates. Taking account of the evidence presented on this matter, we are not persuaded that the Applicant's assessment of this matter has been inadequate.
- 5.2.282 Differing views were expressed about the extent to which traffic from the A57 would divert along the alternative routes, including Hadfield Road, Park Road, Cemetery Road, Shaw Lane and Dinting Road. Many IPs contended that insufficient consideration was given to restrictions to traffic flow on the alternative routes and that the use of the alternative routes would be significantly less than was predicted by the Applicant. The Applicant maintained that it was confident that its modelling was appropriate for assessing the effects on highway safety. DCC was supportive of the Applicant's assessment of how the alternative routes might be used and raised no safety concerns in this regard.
- 5.2.283 We note that traffic modelling is not a precise science and that a model normally is only a best estimate of the future operation of the network. We conclude that the traffic model is sufficiently robust and provides an appropriate basis for understanding how future traffic would be likely to use the road network in response to changes from the Proposed Development.
- 5.2.284 On balance, taking account of our own observations and the evidence provided by the Applicant and other IPs, we consider it reasonable to expect that some through traffic from the A57 would be likely to divert to the alternative routes, particularly if there was congestion on the A57. Although restrictions on the alternative routes appear not to have been modelled in detail, we note that the restrictions are typically at discrete points along the routes, and we are not persuaded that those restrictions would be of such significance to act as a deterrent to the use of the alternative routes. Given that finding, we consider that the use of the alternative routes was adequately modelled and that there would be no unaccounted-for implications for the prediction of accidents arising from the Proposed Development's operational phase.
- 5.2.285 In the alternative, should traffic remain on the A57 through Glossop, there would be likely to be a proportionate increase in accidents to reflect the increased flows. Regardless of the route taken, traffic through Glossop is predicted to increase overall, with potential for a corresponding increase in accidents.
- 5.2.286 DCC [[REP8-023](#)] advised that developer contributions were secured for a controlled crossing and monies for safety improvements in the area. It understood that the A57 Link Roads scheme would be included in the Applicant's Post Opening Project Evaluation (POPE) programme. The POPE programme considers early performance, providing an opportunity for the Applicant to make improvements, if required, in a timely manner to support

the delivery of the future performance of the Proposed Development. DCC said that the POPE ought to include local roads in Glossop.

- 5.2.287 Whilst there would be delays to pedestrians waiting for a green phase crossing, signal-controlled opportunities would be provided within the junctions that link footways, allowing pedestrians to cross without conflict with vehicles. The design of such junctions is a balance of competing needs and in finding the right balance, compromises must be made. Unless straight through on demand crossings were provided it is likely that there would be delay for pedestrians. We observed pedestrian activity during our USIs. We conclude that, considering competing demands, the proposed arrangements for pedestrian crossings at the signal-controlled junctions would provide safe crossing facilities.
- 5.2.288 Although there would be a small overall increase in accidents over the wider study area, the Proposed Development would result in a very specific adverse impact on routes across PDNP, particularly on the A57 Snake Pass and, to a lesser extent, the A628 Woodhead Pass. This has potential to slow or reverse the current trend of accident reduction. The Applicant and DCC considered potential mitigation and the only mitigation that DCC considered appropriate would be the installation of average speed cameras.
- 5.2.289 PDNPA raised a fundamental objection to the installation of average speed cameras due to their visual impact within the PDNP. It said that there were limited opportunities to join and leave the road when crossing the PDNP and that junctions were often remote from other development. We note PDNPA's objection to the installation of average speed cameras and are of the view that there is no obvious means of providing mitigation to address the predicted increase in accidents on the A57 Snake Pass.
- 5.2.290 The Proposed Development would, by virtue of an increase in the overall number of accidents on the network, albeit a small increase, and a significant localised increase in the number of accidents on the A57 Snake Pass, have an indirect adverse effect on highway safety.
- 5.2.291 The Proposed Development would not contribute to an overall reduction in road casualties or contribute to an overall reduction in the number of unplanned incidents, as urged in paragraph 4.64 of the NPFNN. However, we find that the Applicant sought measures to minimise the risk of death or injury arising from its development. Although no mitigation was identified for the A57 Snake Pass, we consider that the Applicant has taken reasonable steps to minimise the risk of death and injury arising from the Proposed Development. There would, nonetheless, remain a moderate negative effect on highway safety.

Conclusions on transport networks and traffic

- 5.2.292 Although several IPs continued to have reservations about the fitness of the traffic model for assessing the Proposed Development, we find that the baseline data and the scope of the modelling was proportionate and generally adequate to assess its effects on the operation of the highway network within and beyond the DCO boundary. While doubts have been raised regarding how the Godley Green was handled in the traffic modelling,

it appears in both the DM and DS scenarios and we consider it unlikely that it would, of itself, materially alter the findings of the ES.

Construction phase

- 5.2.293 We find that there would be disruption for highway users, including for WCH and public transport during the construction phase. There would also be an increased risk of accident. However, we conclude that the mitigation measures secured via the rDCO (Appendix 10) which would include a TMP and a Community Engagement Plan would minimise and manage the risk to public safety and disruption in a practicable and proportionate manner. The TMP would be updated throughout the construction period and so would remain relevant and be able to react to changes on the network.
- 5.2.294 The mitigation would be relevant and appropriate, but would minimise the risk, rather than eliminate it. Given the limited scale of the works within the public realm, and their duration, we consider that the resultant adverse impact would be unlikely to be significant.
- 5.2.295 We are content that effects on transport networks and traffic during the construction phase would be unlikely to be significant.

Operational phase

- 5.2.296 We find that the Proposed Development would support the overarching policy objectives in paragraphs, 2.2, 2.3, 2.4, 2.6 1.12, 2.13 and 2.14 of the NPSNN. We also conclude that the scale of the solution is sufficient without providing capacity for unrestrained growth and therefore the Proposed Development gains support from paragraph 2.24.
- 5.2.297 We are satisfied that, where PRoW would be extinguished, suitable, practicable alternatives would be provided without unreasonable inconvenience to future users. The Proposed Development therefore satisfies the requirements of paragraphs 5.184 and 5.185 of the NPSNN.
- 5.2.298 We are satisfied that the Applicant consulted the relevant LHAs, had due regard to the policies set out in local plans on demand management, and that NPSNN paragraphs 5.203 and 5.204 are satisfied.
- 5.2.299 The Proposed Development would provide the opportunity for overall improvement of bus services, and this is a significant benefit. We find that the Applicant considered reasonable opportunities to support other transport modes, as required by paragraph 5.205 of the NPSNN, and that there is no conflict between the Proposed Development and national or local policies relating to modal choice.
- 5.2.300 We are satisfied that the Applicant's assessment of safety, adherence to design standards and actions to put in place arrangements for safety auditing fulfils the requirements of NPSNN paragraphs 4.61. 4.62 and 4.65.
- 5.2.301 Regarding paragraph 4.66 of the NPSNN, whilst we are satisfied that the Applicant took all reasonable steps to minimise the risk of road casualties arising from the Proposed Development and made an overall improvement in the safety of the SRN, there is nevertheless a forecast increase in

accidents on the wider network. We are, however satisfied that the Applicant made sufficient effort to minimise the risk of road casualties arising from the Proposed Development as required for the SoST to be able to grant development consent.

5.2.302 We find that the following effects on transport networks and traffic during the operational phase count significantly in favour of the DCO being made:

- increasing network capacity between M67 Junction 4 and Woolley Bridge, addressing specific congestion points on the network, and reducing overall congestion and journey times on a principal route between Manchester and Sheffield;
- improved facilities and linkages to the existing PRow network that would benefit WCH, increase connectivity, and provide more opportunity for, and encourage, active travel; and
- overall benefits to bus passengers through improvements to journey time reliability and opportunities for further improvement.

5.2.303 We find that the following count significantly against the DCO being made:

- conflict with policies of PDNPA's Development Plan that seek to avoid increased vehicular movements with the PDNP;
- conflict with the NPSNN paragraph 4.64 aim to contribute to an overall reduction in road casualties or contribute to an overall reduction in the number of unplanned incidents.

5.3 AIR QUALITY

Introduction

5.3.1 This section addresses the effect of the Proposed Development with respect to air quality.

5.3.2 Human and building receptors are considered here. Related matters are addressed in other parts of the report:

- air quality effects on biodiversity and designated sites in Section 5.11, and Chapter 6;
- the transport assessment and traffic levels in Section 5.2;
- health in Section 5.12;
- nuisance in Section 5.5; and
- compensation for blight in Chapter 8.

Policy context

5.3.3 Paragraph 2.16 of the NPSNN identifies that traffic congestion causes "*environmental problems, with more emissions per vehicle and greater problems of blight and intrusion for people nearby*".

5.3.4 Paragraphs 3.6 to 3.8 consider the contribution of transport to the meeting of legally binding environmental targets. Paragraph 3.7 says that the government is committed to supporting the switch to ultra-low emission vehicles, which are anticipated to reach mass market volumes. Paragraph 3.8 states that the impact of road developments on aggregate emission levels is likely to be very small and that they need to be seen in the context of policies to meet legally binding air quality limit values (LVs). It guides that:

"Total PM₁₀ and NO_x might be expected to increase slightly, but this needs to be seen in the context of projected reductions in emissions over time. PM₁₀ and NO_x are expected to decrease over the next decade or so as a result of tighter vehicle emission standards, then flatten, with further falls over time due to greater levels of electric and other ultra-low emission vehicles."

5.3.5 Paragraph 4.50 says that we and the SoST should assess the potential impacts of processes, emissions, or discharges to inform decision making, but should work on the assumption that, in terms of the control and enforcement, the relevant pollution control regime would be properly applied and enforced. Paragraph 4.55 refers to a need to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and that the pollution effects with the project would not make that development unacceptable, particularly in relation to statutory environmental quality limits. Paragraph 4.56 says that consent should not be refused based on regulated impacts unless there is good reason to believe that relevant control permits, licences or other consents will not subsequently be granted.

5.3.6 Paragraph 5.10 requires consideration of air quality effects over the wider area likely to be affected. It requires account to be taken of relevant statutory air quality thresholds set out in domestic and European legislation. Paragraph 5.11 notes that air quality considerations are likely to be particularly relevant in relation to Air Quality Management Areas (AQMAs). Paragraph 5.12 requires air quality considerations to be given substantial weight where a project would lead to a significant air quality effect or where they lead to a deterioration in air quality in a zone/agglomeration.

5.3.7 Paragraph 5.9 requires the SoST to be provided with a judgement on the risk as to whether the project would affect the UK's ability to comply with the Air Quality Directive (AQD). Paragraph 5.13 states that:

"The Secretary of State should refuse consent where, after taking into account mitigation, the air quality effects of the scheme will:

- *result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or*
- *affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision."*

5.3.8 Paragraph 5.14 of the NPSNN requires consideration of whether the mitigation measures are acceptable. Paragraph 5.15 notes that:

“Mitigation measures may affect the project design, layout, construction, operation and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control. The implementation of mitigation measures may require working with partners to support their delivery.”

- 5.3.9 The AQD, AQS and the Clean Air Strategy (Department for the Environment, Food and Rural Affairs, 2019) are described in Chapter 3 of this report. The AQD sets LVs for compliance and control actions in case of exceedance, including for nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). The AQS sets objectives for key pollutants and sets the framework for detailed local plans to address exceedances, including the designation of Clean Air Zones and AQMA.
- 5.3.10 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

The application

- 5.3.11 Apart from figures, the main sections of the application, as updated during the Examination, relevant to the air quality matters considered here are:
- ES Chapter 5: Air Quality [[APP-061](#)] updated to [[REP3-006](#)];
 - ES Appendix 5.1: Air Pollutants [[APP-155](#)];
 - ES Appendix 5.2: Air Quality Legislation and Policy [[APP-156](#)];
 - ES Appendix 5.3: Further Details on Air Quality Modelling [[APP-157](#)];
 - ES Appendix 5.4: Air Quality Baseline [[APP-158](#)];
 - ES Appendix 5.5: Air Quality Model Results [[APP-159](#)];
 - ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
 - ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
 - EMP1 [[APP-183](#)] updated to [[REP12-007](#)]; and
 - REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area and baseline conditions

- 5.3.12 The study area for the potential effects of construction dust extended to within 200m of the construction site [[APP-079](#)]. The study area for the potential effects of traffic emissions extended to within 200m of roads triggering Design Manual for Roads and Bridges (DMRB) LA 105 traffic screening criteria [[APP-077](#), [APP-078](#)].
- 5.3.13 The Greater Manchester AQMA and Glossop / Dinting Vale AQMA are within the study area. The Tintwistle AQMA is close to the study area, but outside it [[APP-076](#)].

- 5.3.14 DEFRA Pollution Climate Mapping (PCM) included PCM links in the study area. It indicated no roadside exceedances of the annual mean NO₂ AQD LV in the study area in the base year of 2018 or in the opening year of 2025. The survey effort was paused between March 2020 and September 2020 due to the COVID-19 pandemic.
- 5.3.15 Baseline air quality data was also obtained from diffusion tube monitoring surveys that were undertaken between 2013 and 2016 and from 2018 to 2020. These were annualised and adjusted to 2018 for use in the model verification. They indicated that there were expected to be several exceedances of both the annual mean and 1-hour mean NO₂ AQS objectives in 2018.
- 5.3.16 Automatic and diffusion tube monitoring survey data undertaken by TMBC and HPBC in the study area were also considered. Both indicated exceedances of the annual mean NO₂ AQS objectives in 2018 and 2019.
- 5.3.17 Greater Manchester intends to implement a Clean Air Zone (GM CAZ) which would cover parts of the study area. This would require buses, taxis, lorries and vans to meet certain emission standards to drive within the zone. The GM CAZ excludes the SRN, so vehicles on the A57 itself would not be required to be compliant, but vehicles on other roads would be required to be compliant. The GM CAZ was due to be in place from Spring 2022 until mid-2026. It was being developed in parallel with the Proposed Development, so it was not considered in the traffic and air quality modelling. The air quality assessment was considered a worst-case representation as it excluded the GM CAZ. During the Examination it was clarified that the implementation of GM CAZ was being delayed and that it would include parts of the SRN.

Construction phase

- 5.3.18 For construction dust the number of sensitive receptors and their distance from the footprint of the construction works was considered to determine the risk of potential construction dust impacts. 1911 human health receptors would potentially be affected. The Proposed Development was considered to have a large dust potential. Some sensitive receptors would be within 50m construction activities and were considered to have high sensitivity. A range of mitigation measures for construction dust are set out in EMP1 [[REP12-007](#)] and in the REAC [[REP11-005](#)].
- 5.3.19 The effect of any construction traffic or disruption to traffic during construction was considered with reference to the duration of construction works and the expected volume of construction vehicles. As the duration of construction traffic management at any single location would be less than two years, following DMRB guidance further quantitative assessment was not undertaken. The effects of construction traffic would be temporary, and the effects of any changes was considered unlikely to significantly affect air quality. The number of HGV movements due to the Proposed Development were not expected to exceed the DMRB LA 105 traffic screening criteria. Substantial traffic management was not expected to be required and the duration at any single location was expected to be less than the two years required by DMRB LA 105 for a quantitative assessment.

5.3.20 The Applicant considered that any adverse air quality effects due to construction would be temporary and, with the mitigation measures in place, it concluded that there would be unlikely to be a significant effect on air quality due to the construction of the Proposed Development.

Operational phase

5.3.21 Changes in vehicle emissions were anticipated as having the potential to generate significant air quality effects during the operational phase.

5.3.22 A dispersion model was created using traffic data taken from the traffic model and was verified against 2018 baseline concentrations of NO_x, NO₂ and PM₁₀. Dispersion modelling was carried out to predict concentrations of mono-nitrogen oxides (NO_x), NO₂ and PM₁₀ with the Proposed Development in 2025 (opening year) and compared with figures predicted for 2025 without the Proposed Development. PM_{2.5} was not included in the quantitative assessment as it was not considered to be at risk of exceeding current relevant air quality thresholds, either with or without the Proposed Development.

5.3.23 Representative receptors were selected and include those closest to the roads that triggered the DMRB LA 105 traffic screening criteria. The receptors included residential properties, locations of susceptible populations e.g., schools, hospitals and care homes for the elderly, or any other location where a member of the public may be exposed to an air pollutant for the relevant regulated time period. 621 human health receptors were considered.

5.3.24 The modelled concentrations were combined with estimates of background concentrations to derive total annual mean concentrations for comparison with air quality thresholds for NO₂ and PM₁₀.

5.3.25 Annual mean NO₂ AQS objectives would be exceeded at 76 human health receptors in the opening year of 2025 without the Proposed Development. Of those, 75 would have a decrease with the Proposed Development in place, 60 of which would have a decrease in concentrations to below the annual mean NO₂ AQS objective. One receptor at the Dinting Vale Junction would have a 'small' increase in concentrations.

5.3.26 Where annual mean NO₂ objectives would not be exceeded in the opening year of 2025 without the Proposed Development, any receptors experiencing increases with the Proposed Development would remain below the annual mean NO₂ AQS objectives.

5.3.27 Four receptors estimated to exceed 1-hour mean NO₂ AQS objective without the Proposed Development would no longer exceed the objective with the Proposed Development in place.

5.3.28 Significance was assessed by consideration of factors including whether AQS objectives would be exceeded, the magnitude of change of concentrations, the number of receptors experiencing the change, and the duration of the effect.

- 5.3.29 Overall, the impact of the Proposed Development during the operational phase was considered is an improvement in air quality for human health receptors and it was concluded that there would not be a significant adverse effect due to Proposed Development. The Proposed Development was said to achieve the environmental objective to improve air quality in Mottram-in-Longdendale, through reduced congestion and removal of traffic from residential areas.
- 5.3.30 Compliance with annual mean NO₂ AQD LV was assessed using the latest baseline scenario from DEFRA's PCM model for the 2018 baseline year. All qualifying features exceeding NO₂ AQD LV in 2025 without the Proposed Development were expected to have a decrease in concentrations with the Proposed Development in place. Two exceedances of the annual mean NO₂ AQD would remain with the Proposed Development in place in 2025.
- 5.3.31 It was concluded that the Proposed Development would not result in an increase in concentrations of annual mean NO₂ AQD LV where there are existing exceedances of the annual mean NO₂ AQD LV, nor would any new exceedances of the annual mean NO₂ AQD LV be introduced by the Proposed Development. Consequently, the Proposed Development was not considered to be a risk to non-compliance with the AQD.

Factual issues considered during the Examination

- 5.3.32 Air quality matters considered during the Examination included:
- baseline conditions and overall methodology;
 - construction phase;
 - operational phase; and
 - AQD compliance.

Baseline conditions and overall methodology

Greater Manchester Clean Air Zone (GM CAZ)

- 5.3.33 Noting that the GM CAZ was not included in the traffic or air dispersion models, we [[PD-009](#)] asked if this was consistent with a reasonable worst case assessment.
- 5.3.34 CPRE PDSY [[REP2-069](#)] also noted the omission of the GM CAZ. It explained that the GM CAZ boundary would be the whole of the Greater Manchester area and that it would only apply to local roads and would exclude the SRN, although exceptions had been agreed for inclusion of the A57T/A628T from M67 Junction 4 to the TMBC-DCC boundary.
- 5.3.35 HPBC [[REP2-053](#)] wondered if there was a risk of 'rat runs' being created through Glossop to avoid the GM CAZ.
- 5.3.36 The Applicant [[REP2-021](#), [REP3-021](#)] said that the GM CAZ was being developed in parallel with the assessment so it was not possible to include it in the models. It explained that the GM CAZ would require buses, taxis, lorries and vans to meet certain emission standards to drive within the zone

and that it had the potential to affect road traffic emissions within the study area. The Applicant said that the GM CAZ was expected to bring air quality improvements across the area. It considered that only a small number of vehicles were expected to be non-compliant and that it was intended that the A57 and A628 would be included within the GM CAZ. The Applicant therefore anticipated that changes in traffic patterns in the study area due to the GM CAZ would be negligible.

- 5.3.37 SMJTS [[REP4-014](#), [REP9-050](#)] said that the timing of the implementation of the GM CAZ appeared to be unclear. The Applicant [[REP5-022](#)] explained that Mayor of Greater Manchester and the Greater Manchester Combined Authority (GMCA) were responsible for the implementation.
- 5.3.38 In the SoCG between Transport for Greater Manchester (TfGM) and the Applicant [[REP12-009](#)] it was agreed that not including the GM CAZ was based on a worst case. It was also agreed that the GM CAZ was expected to be decommissioned by the time the Proposed Development would be open for traffic and that when the way forward was confirmed the Applicant would investigate potential impacts of the Proposed Development, which were only expected to be beneficial.

Implications of climate change

- 5.3.39 We [[PD-009](#), [EV-015](#)] queried the implications of climate change and the use of lower emission vehicles for the air quality assessment.
- 5.3.40 The Applicant [[REP2-021](#), [REP4-008](#)] summarised the anticipated effects of climate change on air quality and considered it likely that adverse changes would be outweighed by a beneficial shift to electric vehicles. It said that the air quality assessment used the latest available information at the time of the assessment.
- 5.3.41 DCC [[REP2-051](#)] considered that that there was no sound evidence to back it up the statement that climate change impacts on air quality would be likely to be offset by the predicted future fleet wide shift toward electric and hybrid vehicles, but later [[EV-034](#)] deferred to HPBC.
- 5.3.42 HPBC [[REP4-011](#)] provided a detailed response, agreeing that the standard air quality assessments did not tend to directly include possible climate change effects on future air quality emissions at receptors because of the inherent difficulty in predicting the future meteorological changes due to climate change. It was of the view that future emissions from vehicles should reduce overtime as society switches to less polluting vehicles, but that the degree to which this would outweigh the anticipated effects of climate change on air quality could only be postulated.
- 5.3.43 TMBC [[REP5-031](#)] noted the uncertainties about the future take up of low emission vehicles, but was satisfied with the Applicant's approach.

Conclusions on baseline conditions and overall methodology

- 5.3.44 There appears to be some uncertainty about when the GM CAZ will be implemented and how that would relate to the programme for the Proposed Development. The suggestion that the GM CAZ is expected to bring air

quality improvements in the area is consistent with the purpose of the GM CAZ and reasonable. Given that the GM CAZ would not be targeted at cars and that A57 and A628 would be included in the GM CAZ, we see no compelling evidence for a significant increase in the use of 'rat runs'. We are therefore satisfied that not including the GM CAZ in the traffic or dispersion models was consistent with a reasonable worst-case assessment.

- 5.3.45 Although the rate of the future take-up of lower emission vehicles is uncertain, it is likely that this will occur given the related developments in policy and legislation. There are uncertainties about when and to what degree climate change will affect air quality. Therefore, we are unable to give any real weight to the Applicant's suggestion that adverse changes to air quality because of climate change would be likely to be outweighed by a beneficial switch to low emission vehicles. Although it appears likely that climate change will affect air quality, sufficiently convincing reasons have not been put forward for us to conclude that climate effects would be likely to make a substantial difference to the assessment of significant effects on air quality due to the Proposed Development. We are therefore content with the consideration given to the effects of climate change in the air quality assessment.

Construction phase

Pre-commencement

- 5.3.46 The definition of "commence" in the rDCO (Appendix D) permits certain pre-commencement activities to take place before the discharge of requirements that require compliance before development commences. We [PD-009, EV-014, EV-015] asked about the potential for those activities to result in significant air quality effects and whether specific mitigation measures should be secured.
- 5.3.47 The Applicant [REP2-021] provided descriptions of the activities and said that the activities would be minor and either de minimis or have minimal potential for adverse effects. The local authorities [EV-016, EV-034, REP4-010, REP5-030] agreed the activities were minor with minimal potential for adverse air quality effects and did not identify a need for specific mitigation.

Construction dust

- 5.3.48 We [PD-009, EV-015, PD-012] explored the dust mitigation measures secured in EMP1 [REP12-007], including the level of detail provided, the consideration given to Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction, provisions for monitoring and the processes for dealing with complaints.
- 5.3.49 HPBC [REP2-053, REP4-011, REP5-035] sought a requirement for monitoring at high-risk sites to be consulted on and agreed with the local authorities, and wished to see additional provisions in the event of an 'ongoing complaint'. It [EV-034] said that DMRB and IAQM guidance were broadly similar and that while it would prefer the latter to be followed it did not consider that to be essential.

5.3.50 The Applicant [[REP2-021](#), [EV-034](#), [REP4-008](#), [REP6-017](#)] submitted and developed an Outline Nuisance Management Plan [[REP12-007](#) Annex B7] during the Examination. This includes more detail on mitigation (Table 2-2) which it said was developed to include mitigation measures based on IAQM Guidance on the Assessment of Dust from Demolition and Construction. It also includes provisions for monitoring and a process for dealing with complaints (Section 2.5).

5.3.51 TMBC [[REP5-031](#)] and HPBC [[REP5-035](#), [REP7-030](#)] were both satisfied with the proposals.

Construction traffic

5.3.52 We [[PD-009](#), [EV-015](#), [PD-012](#)] questioned the screening out of a quantitative assessment of emissions from construction traffic.

5.3.53 HPBC [[REP2-053](#)], also raised concerns about the screening exercise, the consideration given to changes in speed bands and whether the additional construction vehicles and traffic management measures had been included in the screening. It also [[REP4-011](#)] requested information on the level of construction traffic and duration for the eastern end of the link road where it connects at Woolley Bridge and clarification on whether construction traffic and management would be likely to result in an adverse effect on congestion in HPBC's area.

5.3.54 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP7-028](#)] said that construction vehicle movements were not included in the model, that speed band information was not available and that construction vehicles were not proposed to use existing roads within HPBC's area. It [[REP6-017](#), [REP7-028](#)] set out the expected construction vehicle movements, the worst case assumptions that led to them not exceeding the DMRB LA 105 traffic scoping criteria requiring further assessment, and the short term nature of temporary traffic management arrangements.

5.3.55 HPBC [[REP7-028](#)] agreed with the Applicant's responses. TMBC [[REP11-018](#)] had no remaining concerns.

Conclusions on the construction phase

5.3.56 We explored the potential for pre-commencement activities permitted by the rDCO (Appendix D) to result in significant air quality effects with the Applicant and local authorities. Following those discussions, we are satisfied that there would be minimal potential for pre-commencement activities to result in significant effects and that it is not necessary for additional mitigation measures to be secured.

5.3.57 An Outline Nuisance Management Plan [[REP12-007](#) Annex B7], which is part of EMP1 and is therefore secured by Requirement 4 of the rDCO (Appendix D), was developed during the Examination. It includes detail of dust mitigation measures, provisions for monitoring and the processes for dealing with complaints, which were the areas where we and the local authorities sought more protection. TMBC and HPBC were satisfied with the proposals, and we have no reason to disagree.

- 5.3.58 Noting that TMBC and HPBC had no outstanding concerns, we accept the Applicant's explanation that significant construction traffic effects on air quality would be unlikely due to a combination of anticipated routing, traffic management measures and duration. We are content that a quantitative assessment of construction traffic on air quality was screened out.

Operational phase

Worst case year

- 5.3.59 We [[PD-009](#), [EV-015](#)] queried why an assessment had not been undertaken for the design year of 2040. CPRE PDSY [[REP2-069](#), [REP5-028](#)] raised similar concerns.
- 5.3.60 The Applicant [[REP2-021](#), [REP4-008](#)] said that the methodology followed DMRB LA 105. It said that the opening year of 2025 was expected to be a worst case for air quality due to the shift to electric vehicles from the Government's commitment to end the sale of new petrol and diesel cars and vans from 2030, and to end sales of new diesel HGVs from 2040.
- 5.3.61 HPBC [[EV-034](#)] said that there was evidence that emissions were reducing due to the take up of electric vehicles and considered that the Applicant's approach was reasonable for NO₂, but not for particulates.
- 5.3.62 The Applicant [[REP4-008](#)] referred to DfT's published Road Traffic Forecasts, which showed a decline in tailpipe PM₁₀ emissions. Taking those together with emissions from brake and tyre wear led it to conclude that the opening year of 2025 was expected to be the worst case for PM₁₀.

Background concentrations

- 5.3.63 HPBC [[REP2-046](#), [REP2-053](#), [REP4-011](#)] was concerned about the potential to over-represent beneficial effects when modelled NO₂ and PM₁₀ concentrations based on DEFRA's maps were not adjusted where they were within 30% the monitoring data.
- 5.3.64 The Applicant [[REP3-018](#), [REP6-017](#), [REP7-028](#)] said that its methodology was consistent with guidance, but agreed that it could lead to some over representation of the benefits. It explained that comparisons of DEFRA mapped background concentrations and monitoring data [[APP-157](#)] indicated a small absolute difference, with the majority within 10%. It said there was no systematic bias in the comparison. Given the balance of benefits and disbenefits the approach was not considered to change the overall conclusion [[REP3-006](#)] of no significant adverse effect on air quality due to the Proposed Development.
- 5.3.65 HPBC [[REP7-030](#)] agreed that the approach was appropriate.

Dispersion model – verification

- 5.3.66 HPBC [[REP2-053](#), [REP4-011](#), [EV-034](#), [REP6-027](#), [REP7-030](#)] raised a number of detailed concerns about how the dispersion model was verified and whether it had been improved in line with DEFRA guidance. Concerns included the use of multiple data sets, the use of back annualisation data,

verification zoning, and how the model was set up and checked. It referred to a series of meetings with the Applicant to work through the issues and provided regular updates on those discussions.

- 5.3.67 The Applicant [[REP3-021](#), [REP5-022](#), [REP6-017](#), [REP8-019](#), [REP12-022](#)] provided detailed clarifications of its approach and carried out verification sensitivity tests. HPBC [[REP7-030](#), [REP8-025](#)] advised when it was content on each matter. Progress in the discussions was also summarised in updates to a SoCG [[REP7-028](#), [REP8-017](#), [REP12-008](#), [REP12-025](#)] between the parties, with the final versions [[REP12-008](#), [REP12-025](#) references 9.15 and 9.16] confirming that the matters were agreed. TMBC [[REP11-018](#)] had no remaining concerns.
- 5.3.68 SMJTS [[REP12-044](#)] referred to the uncertainties arising from the small data set available from air quality monitoring at the Dinting Vale AQMA compared to other air quality monitoring sites and the potential for expanding the data set to provide a more robust assessment [[REP12-008](#), [REP12-025](#)]. SMJTS contended that a more robust assessment may have a bearing on the design of the Proposed Development.
- 5.3.69 The Applicant [[REP12-023](#)] said that, given the size of the zone, and availability of data from the Applicant's survey, the four monitoring sites was considered to be adequate for model verification. It considered that the air quality assessment was robust and in line with the best practice guidance, and that additional monitoring in this location was unlikely to have materially impacted the outcome of the assessment and would not therefore have a bearing on the design.

Road gradient

- 5.3.70 HPBC [[REP2-046](#), [REP2-053](#), [REP4-011](#), [REP7-030](#)] queried whether road gradients had been applied correctly in the air dispersion model, particularly when the slope was less than 6% and given that DEFRA LAQM guidance indicated that all roads above 2.5% gradient should be considered.
- 5.3.71 The Applicant [[REP3-018](#), [REP4-008](#), [REP5-022](#), [REP6-017](#), [REP7-028](#), [REP8-019](#)] said gradient effects had been considered at three locations, where road gradient were estimated to be 6% or more, and that its approach was proportionate and consistent with DMRB LA 105. The Applicant carried out a model sensitivity test to consider the impact of applying a gradient of less than 6%, which indicated a 3.3% annual mean NO₂ concentration increase for gradient of 2.5% compared to no gradient and a 6.5% annual mean NO₂ concentration increase for gradient of 6% compared to no gradient.
- 5.3.72 HPBC [[REP7-030](#), [REP8-025](#)] accepted the Applicant's approach and concluded that that more detailed modelling of gradients in the ARN was unlikely to significantly alter the assessment. TMBC [[REP5-031](#)] was content.

Traffic diverting from the A57

- 5.3.73 Several traffic matters were raised in relation to the air quality assessment.

- 5.3.74 HPBC [[REP2-046](#), [REP4-011](#), [REP7-030](#), [REP11-013](#)] raised a number of related concerns about the implications for the air quality assessment of the predicted diversions of traffic off the A57 onto Shaw Lane and Dinting Road. It considered the diversion to be counter-intuitive and questioned whether it would be used by HGVs. It said that the desirability of the diversion over the A57 did not reflect in the Applicant's speed banding and suggested that a sensitivity analysis be carried out to consider the implications of the Shaw Lane and Dinting Lane diversion not being used to the extent predicted.
- 5.3.75 Towards the end of the Examination, HPBC [[REP11-013](#)] noted that its suggested sensitivity analysis had not been provided. It concluded that it was not satisfied with the approach by which vehicle emissions were identified for the air dispersion model, in terms of the speed banding and the related modelling of Shaw Lane and Dinting Road. It said that the traffic model had not been directly validated for on-street parking and other constraints. As such, HPBC was concerned that the traffic model may have over-allocated the percentage of the increased traffic due to the Proposed Development onto Shaw Lane and Dinting Road. It noted residual concerns about the validation of the air dispersion model and the consideration given to gradients.
- 5.3.76 The Applicant [[REP6-017](#), [REP7-028](#), [REP8-019](#), [REP11-010](#)] considered that forecast traffic flows across the modelled road network represented a reasonable and appropriate worst-case scenario for the traffic impacts of the Proposed Development through Glossop. It suggested that less use of Shaw Lane / Dinting Road would not necessarily mean that traffic flows on any one alternative route, such as the A57 through Glossop (including Glossop / Dinting Vale AQMA), would increase because there are likely to be wider, knock-on, traffic redistribution effects. It did not consider it necessary or appropriate to undertake a sensitivity test.
- 5.3.77 The Applicant provided a Select Link Analysis [[REP9-029](#)] of Shaw Lane and Dinting Road. This said that the traffic that uses Dinting Road in the 2025 DM scenario was a mix of local traffic and strategic traffic drawn from a wide area using routes such as the M67 and, to a lesser extent, the A57 Snake Pass and Roe Cross Road. It was therefore considered that Dinting Road was a viable alternative route for people travelling between the A57 Snake Pass / Glossop and the M67 due to congestion on Glossop High Street in the DM scenario. The traffic patterns were said to stay the same with the Proposed Development in place but there was forecast to be an increase in two-way flow on Dinting Road by approximately 50% over a 12-hour period, or approximately 1 additional vehicle per minute. This was attributed to more trips through the local area due to improved journey times and due to Dinting Road presenting a viable alternative route when there was congestion and delays on Glossop High Street.
- 5.3.78 We [[PD-017](#)] asked about the potential implications of the matters raised by HPBC for the assessment. The Applicant [[REP11-010](#)] summarised the DMRB LA105 approach. It said that 75 receptors would experience a decrease in concentrations with the Proposed Development and that one receptor would have a 'small' increase in concentration and one receptor would have a 'large' increase in concentration (QF454) with the Proposed Development. Overall, the Applicant considered that the Proposed

Development would improve air quality for human health receptors and there would be no significant adverse effects.

- 5.3.79 We [[PD-017](#)] asked DCC, as local highway authority, to comment on HPBC's concerns [[REP9-033](#)] about the impacts of traffic growth on Shaw Lane and Dinting Road, the potential need for improvements, and the implications of on-street parking on Shaw Lane which prohibit two-way traffic movements. With regards to the need for improvement, DCC [[REP11-012](#)] considered that the increases in traffic due to the Proposed Development on Shaw Lane and Dinting Road would be largely imperceptible, but that it would be considering a review of the signalling of the A57 / Shaw Lane junction and the need for a formalised pedestrian crossing in the vicinity of Glossopdale School. It referred to the significant levels of on street parking which it considered does act as a deterrent to through traffic and was of the view that vehicles using the side roads in Glossop did so because they had a trip end within the area in question.
- 5.3.80 Peter Simon [[REP2-082](#), [REP4-026](#), [REP7-042](#), [REP8-039](#), [REP9-049](#), [REP11-024](#), [REP12-042](#)] said that the Applicant was suggesting a 50% increase in traffic on Shaw Lane and Dinting Road, and 11% on an alternative route through Hadfield, due to the Proposed Development. He said that his main focus was on Shaw Lane and Dinting Road "bypass" of the A57. He considered that constriction from parked cars, buses, additional traffic from other committed development and difficult junctions meant that this was not plausible, and the necessary capacity did not exist. He suggested that the Applicant had not considered the true constraints and impediments and that it should be re-modelled to openly consider the strong prospects of minimal diversion beyond current levels. Peter Simon said that a worst-case scenario of traffic not diverting away from the AQMA remained a serious impediment to the Proposed Development, with unacceptable exceedances in air quality. He questioned the purpose of the Select Link Analysis proposed by DCC [[EV-055](#)], advocating consistently more detailed modelling overall and considering that closer scrutiny of the traffic flows in the area was required.
- 5.3.81 Similar concerns were raised by other IPs including SMJTS [[REP4-014](#), [REP11-025](#)], CPRE PDSY [[REP9-042](#), [REP12-033](#)] and Daniel Wimberley [[REP5-040](#), [REP9-044](#)].
- 5.3.82 The Applicant [[REP3-020](#), [REP5-022](#), [REP8-018](#), [REP9-027](#), [REP10-010](#), [REP12-023](#)] said that the traffic model had been calibrated and validated using observed traffic data and that the assessment used the principles in DMRB LA 105. It explained how the model assigned traffic to alternative routes and considered that it accurately forecast the changes in traffic flows due to the Proposed Development on the A57 and alternative routes. It said that there was no requirement to discourage traffic from using the alternative routes and there would not be any adverse effects significant enough to trigger the need for any mitigation on those routes. The Applicant clarified that the purpose of the Select Link Analysis [[REP9-029](#)] was to show where traffic using Dinting Road came from and was going to, both with and without the Proposed Development. It considered that it had undertaken an appropriate and proportionate assessment of the impacts of alternative routes in accordance with DfT's TAG Unit M3.1 and noted that

DCC [[REP11-012](#)] had no remaining concerns with regards to transport networks and traffic.

AQMA

- 5.3.83 HPBC [[REP2-046](#), [REP2-053](#), [REP4-011](#), [REP6-027](#), [REP9-033](#)] made a number of representations in relation to the consideration given to the Glossop / Dinting Vale AQMA and the Tintwistle AQMA, including concerns about the Applicant's lack of a detailed assessment on the basis that the DMRB LA 105 screening criteria of an increase of all traffic flows of 1,000 annual average daily traffic (AADT) had not been met. It questioned the assumptions about traffic using an alternative Shaw Lane / Dinting Road route rather than the A57 through Glossop / Dinting Vale AQMA that led to an identification of only 300 AADT through the AQMA. It said that a precautionary approach should have been taken to carrying out a detailed assessment of the Tintwistle AQMA when the increase in traffic of 960 AADT was just below the screening criteria. HPBC considered that lower screening criteria should have been set for the AQMA in line with IAQM guidance.
- 5.3.84 We [[PD-009](#), [PD-017](#)] sought clarification on the approach to screening out of assessment of the Tintwistle AQMA and asked about the potential implications of the matters raised by HPBC for the assessment and whether additional mitigation should be provided. HPBC [[REP11-013](#)] [[REP11-014](#)]. considered that the Applicant may have under-predicted the effects of traffic flow on air quality in the Glossop area. It suggested that there should be a requirement for appropriate monitoring of air quality after the opening of the Proposed Development to validate the assumptions to screen out these areas and that there would not be a significantly impact on air quality in these areas. Should these assumptions prove incorrect, it should be required that mitigation is agreed with HPBC and delivered by the Applicant.
- 5.3.85 PDNPA [[REP2-048](#), [REP4-012](#), [REP6-038](#), [REP8-026](#), [REP11-016](#)] said that it was difficult to identify the impacts on the Tintwistle AQMA as it was not included in the assessment. Given how close traffic levels were to the screening threshold and the high level of protection ascribed both to the National Park and its internationally designated sites along the A628 corridor, it considered that a precautionary approach should have been taken and a that detailed assessment should have been carried out. Having made those comments, PDNPA deferred to HPBC as the authority with responsibility for Tintwistle AQMA.
- 5.3.86 The Applicant [[REP2-021](#), [REP3-021](#), [REP3-028](#), [REP4-008](#), [REP6-017](#), [REP7-026](#), [REP8-019](#), [REP11-010](#)] explained that part of the Glossop AQMA (the A57 north of Dinting Vale junction and A626 west of Dinting Vale junction) was included in the air quality assessment with receptor R319 identified as having a small increase in concentrations with the Proposed Development. It said that assessment complied with DfT TAG and DMRB LA 105 with respect to traffic modelling and the air quality screening threshold. It explained that the threshold was set at a level where the traffic model could accurately represent traffic conditions with an appropriate level of confidence. The Applicant said that the IAQM thresholds were specifically

intended for residential and mixed used developments. It submitted that the DMRB LA 105 thresholds were the only appropriate thresholds for national highways schemes which, as strategic interventions, impact traffic flows over a much wider area than residential and mixed used developments, as is also reflected in the difference in the nature and scale of the traffic models used for the assessment of highways schemes. The Applicant noted that exceedance of IAQM thresholds did not automatically lead to a requirement for a quantitative assessment, whereas exceedance of DMRB LA 105 thresholds did. The Applicant maintained that the DMRB LA 105 traffic scoping criteria provided a robust and appropriate threshold for defining the air quality study area for the assessment of significant effects of air quality of highways schemes and that it was therefore not necessary or appropriate to undertake any further assessment within the Tintwistle AQMA or the Glossop / Dinting Vale AQMA.

5.3.87 Concerns about the air quality assessment in relation to the Glossop / Dinting Vale AQMA and the Tintwistle AQMA we raised by IPs many times, including by CPRE PDSY [[REP2-069](#), [REP2-090](#), [REP3-031](#), [REP4-015](#), [REP5-028](#), [REP5-029](#), [REP12-033](#)], Daniel Wimberley [[REP2-072](#), [REP3-032](#), [REP5-039](#), [REP5-040](#), [REP6-034](#), [REP9-044](#), [REP9-045](#)], Peter Simon [[REP10-016](#), [REP11-024](#)], SMJTS [[REP2-085](#), [REP4-014](#), [REP8-041](#), [REP9-050](#), [REP11-025](#)], and in a joint letter from a number of IPs [[REP10-017](#)]. The majority of those submissions echoed the issues raised by HPBC and PDNPA or raised concerns about the traffic modelling or alternatives to the Proposed Development that are considered elsewhere in this report. Other matters included concerns:

- about traffic congestion and increases in air pollution, including with respect to impacts on health;
- that local air quality monitoring in AQMA zones was not continuous and the results depended on the day and time when the reading was taken;
- that the baseline was incorrect and did not reflect observed traffic flows;
- that the close proximity to thresholds did not really allow for significant modelling error;
- that the Applicant changed consultants when it appeared that the air quality data was "*pointing to a very big problem*" and the model was then refined "*to avoid air pollution in Tintwistle and Dinting Vale AQMAs*";
- that it was not clear how adverse air quality impacts on AQMA would be mitigated; and
- that the Applicant's consideration of the AQMAs was contrary to paragraphs 5.11-5-12 of the NPSNN.

5.3.88 In addition to the responses set out above and elsewhere in this report, the Applicant [[REP5-021](#), [REP9-027](#), [REP10-010](#), [REP12-022](#), [REP12-023](#), [AS-011](#)] also replied that:

- the methodology involved the comparison of effects predicted through modelling with and without the Proposed Development, rather than a comparison with the baseline;

- DMRB LA 105 guidance provides traffic change criteria as absolute values and does not provide tolerance levels around the absolute value;
- updates to the model were made to reflect changes to the Proposed Development design, the latest Road Traffic Forecasts and changes to the certainty and timescales of other schemes and developments, and not to avoid air pollution in Tintwistle and Dinting Vale AQMAs;
- the air quality assessment demonstrated that it does not result in increases in traffic on roads outside the DCO boundary sufficient to trigger the need for any mitigation measures outside the DCO boundary.

Other matters

- 5.3.89 Bamford with Thornhill Parish Council [[REP2-060](#)] raised concerns about the potential for increases in pollution arising from increases in traffic. The Applicant [[REP3-020](#)] said that the modelling indicated that the traffic flow on the A6013 through Bamford would marginally reduce by 1% compared to without the Proposed Development.
- 5.3.90 CPRE PDSY [[REP2-069](#), [REP5-028](#)], SMJTS [[REP2-085](#)], Daniel Wimberley [[EV-034](#), [EV-055](#)] and others raised concerns about the adverse effects of air pollution and particulate matter, including PM₁₀ and PM_{2.5} on health. The Applicant [[REP4-008](#)] replied that the assessment [[REP2-009](#), [REP3-006](#)] concluded that there were not expected to be any significant adverse effects for human health receptors and that the overall impact of the Proposed Development was expected to be an improvement and that a positive health outcome was anticipated. Human health matters are further addressed in Section 5.12 of this report.
- 5.3.91 Towards the end of the Examination, CPRE PDSY [[REP12-033](#)] suggested that the Proposed Development did not support GMCA's commitments to achieve World Health Organisation Standards aspirations for both NO₂ and PM by 2030, and that it did not support GMCA's declaration of a single AQMA, based on a precautionary level of 35µg/m³ NO₂ rather than the legal limit of 40µg/m³. It said that in 2021 the World Health Organisation set new lower standards for NO₂ that should not exceed 10µg/m³ annual average and 25 µg/m³ 24-hour mean. The Applicant did not have an opportunity to reply.

Conclusions on the operational phase

- 5.3.92 Noting the trend of likely future take-up of lower emission vehicles that we referred to earlier, we support HPBC's view that the Applicant's consideration of 2025 being the worst-case year for the NO₂ air quality assessment rather than the design year of 2040 is reasonable. The Applicant provided clear evidence of a substantial decline in tailpipe PM₁₀ emissions that also leads us to accept that it is reasonable for 2025 to be taken as a reasonable worst-case year for the PM₁₀ air quality assessment. We have found no compelling evidence why 2025 should not be considered as the worst-case year and are therefore satisfied that an assessment has not been undertaken for 2040.

- 5.3.93 The Applicant provided detailed responses to concerns raised by HPBC about the consideration given to the use of DEFRA maps to identify background concentrations, the verification of the air dispersion model and the implications of road gradient. It concluded that significant adverse effect on air quality due to the Proposed Development in relation to those matters had been identified appropriately. HPBC agreed, TMBC had no remaining concerns, and we have no reason to disagree. We find no compelling evidence of a lack of background data resulting in an inadequate assessment or design.
- 5.3.94 Differing views were expressed about the extent to which traffic from the A57 would divert along alternative routes, including Shaw Lane and Dinting Road, away from the Glossop / Dinting Vale AQMA. There were many concerns that insufficient consideration had been given to restrictions to traffic flow on the alternative routes and that the use of the alternative routes would be significantly less than had been assessed and that therefore the traffic through the AQMA would be greater, which were supported by good evidence that the traffic model had not been directly validated against the constraints. On the other hand, the Applicant maintained that it was confident that its modelling was appropriate for the identification of significant effects and for the AQD compliance assessment and provided a Select Link Analysis [[REP9-029](#)] that it considered demonstrated that the main alternative route would be used by vehicles passing through the area. Meanwhile HPBC maintained its concerns and DCC considered that significant levels of on street parking acted as a deterrent to through traffic and that vehicles using the side roads in Glossop did so because they had a trip end within the area in question. We observed the traffic flows and restrictions at some length during our unaccompanied site inspections [[EV-001](#), [EV-012](#), [EV-061](#)].
- 5.3.95 In Section 5.2 of this report, we concluded that the traffic model is sufficiently robust and provides an appropriate basis for understanding how future traffic demand would be likely to use the road network.
- 5.3.96 On balance, and after careful consideration of our own observations and of the evidence provide by several parties, we find the Applicant's argument that some through traffic from the A57 would be likely to divert to alternative routes reasonable, particularly when there is a high level of congestion on the A57. Although restrictions on alternative routes appear not to have been modelled in detail, we note that they are typically at discrete points along the routes, and we have not been convinced that they would lead to journey times or traffic flows differing significantly from what has been identified in the model. Therefore, we consider that a reasonable worst-case assessment of significant air quality effects and AQD compliance has been carried out in relation to these matters. Nevertheless, recognising that some uncertainty does exist, we are of the view that some mitigation may be required, and consider this further below.
- 5.3.97 We find that DMRB LA 105 screening criteria are appropriate for the consideration of whether a detailed or quantified air quality assessment should be carried out. On that basis, and noting the above comments regarding the traffic modelling, we are satisfied with the Applicant's responses to the concerns about AQMAs expressed by CPRE PDSY, Daniel

Wimberley, Peter Simon, SMJTS and other IPs. Although we would have welcomed a quantitative assessment of the Tintwistle AQMA and of the Glossop / Dinting Value AQMA, we do not consider that to be required by DMRB LA 105 and, reflecting on all of the evidence provided, we therefore consider it acceptable that the Applicant scoped them out.

- 5.3.98 Although find the assessment to be acceptable, we consider that it is necessary to provide mitigation for air quality during the operational phase because of uncertainties in the traffic modelling and the potential for materially new or materially different adverse effects from those identified in the ES. On that basis we support the principles of HPBC's suggestion of an additional requirement. We have therefore added a provision in the rDCO (Appendix D) for the third iteration EMP to include a requirement for monitoring of air quality in the Tintwistle and Dinting Value AQMAs and mitigation measures for any adverse effects in relation to the ability to meet national air quality objectives that are reasonably attributed to the operation of the authorised development in those areas. The rDCO (Appendix D) also has provisions for the third iteration EMP to be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, thereby ensuring that HPBC would be engaged.
- 5.3.99 Having considered the Applicant's response to the concerns raised by Bamford with Thornhill Parish Council, we find it unlikely that any changes in traffic due to the Proposed Development would lead to any significant adverse air quality effects in Bamford.
- 5.3.100 We note the concerns about the effects of particulate matter on health. We are satisfied that the air quality assessment focuses on air quality criteria and acceptable thresholds for human health and see clear evidence for appropriate consideration being given to particulates including PM₁₀ and PM_{2.5}.
- 5.3.101 We consider CPRE PDSY [[REP12-033](#)] comments about compliance with GMCA policy in our overall conclusions on air quality, below.

AQD compliance

- 5.3.102 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#), [PD-017](#)] asked a series of questions to explore whether the Proposed Development would comply with the AQD.
- 5.3.103 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP8-019](#)] said that under the DEFRA method annual mean NO₂ concentrations at all modelled receptors within or adjacent to Glossop AQMA would be well below the AQD LV and there was not considered to be a risk of non-compliance within the AQMAs just outside the air quality study area. It also clarified that even with the Proposed Development there would not be an exceedance of AQD LV either within or outside the assessed area and as such there would not be a risk of non-compliance with the AQD.
- 5.3.104 HPBC [[REP2-046](#), [REP4-011](#), [REP8-025](#)] raised concerns about the consideration given to compliance at qualifying feature receptors on the A57 in Brookfield that were expected to show a large increase in NO₂ concentrations in the opening year.

- 5.3.105 The Applicant provided a Supplementary Air Quality Assessment for Brookfield [REP11-011]. Using the DEFRA method, the ES [REP3-006] identified an increase in annual mean in NO₂ of 8 µg/m³ to 32.4 µg/m³ due to the Proposed Development in 2025 at a qualifying feature receptor (QF454). A sensitivity analysis was carried out using the gap factors based on the National Highways LTTE6 projection factors, to give a more conservative estimate of the concentrations. This indicated an increase in annual mean NO₂ of 6.2 µg/m³ to 40.1 µg/m³ at the same receptor due to the Proposed Development in 2025, resulting in a marginal exceedance of AQD LV. The Applicant noted that an annual mean NO₂ of 40.1 µg/m³ was predicted using the more conservative method in the base year (2018), although the 2018 monitored annual mean value at that location was 34.5 µg/m³.
- 5.3.106 The Applicant [REP11-011] considered that given the balance of improvements and worsening in air quality, the inclusion of QF454 in the assessment of likely significant effects of the Proposed Development on human health would not change the overall conclusion as reported in the ES. This conclusion being that the impact of the Proposed Development would result in an overall improvement in air quality for human health receptors and that there would not be a significant adverse effect due to the Proposed Development.
- 5.3.107 CPRE PDSY [REP12-033] considered that the results of the Supplementary Air Quality Assessment for Brookfield “*cast strong doubts on the air quality modelling throughout Glossopdale*”. It said that there would still be exceedances of AQD LV along the A628T in Hollingworth (16 receptors) and along the A57 Dinting Vale (1 receptor which exceeds the LV would experience slightly worse pollution). It considered that failure to verify AQD LV objectives for two AQMAs in the vicinity of the Proposed Development would detract from the air quality benefits.

Conclusions on AQD compliance

- 5.3.108 A ‘less conservative’ assessment of the annual mean NO₂ concentration with the Proposed Development in the opening year indicated that concentrations would increase and that the highest concentration would be 32.4 µg/m³ at receptor QF454. A ‘more conservative’ assessment indicated that it would be 40.1 µg/m³ in both the base year of 2018 and the opening year of 2025. The 2018 monitored annual mean is identified as 34.5 µg/m³. Based on those figures, and subject to the addition of rDCO requirement mentioned above, we consider it reasonable to conclude that the Proposed Development would be unlikely to result in the AQD LV annual mean NO₂ concentration of 40 µg/m³ being exceeded at receptor QF454.
- 5.3.109 We are satisfied that the purpose of the Supplementary Air Quality Assessment for Brookfield was to provide a targeted and more conservative assessment at a location of particular concern to HPBC. Noting our conclusions regarding receptor QF454, the supplementary assessment does not lead us to find that the assessment of significant effects in Glossopdale was insufficient.

Conclusions on air quality

- 5.3.110 We have had particular regard to the policies set out in the NPSNN in our consideration of the effects of the Proposed Development in relation to air quality. Consideration was given to the relevant sections of the AQD, the AQS, the Clean Air Strategy, and to relevant local plans and policies.
- 5.3.111 Air quality effects on biodiversity and designated sites are covered in Section 5.11 and Chapter 6. The transport assessment and traffic levels are dealt with in Section 5.2. Health is discussed in Section 5.12, nuisance in Section 5.5; and compensation for blight in Chapter 8.
- 5.3.112 The Applicant clearly considered vehicle emissions, how tighter emission standards are expected to reduce PM₁₀ and NO₂ emissions, air quality effects over the wider area, relevant statutory air quality thresholds and AQMA as required by paragraphs 2.16, 3.6, 3.7, 3.8, 5.10, 5.11 and 5.12 of the NPSNN.
- 5.3.113 We find that the study area, selection of receptors, and baseline conditions, not including the GM CAZ in the traffic or dispersion models, and the consideration given to climate change were appropriate for the purposes of the air quality assessment.
- 5.3.114 We are satisfied that proper consideration was given to pre-commencement, construction dust and construction traffic and that appropriate measures have been secured in the rDCO (Appendix D) and EMP1 [[APP-183](#)] updated to [[REP12-007](#)] to address dust mitigation measures, provisions for monitoring and the processes for dealing with complaints during the construction phase.
- 5.3.115 Although we find the assessment acceptable, we consider that it is necessary to provide mitigation for air quality during the operational phase because of uncertainties in the traffic modelling and the potential for materially new or materially different adverse effects from those identified in the ES. The provisions are for the monitoring of air quality in the Tintwistle AQMA and in the Glossop / Dinting Value AQMA and for mitigation measures to be put in place to mitigate any exceedances of air quality limit values reasonably attributed to the Proposed Development, all to be agreed with the SoST in consultation with the relevant local planning authority.
- 5.3.116 We are satisfied that relevant pollution control authorities would be able to regulate potential releases and are therefore content that paragraph 4.55 of the NPSNN is satisfied. For the purposes of paragraph 4.56 we have no good reason to believe that any relevant control permits, or licences or other consents would not subsequently be granted.
- 5.3.117 Satisfactory explanations were provided regarding the worst-case year, the consideration given to the use of DEFRA maps to identify background concentrations, the verification of the air dispersion model and the implications of road gradient. We find that a reasonable worst-case assessment of significant air quality effects and AQD compliance was carried out in relation to traffic modelling and alternative routes. We accept the screening out of detailed qualitative assessments of the Tintwistle AQMA

and of the Glossop / Dinting Vale AQMA. We are satisfied with the Applicant's responses to IPs and other parties.

- 5.3.118 We are therefore content with the overall approach for air quality assessment and mitigation for the operational phase. Appropriate consideration was given to the mitigation suggested in paragraph 5.15 of the NPSNN and we are satisfied that appropriate measures have been secured in the rDCO (Appendix D).
- 5.3.119 We have paid particular attention to the AQD and to the relevant provisions in the NPSNN, including paragraphs 5.9 and 5.13. We note that the SoSDEFRA has the sole responsibility for determining compliance against the AQD. However, from the evidence presented to us, our view is that with the rDCO (Appendix D) in place the Proposed Development would be unlikely to cause any delays in non-compliant areas becoming compliant, or to cause any compliant areas to become non-compliant.
- 5.3.120 We are content that appropriate measures have been taken to avoid, mitigate and minimise adverse impacts and, where possible, to contribute to improvements.
- 5.3.121 We acknowledge the Applicant's overall assessment of an improvement in air quality for human health receptors during the operational phase and that it concluded that there would not be any significant air quality effects due to Proposed Development.
- 5.3.122 Based on the above, we are satisfied that appropriate consideration was given to relevant policy for the Proposed Development. We find that, subject to the provisions of the rDCO (Appendix D), there would be beneficial air quality effects in some locations and adverse effects in others. On balance, we consider that there would be unlikely to be any overall significant effects on air quality. Therefore, our view is that overall effects on air quality do not count significantly for or against the DCO being made.

5.4 CLIMATE CHANGE

Introduction

- 5.4.1 This section considers the effects of the Proposed Development in relation to climate change.
- 5.4.2 Air quality is covered in Section 5.3; flood risk in Section 5.10; biodiversity in Section 5.11 and Chapter 6; traffic in Section 5.2; and social, economic, and human health matters in Section 5.12.

Legislation, policy, and guidance context

- 5.4.3 Carbon emissions are addressed in paragraphs 5.16 to 5.19 of the NPSNN.
- 5.4.4 Paragraph 5.16 refers to a system of five-year carbon budgets that set a trajectory to a cut in greenhouse gas (GHG) emissions by at least 80% by 2050 and says that "*carbon budgets and plans will include policies to reduce transport emissions, taking into account the impact of the Government's overall programme of new infrastructure as part of that.*" Paragraphs 5.16-

17 state that *"the impact of road development on aggregate levels of emissions is likely to be very small"* and that it is *"very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets."*

- 5.4.5 Paragraph 5.17 requires Applicants for road projects to *"provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets"* and says that *"it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets"*.
- 5.4.6 Paragraph 5.19 requires evidence to be provided of mitigation measures *"incorporating engineering plans on configuration and layout, and use of materials"*. It requires the SoS to *"consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high."* and states that *"the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision making process."*
- 5.4.7 Paragraph 5.18 sets out that the Government's national carbon reduction strategy is likely to ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. It considers that *"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 have a material impact on the ability of Government to meet its carbon reduction targets."*
- 5.4.8 Climate change adaptation is addressed in paragraphs 4.36 to 4.47 of the NPSNN. These identify that applicants must consider the impacts of climate change when planning location, design, build and operation and set out how developments would respond to and accommodate the potential effects of climate change using the latest UK climate projections.
- 5.4.9 Paragraph 4.43 requires applicants to *"demonstrate that there are no critical features of the design of new national networks infrastructure which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections."*
- 5.4.10 Paragraph 4.44 sets out that *"any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured."*
- 5.4.11 Section 104 of the PA2008 requires that the SoST must decide an application for a national networks NSIP in accordance with the NPSNN unless it is satisfied that to do so would, amongst other things, lead to the UK being in breach of its international obligations.
- 5.4.12 The Paris Agreement 2015 provides a framework for keeping global warming well below 2°C and was ratified by the UK Government in November 2016, after the NPSNN was designated in December 2014. The Glasgow Pact 2021 asked countries to set more ambitious 2030 emissions reduction targets to limit global warming to 1.5°C.

- 5.4.13 The Climate Change Act 2008, as amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019, includes that “*it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.*” The UK has legally binding interim targets called carbon budgets and Nationally Determined Contributions (NDC). Carbon budgets restrict the total amount of GHG that the UK can emit over five-year periods up to 2037.
- 5.4.14 The Net Zero Strategy: Build Back Greener (NZS) sets out how the UK will deliver on its commitment to reach net zero emissions by 2050. It includes commitments in relation to zero emission vehicles, low carbon vehicles, increasing road vehicle occupancy, and increasing the share of public journeys taken by public transport, cycling and walking.
- 5.4.15 DfT’s Decarbonising Transport, A Better, Greener Britain, otherwise known as the Transport Decarbonisation Plan (TDP), sets strategic priorities to achieve net zero in transport for emissions generated from the operation and use of the UK’s transport system. It includes commitments in relation to increasing walking and cycling, zero emission vehicles, decarbonising railways, freight and logistics, local authority initiatives, low carbon fuels, future transport and research and development.
- 5.4.16 The TDP refers to the DfT’s initiation of a Carbon Management Programme for managing whole life carbon of infrastructure projects, guided by the principles of PAS 2080. This would include emissions associated with the creation or major modification of an infrastructure asset, including those during the construction phase.
- 5.4.17 PAS 2080: 2016 Carbon management in infrastructure (PAS 2080) is a specification published by the British Standards Institution. It provides a framework to encourage organizations and supply chains to work together to reduce the volume of carbon used throughout the whole life cycle of infrastructure projects.
- 5.4.18 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

The application

- 5.4.19 Apart from figures, the main sections of the application, as updated during the Examination, relevant to climate change are:
- ES Chapter 14: Climate [[APP-070](#)] updated to [[REP1-019](#)];
 - ES Appendix 14.1: Carbon Assessment [[APP-179](#)];
 - ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
 - ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
 - EMP1 [[APP-183](#)] updated to [[REP12-007](#)] during the Examination and including an Outline Carbon Management Plan at Annex B9; and
 - REAC [[APP-184](#)] updated to [[REP11-005](#)].

Effects of the Proposed Development on climate change

- 5.4.20 The assessment was guided by DMRB LA 114.
- 5.4.21 For the construction phase, the assessment included consideration of GHG emissions associated with the materials, construction activities, and the transportation of materials. For the operational phase the assessment included consideration of GHG emissions from vehicles using the highway infrastructure, and fuel/electricity consumption for vehicles, lighting, and plant during operation, including routine maintenance. GHG emissions were considered for different GHGs and reported as a CO₂ equivalent (CO₂e) that accounted for the different warming potential of different GHGs.
- 5.4.22 Construction phase emissions were calculated using National Highways' Carbon Tool and included the consideration of material and non-material emissions, energy, and waste for different categories of activity.
- 5.4.23 The operational phase assessment in relation to vehicle emissions looked at the road network in the traffic model and the changes due to the Proposed Development, and included consideration of expected traffic usage, speed, and the emission factors for different vehicles. Other emissions during the operational phase were estimated using published data from other similar highways schemes. The assessment did not include government commitments to changes in fleet make up, such as the phasing out of conventional fuel cars and vans, which was considered to lead to an over-estimation of emissions.
- 5.4.24 Mitigation measures considered for the construction phase assessment included modification of the design to reduce the volume of materials and use of construction plant and site equipment, reuse of excavated materials onsite, waste reduction, increased opportunities for local procurement, reduced traffic congestion during construction, use of lower emission vehicles and plant where possible, and a commitment to adhering to the principles of the PAS 2080. Measures for the operational phase included measures to reduce congestion, increases in planted areas, incorporation of LED lighting and the reduction of lighting.
- 5.4.25 Construction phase emissions were 38,970 tCO₂e. Operational phase emissions due to the Proposed Development were 401,026 tCO₂e over 60-years.
- 5.4.26 Construction phase and operational phase emissions were compared with the UK carbon budgets for the relevant time periods. Contributions in any of the five-year periods were a maximum of 0.0033% of the relevant carbon budget. It was considered that this magnitude of emissions from the Proposed Development would not materially impact the Government's ability to meet the budget, and that therefore the Proposed Development would not have a significant effect on climate.
- 5.4.27 It was considered that climate change is itself a cumulative effect in that it is the effect of GHG emissions worldwide, over time, on a single receptor.

Vulnerability of the Proposed Development to climate change

- 5.4.28 The assessment particularly considered the impacts of extreme weather caused by climate change and was guided by DMRB LA 114. Receptors

were identified for the construction and operational phases and included assets and end users. Current climatic conditions and a range of possible future climate projections were identified.

- 5.4.29 The construction phase is not expected to be so far in the future that the climate would notably change further prior to construction and therefore climate change was not expected to impact construction.
- 5.4.30 Operational phase climate change impacts were considered on assets including road surfaces and pavements, structures, drainage infrastructure, road technology and street furniture, and landscaping. End-user impacts included the effect of climate changes on driver experience. The assessment considered the likelihood and consequences of impacts.
- 5.4.31 Potential in-combination cumulative climate impacts included in relation to intensification of air quality impacts, reduced need for road salting benefitting the water environment, lower river levels intensifying impacts from surface water discharges, and more polluted surface water runoff.
- 5.4.32 After consideration of the mitigation, none of the potential climate vulnerability effects were found to be significant.

Factual issues considered during the Examination

- 5.4.33 Most climate change issues arising during the Examination were about the effects of the Proposed Development on climate change and this is reflected in the matters set out below.
- 5.4.34 Climate change matters considered during the Examination included:
- climate change concerns;
 - national legislation, case law, policies, and vehicle emissions;
 - local and regional policy and carbon reduction targets;
 - cumulative assessment;
 - benchmarking;
 - mitigation measures – general and construction phase;
 - mitigation measures – operational phase;
 - significant effects; and
 - other climate change matters and matters raised by other parties.

Climate change concerns

- 5.4.35 More than 70 Interested Parties (IPs) raised concerns about the potential effects of the Proposed Development on climate change in their Relevant Representations. Many objected to the Proposed Development because it would result in increases in carbon emissions in the context of declarations of a climate emergency and legally binding targets of net-zero carbon emissions by 2050. Iram Younis [[RR-0346](#)] said that the climate emergency is the greatest challenge we face as a species and that we

should not be building new roads which inevitably lead to more traffic. High Peak Green Party [RR-0751] said that reacting to ever-increasing demand by building more roads was not sustainable given the climate and ecological emergencies.

- 5.4.36 Daniel Wimberley [REP2-072] provided example media accounts and quotations from the Intergovernmental Panel on Climate Change (IPCC) and others on the current impact of climate change, future risks and costs, and the urgent need to act. Carol Becket [REP2-062] said that there was a need to reduce poisonous carbon emissions, stop or at least minimise all new road building and find greener alternative solutions. Charlotte Farrell [REP2-063] said that we need to halt the reliance on private vehicles and reduce road freight to make the reductions in carbon emissions necessary to keep global temperatures within habitable levels.
- 5.4.37 A joint submission on behalf of various IPs [REP10-017] said that the IPCC reports make a clear and unanimous case for very urgent action on Climate Change and for immediate and rapid reduction in carbon emissions – not over decades, but over years in the very near future (45% cuts by 2030). It reported that on April 4th, 2022, Professor Jim Skea, OBE, CBE from Imperial College, London and Co-Chair of IPCC Working Group III said on the release of the latest report *“It’s now or never, if we want to limit global warming to 1.5°C (2.7°F); without immediate and deep emissions reductions across all sectors, it will be impossible”*. This means starting serious, evidence-based decarbonisation now in 2022 – not next year, nor the next, nor 2025, but now. The various IPs do not believe that the Application is consistent with what the scientific consensus requires, as underwritten by our own Government.

National legislation, case law, policies, and vehicle emissions

- 5.4.38 We [PD-009, PD-012, EV-039] queried the consideration given to national legislation, case law and policies, including the NZS and the TDP.
- 5.4.39 The Applicant [REP2-021] referred to the TDP and its references to continued high level of investment in roads and that plans to decarbonise all road traffic would transform roads’ impact on GHG emissions. It considered that the TDP had no implications for the Proposed Development or its conclusions on any significance of effects.
- 5.4.40 The Applicant [REP2-021] also referred to R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited (2021) EWHC 2095 (Admin) (the ‘TAN case’), where it was found that carbon emissions from RIS2, of which the Proposed Development is a part, would be de minimis.
- 5.4.41 TMBC [REP2-056] said that the timescales for phasing out petrol and diesel vehicles mean that GHG emissions may increase up to and beyond 2030.
- 5.4.42 DCC [REP6-026] sought further evidence to back-up the Applicant’s statement that *“increases in GHG emissions are anticipated to be substantially outweighed by the benefits of electrifying the national fleet which is the focus of government policy in this area”*.

5.4.43 PDNPA [[REP6-038](#)] referred to the Climate Change Committee's recommendations for surface transport to require a 63% reduction in carbon emissions from 2019 levels to live within the sixth carbon budget. It said that this would suggest that varying rates of improvement are inevitable, but an expansion of emissions cannot be disregarded as it will place additional pressures elsewhere that maybe difficult to manage. It suggested that for an impact assessment to be robust it must consider the context within which the development is occurring and therefore the total additional emissions due to RIS1 and RIS2 are relevant context and should be included in the assessment.

5.4.44 CEPP [[REP2-064](#), [REP8-029](#), [REP9-038](#), [REP10-011](#), [REP11-020](#), [REP11-021](#), [REP12-026](#)], and in a joint submission with other IPs [[REP10-017](#)], said that:

- the impact of electrification is slow, and this is evidence that the increases in GHG emissions with the Proposed Development are not substantially outweighed by the benefits of electrifying the national fleet. The IPCC reports, and the NDC 2030 target of 68% reductions make it clear that reducing emissions is urgent and paramount now, and electrification, largely through lack of sufficient penetration into the total vehicle fleet, does not contribute significantly;
- the NZS and the TDP include carbon reduction targets and update the policy framework since the 'TAN case'. The sixth carbon budget 78% 2035 target, the NDC 68% 2030 target, and the NZS are new parts of the legal and policy framework which are on the statute. The TDP indicates that the Government consider it essential to avoid car-led recovery from the pandemic and includes that "... we cannot, of course, simply rely on the electrification of road transport ...";
- the NZS sets out an urgent need for ambitious quantifiable carbon reductions in transport. It provides a delivery pathway for carbon reductions in the transport sector relative to 2019 levels by around 34-45% by 2030 and 65-76% by 2035. It includes that the "UK will therefore need to overachieve on the fifth carbon budget to meet its international climate targets and stay on track for the sixth carbon budget. Accordingly, the policies and proposals, delivery pathway, deployment assumptions and any other analysis presented in the Net Zero Strategy for the fifth carbon budget period are consistent with the action required to meet the UK's 2030 NDC";
- the Applicant has not demonstrated that the Proposed Development is consistent with the NZS and the TDP, despite the NPSNN requirement for assessment against existing carbon reduction targets. The assertion that the Proposed Development would not affect the UK's ability to meet the NZS delivery pathway is unevidenced and unsubstantiated. No serious demonstration has been made that carbon emissions will continue to fall or by how much based on a serious quantified evaluation of the policies in the NZS and the TDP. There needs to be a fully quantified assessment against the NZS carbon reduction targets and delivery pathway as consideration of meeting the NDC, the sixth carbon budget and net zero. It is necessary to set out how the Proposed Development would contribute to achieving the TDP;

- recalculations of operational emissions based on DEFRA's updated v11 Emission Factors Toolkit (EFT) and the TDP sensitivity test need to be transparent to allow parties an opportunity to examine them. It is not clear when DfT will approve the validity of the sensitivity test;
- the Applicant relies upon the contention that because various national climate change policy documents and targets exist, it is guaranteed that the Government will meet its carbon reduction targets and targets set within them, and consequentially, the Proposed Development will not have a material impact on the ability of the Government to meet its carbon reduction targets. The evidence for the NZS bringing about the necessary reductions is being subject to legal challenge, the Government has not demonstrated that the TDP will be successful, and it is therefore premature to rely on the success of the NZS or the TDP; and that
- weight should be given to complying in full with the NPSNN and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and guidance; and the DMRB does not add value in doing this.

5.4.45 Other matters raised by CPRE PDSY [[REP2-069](#), [REP3-031](#), [REP5-028](#), [REP6-033](#), [REP7-036](#), [REP8-033](#), [REP8-034](#), [REP9-042](#); [REP9-049](#), [REP12-033](#)] included that:

- electrification of the vehicle fleet could lag well behind the required reduction in GHG. The projected reduction in UK domestic transport emissions has not occurred. Since 2016, average emissions for new cars began to rise year on year – a total increase of 6% between 2016 and 2019. Whilst sales of electric vehicles have escalated with incentives, carbon emissions have not fallen proportionately due to the vehicles being hybrid and running for much of their journey on fossil fuel;
- NDC commits the UK to reducing economy wide GHG by at least 68% from the 1990 baseline by 2030. We expect the transport sector to play its full share in reducing emissions. Transport emissions in 2019 were 4.6% lower than in 1990, therefore from 2020 a 63.4% decrease in transport carbon emissions is required to achieve the NDC by 2030;
- the increase in vehicle kilometres due to the Proposed Development would be contrary to the requirement in the sixth Carbon budget for a reduction in car trips;
- the NZS includes that "*This document sets out clear policies and proposals for keeping us on track for our coming carbon budgets, our ambitious Nationally Determined Contribution (NDC), and then sets out our vision for a decarbonised economy in 2050*". Therefore, this document fulfils the Climate Change Act 2008 and is the valid legitimate document against which the Proposed Development should be assessed;
- the NZS sets carbon reduction targets for the transport sector and states that domestic transport emissions could need to fall by around 34-45% by 2030 and 65-76% by 2035 compared to 2019 levels. By contrast, during this time the Proposed Development would increase carbon emissions annually by between 0.7% and 0.8% in the study area;

- the TDP includes that *“We cannot pile ever more cars, delivery vans and taxis on to the same congested urban roads. That would be difficult for the roads, let alone the planet, to tolerate. As we build back better from the pandemic, it will be essential to avoid a car-led recovery”* and that *“We want to reduce urban road traffic overall”*;
- the TDP assigns savings to be made by each transport mode. Even allowing for some electrification of the fleet, the Proposed Development would not meet the carbon reduction trajectory in Figure 2 of the TDP;
- the Applicant’s considerations of EFT v11 *“do not account for the spurious results of the traffic modelling”*;
- the quashing of a DCO for the A38 Derby junctions by the High Court on 8th July 2021 raises questions about implications for the Paris Agreement, the UK’s NDC, achievement of 2050 Net Zero and carbon budgets at a national regional and local level, and for its cumulative effects; and that
- the Proposed Development would increase and maintain carbon emissions when policy and legal requirements are to reduce them.

5.4.46 The Applicant [[REP3-021](#), [REP4-005](#), [REP5-021](#), [REP5-026](#), [REP7-026](#), [REP8-018](#), [REP8-019](#), [REP9-027](#), [REP10-010](#), [REP12-022](#), [REP12-023](#), [AS-011](#)] replied that:

- the Government has committed to end the sale of new petrol and diesel cars and vans by 2030, and that all new cars and vans will be required to be fully zero emission at the tailpipe by 2035. The NZS sets out the plans and policies for ending the sale of combustion-engine cars and vans by 2030. The TDP commits to accelerating the rollout of electric vehicles. Year by year CO₂e emissions [[REP9-027](#) Appendix A] show that there is a year on year reduction in the absolute carbon emissions and the change in carbon emissions between 2025 and 2040, which indicated that increasing electrification of the vehicle fleet is outweighing any emission increase that would come about due to traffic growth between 2025 and 2040. The assessment of operational road traffic related carbon emissions [[REP1-019](#)] was based on National Highways speed band emission rates. These use DEFRA’s EFT, which considers future fleet mixes;
- the NZS sets out target-compliant *“indicative delivery pathways”* for each sector until 2037. The indicative delivery pathway is designed according to *“our current understanding of each sector’s potential, and a whole system view of where abatement is most effective”*. It is a full cross-sector strategy that has implications for consumer behaviour around modal shift, which in turn is linked to incentives to encourage the use of cleaner transport modes. Policymakers need to facilitate incentive schemes to support the behavioural change required to reach the net-zero target, including regulations, pricing, subsidies and incentives (e.g. for electric vehicle purchase). There is still a need for ‘fit-for-purpose’ infrastructure that is designed with a sense of place, and encourages active travel, which is what the Proposed Development achieves;

- the NZS is a zero-emission vehicle mandate for carmakers and funds to support the electrification of UK vehicles and their supply chains. The “*indicative delivery pathways*” were explicitly not intended to set sectoral targets and neither Parliament nor Government had identified any sectoral targets for carbon reductions related to transport, or any other sector;
- the TDP includes that “*Our ambitious roads programme reflects – and will continue to reflect – that in any imaginable circumstances the clear majority of longer journeys, passenger, and freight, will be made by road; and that rural, remote areas will always depend more heavily on roads*”;
- the TDP commits to accelerating the rollout of electric vehicles and related infrastructure and shows that the Government is relying heavily on new fuels and technology to meet its ambition. In a statement released by the transport secretary on 14 July 2021, when the TDP was published, he explained that the new plan “*is not about stopping people doing things: it’s about doing the same things differently ... we will still drive on improved roads, but increasingly in zero-emission cars*”;
- comparing the DM and DS scenarios indicates a 0.7% increase in emissions with the Proposed Development in 2025 and 0.9% in 2040;
- the DfT approved a sensitivity test on the impact of the TDP policy measures. Applying this indicated operational emissions of between 0.0111 and 0.0152 MtCO_{2e} for 2023-2027; between 0.0121 and 0.0209 for 2028-2032; and between 0.0062 and 0.0138 for 2033-2037;
- EFT v11 was published in November 2021 and extended emission factors for carbon from 2030 to 2050 and included a greater uptake rate of electric vehicles. The operational emissions were recalculated for these new emission factors. The recalculations indicated a reduction in the operational emissions identified in the ES [[REP1-019](#)] from 0.0163 to 0.0161 million tonnes of CO₂ equivalent (MtCO_{2e}) for 2023-2027; from 0.0292 to 0.0264 for 2028-2032; and from 0.0318 to 0.0259 for 2033-2037;
- details of the updated EFT v11 calculations and TDP sensitivity test were provided [[REP5-026](#), [REP8-018](#) Appendix A, [REP9-027](#) Appendix A] and no additional traffic modelling was undertaken. The TDP sensitivity test gives an indication of changes in carbon emissions with the Proposed Development under the TDP delivery pathway assumptions and the approach was accepted by the SoST for the decisions for the M54 to M6 Link Scheme and M25 Junction 10/A3 Wisley Interchange Scheme. The year-by-year emissions for the TDP sensitivity test can be published when they are approved by DfT;
- it is yet to be seen whether the UK Government’s policies can ensure budgets and targets are achieved, but there is an expectation that these policies will result in carbon emissions falling in the future. It is the UK government’s responsibility to achieve the legal targets and meeting the trajectory towards net zero is a balance that they need to set out. It is not possible for the Applicant to provide this detail. Although there is uncertainty in how to get to net zero for road schemes, it should be noted that this remains the case for all transportation, including rail. As

presented in the NZS, the policies will be needed to achieve the carbon budgets, and there is an expectation that the NZS measures will be implemented;

- it would be premature to comment on the legal challenge against the NZS before it has been determined and it is reasonable to assume that the TDP will achieve reductions in operational emissions;
- compliance with relevant international obligations was considered through compliance with the Climate Change Act 2008; and that
- the additional carbon emissions due to the Proposed Development are low and therefore would not impact on the delivery of the NZS, the NCD commitments to reduce GHG emissions, or the TDP, and that the UK government intends to implement these policies to manage their overall strategy to meet net zero.

Local and regional policy and carbon reduction targets

- 5.4.47 We [[PD-009](#), [PD-012](#), [EV-039](#)] queried the consideration given to relevant legislation, policy, carbon reduction targets and carbon budgets.
- 5.4.48 TMBC [[REP2-056](#), [REP6-037](#)] referred to TMBC's Climate Change and Environment Strategy 2021-26 whereby it committed to reduce the Borough's carbon impact to net zero by 2038, based on Tyndall Centre research and the Five-Year Environment Plan for Greater Manchester 2019-2024. It said that while those targets were not set locally through law they reflected the lead of central government, the national targets which were locally derived from Department for Business, Energy and Industrial Strategy (BEIS) data, and the recognition of the timeframe in which TMBC are collaborating with stakeholders to achieve net zero. It had declared a climate emergency and said that all best endeavours should be made not only to maintain carbon emissions at or near current levels but to seek to reduce carbon emissions, both direct and indirect, as appropriate.
- 5.4.49 DCC [[REP2-051](#), [REP6-026](#)] referenced its Climate Change Strategy: Achieving Net Zero 2021-2025, which includes an aim to help drive down carbon emissions generated across Derbyshire to net zero by 2050. It confirmed that appropriate consideration and explanation had been given to local policies and local and regional carbon budgets.
- 5.4.50 HPBC [[REP2-053](#), [REP6-027](#)] referred to its Climate Change Plan and noted its declaration of a climate emergency, commitment to make HPBC carbon neutral in its internal operations and the services it delivers by 2030, and to work with partners to help achieve this target for the High Peak as a whole. It said that the assessment did not appear to provide any specific reference to local policies or carbon budgets.
- 5.4.51 PDNPA [[REP2-048](#)] said that a more local assessment of impact should be undertaken to consider the emissions in relation to those who are likely to benefit from the Proposed Development and the immediate area where its impact will be felt, would be more appropriate.
- 5.4.52 The Applicant [[REP2-021](#), [REP3-018](#), [REP3-021](#), [REP3-028](#), [REP8-019](#)] said that the Climate Change Act does not include a statutory duty for local

authorities to set budgets or deliver these reductions and that local or regional carbon budgets were not defined in the NPSNN. It considered that there was no legal requirement to assess against local authority budgets and that, in accordance with the NPSNN, only a comparison with national carbon budgets was relevant. It quoted the NZS as stating that *“There are currently no net zero statutory targets on local authorities or communities in the UK, and we do not believe that a new general statutory requirement is needed”*. The Applicant said that the NZS acknowledged that central and local governments needed to work together closely to deliver net zero and interim budgets, and considered that it was doing this through ongoing consultation.

5.4.53 CEPP [[REP2-064](#), [REP8-029](#), [REP9-038](#), [REP12-026](#)], and in a joint submission with other IPs [[REP10-017](#)], said that:

- EIA Directive Guidance states that the assessment should take relevant GHG reduction targets at the national, regional, and local levels into account, where available and that *“the contribution to GHGs may be insignificant on the global scale, but may well be significant on the local/regional scale, in terms of its contribution to set GHG-reduction targets”*;
- updated Institute of Environmental Management and Assessment (IEMA) guidance on assessing GHG emissions and evaluating their significance (the 2022 IEMA Guidance) [[REP8-032](#)] includes that the *“starting point for context is therefore the percentage contribution to the national or devolved administration carbon budget as advised by the [Climate Change Committee]. However, the contribution of most individual projects to national-level budgets will be small and so this context will have limited value”*. Local or regional carbon budgets developed by local authorities and researchers (e.g. the Tyndall Centre at the University of Manchester) were at a more pertinent scale for individual projects. The Applicant’s method ignores IEMA’s strong steer that assessment of a project’s carbon emissions against the carbon budget for the entire UK economy is only a starting point of limited value;
- the Applicant lists various local policies and qualitative assessment could easily be generated against these, including looking at individual policies within the transport planning documents, and assessing compliance, but the Applicant has not attempted it. A more quantitative approach could be based on the BEIS UK local authority and regional carbon dioxide emissions national statistics which are published annually; and on the local authority budgets from the Tyndall Centre at the University of Manchester, which the 2022 IEMA Guidance recommends as a budgeting method for an Environmental Impact Assessment (EIA) appraisal;
- the Applicant has not followed the 2022 IEMA Guidance or the EIA guidance for local and regional contextualisation and assessment of the carbon emissions associated with the Proposed Development and this is not acceptable when perfectly applicable budgets for the purpose have been around for years; and that
- an assessment against local, regional, and national carbon budgets is required based on the NPSNN, the EIA Regulations and guidance, and the DMRB.

5.4.54 Other matters raised by CPRE PDSY [[REP2-069](#), [REP7-036](#), [REP12-031](#)] included that:

- Transport for the North's Decarbonisation Strategy approved on 24 November 2021 covers the study area and should therefore carry significant material weight;
- the Proposed Development would take 44% of TMBC's transport budget in 2033-37, 3% of the local authority transport budget for the local area, and 0.7% of Transport for the North's 2040 emissions target, making substantial inroads on extremely limited budgets; and that
- with reference to the Applicant's SoCG with Transport for Greater Manchester (TfGM) [[REP12-009](#)], the traffic model excludes the majority of Greater Manchester and therefore TfGMs request for an assessment of effects on overall transport emissions in Greater Manchester could not be met. The SoCG refers to the preparation of a table to set out the predicted GHG emissions for Greater Manchester, which has not been presented to the Examination and not made available for scrutiny and suggests that the Applicant could do a regional/local assessment which throughout the Examination it has refused to do. CPRE PDSY questions whether TfGM is aware of all the shortfalls in the traffic model, the increase in the vehicle kilometres with the Proposed Development, the potential underestimation of the impacts of GHG emissions on Greater Manchester's carbon budgets and 2038 Net Zero GHG target.

5.4.55 The Applicant [[REP4-005](#), [REP5-021](#), [REP9-027](#), [REP10-010](#), [AS-011](#)] replied that:

- the assessment had been undertaken in accordance with DMRB LA 114 and was not intended to be in accordance with the 2022 IEMA Guidance;
- in 'the TAN case' it was held that "*...there is no sectoral target for transport, or any other sector, and that emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of "an economy-wide transition";*
- in setting carbon budgets Parliament has not imposed any legal duty upon local authorities to attain any particular targets, whether for carbon budgets or for net zero 2050, and therefore there are no legal duties which require particular geographical areas within the UK to achieve particular reductions in carbon emissions by particular dates;
- although some local authorities have set ambitious local targets, emissions are considered in the context of national carbon budgets; and
- maintained its position that the scenarios used in the assessment of carbon emission were appropriate and there was no reasonable basis upon which it can assess the carbon emissions impact of the Proposed Development at a local or regional level and it is not required to do so by law or by the NPSNN.

5.4.56 TMBC [[REP8-027](#)] had no remaining concerns in relation to the consideration given to local policies and budgets.

Cumulative assessment

- 5.4.57 We [[PD-009](#), [PD-012](#), [EV-039](#), [PD-017](#)] examined the cumulative assessment of effects on climate change. Following the DfT's consultation letters on the A38 Derby Junctions project and others, we asked the Applicant to advise on the cumulative effects of GHG emissions from the Proposed Development with other existing and/or approved projects against carbon reduction budgets or targets on a consistent geographical scale. We invited other parties to comment.
- 5.4.58 The Applicant [[REP5-026](#)] explained that its traffic model included other schemes promoted by National Highways in the near vicinity of the Proposed Development with high certainty that they are to be progressed, foreseeable developments promoted by third parties as likely to be developed in a similar timeline, and regional growth rates which include a representation of likely growth rates excluding known planning developments already included in the traffic model. These were included in the DM "without scheme scenario" and in the DS "with the scheme scenario". Changes in traffic were used to identify changes in carbon emissions. On that basis the Applicant considered that the assessment was inherently cumulative for operational carbon emissions. It quoted the first two sentences of Planning Inspectorate's Advice Note 17:
- "Certain assessments, such as transport and associated operational assessments of vehicular emissions (including air and noise) may inherently be cumulative assessments. This is because they may incorporate modelled traffic data growth for future traffic flows. Where these assessments are comprehensive and include a worst case within the defined assessment parameters, no additional cumulative assessment of these aspects is required (separate consideration may be required of the accumulation or inter-relationship of these effects on an individual set of receptors e.g. as part of a socio economic assessment)."*
- 5.4.59 The Applicant [[REP5-026](#)] said the NPSNN requires assessment against the Government's climate reduction targets, and specifically the carbon budgets which are set at a national geographical scale. It said that it had complied with DMRB LA 114 methodology and its requirement for comparison against the relevant carbon budgets and that this was consistent with the decision-making requirements set out in paragraphs 5.17 and 5.18 of the NPSNN.
- 5.4.60 The Applicant [[REP5-026](#)] suggested that the NPSNN does not require assessment against any local or regional targets because the Government has not identified or adopted any carbon reduction targets at a scale smaller than the UK. It said that it was unable to produce a baseline at a local or regional scale as that would need to include forecasts from all cumulative sources at the geographic scale and timescale that reflect national carbon budgets. The Applicant noted that an ES is required to include such information as is reasonably required to assess the environmental effects of the development and which the applicant can reasonably be required to compile having regard to current knowledge. It concluded that it was not able to provide an assessment of the cumulative effects of the GHG emissions for anything other than at the national level.

- 5.4.61 The Applicant [[REP8-019](#)] stated that GHGs are not geographically limited, there is no greater local climate change effect from a localised impact of GHG emission sources, and the only receptor is the global atmosphere. For this reason, the assessment of cumulative effects for GHG emissions differs from that of other topics where only projects within a geographically bound study area are considered.
- 5.4.62 DCC [[REP2-045](#)] and HPBC [[REP2-046](#)] said the assessment does not consider the cumulative climate change effects of the Proposed Development in conjunction with other road schemes which are being brought forward as part of RIS2.
- 5.4.63 PDNPA [[REP2-048](#), [REP4-012](#), [REP6-038](#)] said that the Proposed Development should not be considered in isolation but as part of an accumulative process that is changing the climate and damaging the environment. It said that the development will not be completed in isolation and therefore it is necessary to consider cumulative effects caused by past, present and foreseeable actions together with the additional impact of the development. It said that the development needs to be considered as a component of the wider national road building programme. PDNPA suggested that for the impact assessment to be robust it must consider the context within which the development is occurring and therefore the total additional emissions due to RIS1 and RIS2 are relevant context and should be included in the assessment.
- 5.4.64 CEPP [[REP2-064](#), [REP8-029](#), [REP12-026](#)], and in a joint submission with other IPs [[REP10-017](#)], said that:
- EIA Directive Guidance includes that cumulative effects “... *can occur at different temporal and spatial scales. The spatial scale can be local, regional or global, while the frequency or temporal scale includes past, present and future impacts on a specific environment or region*”;
 - the Applicant’s traffic model includes the Proposed Development and other developments, but for the purposes of assessment only removes the Proposed Development from the cumulative assessment. This only quantifies the carbon emissions from the Proposed Development, and not the carbon emissions of the Proposed Development cumulatively with the other developments in the study area;
 - the Planning Inspectorate’s Advice Note 17 gives no support to the Applicant’s claims;
 - the Applicant’s argument that its approach is consistent with other comparable DCO assessments does not make their approach right, it just means it has not previously been challenged in this form. The recommendations to the SoST from this Examination must be based on the evidence provided to this Examination. Therefore, the conclusions made in each of these decision letters on different schemes, with different evidence, is not relevant; and that
 - the Applicant has done no quantification, or assessment, of the cumulative effects of the Proposed Development with other developments on carbon emissions. The cumulative assessment is not compliant with the EIA Regulations and has not followed DMRB LA 104.

5.4.65 CPRE PDSY [REP4-015] considered that the ES [REP1-019] has not fulfilled requirements of paragraph 1.2 of Planning Inspectorate (PINS) Advice Note 17, EIA Regulations (5) and EIA Regulations Schedule 4 with respect to cumulative effects. It said that to ascertain cumulative effects as prescribed by the EIA Regulations, the traffic model would need to be run without other existing and/or approved projects for a both a DM (without scheme) and a DS (with scheme) future, with a third run of DS with those developments included. It was of the view that there has been no cumulative assessment of any element of the EIA, which makes the EIA unlawful.

5.4.66 The Applicant [REP4-005, REP9-027, REP10-010, REP12-022, AS-011] replied that:

- the information provided in [REP5-026] is consistent with the response provided for the A38 Derby Junctions scheme;
- the traffic model used for the Proposed Development has been developed in line with DfT requirements and is inherently cumulative;
- National Highways has a mandated assessment methodology for their schemes so they are comparable for decision making purposes, therefore reassessing in accordance with the approach presented by CEPP [REP8-029] would not be in accordance with assessment criteria instructed by National Highways for their schemes;
- the cumulative effects assessment considers the net changes in carbon emissions resulting from the Proposed Development by comparing changes in the road traffic on the SRN and local road network between the 'without scheme scenario' (the future baseline for assessment) and the 'with scheme scenario'. The future baseline considers all other likely developments and traffic growth factors and is inherently cumulative. This is acceptable because the likely developments and the future traffic growth are both likely to influence the area that has been included in the assessment in both scenarios. It is unrealistic to consider a scenario with the Proposed Development in isolation because the scenario is unlikely to occur. The likely developments included in the traffic model are not connected to, nor require the Proposed Development to enable the developments. They can therefore go ahead with or without the Proposed Development, and should be factored into both scenarios;
- the Decision Letter for the M54-M6 link road includes that "*the Secretary of State considers that the Applicant's approach to assessing the impact of the Proposed Development on carbon is acceptable as it takes into account the Proposed Development and all other developments likely to have an influence on the Proposed Development and on the area the Proposed Development is likely to influence*";
- there is no set methodology for cumulative effects' assessments, however the approach undertaken to assess the cumulative effects is proportionate and appropriate, it is consistent with other comparable assessments that have been accepted by the SoST in making decisions to authorise other DCOs, it is supported by PINS Advice Note 17 and DMRB LA 104, which support cumulative traffic assessments, and are approaches that are recognised as industry standards.

Benchmarking

- 5.4.67 Paragraph 5.19 of the NPSNN requires evidence of mitigation measures that are effective in ensuring that “... *in relation to design and construction, the carbon footprint is not unnecessarily high*”. We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] explored the meaning of “*carbon footprint is not unnecessarily high*”, and how that could be demonstrated. We queried the benchmarking against other projects that had been undertaken and whether the proposed use of PAS 2080 would involve benchmarking of construction phase emissions. We questioned the consideration given to the use of materials and construction methods that would result in lower carbon emissions than conventional, and how an appropriate balance would be struck.
- 5.4.68 DCC [[REP4-010](#), [REP6-026](#)] noted that DMRB LA 114 includes that “*Bench marking of project performance shall be undertaken by comparing GHG emissions to other highway projects*”, and that “*In comparing highways projects, GHG emissions should be normalised to take account of differences in size and scale*”. It was satisfied with the consideration given to benchmarking for the operational phase. It said that benchmarking of emissions from the construction phase was missing and that including it would help carbon reduction needs and opportunities to be identified.
- 5.4.69 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP8-019](#)] replied that the assessment was based on the use of conventional methods and materials as data on low carbon methods were not available at the time of the assessment. It explained that all road schemes were invariably built to specified standards due to the need for safety, durability, consistency, and cost control and certainty and as such there is virtually no major variation in design and therefore carbon performance between schemes.
- 5.4.70 In the context of climate change policy and paragraph 5.19 of the NPSNN, the Applicant suggested that a necessarily high carbon footprint could be understood as essential construction activity or structure where the viability of all other engineering solutions which would have lower carbon have been exhausted. It suggested that it could be concluded whether construction emissions are unnecessarily high if there was only one feasible option.
- 5.4.71 The Applicant referred to potential opportunities for carbon reductions, including from “*build clever*”, “*build efficiently*”, potential for significant reductions due to the extensive use of relevant materials, e.g. recycled sub-base, warm asphalt, lower carbon concrete through alternative ingredients, and lower carbon steel from energy efficient production. An example was provided of “*Cemfree concrete*”; which typically results in the cost of the concrete increasing by approximately £1-2/m³ compared to conventional materials but reduce carbon emissions by approximately 70% in the engineering elements where it could be applied. Reference was also made to potential savings from the use of electric or hybrid construction vehicles. The Applicant said that opportunities for carbon reduction for the construction phase would be identified during detailed design through the PAS 2080 process and that this would demonstrate that carbon emissions become a material factor in the decision-making process during detailed design. It expected that process would allow small cost increases for lower carbon solutions in some cases.

- 5.4.72 The Applicant advised that the ES [[REP1-019](#)] provides benchmarking against published data from other highways' schemes, to help demonstrate that the carbon footprint would not be not unnecessarily high. It said that benchmarking would require high-quality data to an agreed structure that sets out standard and scheme specific elements, and that this was not currently available. It explained that due to the overall immaturity of project carbon reduction across the infrastructure industry and the bespoke nature of many infrastructure projects, there is a dearth of external examples against which to benchmark. This is particularly the case for the Proposed Development with its comparatively short length and significant bespoke infrastructure. As such the Applicant had no benchmark comparison to submit for the construction phase. It said that PAS 2080 does not require direct benchmarking but that its use would ensure that carbon reduction would be maximised.
- 5.4.73 It stated that for the DMRB assessment, it was only the operational energy use and maintenance works GHG emissions that had been benchmarked and that benchmarking was not a requirement for calculating embedded carbon emissions. The Applicant said that it would ensure that the carbon footprint for construction materials would not be unnecessarily high by using current, standard best practice design and specification as a minimum, and developing new best practice where opportunities exist.

Mitigation measures – general and construction phase

- 5.4.74 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] sought clarification from the Applicant and invited comments from other parties on the Applicant's proposed mitigation for the construction phase, including the role of PAS 2080, the measures to be included in a Carbon Management Plan, the role of the local authorities, how the mitigation would ensure that the carbon footprint would not be unnecessarily high, how that would be demonstrated, and the firmness with which the mitigation is secured.
- 5.4.75 The Applicant [[REP2-021](#), [REP3-021](#), [REP4-008](#), [REP6-017](#), [REP8-019](#)] provided an overview of PAS 2080, which it considers to be the lead technical standard for carbon reduction on infrastructure schemes and the most suitable means of minimising carbon emissions. It described a comprehensive process involving the pro-active participation of all stakeholders to a strategy defined by the asset owner. A carbon model using the Preliminary Design, as submitted for the DCO application, would be used as the carbon baseline/ benchmark. Carbon reductions will then be monitored against this during Detailed Design when lower carbon options would be developed and assessed, and during construction performance is monitored. A post construction model would also be produced using actual engineering and construction data. The process would require carbon to be quantified, carbon reduction targets to be set, and a carbon reduction hierarchy to be applied and managed by a Carbon Management Plan, which would include procedures for carbon modelling of options assessment and whole scheme modelling and reporting, including references and assumptions. An Outline Carbon Management Plan [[REP12-007](#)] Annex B.9] was submitted during the Examination.

- 5.4.76 The Applicant initially questioned whether legislation or policy led to a requirement for reductions to carbon emissions on the Proposed Development. It said that enforcement of the carbon management plan was not a specific necessity and that it did not intend to mandate compliance with PAS 2080. It said that the usage of PAS 2080 would be self-validated, and any necessary independent verification would be as part of a wider construction verification. It [REP4-008] noted that DMRB LA 114 includes that “*projects shall seek to minimise carbon emissions in all cases to contribute to the UK's target for net reduction in carbon emissions*” and said that applies whether or not the Proposed Development is anticipated to generate a significant effect on climate.
- 5.4.77 It initially considered that a specific requirement to secure the use of PAS 2080 is not required as a strategy for use of PAS 2080 was already being applied to design and development across the project team and embedded at the design stage where it is recognised that most carbon savings are achieved. It was already implemented through a contractual agreement with the principal contractor. The Applicant suggested that firm measures such as use of specific low carbon construction methods or materials should not be identified as this would presuppose and restrict options. It initially considered that the local authorities should integrate carbon reduction oversight into any other engineering oversight role that they currently carry out, but later clarified that the Outline Carbon Management Plan [REP12-007] Annex B.9] would provide a means to consult with the local authorities to agree the development and implementation of the framework of the PAS 2080 process for the Proposed Development, including the reporting mechanism.
- 5.4.78 The Applicant said that with the Carbon Management Plan in place, during the Detailed Design stage the most appropriate low carbon solution would be selected, and emerging or improved practices would be considered. It was of the view that applying PAS 2080, the carbon reduction hierarchy, and having a carbon reduction target would provide the mechanisms to ensure that carbon reduction measures appropriate to the Proposed Development would be implemented.
- 5.4.79 The Applicant noted that the PAS 2080 process is relatively new and would be piloted on the Proposed Development and that the setting and achieving of targets has not yet been quantified or fully tested for similar schemes. It has an aspiration for the Proposed Development to be exemplar and to set a new benchmark for future projects.
- 5.4.80 TMBC [REP2-056, REP5-031, REP6-037, REP8-027] said that the mitigation measures to ensure that the carbon footprint is not unnecessarily high should include mandating of use of innovative, low embodied carbon materials, local supply chain and other methods to deliver an exemplary low CO₂ delivery. The measures should specify how GHG emissions would be benchmarked and monitored. It considers PAS 2080 to be an appropriate systematic mechanism to manage the carbon emissions of an infrastructure project whilst noting that observance of PAS 2080 alone would not guarantee success in delivering a genuinely low-carbon scheme. It said that the local authorities should be consulted on the setting of targets, the development of proposals for the mitigation of construction emissions and

the use of PAS 2080. It said that progress in delivering the mitigation should be reported to the local authorities, that it would be valuable to have the Applicant report periodically to the Local Authorities on successes or otherwise against the target areas, and that this information should be agreed to be made public and shared regularly to reassure stakeholders.

- 5.4.81 DCC [[REP2-051](#), [REP4-010](#), [REP6-026](#), [REP8-023](#)] considered that the mitigation should clearly set out ownership of targets and actions, set out how the Contractor's approach to delivery would support the relevant net zero targets, establish a baseline carbon footprint against which future targets will be based, detail the framework and methodology for calculating the baseline and future assessments, providing references and justifications for the methodologies adopted, and identify carbon reduction targets for the first contract year, detailing how these targets would be met.
- 5.4.82 DCC said that PAS 2080 provides a common language and framework for managing whole-life carbon management specifically for infrastructure projects and its use would ensure consistency in methods for reporting and managing carbon thereby informing the delivery of carbon reductions and additional benefits. It therefore considers that its use should be included as a mitigation measure, with independent verification of its use assured. DCC noted that PAS 2080 helps to guide mitigation measures but does not specifically identify them and so a detailed assessment of the impacts and measures to mitigate them is still needed, with PAS 2080 used as the overarching framework. DCC said that firm mitigation measures, such as the use of specific low carbon construction methods or materials, should be identified, as well as provisional targets for emissions reduction compared to the use of conventional construction methods and materials. It would not be able to verify that the mitigation is delivered but would be able to broadly review measures and their implementation if necessary.
- 5.4.83 PDNPA [[REP4-012](#), [REP6-038](#)] said that the Applicant should attempt to fully assess the impact of the Proposed Development and consider how those impacts can be mitigated, perhaps through sequestration elsewhere.
- 5.4.84 To address the concerns raised by ourselves and others, and to ensure that relevant and proportionate mitigation is firmly secured, we [[PD-016](#)] suggested that a new Requirement 12 Carbon Management be added to the dDCO. This includes for a Carbon Management Plan to be submitted to and approved by the SoST following consultation with the local authorities. It requires the Carbon Management Plan to adhere to the principles of PAS 2080, to quantify the construction phase carbon emissions that are identified at the preliminary scheme design stage; set out the consideration given to the use of construction methods, materials and other means to reduce carbon emissions and identify a target for a reduction in construction phase carbon emissions from the preliminary scheme design stage to the completion of the authorised development; and provide a comparison of the construction phase carbon emissions, use of construction methods, materials and other means to reduce carbon emissions for the authorised development with other projects identified in consultation with the relevant planning authority and local highway authority. It provides for the maintenance of up to date records of the construction phase carbon emissions, use of construction methods and materials to reduce carbon

emissions, and how those compare with the Carbon Management Plan, until the date of completion of the authorised development, for these to be verified by an independent body approved by the SoST and for them to be available in electronic form for inspection by members of the public until the date of completion of the authorised development.

- 5.4.85 HPBC [[REP11-014](#)] welcomed the additions, TMBC [[REP9-037](#), [REP11-018](#)] said that it had no comments and DCC did not comment.
- 5.4.86 The Applicant suggested a minor amendment and incorporated the new Requirement 12 in its dDCO [[REP12-002](#)]. We have included it in the rDCO (Appendix D).
- 5.4.87 CEPP [[REP2-064](#), [REP8-029](#)] said that the adequacy of any mitigation must be measured in terms of whether the Proposed Development can be brought into compliance with the legal and policy framework on climate change by mitigation measures, and then whether the proposed measures can be secured and enforced. It also suggested that monitoring by the local authorities should be transparent and robust, that they would need to have the relevant skills and that it may be preferable for an independent body who have the necessary skills to be involved in providing independent monitoring.

Mitigation measures – operational phase

- 5.4.88 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] sought clarification from the Applicant and invited comments from other parties on the Applicant's proposed mitigation for the operational phase, including in relation to reducing traffic, increasing the use of other transport modes, behavioural change, the use of energy, including for lighting, the use of trees or other plants in the soft landscaping to absorb carbon dioxide, and carbon offsetting.
- 5.4.89 TMBC [[REP2-056](#), [REP5-031](#)] suggested that there were further opportunities to mitigate carbon, including energy efficiency, behavioural change and cooperation between local authorities, residents and businesses to reduce carbon emissions, and enhancing natural capital.
- 5.4.90 DCC [[REP2-051](#), [REP4-010](#), [REP6-026](#)] suggested creating a network of cycleways and footways that would encourage active travel and reduce the reliance on vehicle use; providing electric vehicle charging infrastructure; potential for renewable energy installations, solar and or wind power installations to power electronic signage or illuminate non-electronic signage; and opportunities for habitat creation and protection to enhance carbon sequestration. It queried whether financial contributions could be explored for cycleways and footways outside the Order Limits that complement the segregated cycle and footpath links proposed as part of the Proposed Development. DCC said that it would support engagement by the Applicant with a local behaviour change group.
- 5.4.91 PDNPA [[REP4-012](#)] explained that designated sites of the Peak District Moorlands are comprised of peat bogs and that according to the International Union for Conservation of Nature "*peatlands are the largest natural terrestrial carbon store. They store more carbon than all other*

vegetation types in the world combined”, while “damaged peatlands are a major source of greenhouse gas emissions, responsible for almost 5% of global anthropogenic CO2 emissions”. It considered that the Proposed Development was likely to have a negative effect on the health of moorland adjacent to the A628(T) and A57 Snake Pass corridors. We consider effects on peat in Section 5.11 and Chapter 6 of this report.

- 5.4.92 CEPP [[REP12-026](#)] said that Requirement 12 of the dDCO and the Carbon Management Plan largely apply to construction emissions, and do not address the scale of reductions required on operational emissions. The science makes it clear that deep reductions are required on a very short timescales (“immediate and deep reductions”). The NZS states domestic transport emissions need to fall in the UK by around 34-45% by 2030 and 65-76% by 2035, relative to 2019 levels. The TDP (unproven) aspirations figures are closer, but not close enough, to what the science requires but the Applicant has not made even the first step in demonstrating that the Proposed Development aligns with them.
- 5.4.93 CPRE PDSY [[REP3-031](#), [REP5-029](#)] considered that there would be no traffic reduction as required by Greater Manchester’s the Right Mix and the DTP; the new facilities for walking, cycling and equestrians would make no impact on physical activity; the Applicant cannot claim the Proposed Development makes public transport more reliable as it has not considered its impact. It said that there would be no behavioural change as reducing congestion and providing more road capacity without demand management would reinforce car dependency. It said that, according to the TDP, active travel measures would have minimal impact on reducing carbon emissions and could contribute a small saving of between 1-6 MtCO₂e, out of total savings from other modes of 1,307-1,797 MtCO₂e. CPRE PDSY therefore considered that measures to encourage active travel should not be used in the planning balance to mitigate carbon emissions.
- 5.4.94 The Applicant [[REP2-021](#), [REP3-021](#), [REP4-008](#)] referred to measures secured via the REAC [[REP11-005](#)], including reducing congestion, more use of other transport modes, more reliable public transport, vehicle electrification, behavioural change, less energy usage, use of trees and planting and the PAS 2080 process. It said no carbon off-setting was proposed. It [[REP6-017](#)] provided detail on the carbon reduction measures provided to encourage active travel and behavioural change. It stated that there was no scope within the Proposed Development to include any electric vehicle charging points and that the private sector would ultimately deliver these across the network, such as at existing petrol filling stations. The Applicant said that the sizes of planted areas within the DCO boundary had been increased, which would lead to increased removal and sequestration of GHGs from the atmosphere, although it did not consider that this element would have a significant impact on overall emissions. It said that the existing land use was largely improved grassland, with limited inherent carbon stocks and limited sequestration potential, although a net increase of 5.35ha of lowland mixed deciduous woodland would provide an increased rate of sequestration against the existing baseline of improved grassland. It [[REPS8-019](#)] said that DMRB LA 114 requires that *“Projects shall seek to minimise GHG emissions in all cases to contribute to the UK's target for net reduction in carbon emissions”*.

- 5.4.95 DCC [REP8-023](#)] accepted the Applicant position regarding electric vehicle charging points. It said that agreement had not been reached on whether there is scope for any other measures such as opportunities for use of solar or wind power to illuminate signage, which can often be seen in other locations across the country.

Other climate change matters and matters raised by other parties

- 5.4.96 CEPP [[REP8-029](#), [REP12-026](#)], and in a joint submission with other IPs [[REP10-017](#)] was of the view that precautionary principles, and the principle of sustainability had not been addressed sufficiently and there were so many errors, underestimates, omissions, that it was not credible to even attempt to assess the significance of the carbon emissions of the Proposed Development, or to reach a reasoned conclusion on the significant effects of the Proposed Development on the environment and climate change. It said that further information was required by IPs and required by EIA Schedule 4(6) and the Aarhus convention. It said that there was not a viable route to proceed, with the current ES which ensures that the SoST can be satisfied that the material provided by the Applicant is sufficient for him to reach a reasoned conclusion. It suggested that a Rule 17 letter or suspension of the Examination under EIA Regulation 20 was needed to obtain the necessary information and if the information cannot be provided, the application should be recommended for refusal. It concluded that the Application should not be consented as the Applicant has not demonstrated compliance with the EIA regulations, the NZS, the 2022 IEMA Guidance and EIA guidance, and uses an underestimate of the carbon emissions, as well as the false assumptions of the inevitable success of various policies.
- 5.4.97 The Applicant [[REP9-027](#)] referred to its earlier responses regarding the consideration given to carbon quantification and assessment against national carbon reduction targets, cumulative carbon quantification and assessment compliant with the EIA Regulations, assessment against local policy, and carbon budgets and targets, and the TDP sensitivity test.
- 5.4.98 With reference to the weight to be given to climate change in the planning balance, CEPP [[REP11-021](#)] suggested that GHG emissions and the vulnerability of the project to climate change are specified as two distinct environmental factors, or receptors in the EIA Regulations and are not transmutable environmental factors.
- 5.4.99 CPRE PDSY [[REP2-069](#)] said that the boundaries used for the traffic modelling and the study area for GHG emissions were not coincident with any geographical area used for accounting carbon emissions and that it was therefore difficult to understand how emissions had been assessed and if they have been assessed correctly. It considered that there was no current environmental baseline from which to understand the carbon emissions. CPRE PDSY also suggested an alternative means of calculating GHG emissions based on the cost of the Proposed Development that would lead to a higher figure than identified in the ES.
- 5.4.100 The Applicant [[REP4-009](#)] responded that GHG emissions were calculated for the Area of Detailed Modelling [[APP-185](#) Figure 2.1] on the basis that the traffic modelling in that area was considered sufficiently reliable in term

of representing changes in traffic due to the Proposed Development. It said that the alternative method for calculating GHG emissions was not consistent with National Highways carbon tool as it used a different reporting mechanism for GHG emissions.

- 5.4.101 At the end of the Examination, CPRE PDSY [[REP12-033](#)] suggested that the Proposed Development was in breach of the EIA regulations as there was no environmental baseline for the carbon emissions. The baseline used was in 2025 and included other developments and therefore does not represent the true baseline as of 'today' or 2019 without other developments. It concluded that even if the Applicant cannot adopt the precautionary principle, it is the responsibility of the ExA and the SoST to do so in the face of the greatest crisis facing the planet. On the carbon emissions alone the planning balance is heavily weighted against the Proposed Development. The Applicant didn't have an opportunity to reply.
- 5.4.102 Daniel Wimberley [[REP2-072](#), [REP3-032](#), [REP5-040](#), [REP8-035](#), [REP8-036](#), [REP9-044](#), [REP9-045](#), [REP12-035](#), [REP12-036](#)] supported many of the concerns raised by CEPP and CPRE PDSY. He stressed evidence of the importance of climate change and of the need to act. He was dissatisfied with how the Applicant addressed climate change and considered the assessment to be unacceptable. He said that no meaningful comparison of the emissions had been made, that the approach conflicted with the science and that insufficient account had been taken of DTP and NZS requirements to take strong action on climate change. He referred to the Royal Town Planning Institute report 'Net Zero Transport: the role of spatial planning and place-based solutions', published on 25 January 2021 which explores how different places could achieve an 80% reduction in surface transport emissions by 2030, on a pathway to net zero by 2050.
- 5.4.103 Daniel Wimberley said that not enough consideration had been given to indirect emissions arising when the Proposed Development would cause trips to be made in carbon intensive ways, which could have been made in low carbon or zero carbon ways, or not made at all. He said that all carbon emissions must be accounted for, particularly when the resulting impacts would be so severe.
- 5.4.104 Anthony Rae [[REP2-059](#), [REP3-030](#), [REP4-013](#), [REP7-038](#), [REP8-028](#)] suggested that policy and legislation updates since the NPSNN was published should reasonably lead to more limited weight being applied to what is essentially an assertion by a dated NPS that is not in itself supported by quantified evidence. He considered that the building of new road infrastructure was contradictory to policy needs for major reductions in road emissions and that insufficient consideration had been given to the aggregate carbon reduction pathway. He questioned that if car/vehicle mileage has to be constrained in order to deliver the emissions' reduction pathway, what is the justification for providing additional road capacity that is demonstrated will induce increased road travel. He suggested that setting aside the purposes, intentions and impacts of local or regional carbon budgets undermined their implementation. Anthony Rae was not satisfied with the consideration given to cumulative effects, significant effects, or the 2022 IEMA Guidance supporting many of the arguments made by others.

- 5.4.105 Objections to the Proposed Development in relation to climate change were made by other parties, including Carol Beckett [[REP2-062](#)], High Peak Green New Deal [[REP2-075](#)], High Peak Green Party [[REP2-076](#)], South Yorkshire Climate Alliance [[REP2-087](#)], Charlotte Farrell [[REP2-063](#), [REP5-027](#)], SMJTS [[REP4-014](#), [REP6-030](#), [REP9-050](#)], Poppy Simon [[REP2-083](#)] and Peter Simon [[REP2-082](#), [REP9-049](#), [REP11-024](#), [REP12-042](#)].
- 5.4.106 Much of the substance of the responses provided by the Applicant [[REP4-005](#), [REP7-025](#), [REP7-026](#), [REP9-027](#), [REP12-023](#)] is provided above. The Applicant said that the NPSNN remains the relevant NPS for us to base a recommendation on, and the SoST to decide on. It maintained that the DMRB LA 114 assessment was appropriate and proportionate. It agreed that the NZS is the most up-to-date successor document that sets out the latest policies for decarbonising all sectors of the UK economy to meet the net zero target by 2050, and as such the Proposed Development should be considered against this. It said that an assessment of the indirect effects of GHG emissions (i.e. the climate responses to the increased atmospheric temperature) from any development was not possible, as the effects were global and not limited to a specific geographical boundary. It said that the main pathway element recommended by the Climate Change Committee for transport and transport infrastructure is electrification of the national fleet. It acknowledged the importance of minimising the increase in emissions and said that it was actively seeking to minimise them through mitigation.
- 5.4.107 With reference to s10(3) of the PA2008 and paragraphs 4.38 to 4.47 of the NPSNN, the Applicant [[REP2-021](#)] advised that no updates were required with respect to climate change and adaptation.

Significant effects

- 5.4.108 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] explored the consideration given to significant effects, including how they are defined and the assessment of them in the ES. We explored the effect of carbon emissions from the Proposed Development on receptors. We questioned whether paragraph 5.18 of the NPSNN set out the criteria for refusal rather than for what should be considered a significant effect, whether the criteria for significant effect should be at a lower threshold than for refusal, and whether the DMRB LA 114 evaluation criteria for significance is consistent with the NPSNN.
- 5.4.109 We queried whether a wide application of the Applicant's methodology would lead to a conclusion that most carbon emissions in the UK are not significant, and whether in the context of net zero by 2050 it was reasonable for the carbon emissions due to the Proposed Development to be considered not significant. We asked about other definitions of significant effect in relation to climate change set out in guidance, including the 2022 IEMA Guidance on the assessment of GHG emissions.
- 5.4.110 DCC [[REP4-010](#)] was not aware of any recognised thresholds for assessing level of significance, but was of the view that any project that increases emissions could be classed as significant and that appropriate mitigation measures should therefore be explored and implemented.

- 5.4.111 TMBC [[REP5-031](#)] referred to its declaration of a climate emergency and considered that the 39,000 tonnes of CO₂ emissions proposed during construction and the 401,000 tonnes of CO₂ emitted during use to be significant. It said that requirements for mitigation should be considered on that basis.
- 5.4.112 PDNPA [[REP2-048](#), [REP4-012](#), [REP6-038](#)] said that release of carbon due to the Proposed Development is an output and not an impact. The impact is global warming. It considered that the degree of significance is affected by the current governments performance in meeting its climate change targets for transport related emissions where relatively little progress has been made in recent years. PDNPA considered the assessment to be simplistic and inadequate as it is inevitable that almost all individual site or project-based GHG emissions will appear insignificant when compared to the National Carbon Budget and reduction targets. By extension, the approach suggests that all individual GHG emissions can be ignored due to their relative scale when compared to National Targets; an approach which would not be considered acceptable in other areas of activity. It said that the emissions should be considered significant and mitigated as part of the Proposed Development.
- 5.4.113 CEPP [[REP2-064](#), [REP9-038](#), [REP11-020](#)] said that:
- with reference to paragraph 5.18 of the NPSNN, the term "*material impact*" is not defined and material means anything non-negligible, and no increase in carbon emissions is non-negligible, as already outlined due to the IPCC reports, and new and urgent national targets. The Applicant has not made any evaluations of what it means to "*impact on the ability of Government to meet its carbon reduction targets*", if carbon impacts will make it considerably harder for the Government to meet its carbon reduction targets. If the carbon impacts make it considerably harder (but not impossible) for the Government to meet its carbon reduction targets, then the Proposed Development would have had a "*material impact*" which is "*so significant*";
 - the ES had not met the EIA Regulations requirements to consider "*the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project*";
 - the NZS includes that the "*UK will therefore need to overachieve on the fifth carbon budget to meet its international climate targets and stay on track for the sixth carbon budget. Accordingly, the policies and proposals, delivery pathway, deployment assumptions and any other analysis presented in the Net Zero Strategy for the fifth carbon budget period are consistent with the action required to meet the UK's 2030 NDC*";
 - the 2022 IEMA Guidance includes that "*GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit; as such any GHG emissions or reductions from a project might be considered to be significant*" and that "*a project that follows a 'business-as-usual' or 'do minimum' approach and is not*

compatible with the UK's net zero trajectory, or accepted aligned practice or area based transition targets, results in a significant adverse effect". CEPP said that the Applicant's approach is based on business as usual. It said the 2022 IEMA Guidance includes that "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit; as such any GHG emissions or reductions from a project might be considered to be significant"; and that

- we are near to the limit of carbon emissions which may be generated (the "*remaining global carbon budget*" in the scientific jargon), as the 2022 IEMA Guidance states. Every gram of CO₂ emitted is significant.

5.4.114 Other matters raised by CPRE PDSY [[REP2-069](#), [REP3-031](#), [REP4-031](#), [REP5-029](#)] included that:

- since the 2019 amendment to the Climate Change Act, the imperative with which carbon emissions need to be reduced has accelerated;
- the UK is not on track to meet the carbon budgets for 2023-2027, 2028-2032 or 2033-2037, the NZS includes that "*rapid and deep cuts to emissions are essential to avoid the most dangerous impacts of climate change*", and therefore the Proposed Development's impact has to be seen in the context of a need for tighter controls of emissions now; and that
- the impact of the Proposed Development should be compared with a plausible DM scenario which contains a package of encouragement for sustainable travel and discouragement for traffic in towns and cities. Appraising different policies and packages with different levels of traffic is a fundamental tool to assess what schemes to progress and which to avoid. There was no carbon objective when the Proposed Development was chosen in 2015. It was not tested for its carbon reducing impacts.

5.4.115 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP8-019](#), [REP10-010](#)] replied that:

- there is a single receptor – the atmosphere (or global climate) on which the Proposed Development could have a direct impact;
- NPSNN does not set out the criteria for what should be considered significant, instead it sets out the criteria for when carbon emissions should be a reason for refusal. DMRB LA 114 does not set out specific significance thresholds or criteria. It is consistent with NPSNN because they both refer to a significant effect being one where a scheme would materially impact on the UK's ability to meet carbon reduction targets. The difference is that NPSNN states that an increase in GHG emissions is not a reason to refuse development consent unless the effect is material, whereas DMRB LA 114 states that significant effects should only be reported if the effect is material. The Applicant is not aware of any other precedent in national policy for the criteria for refusal and significance to be the same. There are no recognised thresholds for identifying the level of significance in EIA;
- Section 3 of DMRB LA 114, paragraphs 3.18 to 3.20 define the reporting requirements for comparison against the relevant carbon budgets and

the evaluation criteria for significance, which is consistent with the decision-making requirements set out in paragraphs 5.17 and 5.18 of the NPSNN;

- the assessment was in accordance with DMRB LA 114 which states that *“the assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets”*. DMRB LA 114 also says that *“it is considered unlikely that projects will in isolation conclude significant effects on climate”*;
- the effects of global warming and climate change are wide ranging, diverse and global. It is not possible to define a link between Proposed Development emissions and indirect climate effects on local receptors, therefore this cannot be assessed. That is, there is no recognised assessment methodology to apportion the GHG emissions from the Proposed Development to any of the widely recognised and global indirect impacts of climate change. Both direct and indirect effects are mitigated in the same way;
- in this instance, to undertake an informed assessment, professional judgement based on information that the Applicant can reasonably compile, and having regard to current knowledge, is required. This has been applied by relating the Applicant’s assessment to other comparable schemes, and to consider whether the DS emissions compared with the DM emissions are of a magnitude that will not materially impact the Government’s ability to meet the carbon budget, and therefore will or will not have a significant effect on climate;
- the same traffic growth assumptions should be used under both the DM and DS scenario, so a DM low growth compared to a DS central growth is not considered a valid comparison;
- the DM scenario is the GHG emissions without the project, which have been identified for the current and future baseline using the traffic modelling undertaken in line with the TAG published by the DfT;
- the assessment of significance takes into careful consideration government policy position, including that set out in the NPSNN, to ensure that any conclusions are in line with national policy and cognisant of the UK’s approach to reducing GHG emissions in the sector;
- there was no evidence to support a conclusion that the Proposed Development would result in a significant impact based on comparison with other schemes of a similar size and nature;
- the GHG emissions during the construction phase were not considered to be significant because embedded mitigation measures will ensure that emissions are not unnecessarily high;
- the magnitude in change in GHG emissions during the operational phase was not considered to be significant because the overall (net) residual effect was no more than 0.0033% against any UK carbon budgets;
- it was held in the ‘TAN case’ that in relation to the judgment reached regarding the entirety of the carbon emissions from all schemes within RIS 2 *“I see no reason to question the judgment reached by the DfT that*

the various measures of carbon emissions from RIS2 were legally insignificant, or de minimis, when related to appropriate comparators for assessing the effect on climate change objectives.” Since that is the conclusion reached in relation to all schemes within RIS2, the Proposed Development is a small part of an overall programme which is de minimis in terms of its impact upon carbon reduction commitments;

- it is questionable whether considering GHG emissions as significant would be proportionate or comparable with the ‘TAN case’ judgement of RIS2 emissions being de minimis. No road schemes have reported GHG emissions that would have a material impact on meeting the targets and the assessment is proportionate to that undertaken for other road schemes;
- the 2022 IEMA Guidance includes that *“the crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050”* and that *“to meet the 2050 target and interim [carbon] budgets, action is required to reduce GHG emissions from all sectors.... EIA for any proposed project must therefore give proportionate consideration to whether and how that project will contribute to or jeopardise the achievement of these targets”*; and that
- given the mitigation measures and the conclusion that the Proposed Development would not result in a material impact on the Government meeting its carbon reduction targets, for the purposes of the EIA, the Proposed Development was assessed as having a minor adverse residual effect when using the significance criteria in the 2022 IEMA Guidance.

5.4.116 We [EV-039] noted that the assessment against the 2022 IEMA Guidance of *“a minor adverse residual effect”* 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. We therefore invited the Applicant to provide further detail of its assessment against the 2022 IEMA Guidance, including in relation to consistency with *“emerging policy requirements”* and *“good practice design standards”*.

5.4.117 The Applicant [REP8-019] replied that predicted construction GHG emissions in the assessment do not take into account the savings that would be achieved by the Carbon Management Plan, or the other good practice design measures that are secured. In applying the 2022 IEMA Guidance to the assessment, the ‘minor adverse residual effect’ considered the ‘residual effect’ to be after the secured carbon reduction measures have been applied to the predicted construction GHG emissions from the Carbon Tool. It said that in relation to good practice design standards, the design of the Proposed Development accords with the DMRB standards, embodied carbon within the design has been calculated using the National Highways Carbon Tool and the mitigation measures described represent good practice in low carbon design.

Conclusions on climate change

Introduction

- 5.4.118 Air quality, flood risk, biodiversity, traffic, social, economic and human health matters and conclusions are dealt with elsewhere in this report, as, where necessary, are in-combination effects of climate change with other effects on receptors.
- 5.4.119 Most climate change issues arising were about the effects of the Proposed Development on climate change. We deal with that before considering the vulnerability of the Proposed Development to climate change.
- 5.4.120 We have examined the Proposed Development against the policies set out in the NPSNN, the Climate Change Act 2008 (as amended), the Paris Agreement 2015, local policies. We consider other matters that arose during the Examination, including the NZS and the TDP.
- 5.4.121 We received many submissions on climate change from IPs. These ranged from general concerns about climate change and the potential effects of the Proposed Development on it, to both fundamental and detailed points about the legislation and policy framework, the adequacy of the Applicant's assessment, and the mitigation measures.
- 5.4.122 We take account of precedent, including recent decisions made by the SoST on other DCO applications, including M54 to M6 Link Road, M25 junction 10/A3 Wisley interchange improvement, M25 junction 28, and A47 Blofield to North Burlingham.
- 5.4.123 We consider the Proposed Development on its own merits in the light of the decision framework in place at this time. We consider all submissions and material put before us and our conclusions follow from them.

National legislation, case law, policies, and vehicle emissions

- 5.4.124 The NZS and the TDP set out firm policies for ending the sale of new petrol and diesel vehicles and rolling out electric vehicles. We consider it reasonable to expect that those measures will be implemented and that the average emissions of each vehicle will decrease. Noting the strength and likely effect of those policies we consider that the Applicant has made reasonable assumptions about the increasing electrification of vehicles.
- 5.4.125 On 18 July 2022, after the close of the Examination, a judgement was made in the High Court (R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin)) in relation to the NZS. We are not able to address the implications of that judgement for our recommendation as we do not have enough information on the government's response, and we are not able to take submissions on it from the parties to the Examination. We consider the Proposed Development against the NZS, but our recommendations are subject to the SoST being satisfied about the implications of the judgement.
- 5.4.126 We consider the traffic modelling in Section 5.2 and are satisfied that it is appropriate for the purposes of the climate change assessment. We further

note the consideration given to that latest EFT v11 data on emissions. Overall, we are satisfied that appropriate consideration has been given to the phasing out of petrol and diesel vehicles, the electrification of the fleet and the vehicle emissions considered in the assessment.

- 5.4.127 The NZS and the TDP set out how the UK will deliver on Climate Change Act 2008 and on the legally binding carbon budgets. The carbon budgets remain in place, and we are satisfied that assessment against them remains valid following the publication of the NZS and the TDP. We find that the principle of constructing new roads does not conflict with NZS or the TDP.
- 5.4.128 The NZS provides an indicative potential pathway for reductions in carbon for domestic transport. The TPD provides a projection of a range of possible outcomes of reductions in domestic transport emissions that would arise from its implementation, which it considers to be a credible pathway while setting out uncertainties about the contributions from the different measures required to achieve it.
- 5.4.129 Although several parties suggested that an assessment should be carried out against the NZS and TPD pathways, we do not consider that they were established for that purpose, and we have not seen enough detail relevant to the Proposed Development to allow a meaningful assessment to be made. We do not consider that legally binding carbon reduction targets have been established for the transport sector and, in terms of national or sector targets, are satisfied that the assessment was made against the legally binding carbon budgets.
- 5.4.130 Noting that the 'TAN case' concluded that that the RIS essentially sets a high-level strategy rather than a basis for environmental decision-making document, we find no requirement for an assessment to be made in relation to RIS2 for our consideration of the Proposed Development.
- 5.4.131 We are satisfied that assessment against the Climate Change Act 2008 and the carbon budgets is sufficient for consideration of compliance with the UK's international obligations, including the Paris Agreement 2015 and the Glasgow Pact 2021.
- 5.4.132 Some parties requested more detailed information on the consideration given to the EFT v11 update and to the TDP sensitivity test. We are satisfied that information provided was proportionate and sufficient for the purposes of our recommendation

Local and regional policy and carbon reduction targets

- 5.4.133 Neither the NPSNN nor the EIA Regulations specify a requirement for local or regional carbon assessments. The NZS is clear that there are currently no net zero statutory targets on local authorities or communities in the UK. We therefore conclude that there is no requirement in national legislation or policy for an assessment against local or regional carbon budgets.
- 5.4.134 We find that local policies are important and relevant matters and therefore compliance with local climate change policies needs to be considered. If local policies clearly conflict with national policy, then, recognising that the

Proposed Development is a National Infrastructure project, we consider that national policy should take precedence.

- 5.4.135 TMBC's Climate Change and Environment Strategy 2021-26 sets out a commitment to reduce the TMBC's carbon impact to net zero by 2038. It includes a need to reduce emissions that derive from transport and lessen the use of fossil fuel powered vehicles by enabling a shift to more sustainable modes of transport.
- 5.4.136 Greater Manchester's 5-year Environmental Plan 2019-2024 sets a path to be carbon neutral by 2038, referring to increases in public transport and active travel modes, supporting a reduction in car use and reducing emissions from vehicles.
- 5.4.137 HPBC's Climate Change Plan commits it to work with partners to achieve net zero. It recommends an annual reduction rate of 15.8% to align with Paris Agreement targets, increases in commuter journeys by public transport, cycling and walking and encourages the use of electric or hybrid vehicles.
- 5.4.138 DCC's Climate Change Strategy includes an aim to help drive down carbon emissions generated across Derbyshire to net zero by 2050 and sets out carbon budgets, including for HPBC. It includes commitments to promote the uptake and deployment of low emission vehicles.
- 5.4.139 We find no evidence of increased GHG emissions due to the Proposed Development being excluded from the local policies to achieve net zero for their areas and we do not consider that these local policies clearly conflict with national policy.
- 5.4.140 Although the Proposed Development does include measures to support transport other than private motor vehicles, we note that the net effect would be to increase carbon emissions both during the construction phase (primarily in relation to the use of materials) and during the operational phases (primarily in relation to increases in traffic). We therefore find that the Proposed Development would conflict with local climate change policies.

Cumulative assessment

- 5.4.141 For National Infrastructure projects the requirements for cumulative effects assessment set out in the EIA Directive are implemented through the EIA Regulations. The EIA Regulations refer to the need to have regard to the cumulation of effects with other existing and/ or approved development and for the consideration and description of significant effects to include the likely significant cumulative effects of the development.
- 5.4.142 Paragraph 4.16 of the NPSNN includes that "*When considering significant cumulative effects, any environmental statement should provide information on how the effects of the applicant's proposal would combine and interact with the effects of other development (including projects for which consent has been granted, as well as those already in existence)*".
- 5.4.143 PINS' Advice Note 17 provides guidance and sets out a description of other development for inclusion in a cumulative impact assessment. It includes that where other projects are expected to be completed before construction

of the Proposed Development and the effects of those projects are fully determined, effects arising from them should be considered as part of the baseline, and that the ES should clearly distinguish between projects forming part of the baseline and those in the cumulative impact assessment. It includes that transport and associated operational assessments for vehicular emissions may inherently be cumulative assessments because they may incorporate modelled traffic data for future traffic flows. It says that where these assessments are comprehensive and worst case within the defined assessment parameters, no additional cumulative assessment of these topics is required.

- 5.4.144 Following from the above we find that there is no requirement in national legislation or policy for a cumulative assessment of GHG emissions in relation to RIS2 or against local or regional carbon budgets. We are also satisfied with the Applicant's explanation that information does not exist in a form that would allow it to reasonably undertake such assessments.
- 5.4.145 We are left to consider whether the Applicant's assessment of significant effects is inherently cumulative. The approach has included other development in both the baseline (DM) scenario and in the (DS) scenario with the Proposed Development.
- 5.4.146 We are satisfied that consideration has been given to how the Proposed Development would combine and interact with the effects of other development and is consistent with the NPSNN.
- 5.4.147 The EIA Regulations includes the same provisions for "*other existing and/or approved development*". We consider it appropriate for "*other existing development*" to be included in the baseline and it therefore follows that including "*other approved development*" in the baseline would not be inconsistent with the EIA Regulations. The EIA Regulations are silent on any other development that is neither existing nor approved. We therefore conclude that the Applicant's cumulative assessment does not conflict with the EIA Regulations.
- 5.4.148 The Applicant's reference in PINS' Advice Note 17 to the potential for assessments incorporating modelled traffic data for future traffic flows to be inherently cumulative gives no definitive guidance on the inclusion of other development in the baseline. It suggests that other projects can be included in the baseline when their effects are fully determined and when they are expected to be completed before the construction of the Proposed Development. The other developments identified by the Applicant includes foreseeable developments that are likely to be developed in a similar timeline to the Proposed Development and the inclusion of those projects in the baseline does not appear to be supported by PINS Advice Note 17.
- 5.4.149 In terms of precedent, cumulative assessments for highways projects considered under the NPSNN, where effects principally derive from levels of traffic, tended to follow the same approach as that adopted by the Applicant. For other environmental topics, including for other National Infrastructure projects under other NPSs, the cumulative assessments more typically exclude other developments from the baseline scenario. The SoST

may wish to consider whether it is acceptable for different interpretations to be made for different environmental topics or different types of project.

- 5.4.150 We note that the Applicant considers it unrealistic for other developments not to be considered in both scenarios, particularly given that they are not connected to the Proposed Development. However, it could also be argued that not having other developments in the DM scenario could be more precautionary and consistent with a Rochdale Envelope approach.
- 5.4.151 Following from the above, we find that the Applicant's cumulative assessment does not conflict with the EIA Regulations or NPSNN and is therefore not unlawful as has been suggested by some parties. Although the approach could be interpreted as conflicting with PINS Advice Note 17 as more other developments are included in the DM scenario than that guidance identifies, we note that is guidance and give non-compliance with this little weight. We see no reason to doubt that there is compliance with DMRB LA 104.
- 5.4.152 The approach to cumulative assessment for the Proposed Development is the same as that followed on other similar projects for which there is considerable precedent for the SoST deciding that the approach is acceptable. We find no matters that are particular to the Proposed Development or that arise from any new legislation to recommended otherwise and therefore, on balance, find that the cumulative assessment methodology is acceptable.

Benchmarking

- 5.4.153 We consider that benchmarking is required during detailed design to demonstrate compliance with the NPSNN requirement that the carbon footprint is not necessarily high and to allow comparison with projects of a similar type in accordance with the 2022 IMEA Guidance for the assessment of significance, which we consider below.

Mitigation measures – general and construction phase

- 5.4.154 We agree with the local authorities that it is necessary to secure firm mitigation for GHG emissions during the construction phase. We explored the potential for securing targets for carbon reduction and the use of specific construction methods and materials but find that current understanding of different low carbon design options and construction methods could lead to that being premature or counterproductive. We are satisfied that a well-executed, transparent, and verified use of PAS 2080 and a related Carbon Management Plan are appropriate mitigation, as secured by Requirement 12 of the rDCO (Appendix D). The Applicant has indicated that the Proposed Development would be a pilot project for this approach and in these circumstances, we are satisfied that, at this stage, it is not appropriate to secure a requirement for a quantified reduction in the emissions. That quantification can be made during detailed design.

Mitigation measures – operational phase

- 5.4.155 We consider that the mitigation secured for the operational phase is consistent with current, and perhaps good, practice. The measures include

reducing congestion, more use of other transport modes, more reliable public transport, vehicle electrification, behavioural change, less energy usage, use of trees and planting and the PAS 2080 process. The NZS, the TDP and local policies refer to other opportunities to mitigate emissions during the operational phase. Some of those, such as the electrification of the fleet, clearly fall outside what could reasonably be delivered by the Proposed Development. Others, such as measures to promote other transport modes, can be influenced by the Proposed Development but, noting that this is primarily a highways project, would primarily be delivered through other initiatives, some of which fall within the remit of the local authorities.

- 5.4.156 We consider that there are likely to be more opportunities to introduce further measures to change behaviours, encourage the use of sustainable transport, and reducing the use of fossil-fuelled vehicles. We are satisfied that the secured use of PAS 2080, and the involvement of the local authorities' involvement in that, would enable the consideration and delivery of such further measures, and is therefore appropriate mitigation.

Significant effects

- 5.4.157 Significant effects are considered against a baseline derived from a traffic model based on the current transport networks and behaviours. Using a baseline scenario which contains a package of encouragement for sustainable travel and discouragement for traffic in towns and cities would, in effect, be comparing the Proposed Development with an alternative project for the assessment of significant effects. That is not required by the NPSNN and, noting the DMRB methodology in respect to the baseline and our earlier comments on the baseline for the cumulative assessment, we are content with the Applicant's definition of the baseline.
- 5.4.158 Paragraph 5.18 of the NPSNN states that "*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 have a material impact on the ability of Government to meet its carbon reduction targets.*" The Applicant has used the methodology in DMRB LA 114, and paragraph 3.20 of that says that "*The assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets.*"
- 5.4.159 The NPSNN test is a criterion for refusal. On that basis, we consider that it sets an upper bound for the threshold for significance and that a definition of significance at a lower threshold would not conflict with it. We find that an assessment against DMRB LA 114 is not necessarily precautionary when considered against NPSNN.
- 5.4.160 There is substantial precedent of the approach of comparing emissions due to a National Infrastructure highways' project with national budgets against all sectors. Such a comparison does not make a comparison for the same geographical area and does not limit it to the same sector. We note that such an approach would be likely to lead to a conclusion that climate change effects of a hypothetical version of the Proposed Development that

was so poorly designed that its emissions were double that of the actual Proposed Development would still be not significant.

- 5.4.161 The suitability of the Applicant's approach needs to be considered in the current context of increasing pressure to reduce carbon emissions in the transport sector, as evidenced by the NZS and the TDP.
- 5.4.162 Therefore, we find ourselves questioning whether it is possible to identify a more appropriate definition of significant effect, what should be considered material, and what we should consider in the planning balance. The Applicant said that there are no recognised thresholds for identifying the level of significance for climate effects in EIA and the SoST has made the same point in recent decisions.
- 5.4.163 Based on the above, we are satisfied that there is no legal requirement to assess carbon emissions on a local, regional, or sector basis and we accept the Applicant's explanation that information does not exist in a form that would allow it to reasonably undertake such assessments.
- 5.4.164 The 2022 IEMA Guidance provides examples of significance criteria that, amongst other things, consider the measures to reduce a project's GHG impacts compared with existing and emerging policy and design standards for projects of that type. Such an approach appears to be consistent with the legislative and policy approach in many other areas, where the drive is to reduce emissions by requiring improvements against current practice.
- 5.4.165 We accept that the guidance in the DMRB is generally the most appropriate for highways' projects. However, for the reasons set out above, we consider that there is a strong case for considering the 2022 IEMA Guidance and we do not find sufficient evidence for us to conclude that the 2022 IEMA Guidance would be inappropriate for highways' projects.
- 5.4.166 For the construction phase, the Applicant advised that the assessment is based on the use of conventional construction methods of materials and has identified many areas where there is good practice potential for the design to be improved to reduce those emissions. Although it committed to a process designed to make reductions, it has not made any firm commitments to secure specific measures or to make specific reductions.
- 5.4.167 For the operational phase, the Applicant has set out measures to reduce congestion, make more use of other transport modes, more reliable public transport, vehicle electrification, behavioural change, less energy usage, use of trees and planting and the PAS 2080 process. However, we have not received any firm evidence that the measures within the control of the Proposed Development would deliver much more than could be considered current, or perhaps good practice, rather than the best practice that might, for example, include firm measures to actively change behaviours.
- 5.4.168 Based on the above, we disagree with the Applicant's assessment against the 2022 IEMA Guidance of "*a minor adverse residual effect*" as we do not consider that, based on the firmly secured mitigation, the impacts would be fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type. We consider

that the effect would be more adverse than minor adverse, which would be significant according to the 2022 IEMA Guidance.

- 5.4.169 On balance, the scale of carbon emissions in the context of climate reduction targets, the NZS and the TDP, and our considerations of the 2022 IEMA Guidance and the secured mitigation lead us to conclude that the adverse effect on climate change from increased carbon emissions due to the Proposed Development would be likely to be significant and is material to our recommendation.

Conclusions on the effects of the Proposed Development on climate change

- 5.4.170 We are satisfied with the identification of the carbon emissions due to the Proposed Development and with the cumulative assessment.
- 5.4.171 Appropriate comparison has been made of the carbon emissions with the UK carbon budgets for the relevant time periods. It is likely that carbon emissions due to the Proposed Development in any of the five-year periods would be a maximum of 0.0033% of the relevant carbon budget and we are satisfied that from the Proposed Development would be unlikely to materially impact the Government's ability to meet the budget. On that basis we are satisfied with the consideration given to paragraphs 5.16, 5.17 and 5.18 of the NPSNN. We therefore also conclude that in consideration of s104 of the PA2008, the Proposed Development would be unlikely to cause the UK to be in breach of its international obligations, including the Paris Agreement 2015 and the Glasgow Pact 2021.
- 5.4.172 We are content that adequate mitigation measures have been secured, including through the addition of a new Requirement to the Applicant's original dDCO, and that they would be likely to ensure that the carbon footprint would not be unnecessarily high. We therefore find that NPSNN paragraph 5.219 is satisfied.
- 5.4.173 We find that the adverse effect on climate change from an increase in carbon emissions due to the Proposed Development in the context of climate reduction targets, the NZS, the TDP, and the related conflict with local net zero policies count significantly against the DCO being made.
- 5.4.174 Our recommendation is subject to the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin).

Conclusions on the vulnerability of the Proposed Development to climate change

- 5.4.175 We are content that the resilience of the Proposed Development to climate change, as well as the combined impacts from climate change and the Proposed Development on the surrounding environment and receptors, has been adequately addressed by the Applicant in accordance with paragraphs 4.36 to 4.47 of the NPSNN. We consider that the assessment of operational effects has appropriately considered the likelihood of climate events and hazards occurring and the consequences of the potential impacts on

disruption to the road network, taking account of the identified mitigation measures.

- 5.4.176 We find that the vulnerability of the Proposed Development to climate change does not count significantly for or against the DCO being made.

5.5 NOISE, VIBRATION AND NUISANCE

Introduction

5.5.1 This section addresses the effect of the Proposed Development with respect to noise, vibration and nuisance.

5.5.2 Human and building receptors are considered here. Related matters are addressed in other parts of the report:

- noise effects and tranquillity in PDNP in Section 5.8;
- noise and vibration effects on biodiversity and designated sites in Section 5.11 and Chapter 6;
- the transport model in Chapter 4 and the transport assessment and traffic levels in Section 5.2;
- air quality, including dust, in Section 5.3;
- artificial light in Section 5.6;
- health in Section 5.12; and
- compensation for blight in Chapter 8.

Policy context

Noise and vibration

5.5.3 Paragraph 5.193 of the NPSNN states that statutory requirements for noise must be met and that due regard must have been given to the relevant sections of the Noise Policy Statement for England (NPSE), the NPPF and the NPPG on noise.

5.5.4 Paragraph 5.194 requires the optimisation of layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. It also refers to consideration of the need to mitigate impacts elsewhere on the road network.

5.5.5 Paragraph 5.195 says that:

"The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life from noise as a result of the new development;*
- *mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and*

- *contribute to improvements to health and quality of life through the effective management and control of noise, where possible.*"

- 5.5.6 Paragraph 5.196 refers to the need to "*consider whether requirements are needed which specify that the mitigation measures put forward by the Applicant are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based.*"
- 5.5.7 Paragraph 5.197 says that consideration should be given to requirements to ensure delivery of all mitigation measures, including any needed for operational or construction noise over and above any included in the application.
- 5.5.8 Paragraph 5.198 notes that mitigation measures should be proportionate and reasonable and may include containment of noise generated, adequate distance between source and noise-sensitive receptors, specifying acceptable noise limits or times of use, optimisation of layout, or the use of landscaping, bunds or noise barriers to reduce noise transmission.
- 5.5.9 Paragraph 5.199 refers to noise mitigation through increased dwelling insulation and ventilation measures pursuant to the Noise Insulation Regulations and says that an indication of the likely eligibility for compensation should be included in the assessment. It notes that "*in extreme cases, the applicant may consider it appropriate to provide noise mitigation through the compulsory acquisition of affected properties in order to gain consent for what might otherwise be unacceptable development.*"
- 5.5.10 Paragraph 5.200 requires consideration of opportunities to address the noise issues associated with Noise Important Areas (NIAs).
- 5.5.11 The NPSE, and its Explanatory Note, clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise and key concepts, such as Significant Observed Adverse Effect Level (SOAEL).
- 5.5.12 Paragraph 185 of the NPPF refers to the need to identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 5.5.13 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

Nuisance

- 5.5.14 Section 158 of the PA2008 provides a defence of statutory authority against claims in civil and criminal proceedings for nuisance, unless the DCO provides otherwise.
- 5.5.15 Section 79(1) of the Environmental Protection Act 1990 (EPA) establishes the definition of 'statutory nuisance'. The term covers matters such as noise, smoke, or gas emitted from premises, if they either constitute a (common law) nuisance or are prejudicial to health.

- 5.5.16 Paragraph 4.58 of the NPSNN directs the consideration of possible sources of nuisance, and how they may be mitigated or limited so that appropriate requirements can be included in any subsequent order granting development consent.
- 5.5.17 Paragraph 5.84 of the NPSNN advises that the Applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light and describe these in the ES.
- 5.5.18 Paragraph 5.88 of the NPSNN adds that the decision maker should consider whether there is a justification for the entire authorised project being covered by a defence of statutory authority against nuisance claims. If it cannot conclude that this is justified, it should disapply in whole or in part the defence through a provision in the DCO.
- 5.5.19 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP) regulation 5(2)(f) requires that an application must be accompanied by "a statement whether the proposal engaged one or more of the matters set out in section 79(1) [...] of the Environmental Protection Act 1990 and, if so, how the applicant proposes to mitigate or limit them."
- 5.5.20 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

The application

Noise and vibration

- 5.5.21 Apart from figures, the main sections of the application, as updated during the Examination, relevant to noise and vibration are:
- ES Chapter 11: Noise and Vibration [[APP-067](#)] updated to [[REP8-008](#)];
 - ES Appendix 11.1: Baseline Noise Monitoring [[APP-174](#)];
 - ES Appendix 11.2: Construction Noise Plant Lists [[APP-175](#)];
 - ES Appendix 11.3: Predicted Construction Noise Levels [[APP-176](#)];
 - ES Appendix 11.4: Predicted Road Traffic Noise Levels at Selected Representative Locations [[APP-177](#)] updated to [[REP1-035](#)];
 - ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
 - ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
 - EMP1 [[APP-183](#)] updated to [[REP12-007](#)] during the Examination, and including an Outline Noise and Vibration Management Plan and an Outline Nuisance Management Plan; and
 - REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area and baseline conditions

- 5.5.22 The study area for construction phase noise extended to 300m from the construction footprint and the study area for construction phase vibration to

100m from activities with the potential to cause vibration. Study areas were identified in relation to diversion routes and construction traffic.

- 5.5.23 Road traffic noise was identified as the dominant source of existing noise. Baseline noise monitoring surveys were carried out at nine locations during June and July 2018 [[APP-130](#)].
- 5.5.24 Baseline noise levels at 24 representative receptor locations [[APP-135](#)] for the construction phase assessment were identified using a combination of the noise survey data and DEFRA strategic noise mapping [[APP-130](#)].
- 5.5.25 The operational phase study area for detailed traffic noise modelling [[APP-133](#)] focussed on sensitive receptors within 600m of the Proposed Development and the bypassed section of the A57. Road traffic noise impacts were also considered on routes that would potentially be affected in a wider area [[APP-134](#)].
- 5.5.26 Sensitive receptors within the study areas include several residential properties, healthcare facilities, education facilities, community facilities, public rights of way, cultural heritage assets, statutorily designated sites and the United Utilities Mottram Longdendale Aqueduct. Five NIAs were identified in proximity to the Proposed Development [[APP-130](#)].

Construction phase

- 5.5.27 Demolition and construction activities with the potential to generate significant noise or vibration effects were identified for five phases of construction. Noise levels were calculated considering the type and quantity of construction plant expected to be in use [[APP-175](#)], their anticipated usage patterns, distance, screening and other mitigation.
- 5.5.28 Construction noise levels were assessed in accordance with British Standard (BS) 5228-1, using the ABC method, which sets the threshold for the onset of potential significance depending on the existing noise level.
- 5.5.29 Thresholds for the perception of construction vibration levels, the potential for cosmetic damage to buildings, and for the assessment of effects on underground services were taken from BS 5228-2. Vibration levels were calculated considering identified items of plant.
- 5.5.30 Although rotary bored piling was preferred and 'strongly recommended', the noise and vibration assessments were based on percussive / driven piling as it was considered that geological conditions might make this necessary in some locations, and particularly at the Mottram Underpass.
- 5.5.31 Using DMRB LA 111, significant effects for noise from construction plant and the perception of construction vibration were identified where a moderate or major magnitude of impact was predicted for a duration exceeding 10 or more days in any 15 consecutive days or nights, or a total number of days exceeding 40 in any 6 consecutive months.
- 5.5.32 Mitigation considered during the construction phase included Best Practicable Means, traffic management planning, community engagement, the use of low vibratory piling methods where appropriate, temporary noise

barriers, low noise plant, noise insulation and/ or temporary rehousing for qualifying dwellings. Trigger levels for noise insulation and/ or temporary rehousing were identified in accordance with BS 5228-1.

- 5.5.33 Limited activities were considered to take place at night, but would include traffic management activities and junction tie-ins. No significant adverse impacts were identified during the night-time, principally due to the duration and transient nature of the night-time works.
- 5.5.34 Significant adverse noise effects were identified at six representative residential receptor locations during daytime.
- 5.5.35 At one representative residential receptor location it was considered that the noise levels predicted during 10 days of demolition works would be sufficient to meet the threshold for temporary rehousing for several days. During demolition works, other properties in the vicinity of the planned Mottram Underpass would potentially be subject to noise levels greater than the noise insulation threshold.
- 5.5.36 Construction traffic movements [[APP-175](#)] were found to not have the potential to increase noise levels by more than a negligible amount, which was not considered to be significant.
- 5.5.37 Percussive / driven piling would exceed the SOAEL vibration threshold at receptors within 110m of the piling, with the possibility of building damage within 15m. Rotary bored piling would not result in any exceedances of the SOAEL vibration threshold.
- 5.5.38 Percussive / driven piling at the Mottram Underpass would result in significant adverse vibration effects at seven locations [[REP8-008](#) paragraphs 11.9.35 to 36]. These are later [[REP8-008](#) paragraph 11.9.46] considered to be short term due to the nature of the works and are not identified as significant adverse effects in ES Chapter 16 [[REP2-010](#)].
- 5.5.39 Vibratory rolling was not anticipated to cause significant adverse vibration effects.
- 5.5.40 Vibration impacts on underground services, including the United Utilities Mottram Longdendale Aqueduct, were considered to be unlikely.

Operational phase

- 5.5.41 The assessment of potential effects during operation was focussed on road traffic noise and considered road alignment, the addition of new or by-passed roads, traffic flow, speed, road surface type, and sound propagation.
- 5.5.42 A three-dimensional noise model was built using ground topography data and included buildings. Noise levels were predicted in accordance with the Calculation of Road Traffic Noise methodology, with night-time levels being calculated using a method developed by the Transport Research Laboratory.
- 5.5.43 Traffic projections were taken from the TAR [[APP-185](#)]. The traffic model included additional traffic from the committed developments that were long and short listed for the cumulative effects assessment [[REP1-020](#)].

- 5.5.44 Significant noise effects were identified following a consideration of changes in noise level identified in the noise model due to the Proposed Development. The assessment considered whether the changes are short term or long term, absolute noise levels, receptor sensitivity, the acoustic character of the area, and the likely perception of a traffic noise change.
- 5.5.45 Operational phase road vibration was scoped out in accordance with DMRB LA 111.
- 5.5.46 The mitigation of adverse effects during the operational phase included alignment, the arrangement of cuttings and embankments, the use of low noise surfacing, routine road maintenance and the installation of permanent noise barriers.
- 5.5.47 172 dwellings and two other sensitive receptors were identified as having a significant adverse effect due to the Proposed Development, while 374 dwellings and nine other sensitive receptors were identified as having a significant beneficial effect.
- 5.5.48 Major and moderate decreases in noise level were predicted in part of NIA 10992, with a perceptible increase in noise level in other parts. Minor and moderate short-term noise increases were predicted at most properties within NIA 10993. Negligible changes were predicted at NIA 1574, NIA 1575 and NIA 7247.
- 5.5.49 Nine potential claimants for noise insulation under the Noise Insulation Regulations 1975 were identified from the predicted noise levels. Further assessment would be carried out after the finalisation of detailed design.

Nuisance

- 5.5.50 Article 41 of the rDCO (Appendix D) would provide specific defences where proceedings are brought in the magistrates' court under s82(1) EPA 1990 in relation to category (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) of nuisance within s79(1). It relates to cases brought by individuals or other legal persons (such as companies). It would remain open to the undertaker to raise the general PA2008 s158 defence of statutory authority against proceedings for nuisance taken by the local authority under s80, or by individuals in relation to any of the other categories of nuisance under s82.
- 5.5.51 The Statement in Respect of Statutory Nuisance [[APP-053](#)] reviews the scope of statutory nuisance potentially arising from the Proposed Development. It identifies the potentially engaged areas of statutory nuisance categories under s79(1) EPA1990 as follows:
- (b) smoke emitted from premises;
 - (d) dust, steam, smell or effluvia arising on business premises;
 - (fb) artificial light emitted from premises;
 - (g) noise emitted from premises; and

- (ga) noise emitted from or caused by a vehicle, machinery, or equipment in a street.

5.5.52 Section 79(6A) EPA1990 clarifies that subsection (1)(ga) does not apply to noise made or smoke, fumes or gases emitted by traffic but could apply to construction vehicles, plant, and machinery.

5.5.53 The Statement of Statutory Nuisance [[APP-053](#)] refers to relevant assessments provided in the ES for Air Quality [[REP3-006](#)], Landscape and Visual Effects [[REP6-006](#)] and Noise and Vibration [[REP8-008](#)] and the mitigation measures secured by the rDCO (Appendix D), including in the EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)]. With that mitigation in place, none of the statutory nuisances identified in s79(1) EPA1990 were predicted to arise because of the Proposed Development.

Factual issues considered during the Examination

5.5.54 Noise, vibration and nuisance matters considered during the Examination included:

- construction phase noise and vibration;
- operational phase noise and vibration; and
- common law nuisance and statutory nuisance.

Construction phase noise and vibration

Study area, receptors and baseline conditions

5.5.55 We [[PD-009](#), [EV-015](#), [PD-012](#)] raised concerns about baseline noise levels identified using DEFRA strategic noise mapping that were used in the assessment for 18 and 54 Woolley Bridge. The levels were substantially higher than figures derived from noise survey data that were used elsewhere. Our concerns were whether the baseline noise levels would be lower than assumed in the assessment, and the potential implications of that for the identification of significance of effect.

5.5.56 The Applicant [[REP2-021](#), [REP4-008](#)] explained that higher levels of noise were expected at 18 and 54 Woolley Bridge as they were within a NIA and so would be expected to be exposed to high levels of traffic noise. It then [[REP6-017](#)] set out the implications of lower baseline noise levels for the assessment, which would result in three more activities exceeding the SOAEL threshold, none of which would take place for the required duration to result in a significant effect.

5.5.57 HPBC [[REP2-046](#), [REP2-053](#), [REP5-035](#), [REP8-025](#)] made a more general point about the lack of baseline surveys within their area. It recommended further monitoring to ensure that sensitive receptors in the HPBC area were correctly assigned construction noise limit values. HPBC wanted specific and enforceable measures to be secured for baseline monitoring in the vicinity of Woolley Bridge, and for the details of this to be discussed with HPBC in advance of planned updates to the construction noise assessment.

- 5.5.58 The Applicant [[REP11-010](#)] suggested additional wording to paragraphs 2.6.1 and 2.6.2 of the Outline Noise and Vibration Management Plan [[REP12-007](#)], which HPBC [[REP11-014](#)] found acceptable.

Assessment methodology

- 5.5.59 We [[PD-009](#), [EV-015](#)] queried the consideration given to noise impacts associated with the temporary welfare and storage sites, excluding the main construction compound which is specifically addressed. The Applicant [[REP4-008](#)] said that temporary welfare and storage sites were within the works areas that had been assessed for a worst case scenario, with examples indicated on the Temporary Works Plans [[REP1-006](#)].
- 5.5.60 With reference to paragraph 5.189 of NPSNN, we [[PD-009](#), [EV-015](#)] asked the Applicant to set out the consideration that had been given to any construction noise sources with distinctive tonal, impulsive, or low frequency characteristics including, but not limited to, percussive piling.
- 5.5.61 The Applicant [[REP2-021](#), [REP4-008](#)] said that the assessment was undertaken in accordance with DMRB LA 111, which does not require any special treatment or consideration for noise sources with distinctive tonal, impulsive or low frequency characteristics. It said that variation in spectral characteristics of specific construction plant had been addressed. TMBC [[REP6-037](#)] and HPBC [[REP6-027](#)] were both content with the consideration given to distinctive tonal, impulsive, or low frequency characteristics.

Pre-commencement

- 5.5.62 The definition of “*commence*” in the rDCO (Appendix D) permits certain pre-commencement activities to take place before the discharge of requirements that require compliance before development commences. We [[PD-009](#), [EV-014](#), [EV-015](#)] asked about the potential for those activities to result in significant noise or vibration effects and whether specific mitigation measures should be secured.
- 5.5.63 The Applicant [[REP2-021](#)] provided descriptions of the activities and said that the activities would be minor and either de minimis or have minimal potential for adverse effects. The local authorities [[EV-016](#), [EV-022](#), [REP4-010](#), [REP5-030](#)] agreed the activities were minor with minimal potential for adverse noise or vibration effects and did not identify a need for specific mitigation.

Piling

- 5.5.64 The assessment [[REP8-008](#)] states that rotary bored piling is recommended but that percussive piling may be required due to considerations of a geological fault line in the vicinity of the Mottram Underpass. The construction noise assessment assumed that percussive piling method is used in all locations. We [[PD-009](#), [EV-015](#), [PD-012](#)] noted that percussive piling had the potential to cause substantially higher levels of noise and vibration compared with rotary bored piling and explored whether the extent of percussive piling should be limited.

- 5.5.65 The Applicant [[EV-022](#), [REP4-008](#)] said that a Supplementary Ground Report was being prepared to inform the Detailed Design and that the extent of percussive piling had not been finalised. It said that the intention was that percussive piling would only be used where rotary bored piling is not feasible and we [[EV-039](#)] asked whether that should be secured as necessary mitigation. TMBC [[REP6-037](#)] and HPBC [[REP6-027](#)] agreed that it should be secured. The Applicant [[REP6-017](#), [REP8-019](#)] did not accept that it should be secured and was later of the view that the decision about whether to use percussive or rotary piling should consider wider environmental, design, construction and low carbon constraints and opportunities.
- 5.5.66 The assessment [[APP-176](#)] identifies significant noise effects from percussive piling at three representative receptors in the vicinity of Mottram Underpass. Although percussive piling was said to result in significant adverse vibration effects at seven representative receptors in the vicinity of Mottram Underpass [[REP8-008](#) paragraphs 11.9.35 to 36], these were not identified as significant adverse effects in the summary of ES Chapter 11 [[REP8-008](#)] or in ES Chapter 16 [[REP2-010](#)]. We [[PD-009](#)] queried whether there would be any significant adverse vibration effects and the Applicant [[REP2-021](#)] replied that none were predicted.

Mottram Longdendale Aqueduct

- 5.5.67 The Applicant [[REP2-021](#)] clarified that the aqueduct was estimated to be 160m from piling, that vibration would be below 1 mm/s when 150 m from such activities, and that no impacts were predicted to the aqueduct.

Night works

- 5.5.68 We [[PD-012](#)] requested clarification about which activities permitted by Requirement 4 of the rDCO (Appendix D) outside normal working hours would take place at night and how the assessment represented a worst case scenario. The Applicant [[REP6-017](#)] said that out of hours construction activities were assessed as taking place at night and that the additional one-off activities mentioned in Requirement 4 would not meet the required duration criteria for significant effect.

Section 61 consents

- 5.5.69 ES Chapter 11 [[REP8-008](#)], EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)] refer to the potential for the Applicant to seek s61 of the Control of Pollution Act 1974 consent for construction works. We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] asked a series of questions to explore how the s61 consent process would work, whether the local authorities supported its use and how it could be ensured that its use will not give rise to any materially new or materially worse environmental effects in comparison with those reported in the ES.
- 5.5.70 TMBC [[REP5-031](#)] said that s61 consent would be necessary for out of normal working hours, night-time and weekend working. HPBC [[REP2-053](#), [REP5-035](#)] anticipated that the Applicant would apply for s61 consent for night-time working, said that s61 consent would help to mitigate noise effects, but that it does not mean that there would be no additional impacts or that noise effects would not be significant.

- 5.5.71 The Applicant [[REP8-019](#), [REP12-002](#)] suggested an additional provision for Requirement 4 of the rDCO (Appendix D), which included that any s61 applications must "... 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." The provision was acceptable to TMBC [[REP11-018](#)] and HPBC [[REP11-014](#)].

Noise insulation and temporary rehousing

- 5.5.72 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] sought more precision on the process and triggers for noise insulation and temporary rehousing during construction. The Applicant [[REP8-019](#)] confirmed that the thresholds set out in BS 5228: 2009 would apply and updated Section 2.7 of the Outline Noise and Vibration Management Plan [[REP12-007](#) Annex B2] to clarify the criteria for noise insulation, temporary rehousing, or the reasonable costs thereof, in line with the example thresholds in Annex E.4 of BS 5228 Part 1.

Other mitigation measures

- 5.5.73 TMBC [[REP5-031](#)] raised concerns about the level of detail provided in the REAC [[REP11-005](#)] about the proposed complaints process. HPBC [[REP5-035](#)] said that the measures were essentially agreed but had remaining concerns about monitoring.
- 5.5.74 The Applicant provided an Outline Noise and Vibration Management Plan Outline Noise and Vibration Management Plan [[REP12-007](#) Annex B2] during the Examination and clarified [[REP6-017](#)] the provisions included in that for the complaints process and commitments to monitoring. TMBC [[REP6-037](#)] said that it had no comments. HPBC [[REP7-031](#)] said that the monitoring measures were acceptable.

Other matters

- 5.5.75 SMJTS [[EV-022](#)] queried the consideration given to use of electric vehicles during construction, as potentially quieter than diesel vehicles. The Applicant [[REP4-008](#)] noted the commitment in the REAC [[REP11-005](#) NV2.4] to select vehicles, plant and equipment that general lower levels of noise and vibration as far as reasonably practicable – and to use electric and hybrid vehicles where feasible.
- 5.5.76 Towards the end of the Examination we [[PD-017](#)] asked the local authorities to summarise any remaining concerns that they had about the Applicant's consideration of noise or vibration. TMBC [[REP11-018](#)] said that they had no remaining concerns and expressed confidence that any issues would be overcome during the detailed design phase. HPBC [[REP11-014](#)] had no further comments to make.

Conclusions on construction phase noise and vibration

- 5.5.77 The baseline noise levels were identified using a combination of the noise survey data and DEFRA strategic noise mapping. There were differences between the levels derived from the different sources, with the DEFRA

strategic noise mapping figures being somewhat higher than those identified from the noise surveys, and which the Applicant has largely explained based on the differing traffic levels. We find no fault in the Applicant's assessment that if the figures were lower than the DEFRA strategic noise mapping then this would not lead to any more significant effects than identified in the ES. Whilst it may have been more consistent and preferable for all of the baseline information to be derived from the same way, we are satisfied that the use of the two different sources was unlikely to have any consequences for the identification of significant effects.

- 5.5.78 We are content that appropriate measures are secured in the Outline Noise and Vibration Management Plan [[REP12-007](#)], with HPBC's involvement, to ensure that noise surveys would be carried out in the vicinity of Woolley Bridge, in an area where the assessment has relied on DEFRA strategic noise mapping baseline noise levels, as part of ensuring that appropriate controls would be in place during construction.
- 5.5.79 The locations of the temporary welfare and storage sites other than the main construction compound and the activities at those locations are yet to be finalised. However, we are content that they would be within areas where construction activities have been assessed and that a proportionate approach has been taken for the assessment. On that basis we are of the view that a reasonable worst-case scenario has been assessed.
- 5.5.80 TMBC and HPBC said that they were both content with the consideration given to distinctive tonal, impulsive, or low frequency characteristics. Noting the Applicant's clarification that the assessment was undertaken in accordance with DMRB LA 111, we have no reason to disagree with TMBC and HPBC.
- 5.5.81 We explored the potential for pre-commencement activities permitted by the rDCO (Appendix D) to result in significant noise or vibration effects with the Applicant and local authorities in some depth. Following those discussions, we are satisfied that there would be minimal potential for pre-commencement activities to result in significant effects and that it is not necessary for additional mitigation measures to be secured.
- 5.5.82 Percussive piling would result in higher noise and vibration levels than rotary bored piling and we are therefore satisfied that basing the assessment on percussive piling being used at all locations represented a reasonable worst case. However, we are then left to consider mitigation, bearing in mind the difference in effects from each method. Although the lower impact rotary bored piling would be feasible in many locations, the Applicant has given good reason why percussive piling may be required in others. The Applicant said that the intention was that percussive piling would only be used where rotary bored piling is not feasible, but we do not consider that is a sufficiently firm undertaking.
- 5.5.83 We invited the Applicant to set out how it would decide whether to use percussive or rotary bored piling when both options were feasible and consider that no reason was given that in our view would outweigh the benefits of the lower noise and vibration impacts of rotary bored piling.

Similarly, the Applicant did not give any compelling reason why a requirement for percussive piling to only be used where rotary bored piling is not feasible would give it a difficulty that would outweigh the difference in noise and vibration effects.

- 5.5.84 We note the references to avoiding significant impacts and mitigating other adverse impacts from noise in paragraph 5.195 of the NPSNN. Following from the above, we consider it appropriate mitigation for percussive piling to only be used where rotary bored piling is not feasible and, as noted in Chapter 9, we have added such a requirement to the rDCO (Appendix D).
- 5.5.85 It is not clear to us why the Applicant considers that percussive piling would result in significant adverse noise effects, but not significant adverse vibration effects. Both levels are predicted to be above the significant threshold at Mottram Underpass and the same duration criteria for significance apply to each effect. We therefore consider that the adverse vibration effects at seven representative receptors in the vicinity of Mottram Underpass should be explicitly considered in the planning balance alongside the significant noise effects identified by the Applicant.
- 5.5.86 The Applicant has clarified that the Mottram Longdendale Aqueduct would be of the order of 160m from piling and that vibration below 1 mm/s is predicted. We note the protective provisions in Schedule 9 of the rDCO and the SoCG between the Applicant and United Utilities [[REP12-016](#)]. Based on the above, the evidence before us does not suggest that the piling would be likely to result in any serious detriment to United Utilities' undertakings in relation to the Mottram Longdendale Aqueduct.
- 5.5.87 We are satisfied that the Applicant's approach of assessing the out of hours construction activities permitted by the rDCO (Appendix D) as taking place at night represents a reasonable worst-case scenario and have no reason to doubt that any one-off activities would not meet the required duration criteria for significant effect. We therefore consider that the significant effects for these works were identified appropriately.
- 5.5.88 Given the inclusion of the agreed additional provision to Requirement 4 of the rDCO regarding "*no materially new or worse noise effects*", we find that the use of the s61 process would not conflict with the ES.
- 5.5.89 We are content with the consideration given to the use of electric vehicles and that appropriate mitigation has been secured for them.
- 5.5.90 We are content that the additions to the Outline Noise and Vibration Management Plan [[REP12-007](#) Annex B2] provide the precision that we were seeking for noise insulation and temporary rehousing. Noting their comments, we are also satisfied that TMBC's and HPBC's concerns about the provisions for the complaints process and monitoring have been addressed.

Operational phase noise and vibration

Limits of horizontal deviation

- 5.5.91 Given the proximity of the Proposed Development to residential areas we explored whether the 5m horizontal deviation permitted by the Applicant's

dDCO submitted with the Application [[APP-020](#)] had been appropriately considered in the noise and vibration assessment. The Applicant [[REP4-006](#), [REP4-008](#)] said that the ES had not fully considered the $\pm 5\text{m}$ horizontal deviation and that applying this would cause noise levels to change by between around 1 decibel (dB) and 2dB for receptors closer than 40m to the alignment.

- 5.5.92 The Applicant [[REP4-008](#)] noted that there were receptors on both sides of the road and that there would be a similar number of increases and decreases in noise should the proposed carriageway move in one direction. It [[REP6-017](#)] said that the horizontal deviations would have to be carefully considered through the detailed design stage so that in aggregate the “*not environmentally worse than*” principles could still be applied.
- 5.5.93 Responding to our request [[EV-040](#)] for a more detailed assessment the Applicant [[REP8-021](#)] identified the potential for the $\pm 5\text{m}$ limit of horizontal deviation to have the greatest potential to change noise levels at 19 receptors, but did not advise what changes in noise level were identified in the detailed assessment. The Applicant [[REP11-010](#)] subsequently updated the Works Plans [[REP11-002](#)] to add shaded areas where the mainline alignment horizontal limit of deviation would be reduced to $\pm 1\text{m}$.
- 5.5.94 The Applicant [[REP8-021](#)] also updated Article 7 of the dDCO to permit the identified horizontal limits of deviation to be exceeded where National Highways demonstrates to the SoST’s satisfaction in consultation with the relevant planning authority that such increased limits of deviation do not give rise to materially new or materially worse environmental effects. This update is included in the rDCO (Appendix D).

Noise Important Areas

- 5.5.95 With reference to paragraph 5.200 of NPSNN, we [[PD-009](#)] asked what existing noise issues associated with NIA had been identified and whether the Proposed Development had taken opportunities to address them. HPBC [[REP2-053](#)] said that the issues were due to road traffic. TMBC [[REP2-056](#)] also said that issues related to road traffic noise and additionally that the Proposed Development would address this through various mitigation measures.

Public rights of way

- 5.5.96 Further to our requests [[PD-009](#), [EV-015](#)], the Applicant [[REP2-021](#), [REP4-008](#)] provided an assessment of noise effects on public rights of way in proximity to the proposed carriageway. It concluded that there would be some perceptible differences, including some exceedances of SOAEL, but that the effects were not significant due to the transient nature of users and therefore the duration of the interaction with the Proposed Development. TMBC [[REP6-037](#)] was content with the Applicant’s approach and with the conclusions reached.

Noise barriers

- 5.5.97 We [[PD-009](#), [EV-015](#)] asked whether level differences between the roads, noise barriers and sensitive receptors had been considered for the

effectiveness of noise barriers. We also queried whether more use of absorbent instead of reflective noise barriers would bring a perceptible reduction in noise for sensitive receptors.

- 5.5.98 The Applicant [[REP2-021](#), [REP4-008](#)] advised that the noise model was in three-dimensional and included the relative levels. It also said that the use of absorbent noise barriers would not change the significance of effect at receptors and suggested that absorbent barriers may be preferable to reflective barriers in some locations because of their different appearance and landscape and visual impact.

Speed control measures

- 5.5.99 Noting that speed control measures were proposed for de-trunked sections of the A57, we [[PD-009](#), [EV-015](#), [PD-012](#)] sought clarification of the consideration given to noise or vibration arising from those measures.
- 5.5.100 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#)] said that speed cushions may be used, but that no specific assessment methodologies for quantitatively appraising noise and vibration impacts from traffic calming were available. It referred to DfT research which showed that noise and vibration increases from traffic calming were linked to heavy vehicle traffic flows. The Applicant said that the 89% reduction in heavy vehicle traffic flow on these de-trunked roads was likely to give rise to a larger benefit than any small changes in character from the remaining 11% of heavy vehicles travelling using the road with traffic calming measures and was unlikely to reduce the significant beneficial effect.
- 5.5.101 TMBC [[REP6-037](#)] was unaware of any assessment methods and expected there to be minimal noise and vibration impacts from speed cushions or other similar traffic calming measures. HPBC [[REP7-031](#)] considered the Applicant's response to be reasonable.

Other matters

- 5.5.102 In their LIR [[REP2-046](#) paragraphs 14.27, 14.28 and 14.29] HPBC raised concerns about the method used to select the façade point used in the assessment, the number of properties experiencing significant adverse effects, and the location of receptors receiving perceptible increases in road traffic noise and whether those were significant. The Applicant responded [[REP3-018](#)] and HPBC [[REP7-031](#)] considered that the Applicant's response was acceptable.
- 5.5.103 Towards the end of the Examination we [[PD-017](#)] asked the local authorities to summarise any remaining concerns that they had about the Applicant's consideration of noise or vibration. TMBC [[REP11-018](#)] said that it had no remaining concerns and expressed confidence that any issues would be overcome during the detailed design phase. HPBC [[REP11-014](#)] had no further comments to make.

Conclusions on operational phase noise and vibration

- 5.5.104 We welcome the update to Article 7 of the dDCO in relation to ensuring that permitted deviation would result in "... *no materially new or materially*

worse environmental effects ...". However, we are concerned that the proximity of the carriageway to receptors and the aggregate nature of the assessment, would leave the potential for increases in horizontal deviation to result in large increases in noise or vibration levels for individual receptors. We have therefore adjusted the wording of Article 7 of the dDCO to "... *no materially new or materially worse environmental effects at any receptor ...*" in the rDCO (Appendix D).

- 5.5.105 We are satisfied that the combination of Article 7 of the rDCO with the measures to limit the horizontal deviation to $\pm 1\text{m}$ at identified locations on the Works Plans [[REP11-002](#)] are appropriate to ensure consistency with the ES and to control the adverse effects on receptors.
- 5.5.106 HPBC and TMBC have confirmed that road traffic noise is the main issue for NIA. We note that the ES focuses on road traffic noise and that the mitigation has been secured for those effects. On that basis we find that opportunities to address the noise issues associated with NIA have been considered.
- 5.5.107 We note that one of the objectives of the Proposed Development is to improve conditions for receptors in NIA and it will do that for many receptors, but in doing so makes conditions worse for some others.
- 5.5.108 We accept that the use of a three-dimension model would be appropriate to take account of level differences between the roads, noise barriers and sensitive receptors. Based on the evidence provided we also accept that the use of absorbent noise barriers would be unlikely to result in any change to the significance of effect due to noise and are therefore content that the choice between absorbent and reflective barriers at the locations where reflective barriers are indicated should also consider other potential effects, including landscape and visual.
- 5.5.109 TMBC and HPBC were content with the Applicant's explanations regarding potential noise and vibration effects from traffic calming. We therefore find that traffic calming would be unlikely to reduce the significant beneficial noise effects identified on de-trunked sections of the A57.
- 5.5.110 TMBC were content with the Applicant's clarification of noise effects on public rights of way and HPBC accepted the Applicant's responses to the concerns raised in paragraphs 14.27, 14.28 and 14.29 their LIR [[REP2-046](#)]. We have no reason to disagree.

Common law nuisance and statutory nuisance

- 5.5.111 Our consideration of the Applicant's assessment, mitigation measures and significant effects in relation to the matters that the Applicant considers would potentially engage areas of statutory nuisance categories under s79(1) EPA1990 are addressed in this report:
- smoke and dust in Section 5.3;
 - artificial light in Section 5.6; and
 - noise in this Section 5.5.

- 5.5.112 We [[PD-009](#)] asked for comments on the Applicant's assessment of the potential for statutory nuisance and on whether the dDCO provisions for defence to proceeding in respect of statutory nuisance were necessary and appropriate.
- 5.5.113 TMBC [[REP2-056](#)] considered that the mitigation suggested should be sufficient to prevent any occurrence of statutory nuisance, but that should they fail, the authority would be statutorily obliged to serve an abatement notice under s80 of the Environmental Protection Act 1990, if no suitable defence could be mounted. HPBC [[REP2-053](#)] said that complying with best practical means contained within a DCO or s61 consent was an established defence for prosecution.
- 5.5.114 Towards the end of the Examination we [[PD-017](#)] asked the local authorities and the EA to summarise any remaining concerns that they had about the Applicant's consideration of nuisance. TMBC [[REP11-018](#)] said that it had no remaining concerns and expressed confidence that any issues would be overcome during the detailed design phase. HPBC [[REP11-014](#)] and the EA [[REP11-023](#)] had no further comments to make.

Conclusions on noise, vibration and nuisance

Conclusions on noise and vibration

- 5.5.115 We have had particular regard to the policies set out in the NPSNN in our consideration of the impacts of the Proposed Development in relation to noise and vibration. Consideration has also been given to statutory requirements for noise and the relevant sections of the NPSE, the NPPF, the PPG on noise and the local plans, as set out in the ES [[REP8-008](#)], in Chapter 3 of this report, and as is required by NPSNN paragraph 5.193.
- 5.5.116 Noise and vibration effects in relation to PDNP, including tranquillity in PDNP, are covered in Section 5.8, and in relation to biodiversity and designated sites in Section 5.11 and for Chapter 6. The transport assessment and traffic levels are addressed in Section 5.2. Health is discussed in Section 5.12 and compensation for blight in Chapter 8.
- 5.5.117 In the ES [[REP8-008](#)] and during the Examination we have seen clear evidence that the minimisation of noise and vibration effects was an important factor in the selection of design options and are therefore satisfied that the layout optimisation stipulations in paragraph 5.194 of the NPSNN have been met.
- 5.5.118 We find no evidence of any material conflict between the Proposed Development and local plan policies on noise and vibration. Nor do we have reason to doubt that the consideration of baseline conditions, study area, identification of NIA, baseline assessments, noise models, identification of receptors or assessment methodology is appropriate for the purposes of the assessment.
- 5.5.119 We find that there would be minimal potential for pre-commencement activities to result in significant noise or vibration effects and that it is not necessary for additional mitigation measures to be secured for them.

- 5.5.120 We are satisfied that the noise and vibration arising from construction activities have been assessed on a reasonable worst-case basis, including for out of hours and night-time working and for the consideration given to distinctive tonal, impulsive, or low frequency characteristics.
- 5.5.121 We see no evidence that noise and vibration would be likely to result in any serious detriment to the undertakings of statutory undertakers.
- 5.5.122 We welcome the inclusion of s61 of the Control of Pollution Act 1974 consent for construction works as valuable mitigation and are content that its use would be consistent with the ES.
- 5.5.123 We consider it necessary to mitigate the effects of percussive piling by permitting it to be used only where rotary bored piling is not feasible and have therefore added such a requirement to the rDCO (Appendix D).
- 5.5.124 For the operational phase, we are happy that road surfacing and noise barriers options have been considered appropriately and that the Applicant's resulting proposals for mitigation measures are proportionate and reasonable.
- 5.5.125 We consider it necessary to mitigate the potential for large increases in noise or vibration to individual receptors from those identified in the ES by adjusting the wording of Article 7 of the dDCO to "... *no materially new or materially worse environmental effects at any receptor ...*" in the rDCO (Appendix D). On that basis we are content with the assessment of the implications of permitted deviation for noise and vibration effects.
- 5.5.126 In our view, and as noted above, appropriate mitigation has been secured in the rDCO (Appendix D), EMP1 [[REP12-007](#)] and REAC [[REP11-005](#)] to ensure delivery of the mitigation measures, as required by paragraphs 5.196-7 of the NPSNN. Noting comments made during the Examination, we are satisfied that the appropriate options for mitigation have been considered and that the secured mitigation measures are proportionate and reasonable, consistent with paragraph 5.198 of the NPSNN.
- 5.5.127 An appropriate process and trigger levels in relation to noise insulation and temporary rehousing during construction are included in the Outline Noise and Vibration Management Plan [[REP12-007](#) Annex B2]. An initial assessment has been provided of any requirements for noise insulation or temporary rehousing and we find that appropriate measures have been secured for those to be considered further when more information is available during the detailed design phase. CA and blight are considered in Chapter 8. We are therefore of the view that the requirements of paragraph 5.199 of the NPSNN have been satisfied.
- 5.5.128 Noise issues in NIA have been considered and effects on them have been found. In those respects, we are content that the requirements of paragraph 5.200 of the NPSNN and paragraph 185 of the NPPF have been met. Potential effects on tranquil areas in PDNP are covered in Section 5.8.
- 5.5.129 Significant adverse effects from noise and vibration have been identified, which, subject to the context of Government policy on sustainable development, NPSNN paragraph 5.195 notes as grounds for development

consent not to be granted. Those effects are taken forward into our consideration of the case for making the DCO in Chapter 7. Otherwise, we are content that appropriate measures have been taken to avoid, mitigate and minimise adverse impacts and, where possible, to contribute to improvements.

5.5.130 Based on the above, we are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to noise and vibration.

5.5.131 We find that beneficial noise effects at 374 dwellings and nine other receptors count significantly in favour of the DCO being made.

5.5.132 We find that the following count significantly against the DCO being made:

- adverse noise effects at six representative receptors and adverse vibration effects at seven representative receptors during the construction phase; and
- adverse noise effects at 172 dwellings and two other receptors during the operational phase.

Conclusions on nuisance

5.5.133 Our conclusions in this section and in Sections 5.3, 5.6 and 5.8 are noted in relation to our consideration of nuisance. We find that the requirement of paragraph 4.58 of the NPSNN to consider potential sources of nuisance and how they may be mitigated and the APFP requirement to provide a statement on statutory nuisance and proposals to mitigate or limit them are satisfied by the Statement in Respect of Statutory Nuisance [[APP-053](#)], relevant chapters in the ES [[REP3-006](#), [REP6-006](#), [REP8-008](#)] and the mitigation secured in the rDCO (Appendix D), EMP1 [[REP12-007](#)] and REAC [[REP11-005](#)]. Noting the substantial precedent for similar provisions to Article 43 of the dDCO, the adjustment made during the Examination and the lack of any objections to this provision in response to our direct question, we are satisfied that it is appropriate.

5.5.134 The Statement of Statutory Nuisance [[APP-053](#)] considered that construction and/or operation of the Proposed Development has the potential to create statutory nuisance. Our view is that experience of major project construction demonstrates that even in the best planned and governed projects some unforeseen effects and nuisance can occasionally occur. We conclude that appropriate mitigation has been provided for relevant effects. We therefore consider it likely that any nuisance which might occur would be unforeseen, unavoidable, an inevitable consequence of the Proposed Development and would be unlikely to result in any significant effects. Taking all of those matters together we are content that there is a case for the entire authorised project to be covered by a defence against statutory nuisance claims in accordance with paragraph 5.87 of the NPSNN and as provided by s158 of the PA2008.

5.5.135 Other than identified elsewhere in this chapter, we find that nuisance does not count significantly for or against the DCO being made.

5.6 LANDSCAPE AND VISUAL, DESIGN AND GREEN BELT

Introduction

- 5.6.1 This section addresses the effect of the Proposed Development with respect to the landscape and visual impact assessment, design and the Green Belt. Each of these is dealt with in turn.
- 5.6.2 Landscape and visual effects in relation to PDNP are covered in Section 5.8. The historic environment is dealt with in Section 5.7. Some general design matters, including in relation to aesthetics, are addressed here and other design matters in relation to specific topics are considered in the other relevant sections of this chapter.

Landscape and visual

Landscape and visual policy context

- 5.6.3 Various national policies are summarised below. Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.
- 5.6.4 Paragraphs 5.144 to 5.146 of the NPSNN deal with the content of the Applicant's assessment. Amongst other things, they advise on the use of landscape assessment guidelines and local character studies and require relevant development plan policies to be considered. Landscape and visual effects should be considered at the construction and operational phases and the assessment should include any light pollution and local amenity effects.
- 5.6.5 Paragraph 5.149 advises that both the nature of the existing landscape likely to be affected, and the nature of the effect likely to occur, need to be considered in judging the landscape impact. It goes on to state that *"Having regard to siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate."*
- 5.6.6 Paragraph 5.156 advises that landscapes may be highly valued locally and protected by local designations. Local landscape designations, based on landscape character assessment, should be given particular consideration, but should not be used in themselves as reasons to refuse consent.
- 5.6.7 The SoST should consider whether *"the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on the landscape or to minimise harm to the landscape, including by reasonable mitigation"* (paragraph 5.157).
- 5.6.8 The SoST will also need to consider *"whether the visual effects on sensitive receptors, such as local residents and other receptors, outweigh the benefits of the development"* (paragraph 5.158).
- 5.6.9 Regarding mitigation, paragraph 5.159 of the NPSNN advises that changing the operation, or reducing the scale, of a proposal can help to avoid or mitigate visual and landscape effects, but that such changes may result in a significant operational constraint and reduction in function. However, there

may be exceptional circumstances where significant benefits from mitigation warrant a small reduction in scale or function.

- 5.6.10 Paragraph 5.160 recognises that adverse landscape and visual effects can be minimised through the careful consideration of the siting, design, choice of materials and landscaping scheme for the proposal. Off-site landscaping such as filling in gaps in existing tree and hedge lines to mitigate impacts on more distant vistas may be appropriate.
- 5.6.11 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

The application in relation to landscape and visual

- 5.6.12 Apart from figures, the main sections of the application, as updated during the Examination, relevant landscape and visual matters are:
- ES Chapter 7: Landscape and Visual Effects [[APP-063](#)] updated to [[REP6-006](#)];
 - ES Appendix 7.1: Visual Effects Schedule [[APP-166](#)] updated to [[REP2-014](#)];
 - ES Appendix 7.2: Background Photography [[APP-167](#)];
 - ES Appendix 7.3: Arboricultural Impact Assessment [[APP-168](#)];
 - Case for the Scheme [[APP-182](#)] updated to [[REP2-016](#)];
 - Scheme Layout Plans [[APP-011](#)] updated to [[REP11-004](#)];
 - Engineering Drawings and Sections Plans [[APP-012](#)] updated to [[REP5-005](#)];
 - ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
 - ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
 - EMP1 [[APP-183](#)] updated to [[REP12-007](#)];
 - REAC [[APP-184](#)] updated to [[REP11-005](#)]; and
 - Outline Landscape and Ecological Management and Monitoring Plan [[REP8-014](#)].

Study area, baseline conditions and overall methodology

- 5.6.13 The assessment methodology was undertaken in accordance with DMRB LA 107 and informed by the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment' 3rd Edition.
- 5.6.14 A desktop study and site survey were undertaken to establish the nature and extent of potential receptors. The study area for the landscape assessment extended to 1km from the Order Limits [[APP-090](#)]. The study area for the visual assessment extended to 2km from the Proposed Development and was informed by the identification of Zones of Theoretical Visibility up to 10km away [[APP-095](#), [APP-096](#)].

- 5.6.15 Landscape receptors included landscape character areas and designations [[APP-090](#)], and key elements and features of the landscape such as woodlands, distinctive trees, rural lanes and watercourses. Landscape features and elements that would potentially be affected by the Proposed Development were generally considered to be those that lie within the Order Limits.
- 5.6.16 Visual receptors [[APP-097](#)] included people in locations such as residential properties, community facilities, places of works, public rights of way and roads.
- 5.6.17 Landscape and townscape character areas and visual receptors were assigned a value, susceptibility, and sensitivity for the purposes of the assessment.
- 5.6.18 A description was provided of the landscape baseline focusing on landscape and landscape related designations, landscape character, land use, landscape elements and features and settlement and built elements.
- 5.6.19 The assessment considered seasonal differences with and without the Proposed Development, assessment at Year 1 and at Year 15 and during day and night-time, removal of existing features, construction activity, and the introduction of new highways' infrastructure and vehicles.
- 5.6.20 The magnitude of impact, or degree of change, at each receptor due to the Proposed Development following mitigation was then combined with sensitivity to allow significant effects to be identified.

Potential impacts

- 5.6.21 Potential impacts considered during the construction phase arose due to the loss of vegetation, alteration to the landform and built form, the presence of construction machinery, lighting, and the introduction of man-made features.
- 5.6.22 During the operational phase, potential impacts arose due to the introduction of new embankments, cuttings, drainage features, new bridge and underpass structures, environmental barriers, signage, and lighting.

Design, mitigation and enhancement

- 5.6.23 Mitigation measures are illustrated in the Environmental Masterplan [[APP-074](#)] and include retention and protection of existing trees and hedges, planting, earth contouring, control of construction activities, addition of a new green space, false cuttings, and lighting design. These would be secured through the EMP1 [[REP12-007](#)], REAC [[REP11-005](#)], and Outline Landscape and Ecological Management and Monitoring Plan (OLEMMP) [[REP8-014](#)].
- 5.6.24 No enhancement opportunities were identified.

Significant effects

- 5.6.25 Significant effects were identified with the mitigation measures in place.

- 5.6.26 Three landscape receptors were identified as having temporary large adverse significant effects and six as having temporary moderate adverse significant effects during the construction phase.
- 5.6.27 Six landscape receptors were identified as having moderate adverse significant effects at Year 1 of the operational phase that would reduce to no significant effects at Year 15.
- 5.6.28 Two representative viewpoints were assessed as having large adverse significant effects and 12 as having moderate adverse significant effects at Year 1 of the operational phase. A moderate adverse significant effect would remain on three representative viewpoints at Year 15.
- 5.6.29 Three visual receptors were assessed as having temporary very large adverse significant effects, 34 as having temporary large adverse significant effects, and 27 as having moderate adverse significant effects during the construction phase.
- 5.6.30 Nine visual receptors were identified as having large adverse significant effects at Year 1 of the operational phase that would reduce to moderate adverse significant effects at Year 15. Two landscape receptors were identified as having moderate adverse significant effects at Year 1 of the operational phase that would remain as moderate adverse significant effects at Year 15. 37 landscape receptors were identified as having moderate adverse significant effects at Year 1 of the operational phase that would reduce to no significant effect at Year 15.

Landscape and visual issues considered during the Examination

- 5.6.31 Landscape and visual matters considered during the Examination included:
- NPPF update;
 - landscape and townscape characteristics;
 - viewpoints for night-time effects;
 - levels of new highway infrastructure;
 - proposed accompanied site inspection;
 - landscape and visual mitigation; and
 - other landscape and visual matters.

NPPF update

- 5.6.32 Noting that the NPPF had been updated in July 2021 and that the ES [[REP6-006](#)] referred to the February 2019 version, we [[PD-009](#), [EV-015](#)] asked the Applicant to comment on the implications of any changes with respect to landscape and visual effects.
- 5.6.33 The Applicant [[REP2-021](#)] was of the view that the National Design Guide and National Model Design Codes introduced to Chapter 9 of the updated NPPF were not intended for National Infrastructure highway projects, and that it had used the "Road to Good Design", which adopted similar

principles. TMBC [REP5-031] and DCC [REP4-010] were happy with the Applicant's explanation and HPBC [EV-026] were broadly satisfied.

Landscape and townscape characteristics

- 5.6.34 TMBC [REP2-056] considered that the use of the term 'dense urban' was not appropriate and considered that some existing landscape and townscape characteristics had not been described accurately.
- 5.6.35 The Applicant [REP3-021] said that the term 'dense urban' was used with reference to specific locations along the existing A57 rather than generally. It also considered the characteristics raised by TMBC and concluded that there would be no material change to the assessment. Noting the responses, TMBC [REP5-031] advised that it had no further concerns.
- 5.6.36 TMBC [REP2-056] noted that the Greater Manchester Landscape Character and Sensitivity Assessment, August 2018, was not specifically mentioned in the ES [REP6-006]. It pointed out that although the Local Landscape Character map typologies were not dissimilar to those used in the assessment, the geographical areas for the typologies differed.
- 5.6.37 The Applicant [REP6-017] provided a comparison of the Greater Manchester Landscape Character and Sensitivity Assessment with the assessment. It considered that the Greater Manchester Landscape Character and Sensitivity Assessment was more descriptive, but essentially the key characteristics of the landscape were included in the assessment and the mapped Landscape Character Types (LCT) were on a very similar geographic footprint. It concluded that there would have been no change to the assessment levels of significance had the Greater Manchester Landscape Character and Sensitivity Assessment been used in the assessment.
- 5.6.38 CPRE PDSY [REP7-036] were not satisfied with the consideration given to the Greater Manchester Landscape Character and Sensitivity Assessment, suggesting that it provided more up-to-date analysis of the sensitivity and priorities for landscapes than had been considered in the ES [REP6-006]. The Applicant [REP8-018] reiterated its earlier response [REP6-017]. TMBC [REP11-018] did not raise any remaining concerns.

Viewpoints for night-time effects

- 5.6.39 We [PD-009, EV-015] asked if parties were content that the viewpoints selected for the assessment of night-time effects from lighting during the operational phase were representative. TMBC [REP2-056] raised concerns about the consideration given to receptors that were not in close proximity to the Proposed Development, including the Mottram-in-Longdendale Conservation Area, Werneth Low and Hobson Moor.
- 5.6.40 The Applicant [REP3-021] responded that Werneth Low was outside the 2km study area and was represented by night-time views from another viewpoint, whereas views from Hobson Moor were limited due to distance, topography, intervening vegetation and built form. Noting the response, TMBC [REP5-031] advised that it had no further concerns.

Levels of new highway infrastructure

- 5.6.41 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] explored the consideration given to level differences of the proposed carriageway from existing ground level, the bunds above proposed carriageway level and environmental barriers.
- 5.6.42 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP8-019](#), [REP8-021](#), [REP9-027](#)] advised that the proposed carriageway would be up to 8m above existing ground level, bunds would be up to 5m above proposed carriageway level and that some bunds would be topped by 2.5m high environmental barriers. It said that consideration was given to indicative cross sections, including embankments and cuttings, as shown on Engineering Drawings and Sections Plans [[REP5-005](#)], that the 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 of effects. Referring to iterative nature of the EIA process, the Applicant explained that the landscape and visual assessment was verified against the final Environmental Masterplan [[APP-074](#)] and engineering design shortly before the application was submitted.
- 5.6.43 TMBC [[REP6-037](#), [REP8-027](#)] referred to discussions with the Applicant to understand the levels, bunds and barriers. Towards the end of the Examination it [[REP11-018](#)] said that it had no further comments and said that it was confident that any remaining issues could be overcome during the detailed design phase.
- 5.6.44 DCC [[REP6-026](#), [REP8-023](#)] noted that the proposed carriageway would be a maximum of 2m to 2.5m above existing ground level where it would be on and embankment in their area. It concluded that it did not have significant concerns about the impact of this on landscape and visual receptors and accepted the Applicant's position.

Proposed accompanied site inspection

- 5.6.45 CPRE PDSY [[REP3-033](#), [REP6-024](#)] suggested an accompanied site inspection of private land in the pastures south of Mottram Old Hall to understand the impacts of the Proposed Development, including in relation to the Mottram Underpass and carriageway and views from Coach Road, a new proposed bridleway and for drivers on the new carriageway.
- 5.6.46 The Applicant [[REP7-036](#)] said that the assessment only considered the impact on views for existing receptors and that views for users of the new proposed bridleway have not been considered as there is no existing baseline to determine magnitude of change from.
- 5.6.47 We [[PD-012](#), [EV-061](#)] asked for clarifications and carried out an unaccompanied site inspection of Coach Road to specifically consider the matters raised by the parties. Taking that together with the submissions provided to us, we concluded [[EV-058](#)] that we had sufficient understanding of the matters raised by CPRE PDSY for us to reach our conclusions. On that basis we did not require the suggested unaccompanied site inspection. Our decision was not contested.

Landscape and visual mitigation

- 5.6.48 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#), [PD-017](#)] questioned the mitigation measures included in the REAC [[REP11-005](#)] and, once it was submitted to the Examination, the OLEMMP [[REP8-014](#)]. This included the measures secured for planting, including height, maturity, screening during winter months, maintenance, monitoring and remedial actions during operation.
- 5.6.49 Other mitigation in relation to design, including provisions for a Design Council Review, are discussed below under the heading of Design.
- 5.6.50 TMBC [[REP6-037](#)], DCC [[REP4-010](#), [REP6-026](#)], HPBC [[REP6-027](#)], CPRE PDSY [[REP2-069](#)] and Warner E Bower [[REP4-028](#)] expressed concerns about the proposed mitigation and planting. These included the effectiveness of screening, planting and seed mixes and the consideration given to native species and Landscape Character.
- 5.6.51 Referring to discussions with TMBC and DCC, the Applicant [[REP5-022](#), [REP6-017](#), [REP8-019](#)] updated the OLEMMP [[REP8-014](#)] to amend the planting and seed mixes to better reflect local species diversity and to strengthen the measures relating to planting for screening and visual integration. It explained that the tree species, planting mix and seed mixes were indicative and would be finalised during detailed design. The Applicant [[REP6-017](#)] explained how the design responds to local character and provided an Environmental Masterplan Overview [[REP6-020](#)]. It also updated the Design Approach Document in EMP1 [[REP12-007](#) Annex C2] to refer to the Landscape Character of Derbyshire.
- 5.6.52 Noting the difficulty of integrating the route into the small field pattern and of balancing against other needs, DCC [[REP2-045](#), [REP4-010](#)] suggested that the proposed planting appeared to map the route of the road rather than knitting it into the grain of the receiving landscape and, as a result, could have the effect of drawing attention to the route rather than mitigating adverse effects. The Applicant [[EV-026](#), [REP4-008](#)] responded that the design approach sought to satisfy a range of functions and find a balance between openness, screening and protection of views. It said that the intention had not been to draw attention to the Proposed Development by forming a corridor effect of mitigation and was of the view that it would sit in the existing landscape in a comfortable and unobtrusive way.
- 5.6.53 TMBC [[REP9-036](#), [REP11-018](#)] said that while the updated planting mixtures were still not perfect they now include many more appropriate species. It had no remaining concerns relating to the OLEMMP [[REP8-014](#)] and were confident that any issues could be overcome during the detailed design phase. DCC [[REP11-012](#)] were content that the updates to the OLEMMP [[REP8-014](#)] and Design Approach Document EMP1 [[REP12-007](#) Annex C2] addressed their concerns. HPBC [[REP11-014](#)] said that it had no further comments.

Other landscape and visual matters

- 5.6.54 We [[PD-009](#) questions 5.9, 5.10, 5.11, 5.12, 5.16] asked the Applicant to clarify a number of matters in the ES [[REP6-006](#)], including:
- specific inconsistencies regarding the sensitivity attributed to receptors and the significance of effect;

- the reasoning behind certain conclusions reached using professional judgement; and
 - the criteria and methodology used to identify significant effects during night-time.
- 5.6.55 The Applicant [[REP2-021](#)] provided explanations and corrections and updated the ES [[REP6-006](#)] accordingly.
- 5.6.56 CPRE PDSY [[REP2-069](#)] considered that the magnitude of impact and significance of effect were understated for landscape and visual receptors, particularly residents and PRow users and questioned the location and position of the photomontages. The Applicant [[REP3-009](#), [REP4-009](#)] submitted an updated photomontage of VP17 with vehicles included. The Applicant's reiterated that the assessment was undertaken following the DMRB and Landscape Institute guidance.
- 5.6.57 CPRE PDSY [[REP3-031](#)] said the Applicant had not presented evidence about how the assessment considered the value that local community places on landscape. The Applicant [[REP4-009](#)] explained how consultation responses from the public perception survey were considered, as described in the ES [[REP6-006](#) paragraphs 6.2.6 to 6.2.10].
- 5.6.58 CPRE PDSY [[REP2-069](#)] raised concerns about the management of new structures and the potential for vandalism. The Applicant [[REP6-017](#)] had no reason to believe there would be a particular issue with vandalism or graffiti at the proposed structure locations and said that any vandalism or graffiti identified through routine maintenance inspections would be addressed using treatments sympathetic to the structure and its location. TMBC [[REP6-037](#)] did not consider that any of the proposed structures were likely to be more prone to vandalism, while DCC [[REP6-026](#)] did not raise any concerns.
- 5.6.59 Warner E Bower [[REP4-028](#)] did not accept that the visual effects of the Proposed Development would be moderate adverse, arguing that from many vantage points it would be very visible and intrusive. The Applicant [[REP5-022](#)] responded that the assessment had been undertaken in accordance with DMRB LA 108.
- 5.6.60 Paul Saunders [[REP2-081](#)] raised concerns about the appearance of noise barriers at the rear of his property. The Applicant [[REP4-005](#)] said that they were likely to have a similar finish to a close-boarded fence construction to avoid visual impacts and that the specification and material would be determined during detailed design.
- 5.6.61 At the close of the Examination, CPRE PDSY [[REP12-033](#)] said that there would be harm to landscape and visual amenity in the Etherow Valley and to the townscape on the north-south route through Mottram and in Glossopdale, Hollingworth and Tintwistle. It felt that the Proposed Development would be unacceptable in terms of its landscape townscape and visual impacts and that this weighed against the DCO being made. The Applicant did not have an opportunity to reply.

Conclusions on landscape and visual

- 5.6.62 The historic environment is dealt with in Section 5.7 and the Peak District National Park in Section 5.8.
- 5.6.63 Noting the Applicant's use of relevant design guidance and that no concerns were raised by the local authorities, we are content that the July 2021 updates to the NPPF have no material implications for the assessment.
- 5.6.64 The Applicant demonstrated that concerns raised about the descriptions of landscape characteristics in the Greater Manchester Landscape Character and Sensitivity Assessment would not result in a material change to the assessment. On that basis we are happy that those matters have been addressed.
- 5.6.65 TMBC had no further concerns following the Applicant's explanations of night-time views. We concur and are happy that representative viewpoints were selected for the assessment of effects during night-time.
- 5.6.66 We are satisfied that the Applicant's updates to the ES [[REP6-006](#)] appropriately clarify matters raised during the Examination.
- 5.6.67 We consider that the ES [[REP6-006](#)] could have been clearer and more helpful about the consideration given in the assessment to a proposed carriageway up to 8m above existing ground level, bunds up to 5m above proposed carriageway level and bunds topped by 2.5m high environmental barriers. However, we do not have sufficient cause to doubt that they were considered in the application of professional judgement that was relied on for the assessment of landscape and visual effects. Our consideration of these features in relation to the Green Belt are set out separately, below.
- 5.6.68 Warner E Bower's comments that the Proposed Development would be very visible and intrusive from many vantage points do not lead us to conclude that the assessment does not comply with guidance. Similarly for the concerns raised by CPRE PDSY in relation to harm to landscape and visual amenity.
- 5.6.69 We find no evidence of unusual risks in relation to vandalism and, noting the general provisions for maintenance, are satisfied that no additional mitigation is required for this.
- 5.6.70 We carried out a series of unaccompanied site inspections [[EV-001](#), [EV-012](#), [EV-061](#)]. Taking those together with the submissions provided to us leads us to be content that we did not require accompanied site inspections.
- 5.6.71 A OLEMMP [[REP8-014](#)] and a Design Approach Document [[REP12-007](#) Annex C2] were provided and updated during the Examination and included provisions in relation to the landscape character, planting, and other mitigation concerns that were raised by parties. DCC were content and TMBC and HPBC had no remaining concerns or further comments about how their concerns had been addressed.
- 5.6.72 Although we see some merit in suggestions that planting would in some instances draw attention to the linear nature of the Proposed Development,

we also agree with the observations of the difficulty of integrating it into the existing landscape and of the need to balance against other considerations. Overall, we are satisfied with the planting set out in the illustrative Environmental Masterplan [[APP-074](#), Figure 2.4].

- 5.6.73 The Design Approach Document is part of EMP1 and is therefore secured by Requirement 4 of the rDCO (Appendix D). Other landscaping measures including adherence with the illustrative masterplan and a written landscaping scheme are set out in Requirement 5. Requirement 4 of the rDCO (Appendix D) requires the second iteration EMP to include a Landscape and Ecological Management and Monitoring Plan that is in accordance with the Outline Landscape and Ecological Management and Monitoring Plan [[REP8-014](#)].
- 5.6.74 With those measures in place, we are satisfied that the rDCO (Appendix D) secures appropriate mitigation measures.
- 5.6.75 Following from the above we are satisfied that the methodology is robust and that the effects of the Proposed Development were properly considered in accordance with paragraphs 5.144, 5.145, 5.146, 5.149, 5.156 and 5.159 of the NPSNN. With our additions to the rDCO (Appendix D) we are satisfied that this would secure appropriate mitigation and that due regard has been given to 5.157 and 5.160 of the NPSNN.
- 5.6.76 Based on the above we, are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely reasonable worst-case landscape and visual effects have been identified.
- 5.6.77 We find that the following landscape and visual effects count significantly against the DCO being made:
- temporary adverse effects on ten landscape receptors and 64 visual receptors during the construction phase;
 - adverse effects on six landscape receptors at Year 1 of the operational phase, reducing to no significant effects at Year 15;
 - adverse effects on 14 representative viewpoints at Year 1 of the operation phase, reducing to three at Year 15; and
 - adverse effects on 48 visual receptors at Year 1 of the operational phase, reducing to 11 at Year 15.

Design

Design policy context

- 5.6.78 Various national policies are summarised below. Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.
- 5.6.79 Paragraphs 4.28 and 4.29 of the NPSNN advise that Applicants should include design as an integral consideration from the outset and that visual appearance should be a key factor in considering the design of new infrastructure, as well as functionality, fitness for purpose, sustainability

and cost. The outcome should be "*sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible*".

- 5.6.80 Paragraph 4.35 requires Applicants to demonstrate how the design process was conducted and how the proposed design evolved.

The application in relation to design

- 5.6.81 Apart from figures, the main sections of the application relevant to the design matters considered here are as listed above for landscape and visual.
- 5.6.82 The Applicant [[REP2-005](#), [REP6-006](#)] stated that the design of the Proposed Development was developed considering the design principles set out in "*The Road to Good Design*", which was published by Highways England in January 2018. These seek good road design which makes roads safe and useful, inclusive, understandable, fit their context, restrained, environmentally sustainable, thorough, innovative, collaborative, and long-lasting. The Applicant has also applied DMRB guidance and standards for functionality and has considered RIS2 requirements for good design in relation to road users and to residents alongside the network to help local places grow sustainably.
- 5.6.83 The design, including the form, appearance, and detailed siting of its components, was developed through an iterative process in parallel with the EIA. It is evident [[REP2-005](#) Table 3-7, [REP2-016](#) Section 2] that the design of the Proposed Development evolved in response to consultation and a series of option appraisals.

Design issues considered during the Examination

- 5.6.84 Design matters considered during the Examination included design approach and other design mitigation.

Design approach

- 5.6.85 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#), [PD-017](#)] examined the Applicant's approach to good design as required by the NPSNN and NPPF and in the context of the Design Principles for National Infrastructure and the National Design Guide. We asked the Applicant to outline their design approach for key elements, including the main junctions, structures and landscape, and we asked parties for their views on the importance of the aesthetic design of the Proposed Development and whether appropriate mitigation measures had been secured in relation to design and visual amenity.
- 5.6.86 We explored whether additional measures should be secured for a design champion, design reviews, a design approach document, and consultation. We also questioned the regard given to how the detailed design would respond to Landscape / Townscape Character and whether enough detail had been provided on signage, street furniture, lighting, environmental barrier, structures and hard landscaping design and materials.

- 5.6.87 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP9-027](#)] said that it would seek to follow the good design principles outlined in the Design Principles for National Infrastructure and National Design Guide documents during detailed design and set out its general approach for the key elements whilst noting that engineering solutions and details were in development and materials were under review. It said that the aesthetic appearance of the Proposed Development was extremely important in the context of its visibility and referred to the embedded and essential mitigation measures set out in the ES [[REP6-006](#)].
- 5.6.88 The Applicant set out the process that led to the development of the current design, including the involvement of a Chartered Landscape Architect, the Design Council, National Highway's Design Panel and consultation with stakeholders. It set out its intentions for the detailed design phase for a design champion, design reviews and consultation and provided a Design Approach Document [[REP12-007](#) Annex C:1].
- 5.6.89 TMBC [[REP2-056](#), [REP5-031](#)] said that the measures would be useful. It said that aesthetics was very important for the landscape and that it was particularly important that mitigations are fully discussed with and agreed with it during detailed design. Commenting on the Design Approach [[REP12-007](#) Annex C:1] Document, it [[REP8-027](#)] considered that it made sense to continue the Design Council's involvement in reviewing, considered that the approach for how the Applicant would work with TMBC was not specific, but was otherwise content with the Applicant's approach.
- 5.6.90 With reference to a design champion, design reviews, a design approach document, and consultation, DCC [[REP2-051](#), [REP4-010](#)] said that implementation of any or all of the measures would assist in determining post-consent approvals and the discharge of requirements in relation to achieving good design. It said that a design approach document would be very helpful because the overall design of the new road in its entirety will dictate to some extent the environmental impact of the Proposed Development, including in regard to signage, street lighting and boundary design.
- 5.6.91 Commenting on the Design Approach Document [[REP12-007](#) Annex C:1] Document, DCC raised concerns about a lack of cross-referencing to national design guides and local guidance. It considered that the document should set out proposals for a design champion and a design review by the Design Council, clarify how local authorities might further influence the ongoing design of the Proposed Development, provide more detail on the response to specific landscape/townscape character, and provide more detail on aesthetic considerations for signage, lighting, and street furniture. The Applicant [[REP9-027](#)] updated the Design Approach Document [[REP12-007](#) Annex C:1] to include Landscape Character of Derbyshire.
- 5.6.92 HPBC [[REP6-027](#), [REP8-025](#)] said that the contents of the Design Approach Document [[REP12-007](#) Annex C:1] covered the main matters for consideration but thought that more consideration should be given to local guidance including the High Peak Design Guide Supplementary Planning Document (SPD) (adopted 2018) and High Peak Landscape Character SPD

(adopted 2006). The Applicant [[REP9-027](#)] updated the Design Approach Document [[REP12-007](#) Annex C:1] to include reference to these SPDs.

- 5.6.93 To address concerns raised during the Examination and noting precedent in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016, we [[PD-016](#), [PD-017](#)] suggested additional provisions to Requirement 3 of the dDCO for a design review by the Design Council, consultation with local authorities and other parties, and for details of the Mottram Underpass, and Roe Cross Road Bridge, River Etherow Bridge to be approved by the SoST following consultation with the local authorities.
- 5.6.94 TMBC [[REP9-037](#)] had no comments. DCC [[REP11-012](#)] was satisfied that the provisions made appropriate reference to the need for consultation. HPBC [[REP11-014](#)] welcomed the additions. The Applicant noted the reference to the A14 and, to acknowledge the proximity of the Proposed Development to features such as the Green Belt, incorporated our suggested provisions into its revised dDCO [[REP9-004](#)]. The provisions are included in the rDCO (Appendix D).

Other design mitigation

- 5.6.95 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] queried the consideration given to design options for the street lighting, including the height and spacing, whether it can be omitted, and how light pollution and glare could be mitigated. Warner E Bower [[REP4-028](#)] questioned whether it was appropriate for there to be lighting on a speed restricted road passing through open countryside.
- 5.6.96 The Applicant [[REP2-021](#), [REP5-022](#), [REP6-017](#), [REP8-019](#)] explained that the proposed lighting considered road and pedestrian safety, potential impacts on landscape and ecology and on dark skies. It referred to discussions and agreement with TMBC and DCC.
- 5.6.97 TMBC [[REP5-031](#), [REP6-037](#), [REP8-027](#)] said that it was satisfied with the Applicant's explanations and referred to lighting standards, said that the new roads would link to existing roads that had street lighting and noted the need to cater for cyclists, pedestrians and equestrian users. DCC [[REP4-010](#), [REP6-026](#), [REP8-023](#)] referred to discussions with the Applicant and considered that an appropriate balance had been recommended for the street lighting that took account of its detailed operational specifications for street lighting and the need to mitigate environmental impacts.
- 5.6.98 The local authorities [[EV-028](#), [REP4-010](#), [REP5-031](#)] said that they were satisfied with the Applicant's approach [[REP2-021](#)] that the measures needed to secure the design of details of finishes to the Proposed Development, street furniture and other hard landscaping would be finalised during detailed design and are secured by Article 12 of the dDCO [[REP9-004](#)]. The provisions are included in the rDCO (Appendix D).

Conclusions on design

- 5.6.99 Some general design matters, including in relation to aesthetics, are addressed here and other design matters in relation to specific topics are considered in the other relevant sections of this chapter.

- 5.6.100 The Proposed Development comprises linear development which is required to integrate with the existing network and landscape, constraining its siting and, to a degree, its layout. The settings for the three junctions also vary from more urban to more rural environments. In this context we consider that the form of the Proposed Development responds reasonably positively to its setting. An illustrative Environmental Masterplan shows embedded mitigation and enhancement measures to achieve further integration.
- 5.6.101 Parties agreed that aesthetics were important for the Proposed Development in the context of potential impacts on landscape, visual amenity, and the Green Belt.
- 5.6.102 The Applicant provided helpful clarification of their design approach and clear evidence of the consideration given to design and visual appearance during the evolution of the design of the Proposed Development.
- 5.6.103 The Application as submitted left some details to be finalised and we consider that this process requires appropriate controls to ensure that key matters, such as the design treatment in relation to the height of the embankments, planting, structures, and use of materials, are addressed appropriately during detailed design.
- 5.6.104 TMBC and DCC were satisfied with the Applicant's responses to concerns raised about the design of lighting and the mitigation secured for the design of finishes, street furniture and hard landscaping and we concur.
- 5.6.105 The Design Approach Document is part of EMP1 [[REP12-007](#)] and is therefore secured by Requirement 4 of the rDCO (Appendix D). Requirement 3 includes our provisions for design reviews, consultation and for the details of certain structures to be approved that were accepted by the Applicant and that we consider to be proportionate and reasonable. Noting that the local authorities were either satisfied or had no comments, we are satisfied that the rDCO (Appendix D) secures appropriate mitigation for the design matters considered in this section and to ensure that the further details to be submitted would meet the NPSNN requirements for good design.
- 5.6.106 Based on the above, and with the mitigation measures in place, we are therefore satisfied with the consideration given to paragraphs 4.28, 4.29 and 4.35 of the NPSNN. We conclude that the Proposed Development accords with the NPSNN in terms of general design matters and aesthetics. Other aspects of good design are considered elsewhere in this chapter.
- 5.6.107 Other than identified elsewhere in this chapter, we find that design matters do not count significantly for or against the DCO being made.

Green Belt

Green Belt policy context

- 5.6.108 Various national policies are summarised below. Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

- 5.6.109 Paragraph 5.164 of the NPSNN says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. It refers to the NPPF for further information on the purposes and protection of Green Belt.
- 5.6.110 Paragraph 5.170 says that there is a general presumption against inappropriate development within Green Belts and that such development should not be approved except in 'very special circumstances'. Applicants should therefore determine whether their proposal is within an established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt policy.
- 5.6.111 Paragraph 5.171 recognises that linear infrastructure will often have to pass through Green Belt land. The identification of a policy need for such infrastructure will take account of the fact that there will be an impact on the Green Belt and as far as possible, of the need to contribute to the achievement of the objectives for the use of land in Green Belts.
- 5.6.112 Paragraph 5.178 states that when located in the Green Belt, national network infrastructure projects may comprise inappropriate development. With reference to the NPPF, it adds that "*Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it except in 'very special circumstances'.*"
- 5.6.113 Paragraph 5.178 further states that "*'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.*"
- 5.6.114 Paragraphs 1.18 and 1.19 of the NPSNN are clear that the NPPF is not intended to contain specific policies for NSIPs but that it should be applied to the extent relevant to the Proposed Development.
- 5.6.115 Paragraph 137 of the NPPF is clear that openness is one of the essential characteristics of Green Belts. Paragraph 138 sets out the five purposes of the Green Belt.
- 5.6.116 Paragraph 150(c) states that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development, if it preserves openness.
- 5.6.117 Paragraph 147 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 148 is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The application in relation to the Green Belt

- 5.6.118 Apart from figures, the main sections of the application relevant to the Green Belt matters considered here are as listed above for landscape and visual.
- 5.6.119 The Applicant's consideration of Green Belt policy is set out in Section 7.5 of the Case for the Scheme [[REP2-016](#)].
- 5.6.120 22.28ha of the Proposed Development would be located within the TUDP Green Belt designation.
- 5.6.121 The Applicant said that the Proposed Development is a regional/local transport development that cannot avoid a Green Belt location. It said that the Proposed Development had been designed to minimise any perceived impact to the existing openness of the Green Belt.
- 5.6.122 The Applicant said that the visibility towards the Proposed Development would be restricted by a network of intervening hedgerows, tree belts and woodland areas, and landform. Mitigation measures include native woodland, shrub planting, and linear planting, roadside specimen trees, grassland meadows, amenity grassland and verges and the use of cuttings, false cuttings and embankments. It said that the Proposed Development had been designed to sit at a low level in the landscape, as it passes below the existing main roads.
- 5.6.123 Based on the above, the Applicant considered that the Proposed Development would not constitute inappropriate development in the Green Belt.
- 5.6.124 The Applicant said that, should it be decided that the Proposed Development would represent inappropriate development within the Green Belt, 'very special circumstances' exist as the potential harm to the Green Belt would be minimal and would be clearly outweighed by other important and relevant considerations in relation to the need for the Proposed Development.

Green Belt issues considered during the Examination

- 5.6.125 Green Belt matters considered during the Examination included:
- the purposes of including land in the Green Belt;
 - preserving openness; and
 - 'very special circumstances'.

The purposes of including land in the Green Belt

- 5.6.126 The Applicant [[REP2-021](#)] suggested that some of the temporary works could be considered inappropriate. It said that it was intrinsic to the Proposed Development and temporary land would be restored to its original condition. It considered that NPPF paragraph 150 makes clear that engineering operations, such as those that would be required to construct the Proposed Development, are not inappropriate development in the Green

Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

- 5.6.127 CPRE PDSY [[REP5-028](#), [REP8-034](#), [REP10-013](#), [REP12-033](#)] were of the view that the dual carriageway section was not local transport infrastructure as it would become part of the SRN and is a Nationally Significant Infrastructure Project. It said that no justification or reasoning for it being local transport infrastructure has been provided by the Applicant and that justification was not provided by the NPSNN or the NPPF. It considered that the Proposed Development's objectives were primarily strategic rather than local.
- 5.6.128 The Applicant [[REP2-021](#), [REP7-025](#), [REP9-027](#)] considered that the Proposed Development should be considered as a local transport scheme under NPPF paragraph 150. It referred to support for the Green Belt location in the TUDP and said that this gave weight to it being local transport infrastructure. It said that the Proposed Development would deliver clear local benefits in addition to wider improvements. The Applicant referred to precedent on the M1 Junction 10a Grade Separation (Luton) and on the A19 / A184 Testo's Junction Alteration which were considered to be local transport infrastructures based on local objectives and support in local policy. It also referred to A38 Derby Junctions where it was found that *"it would frustrate the aims of NPSNN policy on the importance of improving the SRN if the exception for local infrastructure provided by paragraph 146(c) of the NPPF did not also apply to this NSIP"*.
- 5.6.129 The Applicant [[REP8-019](#)] considered that the location of the Proposed Development in the Green Belt is unavoidable as it relates to existing road routes, which are surrounded by Green Belt. It felt that the use of the Green Belt had been identified as an essential requirement of the Proposed Development and the areas which require connection are geographically surrounded by Green Belt.
- 5.6.130 TMBC [[REP2-056](#)] said that the locational specific requirements identified by the Applicant are supported by local planning policy T2 of the TUDP protecting the proposed route. HPBC [[EV-028](#)] was content that the proposed route was established in local policy. CPRE PDSY [[REP3-031](#)] suggested that the TUDP was out of date.
- 5.6.131 DCC [[REP4-010](#), [REP9-032](#)] said that engineering operations and transport infrastructure were key elements of the Proposed Development. Further noting that the NPPF does not define in any more detail what engineering operations or transport infrastructure entail, DCC considered works to enable the construction and operation of the Proposed Development would fall within the provisions of the NPPF paragraph 150. It said that the location of the Proposed Development in the Green Belt would appear to be unavoidable as it related to the need to mitigate severe congestion on existing road routes, which are surrounded by Green Belt.

Preserving openness

- 5.6.132 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#)] explored whether the Proposed Development would preserve openness. Noting that the Applicant's advice [[REP4-008](#), [REP5-005](#), [REP6-017](#)] that the proposed carriageway would be

up to 8m above existing ground level, bunds would be up to 5m above proposed carriageway level and that some embankments would be topped by 2.5m high environmental barriers, and with reference to public rights of way in proximity to those features, we asked whether the elevated sections of carriageway, cuttings, false cuttings, embankments, bunds, structures, and signage would affect openness.

5.6.133 The Engineering Drawings and Sections Plans [REP5-005] were updated. Figures 5.6.1 to 5.6.3 are extracted from those plans and indicate components of the Proposed Development in relation to the existing ground level, which is shown as a dotted line on the sections.

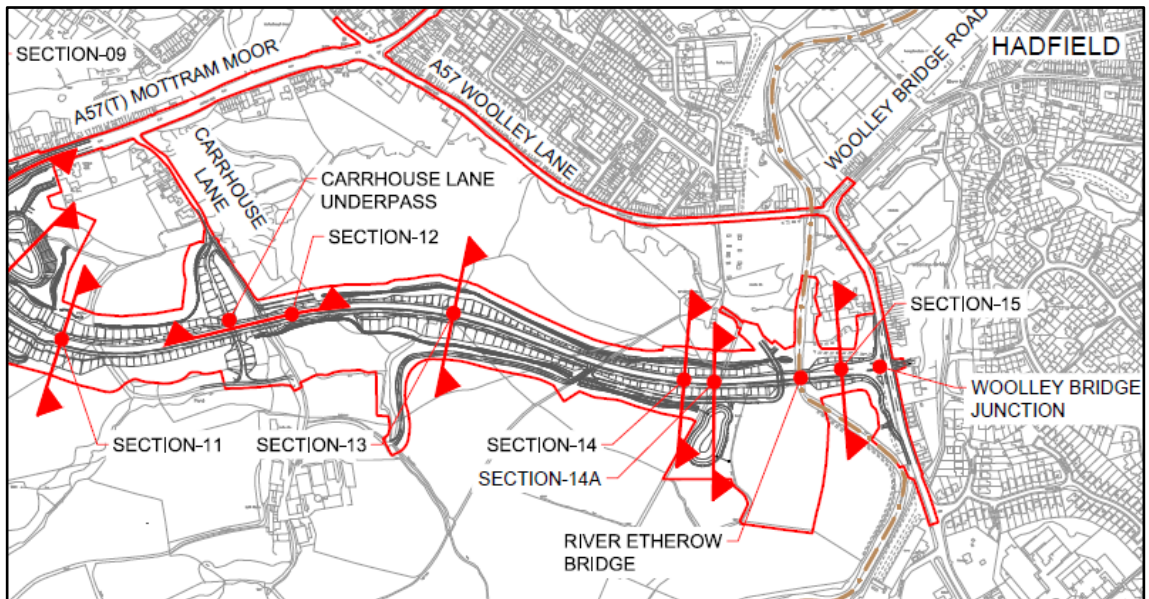


Figure 5.6.1: Cross sections key plan [extract from REP5-005]

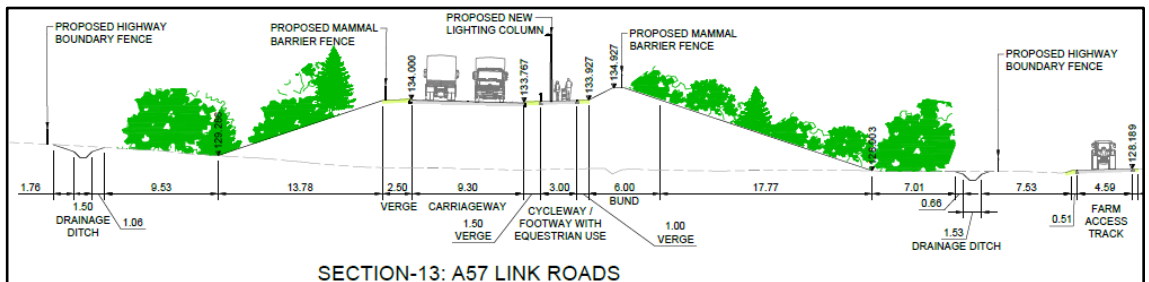


Figure 5.6.2: Section-13 [extract from REP5-005]

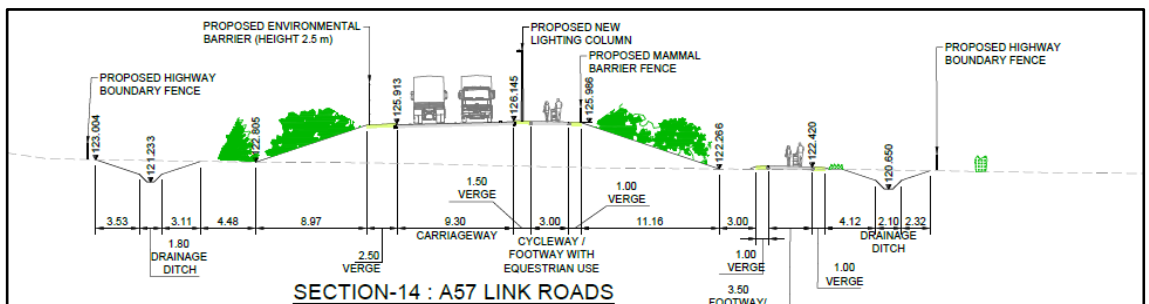


Figure 5.6.3: Section-14 [extract from REP5-005]

5.6.134 We specifically queried effects on openness at footpaths in the Green Belt in the River Etherow valley, following an unaccompanied site inspection to Location A [[EV-061](#)] on 3 April 2022. Figure 5.6.4 highlights the footpaths in the vicinity of Location A. Section-14 through the Proposed Development, as indicated on Figure 5.6.3, is nearby.

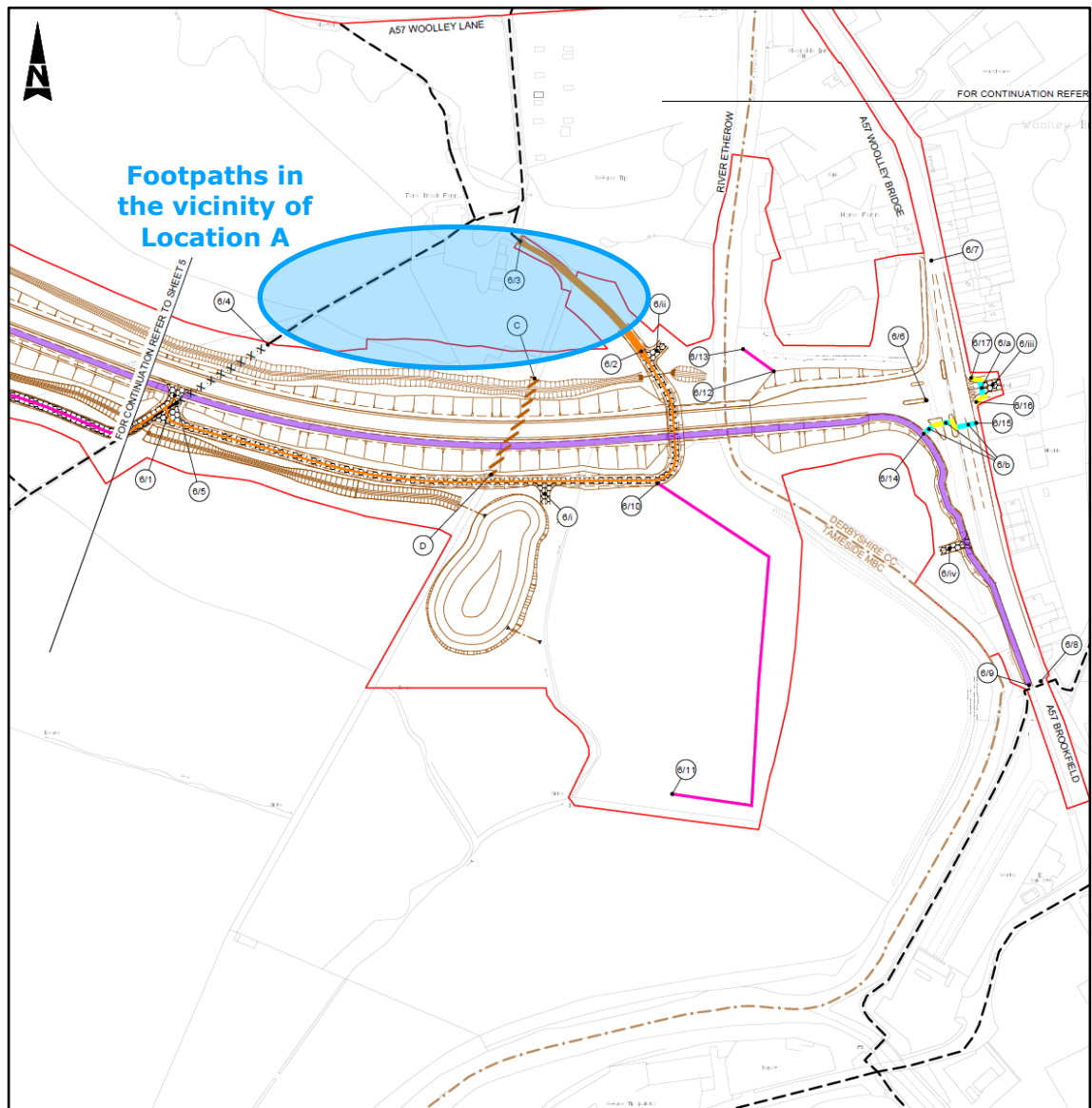


Figure 5.6.4: Footpaths in vicinity of Location A [annotated extract from [REP11-003](#)]

5.6.135 During the unaccompanied site inspection, we observed existing south westerly to southerly views through the Green Belt along the River Etherow valley from the footpaths in the vicinity of Location A. The views were to open fields in the near and middle distance, with some wooded areas, isolated trees, and hedges. Higher ground was visible in the distance, beyond the valley floor. These views include those beyond the left edge of that shown by the Applicant for Viewpoint 12, as partially extracted onto Figure 5.6.5.

5.6.136 The locations of the Applicant’s viewpoints are set out in ES Figure 7.4 [[APP-093](#)].



Figure 5.6.5: Part of Viewpoint 12 Winter [extract from [APP-105](#)]

- 5.6.137 With reference to the Engineering Drawings and Sections Plans [[REP5-005](#)], we noted the likely loss of near and middle distance south westerly to southerly views from the footpaths in the vicinity of Location A due to the introduction of the Proposed Development, including continuous embankments extending over several hundred metres, environmental barriers, and new structures such the River Etherow Bridge. We noted that street lighting would be provided through this length of the carriageway.
- 5.6.138 The ES [[APP-106](#) Figure 7.9viii] includes photomontages from Viewpoint 14, which is on the opposite side of the main carriageway from footpaths in the vicinity of Location A, and further away. Based on our observations during our unaccompanied site inspection on 3 April 2022, we consider that due to existing ground levels and topography there would be substantially more disturbance to middle-distance views beyond the carriageway from the footpaths in the vicinity of Location A than from Viewpoint 14. We also note that some of the footpaths in the vicinity of Location A would be far closer to the main carriageway than Viewpoint A



Figure 5.6.6: Viewpoint 14 Winter [extract from Figure 7.9viii of [APP-106](#)]



Figure 5.6.7: Viewpoint 14 Winter night [extract from Figure 7.9viii of [APP-106](#)]

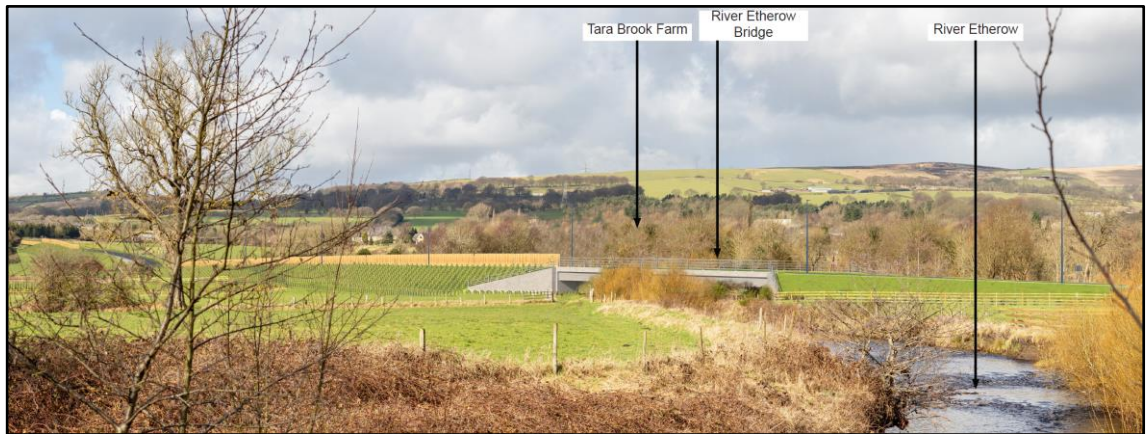


Figure 5.6.8: Viewpoint 14 Winter Year 1 [extract from Figure 7.9viii of [APP-106](#)]



Figure 5.6.9: Viewpoint 14 Winter Year 15 [extract from Figure 7.9viii of [APP-106](#)]

5.6.139 CPRE PDSY [[REP2-069](#), [REP3-031](#), [REP5-028](#), [REP7-036](#), [REP8-034](#), [REP12-033](#)] set out the carriageway, junctions, structures, signage, lighting, fencing, barriers, linear planting and other features that the Proposed Development would place in the Green Belt. It said that embankments would create mounds on an otherwise smooth slope and would be a significant uncharacteristic element that emphasised the linearity of the infrastructure, with post and rail fencing, hedges, lighting columns, signs, barriers, and drainage channels accentuating the effect. Noting the heights of the embankments and the features on top of them, it disputed the claim that the carriageway would sit at a low level in the landscape.

- 5.6.140 CPRE PDSY said that the Proposed Development would bisect parts of the Green Belt, disturbing its continuity and creating isolated pockets of Green Belt and new hard boundaries away from the existing Green Belt boundaries that would encourage sprawling development. It noted the effects of up to 30,000 vehicles per day, including up to 2,700 HGVs, using the proposed carriageway through the Green Belt and said that those were under-represented in the photomontages [APP-098 to APP-109]. It was of the view that the assessment of viewpoints in the ES [[REP6-006](#)] typically had limited views and, suggesting that the assessment did not explicitly consider Green Belt openness and there were many other locations from which the Proposed Development would be visible, considered that this assessment did not provide sufficient evidence that openness would not be harmed. Overall, CPRE PDSY concluded that the Proposed Development would have a profound and substantial negative impact on the openness of the Green Belt.
- 5.6.141 The Applicant [[REP2-021](#), [REP4-009](#), [REP6-017](#), [REP8-019](#), [REP9-027](#)] considered that the openness of the Green Belt would be preserved. It said that the overall openness and function of the Green Belt would remain mostly unaffected during the operational phase. It suggested that the openness of the Green Belt was not directly related to the height of a feature or element within or across it. The Applicant said that the landscape design comprised principally of landform and planting which had been carefully designed to ensure that the Proposed Development would be both screened from sensitive receptors and integrated into the local landscape character with both open and enclosed sections, delivering a blend of screened highway and more open views. It explained that the landform enclosing the road would be largely as a false cutting and this combined with the undulating nature of the wider landscape, means views of the route would be limited and seen within the context of a wider landscape setting of rising hills and moorland slopes. Overall, it considered that the Proposed Development was carefully designed and included extensive mitigation to minimise visual impact on surrounding receptors and limit the impact on the openness of the Green Belt.
- 5.6.142 Noting that the area required for the Proposed Development was very small in comparison to the much wider area of land designated as Green Belt, the Applicant was of the view that the Proposed Development was not capable of cutting the Green Belt in two. It said that many roads in the area already cross the Green Belt. It explained that the Proposed Development would be in place permanently but that temporary works would not have a permanent effect on openness. It stated that the assessment of effects at viewpoints in the ES [[REP6-006](#)] considered the spatial and visual effects for receptors within the Green Belt, indicating seven locations with moderate adverse effects at Year 15, ten with slight adverse and five with slight or neutral adverse effects.
- 5.6.143 Referring to Supreme Court decisions, the Applicant [[REP8-019](#)] explained that openness is not limited to a narrow volumetric approach and visual impacts may be relevant to openness as a matter of planning judgment. It considered that not all the Green Belt in the location of the Proposed Development was open and, because of the lack of visual impact of the Proposed Development this effectively ameliorated the impact on openness

in spatial terms. It considered that there would be significant alteration to views experienced in close proximity to the embankment in the vicinity of the footpaths that we highlighted following an unaccompanied site inspection [EV-061], but considered that those were not universal. The Applicant said that the landscape would undoubtedly change but the test in Green Belt context is whether it still fits the purposes of a Green Belt, noting that Green Belt is a planning designation and not a landscape one per se and its primary purpose is to prevent urban sprawl and the coalescence of urban areas. It concluded that while there would be change in the form of the landscape, and in its physical appearance and composition, the rural landscape would remain open and would not be built up with urban development that would form urban sprawl.

- 5.6.144 TMBC [REP9-036] concluded that, despite the design solutions to minimise impact on the openness of the Green Belt; it considered that the Proposed Development would impact on the openness of the Green Belt. It considered that the Proposed Development would affect the spatial openness as the area covered by the link would be permanently 'lost' and no longer countryside. It said that although the landscaping treatment would be likely to reduce visual impacts to some degree, HGVs driving on the embankments that would be visible from many locations, and the spatial and visual impact of the embankments would harm the Green Belt visually. Referring to the existing predominantly rural, pastoral farmland and grazing meadows enclosed by hedgerows which are open in nature, it considered that the Proposed Development and the screening of the route with trees and planting and environmental bunds would cause material harm to openness in the context of Local Landscape Character. The Applicant [REP10-010] highlighted it's previous submissions and disagreed with TMBC's view.
- 5.6.145 DCC [REP9-032] said that their key consideration in terms of impact on openness of the Green Belt related to the proposed landscape and visual mitigation for the Proposed Development and was satisfied that the principles had been appropriately secured in the OLEMMP [REP8-014].

'Very special circumstances'

- 5.6.146 The Applicant [REP2-021, REP4-009, REP8-019] said that, should the Proposed Development be considered inappropriate development, paragraphs 7.5.15 and 7.5.21 to 7.5.40 of the Case for the Scheme [REP2-016] set out its justification for 'very special circumstances' and an assessment of 'other harm' was already included in Sections 7.6 to 7.20 of the Case for the Scheme [REP2-016]. It [REP8-019] summarised the 'very special circumstances', including with respect to the need for the Proposed Development, the unavoidable location in the Green Belt, the significant benefits to the transport network, improved safety, noise and air quality benefits, decreases in severance, additional open space and improved Public Rights of Way, habitat benefits and economic benefits. It was of the view that should the Proposed Development be found to be inappropriate then 'very special circumstances' would clearly outweigh potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the Proposed Development.

- 5.6.147 CPRE PDSY [[REP2-069](#), [REP12-033](#)] concerns included that the need for the Proposed Development was unproven, that severance would increase for some communities, that reduced congestion and delays would not be sustained due to increasing demand, that safety would worsen on the A57, noise and air quality would worsen at some receptors and any benefits would not be sustained, detrimental effects on biodiversity from lighting, noise and road kill, and adverse effects on the historic environment, climate change and the water environment. It concluded that 'very special circumstances' should be a rarity, and do not exist as the harm to the Green Belt would be greatly outweighed by the effect of the Proposed Development, even with mitigation.
- 5.6.148 HPBC [[REP9-033](#)] broadly accepted the Applicant's case for establishing 'very special circumstances', but raised concerns about journey time disbenefits due to additional traffic on the existing highways network, how the impacts of that traffic growth would be addressed, and the potential impacts on AQMA. The Applicant [[REP10-010](#)] considered that there would not be significant impacts on the routes mentioned by HPBC and that its approach with respect to AQMA was robust.
- 5.6.149 TMBC [[REP9-036](#)] and DCC [[REP9-032](#)] did not comment on whether 'very special circumstances' would outweigh potential harm.
- 5.6.150 Peter Simon [[REP2-082](#), [REP4-026](#)] questioned how the 'very special circumstances' test would be carried out and raised concerns about the consideration given to alternatives and to other developments in the Green Belt. The Applicant [[REP3-020](#)] said that it had addressed compliance with both the NPSNN and the NPPF and considered that the Proposed Development was compliant.

Conclusions on the Green Belt

- 5.6.151 We have carefully considered the differing views about whether the Proposed Development, or parts of it, would constitute local transport infrastructure. On balance we take the view that it would frustrate the aims of NPSNN policy on the importance of improving the SRN if the exception for local infrastructure provided by paragraph 150 of the NPPF did not also apply to the Proposed Development.
- 5.6.152 In Chapter 4 we concluded that an appraisal of alternatives was undertaken and sufficient to meet the requirements of the NPSNN. We are satisfied that the route is safeguarded in local policy and that the location in the Green Belt is unavoidable as it relates to the need to mitigate severe congestion on existing road routes, which are surrounded by Green Belt. On that basis we conclude that there is a requirement for a Green Belt location.
- 5.6.153 The Applicant said that the primary purpose of the Green Belt is to prevent urban sprawl and the coalescence of urban areas and was of the view that the rural landscape would remain open and would not be built up with urban development that would form urban sprawl. We note that paragraph 5.164 of the NPSNN states that "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*"

before referring to the NPPF for further information on the purposes and protection of the Green Belt. Paragraph 5.170 of the NPSNN requires an assessment of whether the Proposed Development may be considered inappropriate development within the meaning of Green Belt policy. Paragraph 150(c) of the NPPF states that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development, if it preserves openness. It follows that our consideration of whether the Proposed Development would be inappropriate development needs to address whether it would preserve the openness of the Green Belt.

- 5.6.154 We note the submissions made about openness by the Applicant and by other parties, including TMBC, DCC and CPRE PDSY. The Proposed Development would cross the Green Belt. Even with the secured mitigation, we find that the Proposed Development would introduce permanent embankments, bunds, and barriers into the River Etherow Valley of a form, height, extent and with characteristics that would be alien to the Green Belt and that would have the effect of raising other uncharacteristic elements and vehicles to several metres above existing ground level, giving them prominence. New street lighting of the carriageway would be prominent. In a number of locations, and particularly in the River Etherow Valley, the Proposed Development would create a substantial visual barrier between the remaining areas of Green Belt. Some footpaths to the north of the main carriageway in the River Etherow Valley would have significantly reduced near and middle-distance visibility to the Green Belt on the other side of the main carriageway and would experience the introduction of uncharacteristic features including new street lighting, barriers, structures and vehicles. Having carefully considered these matters we conclude that the Proposed Development would not preserve the openness of the Green Belt.
- 5.6.155 Based on the above, and in consideration of paragraph 150 of the NPPF, we conclude that as the Proposed Development would not preserve openness it would be inappropriate development in the Green Belt.
- 5.6.156 In accordance with paragraphs 5.170 and 5.178 of the NPSNN it follows that the Proposed Development should not be approved except in 'very special circumstances' and that those will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. We address whether there are 'very special circumstances' alongside the planning balance in Chapter 7.
- 5.6.157 Paragraph 5.178 of the NPSNN says that "*In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.*"
- 5.6.158 Based on the above, we conclude that there would be harm to the Green Belt and give this substantial weight against the DCO being made.

5.7 THE HISTORIC ENVIRONMENT

Introduction

- 5.7.1 This section addresses the effect of the Proposed Development with respect to the historic environment.
- 5.7.2 The landscape and visual impact assessment, the Green Belt and design are addressed in Section 5.6 and Peak District National Park in Section 5.8.

Policy and legislation context

- 5.7.3 Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010 requires regard to be given to the desirability of preserving listed buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of conservation areas, and preserving scheduled monuments or their setting.
- 5.7.4 Paragraph 5.122 of the NPSNN advises that heritage assets may be buildings, monuments, sites, places, areas, or landscapes. The sum of the heritage interests held by a heritage asset is referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting. The footnote to this paragraph explains that the setting of a heritage asset is "*the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*"
- 5.7.5 Paragraph 5.128 requires the SoST to identify and assess the particular significance of any heritage asset or its setting affected by the Proposed Development, taking account of the available evidence and any necessary expertise. Paragraph 5.129 goes on to advise that the SoST should consider the particular nature of the significance of the heritage asset and the value that it holds. This understanding should be used to avoid or minimise conflict between the conservation of the asset and any aspect of the proposal.
- 5.7.6 The SoST should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, including the contribution of their settings (paragraph 5.130). When considering the impact of a development on significance, great weight should be given to the conservation of the asset. The more important the asset, the greater the weight should be. Significance can be harmed or lost through development within the setting of an asset. Substantial harm to or loss of designated assets of the highest significance should be wholly exceptional (paragraph 5.131).
- 5.7.7 Paragraph 5.131 of the NPSNN says that the more important a designated heritage asset is, the more weight should be given to its conservation. Paragraph 5.132 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for

any loss. Paragraph 5.134 explains that, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.7.8 Paragraph 5.135 states that not all elements of a Conservation Area will necessarily contribute to its significance. The SoST should treat the loss of an element that makes a positive contribution to the site's significance either as substantial harm or less than substantial harm considering the relative significance of the elements affected and their contribution to the significance of the Conservation Area as a whole.
- 5.7.9 Applicants should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance (paragraph 5.137).
- 5.7.10 The NPPF sets out broadly similar policies for the conservation and enhancement of the historic environment. Paragraph 199 confirms that great weight (and the more important the asset, the greater the weight should be) should be given to any harm to a designated heritage asset, irrespective of whether it amounts to substantial or less than substantial harm. Any harm to the significance of a designated heritage asset or its setting requires clear and convincing justification (paragraph 200) and less than substantial harm should be weighed against the public benefits of the proposal (paragraph 202).
- 5.7.11 The effect of a proposal on the significance of a non-designated heritage asset should be considered and a balanced judgement will be required having regard to the scale of any harm (paragraph 197).
- 5.7.12 Other relevant legislation and policy, including local plans and policies, is summarised in Chapter 3.

The application

- 5.7.13 Apart from figures, the main sections of the application, as updated during the Examination, relevant to the historic environment are:
- ES Chapter 6: Cultural Heritage [[APP-062](#)] updated to [[REP6-005](#)];
 - ES Appendix 6.1: Cultural Heritage Desk Based Assessment [[APP-160](#)] updated to [[REP1-033](#)];
 - ES Appendix 6.2: Archaeology Scope of Works and Written Scheme of Assessment (WSI) [[APP-161](#)] updated to [[REP1-034](#)];
 - ES Appendix 6.3: Geophysical Survey WSI [[APP-162](#)];
 - ES Appendix 6.4: Geophysical Survey Report November 2020 [[APP-163](#)];
 - ES Appendix 6.5: Geophysical Survey Report February 2021 [[APP-164](#)];
 - ES Appendix 6.6: Geoarchaeological Assessment and Deposit Model Report [[APP-165](#)];

- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)]; and
- REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area, baseline conditions and overall methodology

- 5.7.14 The assessment methodology [[REP6-005](#)] was based on a combination of DMRB Volume 11, Section 3, Part 2 (HA 208/07) and DMRB LA106 guidance.
- 5.7.15 Historic England, Greater Manchester Archaeological Advisory Service (GMAAS), the County Archaeologist for DCC and others were consulted about the assessment. The baseline was informed by a desk study of a range of published national and local information sources [[REP1-033](#)], and non-intrusive surveys, including geophysical surveys [[APP-163](#), [APP-164](#)], aerial photography, and a walkover survey.
- 5.7.16 The historic landscape was characterised and used to inform archaeological potential and setting assessments.
- 5.7.17 Whereas the NPSNN refers to the 'significance' of a heritage asset the ES used the term 'value'. Grade I and II* listed buildings and Conservation Areas containing very important buildings were considered 'high value' and Grade II listed buildings and other Conservation Areas 'medium value'.
- 5.7.18 Major adverse impacts in the ES were equated to NPSNN / NPPF 'substantial harm', moderate adverse impacts to 'less than substantial harm', and minor adverse impacts to the lower end of the spectrum of 'less than substantial harm'.
- 5.7.19 The significance of an effect was derived by combining the value of the asset with the scale of any impact that the Proposed Development would have on it. This was said to reflect the need, in accordance with NPSNN paragraph 5.131, for the impact of the Proposed Development on an asset to be given weight in relation to the value of the heritage asset.
- 5.7.20 The contribution of setting to the value of heritage assets was assessed in accordance with Historic England's 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3' (2nd, edition 2017).
- 5.7.21 The study area was defined as 1km from the Order land for designated heritage assets [[APP-081](#)] and 500m for non-designated assets [[APP-082](#)].
- 5.7.22 The 1km study area contains 50 designated heritage assets comprising:
- one scheduled monument (Melandra Castle Roman fort);
 - two grade II* listed buildings (the Church of St Michael and All Angels and adjacent Cross);
 - 45 grade II listed buildings; and

- two conservation areas (Mottram-in-Longdendale Conservation Area and Hadfield Conservation Area).

5.7.23 Although Tintwistle Conservation Area is located 1.6km from the Proposed Development, it was included in the assessment following consultation with stakeholders.

5.7.24 No World Heritage Sites, registered parks or gardens, or registered battlefields were found within the study area.

5.7.25 104 non-designated heritage assets were found within the 500m study area, seven of which were located within the Order Limits.

5.7.26 The value of five non-designated heritage assets, being four cropmarks a possible extractive industry, within the Order Limits could not be defined as they were identified through geophysical survey and aerial photographic analysis and had not been subject to intrusive archaeological investigation. They would be given a value following a future intrusive archaeological investigation.

5.7.27 The assessment reviewed the historical development of the study area, described identified heritage assets and characterised the historic landscape.

Potential impacts

5.7.28 The ES identified potential impacts to the heritage assets prior to mitigation, including:

- direct physical impacts during the construction phase that would be permanent;
- impacts to the setting of heritage assets due to the introduction of construction machinery, compounds and vegetation removal that would generally be temporary, short term and reversible; and
- the introduction of highways infrastructure and the operation of the Proposed Development that would generally be permanent and irreversible.

Design, mitigation and enhancement measures

5.7.29 The ES lists mitigation measures embedded into the design, including reduced land take, screening during construction, retention and protection of existing planting, landscape design proposals and planting, environmental barriers, and measures to control the impact of new lighting.

5.7.30 Essential mitigation was identified in the form of archaeological evaluation works, the production of an Archaeological Fieldwork Strategy that sets out mitigation measures required during the construction phase, a WSI setting out the detailed methodological approach, and other measures in EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)]. The landscaping and other design mitigation proposals are considered in Section 5.6 of this report.

5.7.31 A series of archaeological investigations were proposed and agreed with GMAAS and Derbyshire County Council [[REP1-034](#)].

Likely significant effects and harm

5.7.32 With the mitigation measures in place the ES identified:

- moderate adverse permanent and irreversible significant effects on the setting of the Tara Brook Farm designated heritage asset; and
- moderate temporary, short term and reversible effects to the setting of Dial House, Ivydene Mottram Old Hall, Dial Cottage and Tara Brook Farm designated heritage assets.

5.7.33 ES Chapter 6 [[REP6-005](#)] does not explicitly summarise whether there would be substantial harm or less than substantial harm to heritage assets, although this can be derived from a combination of the relationship between magnitudes of impact and harm (Table 6-3) and the predicted significance of effects (Tables 6-5 and 6-6). Consistent with the NPSNN and NPPF, these harms are derived without any reference to the value of the heritage assets.

5.7.34 With the mitigation measures in place, the permanent and irreversible harm to designated heritage assets derived from the ES [[REP6-005](#)] would be:

- less than substantial harm to the setting of the medium value Tara Brook Farm designated heritage asset;
- the lower end of the spectrum of less than substantial harm to the setting of the Church of St Michael and All Angels high value designated heritage asset; and
- the lower end of the spectrum of less than substantial harm to the setting of eleven medium value designated heritage assets.

5.7.35 Similarly, there would be less than substantial temporary, short term and reversible harms to designated heritage assets during construction.

5.7.36 It can also be derived that there would be both permanent and irreversible harm and temporary, short term and reversible harm to non-designated heritage assets.

5.7.37 Effects of unknown significance were identified for the five non-designated heritage assets that would be given a value following a future intrusive archaeological investigation.

5.7.38 No opportunities for enhancement of the historic environment was identified in ES Chapter 6 [[REP6-005](#)], although reference was made to a reduction of stationary traffic in some locations better revealing the significance of various heritage assets by providing clearer views of them in their historic settings.

Factual issues considered during the Examination

5.7.39 Historical environment matters considered during the Examination included:

- definition of harm;
- heritage assets whose value was not defined;
- pre-commencement;
- Melandra Castle Roman Fort;
- Mottram Old Hall;
- Tintwistle Conservation Area;
- opportunities to deliver enhancement; and
- other matters.

Definition of harm

- 5.7.40 We [[PD-009](#), [PD-012](#), [PD-017](#)], TMBC [[REP2-056](#)], DCC [[REP2-051](#)], HPBC [[REP2-053](#)] [[REP6-027](#)] and PDNPA [[REP2-055](#)] [[REP8-026](#)] sought clarification on the assessment of harm against the NPPF tests and the use of the term 'limited harm'.
- 5.7.41 The Applicant's [[REP2-021](#), [REP3-021](#), [REP6-017](#), [REP7-026](#), [REP11-010](#)] explanations included that 'limited harm' was considered to fall at the lower end of the spectrum of 'less than substantial harm' and updated ES Chapter 6 [[REP6-005](#) paragraph 6.3.14] accordingly. The clarifications were accepted by TMBC [[REP6-037](#)], DCC [[REP6-026](#)] and HPBC [[REP8-025](#)].

Heritage assets whose value was not defined

- 5.7.42 We [[PD-009](#), [PD-012](#)] questioned whether a worst case assessment could be made of the likely effects on the five non-designated heritage assets that would be given a value following a future intrusive archaeological investigation.
- 5.7.43 The Applicant [[REP2-021](#), [REP6-017](#)] said that value would be characterised and significance of effect assessed at a later stage following further investigation as required by the rDCO [Appendix D, Requirement 10] and the REAC [[REP11-005](#) CH1.1 and CH1.4]. It considered that the significance of effect would be unlikely to exceed slight adverse with mitigation in place and would therefore not be significant.
- 5.7.44 TMBC [[REP6-037](#)] had no further comments, noting the future involvement of GMAAS. DCC [[REP6-026](#)] was satisfied with the Applicant's approach. We note that Requirement 10 of the rDCO [Appendix D] requires consultation on a WSI with GMAAS and the county archaeologist at DCC.

Pre-commencement

- 5.7.45 The definition of "commence" in the rDCO (Appendix D) permits certain pre-commencement activities, including archaeological investigations and mitigation works, to take place before the discharge of requirements that require compliance before development commences. We [[PD-009](#), [EV-014](#)] asked about the potential for those activities to result in significant air quality effects and whether specific mitigation measures should be secured.

- 5.7.46 The Applicant [[REP2-021](#)] provided descriptions of the activities and said that the activities would be minor and either de minimis or have minimal potential for adverse effects. The local authorities [[EV-016](#), [REP4-010](#), [REP5-030](#)] agreed the activities were minor with minimal potential for adverse effects.
- 5.7.47 We [[PD-009](#), [EV-014](#), [PD-012](#)] also asked how the mechanism for consultation and approval of pre-commencement mitigation measures was secured. DCC [[REP4-010](#)] considered it important that archaeological investigations and mitigation works and the need for a WSI are secured and that it would be consulted accordingly.
- 5.7.48 The Applicant [[REP4-006](#), [REP7-026](#)] added interpretation provisions in Schedule 2 (Requirements) within the dDCO to include a definition of preliminary works and added Requirement 10(8) to state that "*for the purposes of this paragraph 10 reference to part shall include the preliminary works where the preliminary works comprise intrusive ground works*". It explained that this would capture archaeological works. DCC [[REP6-026](#)] was satisfied.

Melandra Castle Roman Fort

- 5.7.49 DCC [[REP2-045](#)] questioned the Applicant's position that the lowland pastoral landscape surrounding the River Etherow is not a key aspect of the setting of Melandra Castle Roman Fort and considered that the Proposed Development would lead to further urbanisation of the landscape that could affect its setting. It also requested more information to help inform how much harm will be done to it and how best to mitigate the long-term impacts caused by the Proposed Development.
- 5.7.50 The Applicant [[REP3-018](#)] set out the changes to the setting of the fort since its construction, and the attributes that make the greatest contribution to the setting. With the embedded mitigation in place, the Applicant suggested that the Proposed Development would not unduly undermine the understanding of the flood plain's relationship to the fort, would not impact the wider strategic views from the fort which make the greatest contribution to significance. It said that the defensive position of the fort was understood by its elevated position and that the assessment had been carried out in accordance with Historic England guidance.
- 5.7.51 DCC [[REP6-026](#)] was satisfied that the Applicant's responses addressed their concerns. HPBC [[REP6-027](#)] deferred to DCC. TMBC [[REP6-037](#), [REP11-018](#)] did not identify any other mitigation measures and did not have any further concerns.

Mottram Old Hall

- 5.7.52 TMBC [[REP6-037](#)] referred to the proposed introduction of road infrastructure into the setting of Mottram Old Hall and considered that the scale of impact would be substantial.
- 5.7.53 With reference to the NPPF and Planning Policy Guidance, the Applicant [[REP8-019](#)] replied that substantial harm is a very high test that usually applies where a development results in total loss of significance of the asset

or something very close to it. It set out the relationship between Mottram Old Hall and the former park, how this had changed, the current nature of filtered views through a historic tree band and how the Proposed Development would run in a cutting through the former park and that there would be little change in views from the Hall. The Applicant said that while the Proposed Development would cause harm to the setting, it concluded that it disagreed with the suggestion of substantial harm and assessed the impact to be minor adverse, resulting in harm at the lower end of less than substantial.

- 5.7.54 Acknowledging the Applicant's reply, TMBC [[REP9-036](#)] said that it had no remaining concerns.

Tintwistle Conservation Area

- 5.7.55 PDNPA [[REP2-048](#), [REP2-055](#), [REP6-038](#), [REP8-026](#), [REP11-016](#)] said that increased traffic would have a negative impact on the setting of the conservation area, including on how it was experienced by people, and that this would be at the lower end of 'less than substantial' harm. It considered the conservation area to be an asset of high value and that 'great weight' should be given to its conservation. PDNPA was concerned that, in comparison to Mottram-in-Longdendale Conservation Area, insufficient attention had been paid to the indirect effects of increased traffic due to the Proposed Development on the Tintwistle Conservation Area. It concluded that it had reservations about the reliance on DMRB methodology for the assessment and was not able to agree with the Applicant's assessment.

- 5.7.56 The Applicant [[REP2-021](#), [REP3-021](#), [REP7-026](#), [REP9-027](#), [REP11-010](#)] said that Tintwistle Conservation Area was considered to be of regional rather than national historic and architectural significance, and therefore assigned it a medium value. It considered that the increase in traffic along the A628 resulting from the Proposed Development would be very slight and would not result in any perceptible change to the character, appearance or noise environment of Tintwistle Conservation Area. It considered that the key attributes of setting which contribute to its significance, such as the long views from the conservation area to the surrounding landscape, would be preserved in their current condition, in accordance with the requirements of NPSNN paragraph 5.137. It said that the assessment was in accordance with DMRB LA104 and DMRB LA106, with it considered to be industry best practice, proportionate and appropriate. The Applicant concluded that there would be a neutral effect on Tintwistle Conservation Area and did not propose any specific mitigation for it.

- 5.7.57 Responding to our questions [[PD-012](#), [EV-039](#)], the Applicant forecast [[REP6-017](#)] that the Proposed Development would increase hourly traffic flows through Tintwistle by 4.8% in the am peak hour, 9.9% in the inter-peak hour and 7.8% in the pm peak hour. Basic noise levels at 10m from the kerb were forecast [[REP8-019](#)] to increase by 0dB in the am peak hour, 0.3dB in the inter-peak hour and 0.2dB in the pm peak hour.

Opportunities to deliver enhancement

- 5.7.58 PDNPA [[REP2-048](#)] were disappointed that no opportunities for the enhancement of the historic environment had been identified.

- 5.7.59 We [[PD-012](#)] [[EV-039](#)] [[PD-017](#)] referred to paragraph 5.137 of the NPSNN which notes that Applicants should look for opportunities within Conservation Areas and within the settings of heritage assets to enhance or better reveal their significance. We asked the Applicant to provide evidence that it had done that and to set out how any enhancement is secured.
- 5.7.60 The Applicant [[REP3-028](#), [REP6-017](#), [REP7-026](#), [REP9-027](#), [REP11-010](#)] referred to projects for the enhancement of the Mottram-in-Longdendale Conservation Area and the Melandra Castle Scheduled Monument separate to the DCO through the National Highways' Environment and Wellbeing Designated Funds. Although these were generally welcomed by TMBC [[REP8-027](#)], DCC [[REP8-023](#)], HPBC [[REP8-025](#)] and PDNPA [[REP8-026](#)], further scrutiny revealed that the funds were not secured and the Applicant [[REP11-010](#)] said that they should not be considered for this DCO application.
- 5.7.61 Regarding paragraph 5.137 of the NPSNN, the Applicant [[REP11-010](#)] said that it considered heritage assets and potential impacts on setting as part of the assessment process from the optioneering stage onwards. It sought to preserve and enhance their significance through the development of careful planting proposals to integrate the Proposed Development into the landscape, and through lighting design.

Other matters

- 5.7.62 Historic England [[AS-001](#)] referred to detailed discussions with the Applicant and said that it had no objection to the grant of DCO as matters raised by them were being positively addressed. All matters covered in their SoCG with the Applicant [[REP4-004](#)] were agreed.
- 5.7.63 TMBC [[REP11-018](#)], DCC [[REP11-012](#)] and HPBC [[REP11-014](#)] had no remaining concerns.

Conclusions on the historic environment

- 5.7.64 The Applicant and the local authorities reached agreement on the matters raised during the Examination about the definition of harm, heritage assets whose value was not defined, pre-commencement activity, the setting of Melandra Castle Roman Fort and the setting of Mottram Old Hall. We are satisfied that relevant mitigation measures are secured by the rDCO (Appendix D) and are also content.
- 5.7.65 With respect to Tintwistle Conservation Area, we are satisfied that DMRB methodology is generally appropriate for the assessment for the Proposed Development, particularly given the nature of the highways-related impacts. We note PDNPA's concerns about the indirect impacts of increased traffic due to the Proposed Development and the Applicant's clarifications of forecast changes to traffic flows and noise levels. Our view is that those clarifications support the Applicant's assessment of no perceptible change to the character, appearance or noise environment of Tintwistle Conservation Area and we are therefore satisfied with that assessment.
- 5.7.66 Piecing together the Applicant's different explanations of its consideration of opportunities for enhancement of the historic environment, we note the

suggested benefits of a reduction in stationary traffic in some locations, which we take to include the de-trunked section of the A57 along the northern edge of the Mottram-in-Longdendale Conservation Area. Noting the likely scale of opportunities within the Order Limits, on balance we are content that appropriate consideration has been given to opportunities for enhancement and that paragraph 5.137 of the NPSNN has been satisfied.

- 5.7.67 We are satisfied that the Applicant's historic environment assessment has identified the significance of the heritage assets and their settings which would be potentially affected by the Proposed Development. The assessment also includes sufficient information to allow the nature and value of the significance of the assets to be understood. As such, we find that the assessment accords with paragraphs 5.128 and 5.129 of the NPSNN.
- 5.7.68 For the most part, the necessary mitigation measures have been embedded into the design of the Proposed Development. Where further mitigation is necessary, including the WSI, archaeological investigations, and landscape design, the rDCO (Appendix D), EMP1 [[REP12-007](#)] and REAC [[REP11-005](#)] contain provisions to ensure that appropriate consultation would take place prior to approval.
- 5.7.69 As required by Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010, we have regard to the desirability of preserving listed buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of conservation areas, and preserving scheduled monuments or their setting. We are satisfied with how they have been addressed.
- 5.7.70 The assessment found that the Proposed Development would have moderate adverse permanent and irreversible significant effects on the setting of the Tara Brook Farm designated heritage asset; and moderate temporary, short term and reversible effects to the setting of Dial House, Ivydene Mottram Old Hall, Dial Cottage and Tara Brook Farm designated heritage assets.
- 5.7.71 With the mitigation measures in place, we find that the permanent and irreversible harm to heritage assets derived from ES Chapter 6 [[REP6-005](#)] would be less than substantial harm to the setting of the Church of St Michael and All Angels, Tara Brook Farm and eleven other designated heritage assets; substantial harm to eight non-designated heritage assets; and less than substantial harm to seven non-designated heritage assets.
- 5.7.72 Temporary, short term and reversible harms to heritage assets could also be derived.
- 5.7.73 Effects of unknown significance were identified for the five non-designated heritage assets that would be given a value following a future intrusive archaeological investigation. We are satisfied that these would be unlikely to be significant.
- 5.7.74 Paragraph 5.131 of the NPSNN says that the more important a designated heritage asset is, the more weight should be given to its conservation. Paragraph 199 of the NPPF additionally requires 'great weight' to be given

to the conservation of a designated heritage asset. Paragraphs 5.132, 5.134 and 5.135 of the NPSNN and paragraph 202 of the NPPF require that less than substantial harm to designated heritage assets should be weighed against the public benefits of the Proposed Development.

- 5.7.75 In Chapter 7 we weigh the following against the public benefits of the Proposed Development: less than substantial permanent and irreversible harm to the settings of thirteen designated heritage assets and less than substantial temporary, short term and reversible harm to designated heritage assets.
- 5.7.76 Based on the above, we conclude that moderate adverse permanent and irreversible significant effects on the setting of the Tara Brook Farm designated heritage asset; and moderate temporary, short term and reversible significant effects to the setting of Dial House, Ivydene Mottram Old Hall, Dial Cottage and Tara Brook Farm designated heritage assets count significantly against the DCO being made.

5.8 PEAK DISTRICT NATIONAL PARK

Introduction

- 5.8.1 This section addresses the effect of the Proposed Development with respect to the Peak District National Park (PDNP) and includes consideration of landscape, views, tranquillity, and dark skies.
- 5.8.2 Biodiversity matters in PDNP are dealt with in Section 5.11 and Chapter 6. Transport networks and traffic matters in PDNP are covered in Section 5.2.

Policy and legislation context

- 5.8.3 Paragraph 1.18 of the NPSNN includes that *"The NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project."*
- 5.8.4 Under the heading of *"Development proposed within nationally designated areas"*, paragraph 5.150 states that:

"Great weight should be given to conserving landscape and scenic beauty in nationally designated areas. National Parks, the Broads and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the Secretary of State has a statutory duty to have regard to in decisions."

- 5.8.5 Under the heading of *"Developments outside nationally designated areas which might affect them"*, paragraph 5.154 includes that:

"The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints."

- 5.8.6 Paragraph 5.155 includes that *"The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent."*
- 5.8.7 Paragraph 5.188 recognises the importance of National Parks for their *"tranquillity, acoustic environment or landscape quality"*.
- 5.8.8 Paragraph 5 of the NPPF includes that it *"... does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)."*
- 5.8.9 Paragraph 176 states that *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*
- 5.8.10 Paragraph 177 includes that *"When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest."* It guides that *"whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."*
- 5.8.11 Paragraph 185 requires mitigation and reduction of potential adverse impacts from noise, the identification and protection of tranquil areas and limitation of the impact of artificial light on dark landscapes.
- 5.8.12 Section 5(1) of the National Parks and Access to the Countryside Act 1949 Act (NPACA) requires land designated as a National Park to achieve the statutory purposes:
- a) to conserve and enhance the natural beauty, wildlife, and cultural heritage of the national parks; and
 - b) to promote opportunities for the understanding and enjoyment of the 'special qualities' of the national parks by the public.
- 5.8.13 Section 11A of the NPACA places a general duty on all relevant authorities, including the National Park Authorities, statutory undertakers and other public bodies, to have regard to these purposes. It establishes that National Park Authorities have a duty to seek to foster the economic and social well-being of their local communities. It also provides that if it

appears that there is a conflict between the purposes, greater weight is to be given to the purpose of conserving and enhancing the natural beauty, wildlife, and cultural heritage.

5.8.14 The Peak District National Park Management Plan 2018-23 (PDMP) defines the 'special qualities' of PDNP as:

"1. Beautiful views created by contrasting landscapes and dramatic geology

2. Internationally important and locally distinctive wildlife and habitats

3. Undeveloped places of tranquillity and dark night skies within reach of millions

4. Landscapes that tell a story of thousands of years of people, farming and industry

5. Characteristic settlements with strong communities and traditions

6. An inspiring space for escape, adventure, discovery and quiet reflection

7. Vital benefits for millions of people that flow beyond the landscape boundary"

5.8.15 Peak District National Park Core Strategy Development Plan Document policies are summarised in Section 3.8 of this report. Core Strategy Policy T2 includes that PDNPA seek to prevent transport developments which increase the amount of traffic across the National Park or have other adverse effects on its setting and character, amenity, and enjoyment.

5.8.16 Other relevant legislation and policy is summarised in Chapter 3.

The application

5.8.17 Apart from figures, the main sections of the application, as updated during the Examination, relevant to the PDNP matters considered here are:

- ES Chapter 7: Landscape and Visual Effects [[APP-063](#)] updated to [[REP6-006](#)];
- ES Chapter 11: Noise and Vibration [[REP8-008](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)];
- REAC [[APP-184](#)] updated to [[REP11-005](#)]; and
- OEMMP [[REP8-014](#)].

5.8.18 An overview of the landscape and visual impact assessment provided in the application is provided in Section 5.6 of this report.

5.8.19 The Proposed Development was considered to be within the setting of PDNP, located approximately 2 km to the east. PDNP was identified as a

landscape of very high international/national importance and rarity or value with no or very limited ability to accommodate change without substantial loss/gain. As such it was considered to have very high sensitivity in the landscape assessment.

- 5.8.20 Three viewpoints (VP15, VP18 and VP28) in PDNP with potential views of the Proposed Development were selected for the assessment of direct effects [[APP-093](#)] and nine viewpoints (VP19 to VP27) were selected for the assessment of indirect effects [[APP-094](#)]. Receptors at viewpoints in PDNP were considered to have very high sensitivity in the visual effects assessment.
- 5.8.21 DMRB LA 107 does not include a methodology for indirect landscape or visual assessments. Therefore, a methodology to consider indirect landscape and visual effects experienced within the PDNP because of potential increased traffic flows through the National Park was developed in discussion with stakeholders, including PDNPA. The assessment focussed on increases in traffic due to the Proposed Development on sections of the A628, A57 and A624 during the operational phase.
- 5.8.22 PDNP is just outside of the Applicant's 2km study area for visual assessment from which the Proposed Development would be readily perceptible but it was agreed with stakeholders to consider indirect visual and landscape effects. The assessment of indirect landscape effects included consideration of whether the increased traffic flows would make traffic and the road a more prominent feature within the landscape. It also addressed how the increased flows could affect the 'special qualities' of PDNP and perceptual qualities of the landscape generally – including tranquillity and wildness. The assessment addressed the different LCT within PDNP.
- 5.8.23 Moderate, large or very large effects would be considered as significant for both landscape and visual effects.
- 5.8.24 The assessment of indirect effects on landscape receptors in PDNP [[REP6-006](#) Table 7.29] indicated magnitudes of change ranging from no change to negligible adverse change and effects from neutral to slight adverse. Indirect effects on landscape receptors in PDNPA were considered to be not significant.
- 5.8.25 The assessment of indirect visual effects included consideration of the potential visual effects relating to overall changes in traffic numbers, flow pattern and impacts of peak flows. The assessment was made against the viewpoint locations and the magnitude of change was assessed using professional judgement and consideration of nature of change, distance, screening, the direction and focus of the view, whether the receptor is static or moving, and the numbers and types of receptors potentially affected at a viewpoint.
- 5.8.26 The assessment of indirect visual effects at all nine viewpoints in PDNP [[REP6-006](#) Table 7.32] indicated no change and neutral effect. Visual effects on all viewpoints in PDNPA, including for indirect effects and for those with a potential view of the Proposed Development, were assessed as not significant.

- 5.8.27 Consideration was given to the PDNP 'dark skies' special quality and indirect effects to the night-time landscape. Three areas designated as dark skies sites were identified in PDNP, however they are all outside of the study area and due to the distance from the Proposed Development it was considered unlikely to be visible from any of the 'dark skies' sites.
- 5.8.28 ES Chapter 11 [[REP8-008](#)] paragraph 11.9.97] set out that traffic flows on the A57 Snake Pass would increase to give a minor noise increase near the A57 in the short-term that would be perceptible. It said that by the future year the increase would have a negligible impact.

Factual issues considered during the Examination

- 5.8.29 PDNPA matters relevant to this section that were considered during the Examination included:
- great weight, definition of significant effect and material considerations;
 - viewpoints;
 - direct and indirect effects; and
 - statutory purposes, 'special qualities' and tranquillity.

Great weight, definition of significant effect and material considerations

- 5.8.30 PDNPA [[REP2-048](#), [REP2-055](#), [REP4-012](#), [REP6-038](#), [REP8-026](#), [REP11-016](#)] were concerned that insufficient consideration had been given to NPPF paragraphs 176 and 177 and to IEMA Guidance. It noted that the NPPF sets out the Government's planning policies for England and does not set out any exemptions for highway schemes. It said that the 'great weight' required by paragraph 176 had not been addressed correctly and suggested that may be due to the application of DMRB methodology that conflicted with the NPPF. It was of the view that in cases of conflict the NPPF should have precedence over the DMRB. PDNPA said that IEMA Guidance is that the effects of slight/low magnitude have the potential to result in substantial effects on sensitive receptors. It considered that the assessment either underestimated or failed to adequately consider potential effects within a National Park, that slight or low magnitude adverse effects in PDNP should be material considerations, that great weight must be applied to them. PDNPA argued that NPPF paragraph 177 should apply as indirect effects would be experienced in PDNP and there were suggestions of direct works such as speed cameras in PDNP.
- 5.8.31 Natural England [[REP6-029](#)] said that NPPF paragraphs 176 and 177 which give the highest status of protection for the 'landscape and scenic beauty' of National Parks should take precedence in assessing Landscape and Visual Impacts.
- 5.8.32 HPBC [[REP6-027](#)] stated that more detailed analysis should be presented in terms of impacts and significant effects to PDNP given its importance in policy.
- 5.8.33 CPRE PDSY [[REP3-031](#), [REP4-015](#), [REP7-036](#), [REP9-042](#), [REP10-013](#)] highlighted the NPSNN paragraph 1.18 statement that "*The NPPF is an*

important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project". It said that the words that NPSNN prevails over NPPF were not to be found in the NPSNN or in the NPPF. It suggested that the relevance of the NPPF would vary from case to case and circumstances may arise where the relevance of the NPPF may be greater than the NPSNN.

- 5.8.34 CPRE PDSY said that NPPF paragraph 176 was a key consideration and that the whole of the paragraph must apply to all impacts on National Parks. It suggested that NPSNN paragraph 5.154 provisions under the heading of "*Developments outside nationally designated areas which might affect them*" were not the totality of the NPSNN requirements to be addressed for PDNP. It said that that 'great weight' should apply whether the effects were direct or indirect and that these were a material consideration. It did not consider that 'great weight' had been applied and suggested that an assessment had not been carried out against NPPF paragraph 176.
- 5.8.35 The Applicant [[REP3-020](#), [REP3-028](#), [REP4-008](#), [REP5-021](#), [REP6-017](#), [REP7-026](#), [REP8-019](#), [REP10-010](#)] explained that the assessment, including the definition of significance criteria, was undertaken within the framework of DMRB and GLVIA3 guidance, which it considered to be the best practice industry standards for landscape and visual assessment for road infrastructure projects. It said that NPPF can be a relevant consideration while referring to NPPF paragraph 5, which includes that "*The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework).*" It also referred to NPSNN paragraphs 1.17 to 1.20, with paragraph 1.19 including that "... *the NPPF makes clear that it is not intended to contain specific policies for NSIPs where quite particular considerations can apply. The National Networks NPS will assume that function and provide transport policy which will guide individual development brought under it.*" Referring to precedent, it suggested that when considering any conflicts between the NPSNN and the NPPF for the Proposed Development, the NPSNN has to prevail.
- 5.8.36 The Applicant clarified that no part of the Proposed Development would be within PDNP and that speed cameras were not part of the Proposed Development. It was therefore of the view that the 'great weight' provision of NPSNN paragraph 5.150 and NPPF paragraph 177 were not relevant as they applied to development within a National Park. The Applicant said that the relevant text from NPPF paragraph 176 was the final sentence referring to development within the setting of a National Park, but that consideration had been given to avoiding or minimising adverse effects as required by NPPF paragraph 176. It said that consideration had been given to siting, operational and other constraints in accordance with NPSNN paragraph 5.154.
- 5.8.37 Referring to NPPF paragraphs 176 and 185, and notwithstanding the above, the Applicant said that great weight had been given to the National Park and it had been afforded the highest category of sensitivity as a national

receptor within the assessment. It suggested that while all impacts were a material consideration, appropriate weight should be attributed to an impact defined as slight adverse, which it considered to be not significant.

Viewpoints

- 5.8.38 We [[PD-009](#), [EV-015](#), [PD-012](#)] raised questions about whether the viewpoints considered in the assessment were representative. We also invited representations about the value of views from a location of the edge of PDNP, from the B6015 north of junction with Padfield Road adjacent to public access land, that we identified during an unaccompanied site inspection [[EV-012](#)].
- 5.8.39 PDNPA [[REP2-055](#), [REP4-012](#)] initially said that the chosen viewpoints were acceptable. It later added that an assessment of visual impacts from the location that we identified would be valuable. It said that the location is on the edge of the PDNP boundary, looks across to the Proposed Development and represents the transition of the landscape to the rural fringe of PDNP. It said that a night-time photomontage at this would be helpful to consider potential effects on dark skies.
- 5.8.40 DCC [[REP4-010](#)] said that a night-time photomontage from the suggested location might be of value in demonstrating how the proposed mitigation could be effective, such as for the absence or choice of street lighting and planting. It was of the view that any assessment of visual effects at this distance in the context of a wider panoramic view was unlikely to be significant.
- 5.8.41 CPRE PDSY [[REP7-036](#)] agreed that a night time view from the suggested location would identify the effectiveness of the screening of the Proposed Development and its lighting. It said that it was not a question of how light or dark the suggested location was but how prominent the Proposed Development would be at night from there.
- 5.8.42 The Applicant [[REP2-021](#), [REP4-008](#), [REP6-017](#), [REP8-018](#)] confirmed that viewpoints had been agreed with PDNPA and considered that VP15, VP18 and VP28 were comparable viewpoints in terms of the assessment of significant effects. It said that the location we identified was approximately 3km from the Proposed Development, that intervening topography would obscure much of the Proposed Development and that the views would be imperceptible. It stated that individual proposed lighting sources/elements would not be distinguishable from the existing components of the view and that the need for a night-time photomontage could therefore be discounted. It concluded that the existing baseline coupled with the distance between the Proposed Development and the suggested location would not be likely to result in a significant effect.

Direct and indirect effects

- 5.8.43 The assessment of indirect effects in PDNP [[REP6-006](#) Tables 7.29 and 7.32] indicated no change to negligible adverse change with neutral to slight adverse effects for landscape character and no change and neutral effects for visual receptors.

- 5.8.44 We [[PD-009](#), [EV-015](#), [PD-012](#), [EV-039](#), [PD-017](#)] requested clarification and quantification of changes in traffic and noise on the A57 and A628 routes through PDNP and whether that would have any consequences for the assessment of indirect effects.
- 5.8.45 The Applicant [[REP3-028](#), [REP4-008](#), [REP6-017](#), [REP7-026](#), [REP8-019](#)] explained that professional judgement was based on the assessor standing at each viewpoint and considering the expected change in vehicle numbers against the observed numbers on the day of assessment. The Applicant said that there would be a slight increase in traffic numbers and no perceptible change. It noted that even an increase from neutral to slight adverse would not be material to decision making according to DMRB LA 104. The Applicant [[REP4-009](#)] also said that no significant effects would occur to footpath users at the A57 Snake Pass, although the noise changes at sections of footpath close to these roads would be perceptible.
- 5.8.46 The Applicant quantified changes in daily traffic flows due to the Proposed Development of up to 38% on the A57 Snake Pass and less than 10% on the A628 Woodhead Pass. The greatest hourly increases were from 251 to 383 vehicles per hour (52.6%) on the A57 Snake Pass and from 1,082 to 1,189 (9.9%) on the A628. Corresponding changes in one-hour noise at 10m from the kerb were identified as +1.8 dB, LA_{10,1h} on the A57 Snake Pass, which was said to be minor adverse and not significant, and +0.3 dB, LA_{10,1h} on the A628, which was said to be negligible and not significant. The Applicant said that the noise assessment included consideration of vehicles grouped together in a platoon as they travel together. It stated that the noise from individual vehicles within the group is usually less noticeable from the overall noise of traffic on the road as the vehicles in any group tend to be driven in a similar manner.
- 5.8.47 The Applicant considered that the quantified changes supported the noise, visual and landscape assessments in the ES [[REP6-006](#), [REP8-008](#)].
- 5.8.48 PDNPA [[REP2-048](#), [REP2-055](#), [REP4-012](#), [REP6-038](#), [REP8-026](#), [REP9-034](#), [REP11-016](#)] had concerns about the application of professional judgement and considered that the change in vehicle numbers should not be described as 'no change' because the vehicles would be apparent and given the location of the road in the very high sensitivity National Park should therefore be a material consideration. It had no reason to doubt the predicted changes in noise levels but argued that perceptions of change were more variable than described, depending on the location and activity being undertaken and noting that if your expectation is for a quiet experience, any increase in man-made noise is at best a distraction and at worst aurally intrusive. It noted that there are several locations along the A57 Snake Pass where walkers are obliged to walk alongside the road, at less than the 10m from the carriageway considered in the quantification of noise, for some distance in order to connect walking routes. It suggested that to the east of Snake summit, noise from traffic reverberates from the valley walls and as such is projected towards footpaths on the valley sides.
- 5.8.49 In conclusion, PDNPA considered that indirect effects in PDNP were not considered adequately within the assessment. It said that the assessment did not give enough weight to the importance of this internationally

important landscape, did not adequately consider the interaction between the effect and the sensitivity of the receiving environment; and therefore did not give adequate evidence and justified information on the likely landscape and visual effects to enable an informed decision.

- 5.8.50 The Applicant [[REP10-010](#)] disagreed with PDNPA's view and maintained its position that 'no change' is defined as not being a perceptible change from the baseline scenario, consistent with the criteria in the ES [[REP6-006](#) Table 7.12], which is derived from DMRB LA 107.
- 5.8.51 CPRE PDSY [[REP2-069](#), [REP3-031](#), [REP7-036](#), [REP9-040](#), [REP9-042](#)] generally supported PDNPA's concerns. It suggested that road traffic increases of 10% produce a 0.1dB increase in noise and that an increase of 40% in traffic increases noise by 2.2dB. It said that humans can discriminate a change of about 1dB, so increased noise on the Snake Pass would be perceptible. It said that traffic noise could be heard more than a mile north from the A628 in the Crowden valley and from the A57 when walking or climbing. Referring to the Applicant's quantification of noise, it said that a 52% increase in traffic between the morning and evening peak, would be at a time when most people were out enjoying the National Park, walking, or cycling. It suggested that a minor change on receptors of high sensitivity leads to a moderate/large significance. It questioned why perceptible road noise on the A57 Snake Pass in the short term would lead to negligible impact by 2040 when traffic increase would be maintained and those experiencing increased noise would increase. CPRE PDSY considered the indirect impacts to be wholly unacceptable and a material consideration for decision making. The Applicant [[REP8-018](#)] said that the significance of the effects has been determined in accordance with Table 3.8.1 of DMRB LA 104 and referred to its other responses.
- 5.8.52 PDNPA [[REP2-048](#), [REP4-012](#)] suggested that the LCT areas used were too large a scale to adequately assess effects, which were likely to be more localised. Its view was that a site-specific landscape character assessment (based on the published LCT) should have been carried out. The Applicant [[REP3-028](#), [REP4-008](#)] said that viewpoints in the published LCT represent an accurate account of the character at those locations and that effects were assessed by considering changes in traffic flow.
- 5.8.53 PDNPA [[REP2-055](#), [REP6-038](#), [REP8-026](#)] commented that dark skies are a special quality of the PDNP and questioned the consideration given to effects of lighting on the appreciation of dark skies within PDNP. It said that the Proposed Development would be within a well-lit area and felt it important that light disturbance was mitigated. It recognised the balance required between operational / safety requirements and the need to minimise impact on dark skies and welcomed the Applicant's statement [[REP6-017](#)] about mitigation through lower height lighting columns and landscaping proposals.
- 5.8.54 CPRE PDSY [[REP3-031](#), [REP4-015](#)] suggested that dark landscapes would not be protected in the manner required by NPSNN paragraph 5.87 or NPPF paragraph 185. It suggested that the roads and their traffic would be seen as a ribbon of light separate from the settlements, reducing tranquillity and the dark.

- 5.8.55 The Applicant [[REP4-008](#), [REP6-017](#), [REP8-019](#)] said that ambient lighting from the Proposed Development would not be perceptible given the distance is in excess of 2km from PDNP and that night-time traffic flow is low through the PDNP. It said that the change from additional headlights with increased traffic flow would not be readily perceptible.
- 5.8.56 CPRE PDSY [[REP2-069](#)] considered that the Proposed Development would have a slight adverse effect on the setting of PDNP in Longdendale, a moderate effect on landscape character within PDNPA due to change in traffic, and a moderate effect on views from open access land near to roads. It was not satisfied with how Conservation Areas in PDNP were addressed. The Applicant [[REP4-009](#)] replied that it's methodology followed DMRB LA107, was informed by GLVIA3, and was agreed with stakeholders.

Statutory purposes, 'special qualities' and tranquillity

- 5.8.57 PDNPA [[REP2-048](#), [REP4-012](#), [REP8-026](#), [REP9-034](#), [REP11-016](#)] did not consider that the baseline for the PDNP had been established sufficiently. It said that the assessment methodology did not allow for an adequate judgement to be made regarding potential effects on the statutory purposes on National Parks "*To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks*". With reference to the 'special qualities' it said that even small increments of noise within sensitive environments were still harmful to tranquillity and the experience of quiet enjoyment of PDNP. It explained that in addition to traffic noise the anticipated effect on tranquillity and quiet enjoyment because of increased traffic includes visual disturbance (traffic movement and light glinting off of windscreens or bodywork); exhaust fumes, road dust (often hanging in the air after the passage of vehicles), and spray.
- 5.8.58 PDNPA said that the A628 and A57 Snake Pass both pass through arguably the most tranquil and unspoilt parts of PDNP. It suggested that the implication of the traffic model is that the Proposed Development would result in strategic journeys being redirected from the M62 onto the less suitable A628; and from other routes onto the A57 Snake Pass. It said that relatively low current levels of traffic on the A57 Snake Pass meant that currently there can be relatively long periods in which traffic does not negatively impact on the quiet enjoyment of PDNP or its tranquillity. It considered that a 38% increase in average daily traffic flows along the A57 Snake Pass would be detrimental to the tranquillity of the area and the quiet enjoyment of the National Park by its residents and visitors. It accepted that the high levels of traffic on the A628 already delivered a fairly constant hum of noise and regular visual disturbance but did not believe that this justified worsening this effect in any way. It said that the greater the number of vehicles the greater the impact on tranquillity and the perceptions of tranquillity. It said that its principal concern was in relation to the A57 Snake Pass.
- 5.8.59 PDNPA said that the majority of journeys would be 'cross-Park' utilitarian journeys, beginning and ending outside of the National Park boundary and that the Proposed Development was unlikely to significantly promote opportunities for the understanding and enjoyment of the 'special qualities' of the National Park by the public. It considered it likely that the growth in

traffic would negatively affect the enjoyment of the area for those existing visitors seeking quiet enjoyment and active recreation either on the road or on the many footpaths and bridleways close to the road.

- 5.8.60 PDNPA considered that the indirect effects of the Proposed Development expressly conflicted with the statutory purposes. In effectively disregarding the indirect negative impacts of the Proposed Development on PDNP, PDNPA believed that the Applicant was not fulfilling its statutory duty to have regard to National Park purposes.
- 5.8.61 Natural England [[REP6-029](#)] said that it supported any recommendations suggested by PDNPA to ensure sufficient regard has been given to the statutory purposes of PDNP. It deferred to PDNPA in the specifics due to local knowledge and local landscape expertise in assessing tranquillity within PDNP.
- 5.8.62 The Applicant [[REP2-021](#), [REP3-020](#), [REP3-028](#), [REP4-008](#), [REP6-017](#), [REP8-019](#), [REP9-027](#), [REP10-010](#), [REP11-010](#)] clarified that the Proposed Development was situated outside PDNP and did not represent development within PDNP and no works were proposed within PDNP. It said that while the Proposed Development would result in a small incremental increase in traffic across PDNP, this was largely a consequence of secondary reassignment effects arising from the Proposed Development. It said that the existing condition alongside the A57 was not tranquil and that limited increases in traffic flow meant that changes to other factors would not be perceptible. It said that whilst there will be indirect effects on the National Park, these indirect effects were not significant and would not have an adverse effect on the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park; nor on the promotion of opportunities for the understanding and enjoyment of the 'special qualities' of those areas by the public. The Applicant considered that it had proper regard to National Park purposes.
- 5.8.63 The Applicant referred to the consideration given to 'special qualities' in paragraphs 7.3.39 and 7.3.40, and Table 7.29 of the ES [[REP6-006](#)] and the references to tranquillity and wildness for the consideration of indirect landscape effects. It said that there were no significant residual effects on the landscape character areas/types within the PDNP during operation. It said that for all routes the magnitude of change traffic, based on the existing scenario (whereby existing traffic affects the perception of wildness and tranquillity and the PDNP's 'special qualities'), was not high enough to result in a significance of effect greater than slight adverse for receptors on these routes. The Applicant maintained that their approach to assessing the tranquillity as part of the indirect effect on the PDNP was proportionate and appropriate.
- 5.8.64 Both the Applicant [[REP6-017](#), [REP8-019](#)] and PDNPA [[REP8-026](#)] referred to Stubbs (on behalf of Green Lanes Environmental Action Movement) v Lake District National Park Authority [2020] EWHC 2293 (Admin) in relation to any potential for conflict between the two statutory purposes.
- 5.8.65 The NT [[REP2-079](#)] referred to the 'special qualities', saying that the qualities and the potential for impacts on them were broad and

interconnected and may not be easily captured in an EIA. It referred to existing un-managed parking and fast-moving traffic issues where the Pennine Way crosses the A57 Snake Pass at a highly prominent position on the landscape. It was concerned that the Proposed Development would not only result in a significant increase in traffic through PDNP, but also a very significant traffic increase on an already problematic road that does not form part of the SRN. It was concerned about the impacts of a 38% increase in daily flow on the A57 Snake Pass on the statutory purposes and 'special qualities' of the PDNP.

- 5.8.66 Replying to the NT, the Applicant [[REP3-020](#)] referred to the assessment and said that while there would be a likely slight increase in vehicle numbers on the A57 Snake Pass, changes were not likely to be perceptible and the perception of the 'special qualities' of the PDNP would remain unchanged.
- 5.8.67 CPRE PDSY [[REP2-069](#), [REP3-031](#), [REP4-015](#), [REP5-028](#), [REP7-036](#), [REP9-040](#), [REP9-042](#)] said that A57 Snake Pass and the A628 crossed the wildest parts of the Dark Peak with few obvious signs of recent human activity and offering the visitor a sense of wilderness. It stated that natural beauty, wildlife and cultural heritage must not only be conserved, but it must also be enhanced. It considered that there was nothing in the National Park purposes that supported a function of increased traffic on road corridors within PDNP between South Yorkshire and Greater Manchester. It said that if National Park purposes were to be met and tranquillity enhanced then traffic should be reduced, not increased. It suggested that tranquil areas would not be protected in the manner required by NPPF paragraph 185.
- 5.8.68 CPRE PDSY said that increasing trunk road traffic through PDNP was contrary to NPSNN paragraph 5.152, the English National Parks and Broads UK Government Visions and Circular, and the PDNPA Core Strategy policies T1 and T2. It said that the consideration of increases in noise indicated a loss of tranquillity but did not fully address the impact on the multi-layered matters relating to tranquillity and the calm experienced in places with mainly natural features and activities. It stated that no demonstration had been given of how wildness and tranquillity had been assessed. CPRE PDSY was of the view that the Applicant had failed to understand the National Park purposes and how they should be met and had therefore not met its statutory duty. It considered that the Proposed Development would conflict with NPSNN paragraph 5.154's requirement "*to avoid compromising the purposes of designation*" and should be rejected on the grounds of the harm it would do to the National Park purposes.
- 5.8.69 The Applicant [[REP4-009](#), [REP7-025](#), [REP8-018](#), [REP10-010](#)] responses to CPRE PDSY included references to specific parts of the assessment and other responses and said that it fully understood the National Park purposes and what was required.
- 5.8.70 The Campaign for National Parks [[REP2-049](#)] considered that direct and indirect effects on PDNP and increasing traffic would be completely inappropriate. It suggested that, as a public body, the Applicant should be seeking to conserve and enhance the National Park and its setting. It

considered that increases in traffic due to the Proposed Development would have a negative impact on PDNP's 'special qualities'.

Conclusions on Peak District National Park

- 5.8.71 Biodiversity matters in relation to PDNP are dealt with in Section 5.11 and Chapter 6, and transport networks and traffic matters in Section 5.2.
- 5.8.72 In Chapter 1 of this report, we established that a NPS, NPSNN, has effect and that PA2008 s104 applies. We also identified the NPPF as important and relevant to the decision under s104(2)(c).
- 5.8.73 NPSNN paragraph 1.18 states that the NPPF is relevant only to the extent relevant to the project, while NPPF paragraph 5 is clear that it does not contain specific policies for Nationally Significant Infrastructure Projects. Therefore, we are satisfied that in case of conflict the NPSNN should prevail over the NPPF.
- 5.8.74 Neither the NPSNN nor the NPPF extend their consideration of development within a National Park to include developments outside a National Park that have indirect effects on a National Park. As the Order limits are wholly outside PDNP we therefore conclude that the Proposed Development does not include development within a National Park for the purposes of the NPSNN and the NPPF. On that basis, we find that NPSNN paragraph 5.150, including its requirement to give 'great weight' to conserving landscape and scenic beauty in a National Park, and NPPF paragraph 177 do not apply for our consideration of the effects on PDNP.
- 5.8.75 The ES [[REP6-006](#)] is clear that the Proposed Development may have impacts within PDNP and therefore we are satisfied that NPSNN paragraph 5.154 applies. This states that the "*aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints*".
- 5.8.76 The final sentence of NPPF paragraph 176 sets out different provisions for developments within designated areas, which we consider do not apply, and developments within their setting, which we consider do. No such differentiation is provided in the first sentence and therefore our view is that those are intended to apply in a general sense, both to developments within designated areas and those within their setting. The first sentence of paragraph 176 is of particular relevance to our considerations in this section of the report and includes that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.*" We consider that conflicts with our finding that NPSNN paragraph 5.150 does not apply. We therefore find that the 'great weight' element of the first sentence of NPPF paragraph 176 does not apply. The NPSNN does not require enhancement to landscape and scenic beauty in National Parks and therefore we are satisfied that enhancement is not required.
- 5.8.77 We therefore conclude that the relevant parts of paragraph 176 for our consideration of the effects on PDNP are that National Parks have the highest status of protection in relation to landscape and scenic beauty, and

that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 5.8.78 PDNPA was initially satisfied with the selection of viewpoints, and we have no reason to disagree. Although good reason was given why a photomontage at our suggested location could assist with the design of mitigation measures, we are satisfied that there are likely to be appropriate opportunities for that during detailed design. We do not consider that a compelling case was made for a photomontage at the suggested location for the purposes of our recommendations and are therefore content that one was not produced.
- 5.8.79 We note the concerns raised by PDNPA and CPRE PDSY about the consideration of LCT and the setting of PDNP, but do not find sufficient evidence for us to conclude that they would lead to a change to the Applicant's assessment of significant effects.
- 5.8.80 On balance, we recognise the overall relevance of DMRB guidance for highway projects and are therefore satisfied with the use of DMRB LA 104 Table 3.8.1, and the derivation of it in ES [[REP6-006](#)] Tables 7.14 and 7.19, for the identification of significant effects in relation to PDNP. Noting the importance of National Parks, we are also content that they are given a 'very high' sensitivity in accordance with Table 7.11 of the ES [[REP6-006](#)].
- 5.8.81 We note that the increases in traffic flow take place on winding, steep roads with limited opportunities for vehicles to overtake each other and with no opportunity to take alternative routes for several miles. Based on our observations during our site inspections, we consider it reasonably likely that vehicles would group together in a platoon. Although the increase in traffic might be of the order of an average of one or two vehicles per minute, in practice some of the traffic is likely to travel in groups. The Applicant explained that it considered this effect for the noise assessment, and we have no reason to disagree.
- 5.8.82 We have no reason to doubt the Applicant's quantification of traffic and noise on the A57 and A628 routes through PDNP. On the A57 Snake Pass, the Proposed Development is predicted to result in a 38% increase in daily traffic flows, up to 52.6% increase in hourly traffic flows and an increase in one-hour noise at 10m from the kerb of up to +1.8 dB, LA_{10,1h}. The Applicant said that the +1.8 dB, LA_{10,1h} increase in noise would be minor and not significant. The Applicant did not explain how this was consistent with DMRB LA 104 Table 3.8.1, whereby the combination of minor magnitude of impact with very high sensitivity would result in a moderate or large effect.
- 5.8.83 The assessment of tranquillity relied on the application of professional judgement. Noting the references to the National Park purposes, 'special qualities', tranquillity and wildness in the ES [[REP6-006](#)], we do not find enough evidence for us to doubt that those matters were considered.
- 5.8.84 We are satisfied with the mitigation measures for direct effects referred to in Section 5.6 of this report. We find that reasonable consideration has been given to mitigating indirect effects, including the consideration given to speed cameras referred to earlier in this report in relation to traffic and

transportation. We consider that the Proposed Development has been designed sensitively in accordance with NPSNN paragraph 5.154 and NPPF paragraph 176.

- 5.8.85 Following from the quantification of traffic flows and noise and our consideration of other evidence, including from PDNPA, we consider that on balance it is likely that receptors in PDNP would experience indirect effects from increases in traffic that would be perceptible, with the highest proportionate increase being on the A57 Snake Pass. Noise would be likely to increase, and, similarly we consider it likely that there would be adverse effects on other aspects of tranquillity, including the visual effects associated with more vehicles and any tendency for platooning. We find merit in PDNPA's view that changes should not be considered as 'no change'.
- 5.8.86 Therefore, we consider it likely that the Proposed Development would have adverse indirect effects on visual and landscape receptors in the vicinity of the A57 Snake Pass in PDNP. Noting the likely magnitude of those effects and that PDNP has the highest status of protection in relation to landscape and scenic beauty, our view is that there would be material harm. It follows that we find it likely that there would be harm to tranquillity and to the experience of quiet enjoyment of PDNP. This leads us to conclude that there would be likely to be harm to the understanding and enjoyment of the 'special qualities' of PDNP, and therefore that National Park purposes would be likely to be compromised, which is contrary to NPSNN paragraph 5.154.
- 5.8.87 We have had regard to the PDNP's purposes in accordance with NPACA s11A.
- 5.8.88 Following from the above, we conclude that material harm in PDNP in relation to landscape and visual effects, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP, together with National Park purposes being likely to be compromised, count significantly against the DCO being made.

5.9 SOILS, GROUND CONDITIONS, MATERIAL ASSETS AND WASTE

Introduction

- 5.9.1 This section of the Report looks at matters pertaining to the underlying ground conditions and the potential for contamination. It also assesses waste management issues arising because of the Proposed Development.
- 5.9.2 Human, biological, water and geological receptors, together with geological conservation are considered here. Related matters are addressed in other parts of the report:
- the transport assessment and traffic levels in Section 5.2;
 - land use, social and economic human health in Section 5.12;
 - the water environment in Section 5.10; and
 - compensation for blight in Chapter 8.

Policy context

Soils and ground conditions

- 5.9.3 Paragraphs 4.48 and 4.49 of the NPSNN explains the relationship between national infrastructure projects and other regulatory schemes. Paragraph 4.50 explains that *"in deciding an application, the Examining Authority and the SoS should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves"* and that "decisions under the Planning Act should complement but not duplicate those taken under the relevant pollution control regime.
- 5.9.4 Paragraphs 5.25 of the NPSNN seeks to, as a general principle, avoid significant harm to geological conservation interests by development, including through mitigation and consideration of reasonable alternatives.
- 5.9.5 Paragraph 5.29 requires that where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs. The SoST should ensure that the Applicant's proposals to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's geological interest, are acceptable.
- 5.9.6 NPSNN paragraph 5.31 identifies that Sites of regional and local geological interest (which include Local Geological Sites) have a fundamental role to play in meeting overall national biodiversity targets, in contributing to the quality of life and the well-being of the community, and in supporting research and education. The SoST is obliged to give due consideration to such regional or local designations. However, the NPSNN advises that, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.
- 5.9.7 Paragraph 5.33 of the NPSNN identifies that development proposals potentially provide many opportunities for building in beneficial biodiversity or geological features as part of good design. It advises that, when considering proposals, the SoST should consider whether the Applicant has maximised such opportunities in and around developments.
- 5.9.8 Paragraph 5.118 of the NPSNN guides that a preliminary assessment of land instability should be carried out at the earliest possible stage. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development. The site needs to be assessed in context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property.

- 5.9.9 Paragraph 5.168 of the NPSNN says that Applicants should consider the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, Applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil quality, considering any mitigation measures proposed. Where possible, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.
- 5.9.10 Paragraph 5.169 requires that applicants should safeguard any mineral resources on the proposed site as far as possible.
- 5.9.11 Paragraph 5.176 of the NPSNN advises that the economic and other benefits of the best and most versatile agricultural land should be considered, and little weight will be attached to the loss of agricultural land in grades 3b, 4 and 5.
- 5.9.12 Paragraph 174 of the NPPF is of relevance to geological and soil conservation, stating that policies and decisions should contribute to and enhance the natural and local environment by "*protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*" as well as recognising the "*economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*" The paragraph further seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and that development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.9.13 Paragraph 183 of the NPPF seeks to ensure that sites are suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) whilst paragraph 184 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and / or landowner.
- 5.9.14 Other relevant legislation and policy, including local plans and policies, is set out in Chapter 3.

Material assets and waste

- 5.9.15 Paragraphs 5.40 and 5.42 of the NPSNN refer to the waste hierarchy and state that the Applicant should set out arrangements for managing any waste produced.
- 5.9.16 Paragraph 5.43 guides that the SoST should be satisfied that the Applicant has proposed an effective process for the management of hazardous and non-hazardous waste arisings.
- 5.9.17 The NPPF seeks to facilitate the sustainable use of materials. Paragraph 209 states the importance of ensuring that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs, and that best use needs to be made of them to secure their long-term conservation as a finite resource.
- 5.9.18 Paragraph 212 seeks to prevent development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.
- 5.9.19 In A Green Future: Our 25 Year Plan to Improve the Environment the government sets out what the UK government will do to improve the environment within that time period, including government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first.
- 5.9.20 Chapter 4 of the Plan addresses 'Increasing resource efficiency and reducing pollution and waste'. It aims to minimise waste, reuse materials as much as possible and manage materials at the end of their life to minimise the impact on the environment.
- 5.9.21 The National Planning Policy for Waste (2014) requires that development should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities, makes sufficient provision for waste management and that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. The Waste Planning Practice Guidance (2015) provides advice on how to comply with the National Planning Policy for Waste 2014.
- 5.9.22 The Resources and Waste Strategy for England (2018) sets out national policy for minimising waste, promoting resource efficiency, and moving towards a circular economy where resources are re-used.
- 5.9.23 Policy JP-S7 of PfE seeks to achieve a zero-waste economy by development and implementation of the Resource Strategy for Greater Manchester which promotes overall reduction in the level of waste produced and supports resource efficiency, recognition of the role of existing infrastructure in managing waste and protecting such facilities to ensure adequate waste

management capacity is maintained, and using sustainable design and construction techniques to reduce carbon emissions, adapt and future proof to the impact of climate change, reduce and recycle waste and minimise water use.

- 5.9.24 Other relevant legislation and policy, including local plans and policies, is set out in Chapter 3.

The application

Soils and ground conditions

- 5.9.25 Apart from figures, the main sections of the application, as updated during the Examination, relevant to soils and ground conditions are:

- ES Chapter 9: Geology and Soils [[APP-065](#)] updated to [[REP7-007](#)];
- Ground Investigation Report [[APP-187](#)];
- Supplementary Ground Investigation Report [[REP7-027](#)];
- ES Appendix 9.1: Preliminary Sources Study Report [[APP-171](#)];
- ES Chapter 13; Road Drainage and Water Environment [[APP-069](#)] updated to [[REP7-009](#)];
- ES Appendix 13.1: Water Environment Data and Assessments [[APP-178](#)];
- ES Appendix 13.2 Hydrogeology Risk Assessment [[REP3-025](#)];
- Drainage Design Strategy Report [[APP-188](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)] during the Examination, and including outline versions of the following management plans: Soil Resource Plan (Annex B.1), Construction Water Management Plan (Annex B.3), Materials Management Plan (Annex B.5), Dewatering Plan (Annex B.8), Design Approach Document [[REP7-029](#)] updated to [[REP12-021](#)], also at Annex C.1, and Emergency Procedures and Record of Any Environmental Incidents (Annex D); and
- REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area and baseline conditions

- 5.9.26 The assessment accounted for the design of the Proposed Development, study area and the assessment methodology in accordance with DMRB LA109 and DMRB LA113 with the significance of effects in accordance with DMRB LA104. No element was scoped out of the assessment.
- 5.9.27 The assessment also takes into account contaminated land risk using the Environment Agency's (EA's) Land Contamination Risk Management guidance and the Water Framework Directive (WFD).

- 5.9.28 Land stability associated with geological conditions and mining hazards were assessed through DMRB CD622 Managing Geotechnical Risk. The risks posed by unexploded ordnance (UXO) were assessed through DMRB GG 104 Requirements for Safety Risk Assessment.
- 5.9.29 Baseline information was gathered by:
- identifying an appropriate study area;
 - review of previous reports including desk-based assessments, ground investigation (GI) data (Ground Investigation Report (GIR) [[APP-187](#)] Supplementary Ground Investigation Report (SGIR) [[REP7-027](#)]) and water features survey, details of which are summarised within ES Chapter 13 [[REP7-009](#)];
 - review of information provided during consultation [[APP-026](#)] with the LA's Environmental Protection Departments and the EA; and
 - a review of previous reports pertinent to the groundwater regime, details of which are summarised in ES Chapter 13 [[REP7-009](#)].
- 5.9.30 The study area for the existing environmental conditions comprises up to a 250m buffer from the DCO boundary. The baseline information covers the Proposed Development and the study area; and where considered relevant in the identification of sensitive receptors, was increased to between 500m to 1km [[APP-129](#)]. The buffer associated with hydrogeological (groundwater) receptors was 1 km.
- 5.9.31 The study area for agricultural soils and agricultural land classification (ALC) is the DCO boundary and includes compounds and temporary land take.
- Preliminary baseline*
- 5.9.32 The Applicant divided the study area to aid the summarising of geology into sections defined by key features of the Proposed Development. These features are illustrated in ES Chapter 9 [[APP-129](#) Figure 9.1].
- 5.9.33 The Applicant's chemical testing of soils and groundwater, summarised in ES Chapter 9 [[REP7-007](#) Table 9-6] indicates that potentially elevated concentrations of Dibenz(ah)anthracene and lead were encountered above the Generic Assessment Criteria (GAC) for human health within soil samples analysed. Exceedances of a number of poly-aromatic hydrocarbons, total petroleum hydrocarbons and heavy metals were also recorded within groundwater samples analysed in comparison to published freshwater Environmental Quality Standards and/or UK Drinking Water Standards.
- 5.9.34 No asbestos was recorded in any of the samples analysed from across the entire Proposed Development. However, the Applicant identified that there is also potential for in-ground asbestos containing materials to be present. Approximately 11 samples from the 2018 GI were collected from Made Ground across the Proposed Development.
- 5.9.35 Overall, the GIR [[APP-187](#)] concluded that the two minor exceedances of the GAC for lead and dibenz(ah)anthracene were unlikely to pose an unacceptable risk to human health for the Proposed Development.

Exceedances were considered not representative of “*site wide contamination*”.

- 5.9.36 Minor exceedances of the GAC in groundwater were identified, the onsite or offsite source of which is unknown. The GIR [[APP-187](#)] concluded that the concentrations within the overlying Made Ground and Natural Deposits do not indicate a significant source of contamination and do not pose an unacceptable risk to either the Proposed Development or controlled waters within influencing distance of the site.
- 5.9.37 The Applicant undertook ground gas monitoring. In summary the Applicant’s findings from the ground gas monitoring undertaken were that:
- Carbon Dioxide concentrations ranged from <0.1 % volume per volume (v/v) to 1.3 % v/v;
 - Methane concentrations ranged from <0.1 % v/v to 0.7 % v/v;
 - Hydrogen Sulphide was consistently measured below the method detection limit (MDL) of the instrument utilised;
 - Carbon Monoxide concentrations ranged from <0.1 parts per million (ppm) to 19.0 ppm; and
 - maximum flow rates ranged from 0.2 l/hr to 4.2 l/hr.
- 5.9.38 The Applicant concluded that the site could be classified as Characteristic Situation 1 in line with guidance provided in CIRIA C665.
- 5.9.39 The Applicant acknowledges that the available dataset is limited in terms of ground gas, with no data provided in the areas where confined spaces may be present, in particular the Mottram Underpass. From a review of available information, it anticipates that ground conditions within the area of the proposed Mottram Underpass are similar to those encountered across the rest of the site, therefore ground gas is not anticipated to pose an unacceptable risk to the Proposed Development. As part of the supplementary GI, further gas monitoring was undertaken to aid in the detailed design of the Mottram Underpass.
- 5.9.40 The Applicant concluded that the additional findings of the SGIR [[REP7-027](#)] do not indicate that the supplementary GI differs greatly from those previously recorded from a contaminated land point of view.

Hydrogeology and hydrology

- 5.9.41 One undifferentiated and two secondary aquifers were identified in the study area. ES Chapter 9 [[REP7-007](#)] identifies that the study area is not within a groundwater Source Protection Zone (SPZ) and that there are no registered EA licenced groundwater abstractions within the study area. TMBC records showed that there are five private abstractions from spring, surface and groundwater located within the study area and some additional private spring, well and borehole abstractions within a 1km radius identified through the surface water features survey. The location of these within the study area is shown on Figure 9.1 [[APP-129](#)]. The closest is approximately 75m from the DCO boundary. All abstractions, including private water

supplies, that are used for drinking water supply or food production purposes are by default in an SPZ1 or SPZ2 as set out in the EA's Approach to Groundwater Protection. This also states that all groundwater abstractions intended for human consumption or food production have a default SPZ1 with a minimum radius of 50m. The Applicant concluded that, as the abstraction is located 75m north of the red line boundary and over 150m from where any major works are due to be undertaken, this is unlikely to be affected.

- 5.9.42 ES Chapter 9 [[REP7-007](#)] identifies that EA information indicates that there are 14 discharge consents to controlled waters within the Proposed Development, 13 of which are operated by a water company and relate to the sewerage network.
- 5.9.43 ES Chapter 9 [[REP7-007](#)] identifies that groundwater was encountered in the superficial and bedrock deposits during ground investigations and that the presence of artesian conditions have been reported within localised areas. Artesian conditions were present within the Mottram underpass area and within the eastern cuttings. A summary on the monitored groundwater levels is provided in ES Chapter 9 [[REP7-007](#) Table 9-7], although this does not include the artesian water conditions.
- 5.9.44 In the GIR [[APP-187](#)] the Applicant interpreted groundwater flow using the levels indicated in Table 9-7 above, as follows:
- in the Millstone Grit Group groundwater flow is generally in a south easterly direction towards the River Etherow;
 - groundwater west of Mottram in Longdendale Village is considered likely to discharge towards the south-west towards Hurstclough Brook, due to high ground to the south associated with an outcrop of Rossendale Formation (a formation of the Millstone Grit Group);
 - a shallower hydraulic gradient is present around the River Etherow at the eastern end of the route. This is likely to be associated with the higher permeability deposits present in this area; and
 - large changes in groundwater elevation (up to 10 m) have been recorded in the areas of tectonic deformation within Mottram Village.
- 5.9.45 Based on the GIR [[APP-187](#)] and Groundwater Modelling previously undertaken, the Applicant considers that:
- in the Mottram area, the Glacial Till was found to behave as an aquitard inhibiting the upward flow of groundwater originating from the Millstone Grit Group, with groundwater present as discontinuous perched bodies within the Glacial Till;
 - glacio-fluvial deposits present at the eastern end of the route, within the vicinity of the River Etherow, were found to form a confined water unit sandwiched between the Glacial Till and underlying bedrock;
 - where the proposed eastern portal of Mottram Underpass intersects a fault zone within the bedrock and this effectively divides Mottram into two separate groundwater regimes. To the west of the fault

groundwater is either absent or below the underpass invert level, hence there is not a need for groundwater control;

- artesian or sub-artesian groundwater levels to the east of the fault would need to be controlled by pumping in order to construct the underpass. Movement of groundwater is limited in this area, with a shallow south easterly gradient, commensurate with the spatial distribution of the superficial deposits and the main discharge of groundwater is likely to be to springs via local flow through permeable windows in the Glacial Till, or to streams; and
- groundwater recharge is low relative to the high regional rainfall.

5.9.46 Surface waters present at the Proposed Development as referenced above in relation to groundwater flow within the study area as identified within ES Chapter 13 [REP7-009] and on Figure 9-1 [APP-129] comprise the River Etherow, Glossop Brook, Hurstclough Brook, Tara Brook and a number of other smaller existing field drains, ponds, areas of spring issues/sinks and unnamed streams indicated within the study area, generally flowing towards the River Etherow.

5.9.47 The Proposed Development would cross the United Utilities Longdendale Aqueduct, which is a major service. Due to the lack of identified sources of contamination within the vicinity of the aqueduct, the Longdendale Aqueduct is not considered within the baseline as a sensitive receptor.

Historic development and potentially contaminated land uses

5.9.48 Historical data used in the baseline assessment indicated that the Proposed Development lies within agricultural land with several farmsteads and established roads throughout the study area. Several mills and quarries were present within the study area, together with a small gas works adjacent to Woolley Lane 10m south of red line boundary and a Bleach Works and associated tanks and Mersey Mills are located adjacent to River Etherow to the east 20m from red line boundary. Further light industry was in the area and a sewage works located approximately 300m to the south of the Proposed Development, in Longdendale. Some of this industry has subsequently been redeveloped or lost. The Applicant identified these sites as potential sources of contamination.

5.9.49 The baseline study identifies that the site of the Proposed Development currently comprises a mixture of residential, industrial with significant areas of agricultural and open space land uses with any potential contaminative sources generally being associated with agricultural use.

5.9.50 The study revealed that there are potentially 40 businesses in the study area with the majority located to the east in the area of Hollingworth and Hadfield, together with a small cluster associated with Mottram which relate to car dealerships, garage services and blind manufacturers. The potential presence of six fuel stations within the study area are also identified, four of which are indicated adjacent to the red line boundary of the Proposed Development.

- 5.9.51 Historic data recorded a record of 28 recorded pollution incidents dating between June 2001 and January 2018. For those, the impacts to Land and Water were classified as being either of No Impact (Category 4) or Minor Impact (Category 3) with pollutants involved ranged from firefighting runoff, oils, crude sewage and diesel.
- 5.9.52 Through liaison with TMBC the Applicant identified that a single pollution incident taking place within the Proposed Development boundary since consultation was undertaken in 2018. This involved a diesel spillage due to a road traffic incident, with fuel leaking into soils and possible watercourse. The quantity of fuel leaked was not significant and only localised impacts were anticipated.

Recorded landfill sites and land contamination

- 5.9.53 ES Chapter 9 [[REP7-007](#) Table 9-8] details the landfill sites recorded within the study area as summarised in the GIR [[APP-187](#)]. In all four landfill sites were identified within the study area.
- 5.9.54 The GIR [[APP-187](#)] produced a summary of consideration of potential ground contamination, identifying the following potential sources of contamination, pathways and receptors. This is presented in ES Chapter 9 [[REP7-007](#) Table 9-9]. The Applicant drew the following conclusions regarding pollutant linkages:
- Two minor exceedances for Lead and Dibenz(ah)anthracene were recorded within soils when analysed against the public open space (residential) generic assessment criteria. This appears to be localised contamination and not sitewide. No asbestos was detected in the soil samples tested. As the Proposed Development would mostly comprise hardstanding and/or vegetation, it is considered that this is sufficient to sever any potential pathway. Based on these results a significant risk to human health is not anticipated.
 - Minor groundwater exceedances have been identified along the entire route. It is unknown whether the overlying Made Ground or an offsite source of contamination is the source of the elevated concentrations in the groundwater samples. Elevated concentrations of metals, PAHs & TPH were considered to be minor and therefore unlikely to be unacceptable for either the Proposed Development or controlled waters within close vicinity of the site. Where materials would be re-used onsite, consideration should be given to protection of surface waters from leachable heavy metals and further assessment may be required to verify that soils are suitable for reuse.
 - The limited available data indicates that the potential risk of ground gas was considered to be low. However, given the potential landfill sources and the proposed confined spaces there may be an acute risk to construction / maintenance workers within the area of BH404. Further ground gas monitoring was undertaken as part of the supplementary GI to further assess the risk from ground gases associated with the Proposed Development.
 - Based on initial soil analysis results, materials are likely to be chemically suitable for reuse on the Proposed Development, subject to further

detailed design considering the proposed use of the material. A Materials Management Plan (MMP) or environmental permit would be required to legally re-use soils on the Proposed Development. The majority of excavated onsite materials, if in excess to re-use requirements, are likely to be classed as non-hazardous with a portion being likely suitable for classification as inert, subject to the results of Waste Acceptance Criteria (WAC) testing.

Agricultural soils and agricultural land classification

- 5.9.55 The areas of agricultural soils are shown in Figure 9.2 [APP-129]; ALC is shown in Figure 9.3 [APP-129]. This indicates that all the study area is ALC Grade 4 (poor quality land). There is some Grade 3 (good to moderate) west of the M67 Junction 4 and Grade 5 (very poor quality) on the moors to the north and east. This indicates that, in its regional context, the land in the study area has no special agricultural value. NE is not required to be a consultee for developments on these low grades of land.

Future Baseline

- 5.9.56 Using previously gathered information, including desktop studies and GIs which provide significant baseline information for the Proposed Development, the above provide the preliminary baseline. The Applicant collected more baseline information following design and guidance changes.
- 5.9.57 Following on from the GIR [APP-187] this additional information would be used by the Applicant to inform the Detailed Design stage of the Proposed Development. This investigation has been designed to:
- further assess the presence or confirm absence of land and groundwater impacted with contamination (including ground gases), where previous GI data is not available and to support the Proposed Development design;
 - provide further chemical analysis of soils to determine their suitability in areas where these are proposed to be reused; and
 - further determine the hydrogeological conditions, specifically associated with the proposed Mottram Underpass and Eastern Portal Cutting for design purposes.
- 5.9.58 An SGIR, [REP7-027] in accordance with DMRB CD 622 was submitted. It includes a revised contaminated land generic quantitative risk assessment in accordance with EA Land Contamination Risk Management guidance pertaining to the historic and supplementary GI data. This report also assesses the risks associated with land stability and mining hazards. The Applicant considered that there was sufficient information to complete the assessment and the supplementary GI does not differ greatly from the finding previously recorded from a contaminated land point of view.
- 5.9.59 An MMP, supported by a remediation strategy, would be included within EMP2, and implemented to enable the legal reuse of soils under the CL:AIRE Definition of Waste Code of Practice. It is envisaged that the majority of site won soils would be reused in the Proposed Development with some

required stabilisation for engineering purposes and / or import of suitable engineered soils.

- 5.9.60 The SGIR [[REP7-027](#)] concluded that the combination of climatic, soil and other factors gives a high level of confidence that there is no BMV land in the study area and so a detailed soil / ALC survey is not required.
- 5.9.61 The Applicant recognised that aspects of the groundwater regime would be likely to require further assessment during detailed design, including:
- the means of controlling groundwater during construction at Mottram Underpass;
 - the effects of dewatering on existing structures, particularly settlement in relation to the Mottram Underpass and Cutting; and
 - impacts of dewatering, both short and long-term, on the hydrological / hydrogeological regime in both the superficial deposits and bedrock in the vicinity of Mottram Underpass and Cutting.
- 5.9.62 The Applicant would undertake further works during detailed design, as detailed in ES Chapter 13 [[REP7-009](#)], to quantify the degree of interaction between groundwater and nearby identified surface water features (e.g. springs/streams) and Longdendale Aqueduct, and where necessary, inform the design of solutions such as non-uniform depth secant piles to mitigate potential impacts post-construction.
- 5.9.63 The Applicant considered that the geology baseline would not be significantly altered during the construction phase. Geology within the cutting would be exposed along with the sustainable reuse of natural soils across the Proposed Development. No further alterations were anticipated.
- 5.9.64 The most sensitive receptors have been identified as local residents, including schools, within a 250m radius of the Proposed Development, local private water abstractions within a 1km radius of the Proposed Development (shown on ES Figure 9-1 [[APP-129](#)]), quality of ground and surface water and soil resources. An overall summary of identified receptors is provided in Table 9.11 of ES Chapter 9 [[REP7-007](#)].

Factual issues considered during the Examination

- 5.9.65 Soils matters considered during the Examination included:
- effects on bedrock geology and superficial deposits;
 - effects on soil resources;
 - effects on peat;
 - effects from contamination on human health, surface water and groundwater; and
 - effects from dewatering of groundwater levels and flow routes.
- 5.9.66 During the Examination we identified a potential impact upon an ecologically sensitive receptor (moorland moss).

General

- 5.9.67 There was no dispute that the geological baseline of the area would remain significantly unaltered by the construction of the Proposed Development, although the creation of the cutting would be exposed, and natural soils raised during excavation would be translocated within the DCO boundary. The Applicant identified this as a potential enhancement to the visual landscape and, together with any geology exposed during the construction phase, may provide a learning opportunity. This would be a potential benefit during the operational phase, however, given the scale and nature of the effect, this would only provide a slight beneficial and therefore not-significant impact. The Applicant, in ES Chapter 9 [[REP7-007](#)] concluded that overall, the Proposed Development would have, at worst, a slight adverse permanent effect on soils and ground conditions, both during construction and operation, resulting in a classification of not significant.

Construction phase

Land-take

- 5.9.68 The construction of the Proposed Development would remove land from the available pool of agricultural land. Some of this land, that needed for the permanent works, including landscaping, would be taken permanently, whilst some, such as the construction compound, would be returned to its original owner once it has been restored to its original state. ES Chapter 9 [[REP7-007](#)] describes that 8.3 hectares of land temporarily acquired for construction would be restored to a condition equivalent to its original.
- 5.9.69 We sought confirmation [[PD-009](#) question 13.1] of how the Applicant has sought to minimise impacts on soil quality and what consideration had been given to how current agricultural practices contribute to the quality and character of the environment or the local economy.
- 5.9.70 The Applicant [[REP2-021](#)] provided assurance that all of the land affected by the Proposed Development falls within ALC Grades 4 and 5 and that no best and most versatile (BMV) land would be affected. The Applicant acknowledges that all affected soils have local agricultural value.
- 5.9.71 Around 24ha of Grade 4 or 5 agricultural land would be permanently lost through physical removal or permanent sealing. The Applicant states that there is no mitigation for the permanent loss of land. No BMV land would be taken to construct the Proposed Development. The Applicant assessed the effect of permanent land-take as slight adverse due to its low value at ALC Grade 4 and 5.
- 5.9.72 The Applicant recognised that there is no mitigation for the permanent loss of agricultural soils, apart from conserving the soils that are stripped and using them elsewhere on the Proposed Development and a soil management specialist would be employed by the contractor to ensure soils being stripped, stockpiled, and restored are handled correctly. Further recognition was given to reduction in quality of the land that would form the flood compensation area, affecting a further 2ha, beside the River Etherow from ALC Grade 4 to Grade 5, making it suitable only for rough grazing and hay making.

5.9.73 The ES [[REP7-007](#)] explains that at the end of the Construction Phase the land temporarily acquired would be restored to a condition equivalent to its original and that mitigation for the effects on temporarily acquired land is embedded within the Proposed Development through the EMP, and its associated Management Plans. Of particular relevance in this matter is the Soil Resource Plan (SRP) which is secured by the DCO and the EMP. Although currently in outline form, this plan, together with the other management plans contained within the EMP are required to be updated as the Proposed Development progresses. The SRP would provide details and requirements for the storage and re-use of soils gained on-site to ensure that they are suitable for their purpose.

5.9.74 The economic effects of the Proposed Development on agricultural land holdings are considered later in this report, in Section 5.12.

Land contamination, water quality, road runoff, groundwater levels and flow routes

5.9.75 Several historic industrial works and landfill sites were identified within the study area. The site is generally in agricultural use. These provide potential for contaminants to be mobilized through preferential pathways, particularly if disturbed during construction operations, with potential effects on human health from direct contact with contaminated soils or windblown dust, surface runoff from the disturbed ground, direct contact with that contaminated runoff, inhalation of released gas, migration of ground gas or vapour or leaching from made ground and other pathways. Similarly, these may affect soils by being spread by such agencies as wind, or trafficking, leachates or gas migration. During construction there is a risk of pollution, with impacts on human health and soils, from spillages or accidental release on site associated with the Proposed Development, such as the storage of fuel or other materials.

5.9.76 The Applicant explained that mitigation for these effects is embedded within the Proposed Development through the EMP, its associated Management Plans and the REAC [[REP11-005](#)], all secured by the rDCO (Appendix D). Of relevance to this matter are the Construction Water Management Plan (CWMP), Site Waste Management Plan (SWMP), Materials Management Plan (MMP) and Dewatering Management Plan (DWP) and through good design, including the continued gathering of data to inform the design process and the identification of emergency procedures in the event of an environmental emergency. Whilst outline versions of the above management plans have been provided as Appendices to EMP1 [[REP12-007](#)], detailed versions, together with other management plans such as the Pollution Prevention Plan and Emergency Spillage Response Plan would be provided within EMP2. Further mitigation is provided through ongoing ground investigation which would inform subsequent contaminated land risk assessment. Together these would control how the proposed works are carried out and materials and waste managed so that the risk of release of contaminants, or provision of pathways to receptors, is controlled; and actions to be taken in the event of release of contaminants.

5.9.77 We [[PD-009](#) question 10.6] sought confirmation that potential releases of pollution could be adequately regulated under the pollution control

framework and that there was no foreseeable impediment to the issue of any relevant operational pollution control permits. The EA [REP2-052], TMBC [REP8-027] and DCC [REP2-051] who are the relevant authorities with such responsibilities confirmed that they were satisfied that such releases could be adequately controlled and that there were no circumstances currently foreseeable why such permits would not be granted. We further queried whether, in combination with other current sources of pollution, the cumulative effects with the Proposed Development would make it unacceptable. TMBC and DCC confirmed that, in their view, it would not. The EA [REP6-039] stated its intent to address concerns regarding the release of pollutants, including groundwater released during construction operations, through the existing regulatory permit system under the Environmental Permitting Regulations 2016.

- 5.9.78 The EA [REP2-074] raised concerns regarding the lack of information within the GIR, identifying, amongst other things, the lack of a Hydrogeology Risk Assessment. The Applicant directed the EA to information previously supplied with the application submission and subsequently met with the EA, seeking to address their concerns. A Hydrogeology Risk Assessment was submitted as additional ES Appendix 13.2 [REP3-025].
- 5.9.79 The EA's [REP4-019] concerns particularly related to the effects of the Proposed Development on groundwater, as it considered that the dewatering of the below ground level structures, such as underpasses and cuttings, in some locations could artificially dewater natural aquifer bodies which are known to provide sole supplies of water, from abstraction boreholes, to several private dwellings. Additional concerns were expressed by the EA regarding the study area for effects on groundwater, as it considered that there was potential for further-reaching effects due to connectivity of sub-surface water bodies. The EA also had concerns that the natural chemical conditions of the groundwater bodies may adversely impact the surface water network if the drainage / dewatering liquid were to enter them. Concerns were also expressed regarding soil shrinkage and settlement, leading to damage of properties, particularly in the vicinity of the cutting to the east of Mottram Underpass and that sub-surface structures and works to construct them could disrupt flow patterns of groundwater.
- 5.9.80 Jeff Brown [REP6-035] expressed concerns regarding effects of dewatering on his property, including settlement and water levels in a well.
- 5.9.81 The Applicant [REP7-026] indicated that, following the completion of the latest ground investigation, groundwater modelling is ongoing as part of the detailed design process for the Proposed Development. This assessment would be completed before any works are undertaken for the construction of the Mottram Underpass. Before any construction activity which may affect ground movement around adjacent properties commences the Applicant proposes to survey properties in the area which may be affected due to settlement to ascertain following construction whether properties have been damaged by construction activity. The Applicant identified that, in addition to surveys of properties, survey stations would be installed in the area to monitor movement, but the locations of these would not be determined until the completion of the detailed design.

- 5.9.82 The Applicant completed a Water Features Survey for the Proposed Development in 2019. That survey involved visits to all properties known to have private abstractions within 1km of the Proposed Development's Draft Order Limits. A desk study update to this Survey, that included the latest data from the TMBC private abstractor register, was completed in 2020. The results were included in ES Chapter 9 [REP7-007] and ES Chapter 13 [REP7-009]. Potential impacts due to dewatering on identified receptors have been assessed in ES Appendix 13.2 [REP3-025] and quantified using a groundwater model. However, the water well located at the property neighbouring Dial Cottage was not listed on TMBC register and was not, therefore, specifically assessed for quantitative drawdown impacts.
- 5.9.83 Nonetheless, the modelling completed does cover the property and indicates that post-construction, long-term groundwater drawdown at this location would be between 3.5 and 4m below levels before the Proposed Development. The depth of this water well has not been ascertained, however there is a risk that this level of drawdown would cause the water well to dry out. The Applicant undertook that if this were to occur it would investigate how an alternative source of water could be secured, along with any appropriate compensation. At that time the Applicant stated an intention to contact the property owner to arrange a visit as part of an updated Water Features Survey in order to ascertain the current (baseline) condition of the well and discuss with the property owner options for ongoing monitoring of the groundwater level in the well before, during and after construction, as part of a wider monitoring plan being developed for the Proposed Development to help identify and mitigate against adverse impacts on the groundwater environment.
- 5.9.84 Jeff Brown [REP8-038] asked for further details regarding the surveys and clarity regarding who would underwrite any potential damage. Regarding the well, Mr Brown felt that the Applicant had missed the point and that the relevant issue was not whether the well was a sole source of water for his property, but its recognition as an asset.
- 5.9.85 The Applicant [REP9-027] provided details of the likely extent of the survey work and commented that any damage to assets not owned by the Applicant in relation to the Proposed Development would need to be rectified by the Applicant.
- 5.9.86 We [PD-012 questions 10.3, 10.4, 11.6 and 11.7] sought to verify whether, or not Jeff Brown was satisfied with the approach proposed and whether his property would be captured within the scope of the Outline DWP.
- 5.9.87 Jeff Brown [REP11-015] expressed dissatisfaction with the response from the Applicant, expressing concerns that it may be difficult to pursue the Applicant after the works had been completed and the construction team had moved off site. He further queried whether the rectification process would be independent. He expressed further queries as to whether his property, dating back to the 1700s would be assessed as other, newer properties. Regarding the obligation to provide water to Dial Cottage, his neighbour, Mr Brown referred to a historic obligation referenced in his deeds.

- 5.9.88 The Applicant [[REP11-010](#), [REP12-023](#)] confirmed their intent to visit Jeff Brown's property during an updated Water Features Survey and that the information collected about the well at this property during this visit would be included in the updated Hydrogeology Risk Assessment and used to inform the Detailed DWP secured through the REAC [[REP11-005](#) RD1.15]. It commented that Requirement 6 of the dDCO [[REP12-002](#)] was agreed with the EA and imposes a requirement on the Applicant to prepare a groundwater monitoring programme and a dewatering management plan, each to be approved by the SoST in consultation with the EA. The purpose of those documents was to establish the existing groundwater conditions and to monitor them so that measures could then be taken to prevent dewatering. The EA provide independent oversight through Requirement 6 and through the licencing regime for the abstraction of water.
- 5.9.89 Seeking to progress this the EA [[REP6-039](#)] suggested the use of a requirement within the DCO requiring the submission of a Ground Water Management Plan or similar as a prior to commencement requirement either as further amendment to the wording of Schedule 2, Part 1, 4(1) or as a standalone condition. In response to matters that we [[EV-039](#)] raised the EA and the Applicant held a series of meeting to progress matters.
- 5.9.90 During these discussions the SGIR [[REP7-027](#)] was published, EA Chapters 9 [[REP7-007](#)] and 13 [[REP7-009](#)] amended to reflect its findings, and EMP1 [[REP12-007](#) Annex B.8] updated to include the outline DWP.
- 5.9.91 The EA provided detailed technical comments on the draft DWP and agreed that it was adequate for this stage. The EA were satisfied with the information submitted as a basis for foundation assessment of environmental risks and the mitigation that would be required but considered that that further assessment and refinement of mitigation would only be possible during detailed design. The EA did, however, consider that the agreed wording of Requirements and the commitment to consult the EA was an appropriate basis to take forward post-DCO.
- 5.9.92 The final position of the EA [[REP11-023](#)] and the Applicant [[REP12-023](#)], reflected in the SoCG [[REP12-015](#)], is to address the EAs concerns at the Detailed Design stage of the Proposed Development in consultation with the EA. This is secured through action RD1.15 of the REAC [[REP11-005](#)] which states: "*The Hydrogeology Risk Assessment will be updated during Detailed Design, including the results of an updated water features survey, and to address technical comments from the EA following review of the version [[REP3-025](#)] submitted into the DCO examination*". This is supported by a form of wording for DCO Requirement 6 agreed between the two parties.

Operational phase

Land-take

- 5.9.93 There would be no anticipated ongoing requirement for land-take during the operational phase and temporarily acquired land would be anticipated to have been returned to its original owner as set out in the construction phase section above.

Land contamination, water quality, road runoff, groundwater levels and flow routes

- 5.9.94 There would be an ongoing potential impact on human health and soils from the pollution mobilised from pre-existing land uses during construction. During operation of the Proposed Development there would also be potential for gases to build up within the Mottram Underpass. The effects of dewatering regarding soil shrinkage and settlement would also provide a potential adverse effect into the operational phase as the cutting east of Mottram Underpass would remain an intrusive feature exposing and interrupting the underlying geology. Similarly intrusive structures would continue to affect groundwater flow patterns.
- 5.9.95 The Applicant intends to address these effects by way of the mitigation embedded within the Proposed Development through the EMP, its associated Management Plans and the REAC, through the design of the works and the identification of emergency procedures in the event of an environmental emergency.
- 5.9.96 There would be an ongoing potential impact on human health and soils from the release of pollutants from spillages on the highway network within the DCO boundary. As above, the LAs and the EA were satisfied that the release of contaminant could be controlled by good design and measures identified within the EMP, its management plans and the REAC, backed up by the permitting system and existing legislation.
- 5.9.97 We [[PD-009](#) question 11.16, [EV-015](#), [PD-012](#) question 11.10] sought clarification on what effects there may be from runoff containing road salt or grit. As the Examination progressed, other contaminants, such as particulates generated by brake and tyre wear were considered. The Applicant [[REP2-021](#), [REP4-008](#)] responded that runoff containing road salt or grit, is expected to be short-term and temporary and would be addressed by the drainage design which would meet regulatory / industry requirements, passing all Highways England Water Risk Assessment Tool (HEWRAT) tests and thus indicating low risk to receiving water courses. The Applicant concluded that the drainage design would provide for adequate treatment, attenuation, and discharge rates such that there would be no deterioration to hydro-morphology and aquatic ecology.
- 5.9.98 The EA [[REP2-052](#)] responded that the issue of salt and grit contaminants would need to be addressed within ES Chapter 13 [[REP7-009](#)]. In response the Applicant [[REP4-008](#)] undertook to update the chapter to reflect the identified risk. We consider this further in Section 5.10.
- 5.9.99 The EA [[REP6-039](#)] indicated that, in combination with the environmental permitting system under the Environmental Permitting Regulations 2016 and Requirements proposed within the dDCO and EMP, notably the Pollution Prevention Plan, Emergency Spillage Response Plan and Construction Water Management Plan under Requirement 4(i) and submission of written details under Requirement 8(1). The latter requires the submission of written details of the surface and foul water drainage system sufficient to address any concerns about runoff contaminated by salt, grit, or other pollutants.

- 5.9.100 The Applicant [[REP6-017](#)] responded that particulate contamination in runoff is also covered by the HEWRAT assessment [[APP-178](#)].
- 5.9.101 As the Proposed Development would increase traffic flows outside of the DCO boundary, the effect of such increases was also considered. On several roads there would be increases in traffic flow that would proportionately increase the amount of particulates generated.

Other Matters

- 5.9.102 Towards the end of the Examination we [[PD-017](#) question 10.5] asked the LAs and the EA to summarise any remaining concerns that it had about the Applicant's consideration of soils or ground conditions. The EA [[REP11-023](#)] had no comment to make in this regard. TMBC [[REP11-018](#)] said that it had no remaining concerns and expressed confidence that any issues would be overcome during the detailed design phase. HPBC [[REP11-014](#)] had no further comments to make. PDNPA [[REP11-016](#)] replied that it had not expressed any concerns about the effect of the Proposed Development on soils and ground conditions, and that it had no concerns in relation to this topic area. DCC [[REP11-012](#)] had no remaining concerns relating to material assets and waste management matters that had not previously been addressed through its responses to the first and second rounds of questions, or at hearings.
- 5.9.103 Warner E Bower spoke at CAH1 [[EV-013](#)] and summarised his submission [[REP4-028](#)]. During his evidence Mr Bower queried why some plots were needed to be temporarily acquired, the amount of land-take for works such as ditches and landscaping, considering that culverts or piped drains would be more efficient in land-take and the extent of land taken up by landscaping.
- 5.9.104 The Applicant [[REP5-022](#)] responded, explaining the need to take the relevant plots to construct ditches, realign Carrhouse Lane and provide a new access track and public footpath. Open watercourses are favoured by the EA and Local Lead Flood Authorities (LLFAs) for purposes including flood defence and the environmental benefits that they bring. Installation of culverts should only be considered where alternative options have been thoroughly explored and considered infeasible. Securing the realignment of Tara Brook as an open channel is considered by the Applicant to be an essential part of the Proposed Development's ecological mitigation, with the aim of enhancing the local watercourse system, in keeping with the principles of the WFD and Biodiversity Net Gain (BNG). These would apply to ditches throughout the Proposed Development.
- 5.9.105 The landscaping scheme was formulated by the Applicant with the intent of fitting in with the existing landscape character. Visually, there are a range of sensitive receptors, such as properties and footpaths, that are both long-range and close-range in distance. The mitigation measures were provided with the aim of screening views of the road and moving traffic from these sensitive receptors. The Proposed Development would be more visible and prominent in the landscape if the embankments were not present.
- 5.9.106 During the feasibility studies [[REP2-005](#) Section 3] severe weather causing road closures which reduce journey time reliability was identified as a key

problem on the routes between Manchester and Sheffield. Early in the Examination the NT [REP2-079] raised concerns that increased traffic movements on the A57 Snake Pass would increase the frequency closures for maintenance. Initially the Applicant [REP3-020] responded that this was a matter between DCC and the NT.

- 5.9.107 However, we considered that we should investigate further whether the frequency and / or duration of closures would increase as an indirect result of increases in traffic movements and this was raised at ISH2 [EV-015 Agenda Item 7] where we sought further information.
- 5.9.108 The NT responded [REP4-024] that it accepted "*that land slip issues are not a result of the A57 DCO scheme*". It stated that it was "*nevertheless keen to ensure that the Examining Authority is aware of this ongoing issue which may affect the future operation of the A57 Snake Pass, along which the Proposed Development is modelled to direct more traffic*".
- 5.9.109 During the early part of the year a landslip closed Snake Pass and the NT provided [REP5-036] photographs of the affected area. CPRE PDSY [REP5-029] also brought the landslip to our attention and referred to their being "*much evidence from around the world that vibration induced by traffic contributes to land instability*".
- 5.9.110 We [PD-012 question 14.1] we sought to ascertain what evidence there was linking traffic levels to instability. DCC [REP6-026] advised, having contacted their Network Management Officers, that the structural failures of the A628 and A57 are primarily the result of the associated geology of the routes through which they pass and also climatic issues, particularly the increased occurrences of prolonged and heavy rainfall in more recent years which have both resulted in increased occurrences of landslides and land slippage along both routes. CPRE PDSY [REP6-024] also responded, citing landslips on Main Road No7 in Argentina, instability of the slopes within the Bay of Plenty East and a blog by Professor Dave Petley, Professor of Geography at the University of Sheffield, referring to a paper in the journal Landslides (Guerriero et al. 2021) investigating a landslide adjacent to a busy road in Italy. CPRE PDSY considered that, as there was a possible linkage between usage of the road by heavy vehicles and landslip a precautionary approach should be taken on the A57 Snake Pass.

Material assets and waste

- 5.9.111 The main sections of the application, as updated during the Examination, relevant to the material assets and waste matters considered here are:
- ES Chapter 9: Geology and Soils [APP-065] updated to [REP7-007];
 - ES Appendix 9.1: Preliminary Sources Study Report [APP-171];
 - Ground Investigation Report (GIR) [APP-187];
 - Supplementary Ground Investigation Report (SGIR) [REP7-027];
 - ES Chapter 10: Material Assets and Waste [APP-066] updated to [REP7-008];
 - ES Chapter 15: Cumulative Effects [APP-071] updated to [REP1-020];

- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)] during the Examination, and including outline versions of the following management plans: Soil Resource Plan Annex B.1), Site Waste Management Plan (Annex B.4), Materials Management Plan (Annex B.5) and a Design Approach Document (Annex C.1); and
- REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area and baseline conditions

- 5.9.112 The impacts of the Proposed Development were assessed in accordance with DMRB LA 110 - Materials Assets and Waste which sets the threshold for the onset of potential significance depending on the amount and type of material assets and / or waste. DMRB LA 110 requires that when applying the waste hierarchy, measures shall be implemented to encourage the options that deliver compliance with the Waste Directive and best overall environmental outcome. Baseline conditions were assessed regarding two study areas, and both look at current and likely future states, as set out in DMRB LA 110.
- 5.9.113 First Study Area - The DCO boundary and temporary construction areas (including construction compounds and storage) where construction materials would be consumed, and waste generated.
- 5.9.114 Second Study Area – this covers the feasible sources and availability of construction materials required to construct the main elements of the Proposed Development and suitable recovery and waste management infrastructure that could accept arisings and/or waste generated by the Proposed Development. Based on DMRB LA 110 the second study area was the North West region of England for materials and the administrative areas of Greater Manchester and DCC for waste. The second study area took into account the proximity principle which should ensure that the most appropriate material sources and waste management facilities are utilised while balancing other issues such as logistics, cost and environmental impacts of sourcing materials and managing waste at greater distance.
- 5.9.115 The above studies were used to identify baseline conditions. These are summarised in ES Chapter 10 [[REP7-008](#) Section 10.6]. It is anticipated that the first study area would yield only restricted material assets comprising predominantly aggregate, asphalt concrete and steel, with wastes being generated from industrial, agricultural, and municipal sources. The GIR [[APP-187](#)] and SGIR [[REP7-027](#)] identified the current availability of key construction materials in the form of large quantities of soil and small quantities of asphalt from road demolition and aggregate, concrete and steel from building demolition.
- 5.9.116 The Second Study Area identified the availability of mineral assets in North West England and these are set out in ES Chapter 10 [[REP7-008](#) Table 10.3]. Targets are identified for recycled aggregate and these are set out in ES Chapter 10 [[REP7-008](#) Table 10.4]. The Applicant identified that it would use the higher target of 30% which applies to North West England as this is more stringent than the English target. The studies concluded that

the future state of materials assets is likely to be similar to the current one, or to reduce slightly as more recycled materials are used in future.

- 5.9.117 Other developments planned for the area surrounding the Proposed Development could potentially have a cumulative impact with it during the construction and operational phases. However, the Applicant considered that there was insufficient data available at that time on the resultant demand for material resources and the amount of construction and operational waste likely to arise from those developments. The Applicant considered that, due to the wide availability of material resources and the design and mitigation measures that would be implemented for other developments to satisfy policy requirements, no further cumulative assessment would be required.
- 5.9.118 The baseline against which the Proposed Development's generation of waste during construction was assessed, in terms of landfill capacity and waste management landfill capacity are presented in ES Chapter 10 [REP7-008 Tables 10.5 and 10.6]. The studies concluded that future landfill capacities would reduce, whilst inert waste management infrastructure capacity would increase, and hazardous waste treatment capacity remain relatively stable.
- 5.9.119 Sensitive receptors were identified in ES Chapter 10 [REP7-008] as Minerals Safeguarding Areas (MSAs), waste infrastructure, landfill and peat resources. None were identified within the First Study Area, which would be the relevant area to be considered.

Factual issues considered during the Examination

- 5.9.120 Materials and waste matters considered during the Examination included:
- the effect on existing resources;
 - whether sufficient use of sustainable construction methods would be made;
 - whether the availability of recycled materials, including soils raised within the site would be sufficient to achieve targets;
 - how the waste from the site would be managed and how mitigation would be secured;
 - the effect on the local waste infrastructure; and
 - potential for the Proposed Development to produce hazardous waste.

Construction phase

- 5.9.121 The Applicant acknowledges in ES Chapter 10 [REP7-008] that throughout the construction phase the Proposed Development would consume material assets and that without recycled content these would be from primary sources. The Applicant calculated the amount of material needed from advice from the appointed Principal Contractor including their provisional Bill of Quantities for the Proposed Development. Quantities of materials required are identified in ES Chapter 10 [REP7-008 Table 10.7]. The applicant provided quantities of available materials, gleaned from a

breakdown of annual sales of primary material assets in North-West England is presented in ES Chapter 10 [[REP7-008](#) Table 10.3].

- 5.9.122 The Applicant identified that whilst the Proposed Development is recognised as being adjacent to an MSA for Sand and Gravel, a Search Area for Sandstone, and a MSA for Sandstone it would not directly sterilise any MSA or peat resources, and this is acknowledged in TMBC's LIR [[REP3-019](#) paragraph 7.2].
- 5.9.123 Similarly, the Proposed Development would generate waste, mainly as a by-product of construction processes. The estimated overall quantities, as calculated from information supplied by the appointed Principal Contractor, are identified in ES Chapter 10 [[REP7-008](#) Table 10.8].
- 5.9.124 We [[PD-009](#) questions 10.1 and 10.2] raised concerns about discrepancies in the figures provided for excavation and re-use of soil in ES Chapter 2 [part of [REP1-014](#)] and ES Chapter 10 [[APP-066](#)]. We queried the degree of certainty that excavated material would be suitable for re-use within the works, thus managing the amount of soil to be imported or exported to the site. Our concerns were whether the aspirations for the re-use of materials on site, and the minimisation of haulage of spoil away from the site could be achieved.
- 5.9.125 The Applicant [[REP2-021](#)] confirmed that there was contradictory information within the Application documentation and updated ES Chapter 2 [[REP2-005](#)] to remove the information provided that was in error.
- 5.9.126 In the same written response, the Applicant it explains that, based on the earthworks schedule data available, the target for 99% re-use of excavated material is expected to be achieved. However it acknowledged that, whilst it is the intention of the appointed Principal Contractor to reuse material in line with the commitments outlined in ES Chapter 10 [[REP7-008](#)] there is a risk that this situation may change, such as changes during detailed design or the impact of unforeseeable circumstances, such as adverse weather. There is potential, therefore, to have excess material arising that cannot be used on site and would need to be removed and / or for suitable material to be imported to the site.
- 5.9.127 It was further explained that the construction team completed a classification exercise using geotechnical investigation data which gives the design team greater certainty of suitability of re-use of material on site. The Applicant used data encompassed in the GIR [[APP-187](#)], which was based on historical data and the SGIR [[REP7-027](#)] which was carried out to validate assumptions and fill in identified data gaps. The Applicant confirmed that, following consideration of the information gathered for the SGIR it did not consider it necessary to update the findings of ES Chapter 10 [[REP7-008](#)]. No information was placed before us to dispute that conclusion.
- 5.9.128 The Applicant confirmed that assessment in ES Chapter 10 [[REP7-008](#)] did not look at other scenarios for re-use of excavated soil as it had established that there is capacity in local facilities should more soil need to be transferred. In this situation the soil would be dealt with through the usual procedures for transporting soils, and the Applicant would refine the Second

Iteration EMP (EMP2), as secured through Requirement 4 of the rDCO (Appendix D) to reflect any new measures required.

- 5.9.129 We [PD-009 question 10.4] also had concerns about whether the Applicant would be able to secure sufficient quantities of recycled aggregates to achieve their stated target of 30% use within the Proposed Development. DCC [REP2-051] provided further comment on the availability of recycled aggregates within its Local Plan area. Their information indicates an annual supply of roughly 250t of material.
- 5.9.130 The Applicant [REP2-021] reassured us that the 30% proportion would be achieved, or exceeded, as cutting to the east of the Mottram Underpass would yield suitable material for use as aggregate.
- 5.9.131 We [PD-009 question 10.5] sought to verify that there would be sufficient capacity within the local waste infrastructure to deal with the waste resulting from the Proposed Development.
- 5.9.132 The Applicant [REP2-021] responded that most of the waste produced during the construction phase would be in the form of excavated material and this would be used during the construction of earthworks and as aggregate.
- 5.9.133 The balance of waste produced would be in the form of mixed construction and demolition waste, general office waste, plastic, wood / timber, mixed metals and paper and cardboard is estimated to be under 1,000 tonnes/2,000 m³. This is a small figure in relation to the identified local capacity available within the existing waste infrastructure and landfill as identified from EA data provided in Table 10.5 of ES Chapter 10 [REP7-008]. We asked the LAs to confirm whether, or not capacity existed locally to accept and deal with the waste material leaving the site, and TMBC [REP8-027] confirmed that it anticipates that the local waste infrastructure would be able to satisfactorily deal with the waste from the Proposed Development and that no adverse effect is anticipated by them on the capacity of the existing waste management facilities to deal with other waste arising in the area. However, DCC [REP2-051] identified that there is very little local capacity within their area. These are the two LAs with responsibility for waste. The EA [REP2-052] confirmed that it considered there would be minimal impact on their local waste infrastructure and no adverse effect on the capacity of the existing waste management facilities.
- 5.9.134 We [PD-009 question 10.7] sought to establish the potential for the Proposed Development to produce hazardous waste and, if any were found, how it would be dealt with. The Applicant [REP2-021] explained that ES Chapter 10 [REP7-008] does not make any allowances for the potential presence of hazardous waste based on the information in ES Chapter 9 [REP7-007], and the nature of the uses of the land that the Proposed Development runs through. Based on the data collected for the GIR [APP-187] and SGIR [REP7-027], the ES [REP7-007] did not identify any significant potential sources of contamination that would have given rise to generation of hazardous waste and all effects identified ES Chapter 9 [APP-065] due to the Proposed Development were considered to be not significant. The Applicant identified that there is no capacity in the Second

Study Area for hazardous landfill but there is annual capacity in waste infrastructure to handle 5,219 tonnes of hazardous waste. Thus, in the event that any hazardous waste is found this would need to be treated on-site or disposed of off-site.

- 5.9.135 HPBC [[REP2-046](#) paragraph 13.11] and DCC [[REP2-045](#) paragraph 13.11] queried whether mobile plant for the treatment and segregation of soils would be available for use on the construction of the Proposed Development. Such equipment would be essential for providing suitable material for use from the raised material and screening contaminated materials. The Applicant [[REP3-018](#)] provided reassurance that such plant would be used as it formed a key role in achieving the cut / fill balance and re-use of materials on-site.
- 5.9.136 To determine the most appropriate mitigation the waste hierarchy has been followed to reduce, reuse, recycle and recover materials and waste. The construction phase included embedded mitigation and best practice to secure re-use of materials arising on-site and minimise the material requirements for the Proposed Development.
- 5.9.137 Actions taken to reduce material need including the shortening of underpasses where possible, reducing the footprint of junctions and road lengths and rationalising and reducing site compounds during the design phase. To ensure that further mitigation is secured during the detailed design and construction phases EMP1 [[REP12-007](#)] includes outline versions of a SRP, SWMP, MMP and CMP together with a Design Approach Document. Together these seek to implement Best Practise regarding opportunities to minimise the use of new materials in construction, maximise re-use and minimise waste. The Applicant, through the EMP and REAC [[REP11-005](#)] seeks to achieve a 99% re-use of excavated soil (REAC provision reference MW2.6) and commits, through their Principal Contractor, to achieve at least the 30% recycled content regional target and exceed it (REAC provision reference MW2.2).
- 5.9.138 We requested the comments of the LAs on various outline management plans during ISH2 [[EV-015](#)]. TMBC [[REP5-031](#)] had no comment to make on the Outline SRP, SWMP or MMP. HPBC [[REP5-035](#)] similarly had no comments on these plans.
- 5.9.139 DCC [[REP5-034](#)] commented in regard to the SWMP and the MMP that these are adequate as outlines and set out what is needed to manage the issue. DCC expressed concern regarding the six-monthly review period of the MMP, seeking to have this reduced to four months to give greater control and reduce the risk of deviation from plan goals and SWMP Plan targets. The Applicant subsequently amended the MMP to provide this.
- 5.9.140 Adherence to these outline plans and their updating throughout the life of the Proposed Development in EMP2 and EMP3 is secured by the rDCO (Appendix D) and its Requirements and the REAC [[REP11-005](#)].
- 5.9.141 The Applicant [[REP7-008](#)] concluded that provided their recycling and re-use targets are achieved, the Proposed Development would overall have a slight adverse effect on material assets and waste during the construction phase.

Operational phase

- 5.9.142 The requirement for materials and potential for the generation of waste during the Operational Phase has been screened out of assessment by the Applicant in accordance with Section 3.2 of DMRB 110, which sets out the need to carry out assessment only when the Proposed Development would generate large quantities of waste relative to regional landfill capacity or is likely to sterilise mineral sites or peat resources. It was agreed in the Scoping Opinion [[APP-181](#)] that operational phase effects to materials could be scoped out of assessment provided that the effect of any resurfacing activity was considered in the Greenhouse Gas assessment. DMRB assesses future operation within the first operating year and, as the future requirement for materials and generation of waste at that time would be from maintenance, we have no reason to dispute this outcome based on the evidence before us.

Other matters

- 5.9.143 Towards the end of the Examination we [[PD-017](#) question 10.5] asked the LAs and the EA to summarise any remaining concerns that it had about the Applicant's consideration of materials or waste. TMBC [[REP11-018](#)] said that it had no remaining concerns and expressed confidence that any issues would be overcome during the detailed design phase. HPBC [[REP11-014](#)] had no further comments to make. PDNPA [[REP11-016](#)] replied that it had not expressed any concerns about the effect of the Proposed Development on soils, ground conditions, material assets and waste and that it had no concerns in relation to this topic area. DCC [[REP11-012](#)] had no remaining concerns relating to material assets and waste management matters that had not previously been addressed through its responses to the first and second rounds of questions, or at hearings.

Conclusions on soils, ground conditions, material assets and waste

Conclusions on soils and ground conditions

- 5.9.144 The baseline information on soils and ground conditions was acquired through various ground investigation studies and surveys including a water features survey supplemented by documents providing information on amongst other things underlying geology and ALC land classifications, review of information provided during consultation with the LAs' Environmental Protection Departments and the EA. During the Examination this information was supplemented by the SGIR.
- 5.9.145 The assessment was carried out in accordance with DMRB LA109 and DMRB LA113 with the significance of effects in accordance with DMRB LA104. The assessment also took into account contaminated land risk using the EA Land Contamination Risk Management guidance and the WFD.
- 5.9.146 Land stability associated with geological conditions and mining hazards were assessed through DMRB CD622 Managing Geotechnical Risk and, in accordance with DMRB LA109, were not assessed in terms of environmental impact.

- 5.9.147 In accordance with DMRB LA 109, the risks posed to the site by unexploded ordnance (UXO) were not assessed in terms of environmental impact. Given the nature of the area and the previous historic uses, we consider that there is unlikely to be a significant risk of the presence of UXO within the DCO boundary.
- 5.9.148 There is no evidence before us that geologically important sites are present, and we are content that specific mitigation for them is not necessary.
- 5.9.149 There is no dispute that the Proposed Development would remove land from that currently available for agriculture or that the creation of the flood compensation area would degrade the land affected by that from ALC Grade 4 to 5. No BMV land would be taken.
- 5.9.150 We have considered the amount of land taken, both permanently and temporarily and the purposes for taking it. We find that a balance has been struck between the competing need to protect agricultural land and the need to construct Proposed Development and mitigate its effects.
- 5.9.151 We are satisfied that appropriate, reasonable and proportionate safeguards, are provided in the rDCO (Appendix D Requirements 4 and 6), EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)]. EMP1 includes outline versions of the SRP, the SWMP, the MMP and the commitment to prepare a Pollution Prevention Plan and a Spillage Prevention Plan as part of EMP2. These provide sufficient safeguards to protect the quality of soils, remediate temporarily acquired land, and prevent a significant risk of spread of pollutants. The satisfactory return of land temporarily acquired to its owners in a state equal to or better than when it was taken, is secured.
- 5.9.152 We considered the Outline CWMP Outline SRP, Outline SWMP, Outline MMP and the DWP. At this stage they are high-level documents. Nonetheless they set out the principles of achieving suitable controls through operational and design processes to safeguard the release of pollutants. These are secured together with the requirement for them to be updated through Requirement 4 of the rDCO (Appendix D) and EMP and through the requirements of the REAC, in association with the principles of good design, safeguarded through the development of the Design Approach Document [[REP12-021](#)]. Those measures together with the statutory permit schemes leave us satisfied that realistic, reasonable and proportionate means are provided to prevent the release of pollution from discharges of water from construction operations and from other sources and vectors.
- 5.9.153 Regarding the potential impact of water contaminated by particulates, design measures and the requirements of the rDCO (Appendix D) would address issues within the DCO boundary. However, on several roads there would be increases in traffic flow that would proportionately increase the generation of particulates. In built up areas, these would wash into the surface water drainage system and be dealt with through existing maintenance and treatments. In more rural areas the outwash has potential to accumulate in roadside verges or adjacent land. Whilst this is unlikely to be a significant issue generally, the accumulations in more sensitive areas, such as PDNP need careful consideration. Poppy Simon [[REP2-083](#)] and

others expressed concerns about the degradation of the peat as a result of traffic. We return to these matters in Section 5.11 and Chapter 6.

- 5.9.154 The Proposed Development is unlikely to increase the need for salting and gritting of the network outside of the DCO boundary, and so we consider that this would be unlikely to result in a significant effect.
- 5.9.155 We find no evidence to link the build-up of outwash dust from highways to degradation of the peat or the health of moss and so we conclude that this effect would be slight adverse at worse and, therefore, not significant.
- 5.9.156 On roads that experience an increase in traffic, the increase in particulates would typically join existing water discharges and we consider that the increase would not significantly affect the current regimes for management.
- 5.9.157 Regarding issues of settlement and effects of dewatering on private water abstraction, Requirements 4 and 6 of the rDCO (Appendix D), impose a requirement on the Applicant to prepare a groundwater monitoring programme and a detailed version of the DWP, and that these must be agreed by the SoST in consultation with the EA. Monitoring would be able to confirm the position regarding dewatering and the EA would provide independent oversight. We consider that the measures proposed by the Applicant within the DWP, secured by the rDCO (Appendix D), EMP1 [REP12-007] and the REAC [REP11-005], provide proportionate and reasonable safeguards to Jeff Brown and others.
- 5.9.158 The EA voiced concerns about the details of the Hydrogeology Risk Assessment [REP3-025], the GIR [APP-187] and SGIR [REP7-027] as submitted by the Applicant. We are satisfied that the modifications suggested by the EA and the Applicant to DCO Requirements 4 and 6 and the REAC [REP11-005], together with the provision of the Outline DWP and Outline CWMP in EMP1 [REP12-007] provide sufficient surety to protect the identified sensitive receptors from dewatering effects. These require the Hydrogeology Risk Assessment to be updated during design and the agreement of the EA to the plans to be included within the construction phase EMP (EMP2) and that they be updated to remain relevant. We note that the EA and the Applicant were satisfied with this approach.
- 5.9.159 While there may be evidence linking traffic loading and vibration to ground instability in some circumstances, DCC were familiar with the issues on Snake Pass and Woodhead Pass and said that they principally relate to geology and weather. The examples that CPRE PDSY cite are not specific to the roads in question and we do not, on this occasion, consider that there is sufficient doubt to make a precautionary approach necessary. We therefore conclude that the additional traffic on these roads would be unlikely to significantly increase the number or duration of closures for maintenance.
- 5.9.160 Pulling these matters together we find that the Proposed Development would result in the loss of agricultural land, both permanently and temporarily and the degradation of land, reducing its agricultural versatility. However, the land is not BMV and is confined to ALC Grade 4.
- 5.9.161 We find no evidence that the Proposed Development would adversely affect the soils or ground conditions of any Protected Site.

- 5.9.162 Risk of the spread of pollution with risk of harm to human receptors and groundwater and risk of harm to property would be addressed to our satisfaction through the relevant provisions within the rDCO (Appendix D).
- 5.9.163 We find no evidence of any material conflict between the Proposed Development and local plan policies on soils, or ground conditions. Nor do we have reason to doubt that the consideration of baseline conditions, study area, baseline assessments, groundwater models, identification of receptors or assessment methodology is appropriate for the purposes of the assessment and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to soils and ground conditions.
- 5.9.164 We find that the requirements of paragraphs 4.48 to 4.50, 5.25, 5.29, 5.118, 5.168, 5.169 and 5.176 of the NPSNN have been satisfied.
- 5.9.165 The requirements of NPPF paragraphs 174, 183 and 184 are also satisfied.
- 5.9.166 We find that the loss and degradation of agricultural land counts against the making of the DCO, but this impact is slight adverse. The development would also provide slight environmental benefit through the exposure of the underlying geology in the cutting to the east of the Mottram Underpass, which would provide educational and scenic opportunities.
- 5.9.167 Beneficial effects in relation to the reduction in risk of flooding at Woolley Bridge are addressed in Section 5.10. Otherwise, we find that matters in relation to soils and ground conditions do not count significantly for or against the DCO being made.

Conclusions on material assets and waste

- 5.9.168 The baseline requirements for material assets and waste were estimated using such information as Bills of Quantities. From the evidence before us we are satisfied that such quantities of materials were estimated appropriately and could be sourced locally.
- 5.9.169 We considered the outline versions of the SRP, SWMP, MMP and the Design Approach Document. At this stage they are high-level documents. Nonetheless they set out the principle of achieving sustainable use of material resources and through operational and design processes. By securing these, together with the requirement for them to be updated through Requirement 4 of the rDCO (Appendix D) and EMP and through the requirements of the REAC, we are satisfied that material resources would be managed appropriately, and quantities needed from primary resources use of materials would be minimised throughout the life of the Proposed Development to ensure both supply and use is reasonably sustainable.
- 5.9.170 Similarly, the outline SRP, MMP and the Design Approach Document provide us with acceptable levels of certainty that the 30% regional recycled content target for materials is realistic and achievable and note the intent of the appointed Principal Contractor to exceed this.
- 5.9.171 We are content that appropriate measures are secured in the outline SRP, SWMP, MMP and the Design Approach Document to ensure that soils and

aggregates won on-site would be stored, handled, and processed appropriately to provide reasonable degrees of certainty for their re-use to construct the Proposed Development and minimise the need for soils and materials to be imported to, or exported from, the works. This provides reassurance that the targets for 99% re-use of excavated soil are realistic and achievable.

- 5.9.172 We explored the availability of the local waste infrastructure to accommodate the demand that would be placed on it by the Proposed Development. While DCC have advised that there is little local capacity within their area for the treatment of waste or landfill, the information supplied by the Applicant and TMBC satisfy us that the local waste infrastructure would not be overloaded. We are satisfied that there is likely to be enough capacity within TMBC resources to deal with contaminated waste encountered during the construction phase.
- 5.9.173 From the above we conclude that the Applicant has set out arrangements for managing waste produced by the Proposed Development such that the requirements of paragraphs 5.40, 5.42, 5.43 of the NPSNN are satisfied.
- 5.9.174 There is no evidence before us to demonstrate that the Proposed Development would sterilise any MSAs and thus the requirements of NPPF paragraph 212 are satisfied.
- 5.9.175 The Applicant screened out of assessment operation phase effects of the Proposed Development on material assets and waste in accordance with Section 3.2 of DMRB 110. We agree that the requirement for materials and potential for the generation of waste would reduce significantly during the Operational Phase as it relates to maintenance activities only.
- 5.9.176 Drawing these matters together we find that the Proposed Development would make demands on material assets and waste management infrastructure which are a finite resource. However, the embedded mitigation proposed would significantly reduce those demands until the level of harm is slight adverse.
- 5.9.177 Based on the above, we are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects in respect to material assets and waste have been identified and appropriate mitigation provided.
- 5.9.178 Whilst negative residual impacts would occur, which are the demand on finite material assets needed for the construction of the Proposed Development and the generation of waste during the construction of the Proposed Development, these are slight adverse impacts and do not count significantly for or against the DCO being made.

5.10 THE WATER ENVIRONMENT

Introduction

- 5.10.1 This section considers the effects of the Proposed Development on the water environment including drainage, water quality and pollution, flood risk, and the WFD. The effect of the Proposed Development on water-based biodiversity and nature conservation interests is covered in Section 5.11. In Section 3.3 we concluded that the Proposed Development would not materially affect the coastal or marine environments.

Policy context

- 5.10.2 The NPSNN recognises that the planning and pollution control systems are separate but complementary (paragraph 4.49) and the decisions taken under the PA2008 should not duplicate those made under the pollution control regime. We and the SoST should work on the assumption that the relevant pollution control regime would be properly applied and enforced (paragraph 4.50). A similar approach should be taken in respect of land drainage and flood defence controls (paragraph 4.51).

Water quality policy

- 5.10.3 Paragraph 5.222 of the NPSNN advises that, where feasible, projects should take opportunities to improve the quality of existing discharges where these are identified and shown to contribute towards WFD commitments.
- 5.10.4 Paragraph 5.223 sets out the requirements for ESs in relation to water quality. These include describing the existing quality of waters affected and the impacts of the Proposed Development on water resources. Any impacts on water bodies or protected areas under the WFD and SPZs around potable groundwater abstractions and any cumulative effects should also be described. Regard should also be had to River Basin Management Plans (RBMPs) (paragraph 5.226).
- 5.10.5 We and the SoST should consider proposals to mitigate adverse effects on the water environment and whether appropriate requirements should be attached to any development consent and/or planning obligations (paragraph 5.227). The Proposed Development should also *“adhere to any National Standards for sustainable drainage systems (SuDS). The National SuDS Standards will introduce a hierarchical approach to drainage design that promotes the most sustainable approach but recognises feasibility, and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints”* (paragraph 5.230).

Flood risk policy

- 5.10.6 Paragraph 5.91 of the NPSNN advises that the NPPF *“makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere”*. It goes on to note that the supporting guidance explains that *“essential transport infrastructure (including mass evacuation routes),*

which has to cross the area at risk, is permissible in areas of high flood risk, subject to the requirements of the Exception Test.”

- 5.10.7 Paragraph 5.92 of the NPSNN requires Flood Risk Assessments (FRA) to be submitted with applications in Flood Zones (FZs) 2 and 3 as well as in FZ1 in certain circumstances, including projects of one hectare or more.
- 5.10.8 FRAs should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks would be managed, taking climate change into account (paragraph 5.93). Where flood risk is a factor, the SoST should be satisfied that the application is supported by an appropriate FRA and that the Sequential Test and, if required, the Exception Test have been applied. Paragraphs 5.105 to 5.109 explain the operation of the Sequential and Exception tests. The application of the tests is set out in greater detail in the NPPG. Paragraph 5.100 of the NPSNN advises that, for construction work which has drainage implications, approval for the project’s drainage system will form part of any development consent issued. The SoST will need to be satisfied that the Proposed Development complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. Furthermore, the DCO would need to make provision for the adoption and maintenance of any SuDS by the most appropriate body.
- 5.10.9 Paragraph 5.98 of the NPSNN requires that the SoST should satisfy himself, where relevant, that where flood risk is a factor in determining an application for development consent:
- the application is supported by an appropriate FRA; and
 - the Sequential Test has been applied as part of site selection and, if required, the Exception Test, as set out in the NPPF.
- 5.10.10 Further, paragraph 5.99 requires that when determining an application, the Secretary of State should be satisfied that flood risk would not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a flood risk assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:
- within the site, the most vulnerable development is in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and priority is given to the use of sustainable drainage systems.
- 5.10.11 Paragraph 5.102 of the NPSNN states that reasonable steps should be taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others. However, the nature of linear infrastructure means that there will be cases where upgrades are made to existing infrastructure in an area at risk of flooding. Paragraph 5.104 goes on to advise that reasonable

mitigation measures should be made to ensure that the infrastructure remains functional in the event of predicted flooding.

- 5.10.12 The management of flood risk may include the use of SuDS but could also include vegetation to help to slow runoff, hold back peak flows and make landscapes more able to absorb the impact of severe weather events (paragraph 5.110). SuDS can cover a range of techniques and features (paragraph 5.111).
- 5.10.13 Paragraph 5.113 of the NPSNN advises that the proposed surface water drainage arrangements should ensure that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the Proposed Development unless specific off-site arrangements are made and result in the same net effect.
- 5.10.14 Paragraph 169 of the NPPF states that "*major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate*".
- 5.10.15 The Water Framework Directive (WFD) is implemented through RBMPs which set out statutory objectives for river, canal, lake, groundwater, estuarine and coastal water bodies and summarises the measures needed to achieve them. The Proposed Development lies within the area covered by the North West RBMP.
- 5.10.16 Policies MW12, U3 and U4 of the TUDP (2004) relate to the water environment:
- MW12: Control of Pollution seeks to prevent development that would be likely to be a source of pollution or a generator of waste which would pose a threat to the amenity of the surrounding area, lead to contamination of land, or adversely affect the quality of rivers, other watercourses, lakes, ponds or groundwater and their role for fishing, nature conservation and informal recreation;
 - U3: Water Services for Developments encourages and promotes the use of SuDS as a means of controlling runoff, managing water resources, minimising diffuse pollution, reducing environmental damage, and providing an opportunity for imaginative landscaping. The Policy also seeks to secure satisfactory arrangements for the ongoing maintenance of the structures involved; and
 - U4: Flood Prevention sets out TMBC's approach to the assessment of possible flooding, which is risk-based, taking into account the Environment Agency's most recent Indicative Flood Plain Maps and any other relevant sources of information.
- 5.10.17 TMBC's adopted the Sustainable Design and Construction Guide as a SPD (2005). It sets out the Council's aims to working with the development and construction industry to deliver:
- development processes that work with local communities to deliver economic, environmental, and social benefits now and for the future;

- design approaches that provide healthy living and working environments, where businesses can be competitive and where all can enjoy a rich and rewarding quality of life; and
- construction practices that maximise the use of services from local businesses and the use of locally sourced materials while at the same time minimising adverse impacts on existing communities and the environment.

5.10.18 With regard the water environment the following checks are included within the SPD:

- Section 4.2 seeks to ensure that new developments are resilient to climate change impacts such as intense rainfall, flooding etc.;
- Section 4.4 seeks to ensure that impacts from diffuse pollution are reduced through the use of good design of buildings, drains and hard surfacing (including roads) and seeks the provision of SuDS together with good management of materials and practices on site to minimise risk from the accidental spillage of polluting substances;
- Section 8.3 seeks to manage risk from current or future climate change impacts and extreme weather events (including flash flooding, slow onset flooding, fluvial flooding and groundwater rise flooding) and avoid increase in climate change related risks in the locality;
- Section 8.4 seeks to ensure the incorporation of features that increase resilience / adaptability to flood risk in development design; and
- Section 8.6 seeks to ensure that opportunities are taken to avoid the creation of new culverts and open old ones and incorporate SuDS within the design solution to manage runoff and reduce flood risk and incorporate features to reduce water pollution and prevent contamination of rainwater runoff.

5.10.19 Policies EQ10 and EQ11 within the HPBC Local Plan (2016) apply to the water environment:

- Policy EQ10 – Pollution control and unstable land seeks to prevent any proposal that has an adverse effect on a European site or the pollution of watercourses or groundwater whilst ensuring that all new developments have regard to the actions and objectives of the North West River Basin Management Plan: and
- Policy EQ11 – Flood risk management seeks to ensure that development proposals avoid areas of current or future flood risk, and do not increase the risk of flooding elsewhere, having regard to all relevant Catchment Flood Management Plans and the Local Flood Risk Management Strategy. Developments within areas at risk from flooding, as defined by the Environment Agency would need to undertake testing as per the NPPF. The Policy requires that development proposals should consider opportunities to contribute towards the objectives of the relevant Catchment Flood Management Plan. It requires that, where a watercourse is present on a development site, it should be retained or restored into a natural state and enhanced where possible. The Policy seeks to avoid the culverting of any watercourse, remove existing

culverts, and increase on-site flood storage wherever possible. It further requires that development should be laid out to enable maintenance of the watercourse. The Policy also expects the use of SuDS to be used to contribute towards wider sustainability considerations, including amenity, recreation, conservation of biodiversity and landscape character, making use of the role that trees, woodland and other green infrastructure can play in flood alleviation and water quality control.

The application

5.10.20 Apart from figures, the main sections of the application, as updated during the Examination, relevant to the water environment are:

- ES Chapter 8: Biodiversity [[APP-064](#)] updated to [[REP2-008](#)];
- ES Chapter 9: Geology and Soils [[APP-065](#)] updated to [[REP7-007](#)];
- Ground Investigation Report [[APP-187](#)];
- Supplementary Ground Investigation Report [[REP7-027](#)];
- ES Appendix 9.1: Preliminary Sources Study Report [[APP-171](#)];
- ES Chapter 13; Road Drainage and Water Environment [[APP-069](#)] updated to [[REP7-009](#)];
- ES Appendix 13.1: Water Environment Data and Assessments [[APP-178](#)];
- ES Appendix 13.2 Hydrogeology Risk Assessment [[REP3-025](#)];
- WFD Assessment Compliance Assessment Report [[APP-055](#)] updated to [[REP3-004](#)];
- Drainage Design Strategy Report [[APP-188](#)]
- Culvert and Drainage Plans [[APP-017](#)] updated to [[REP1-008](#)];
- Flood Risk Assessment (FRA) [[APP-056](#)] updated to [[REP10-002](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)], and including an Outline Soil Resource Plan, an Outline Construction Water Management Plan, an Outline Materials Management Plan, an Outline Dewatering Plan, a Design Approach Document ([[REP7-029](#)] updated to [[REP12-021](#)]) and Emergency Procedures and Record of Any Environmental Incidents; and
- REAC [[APP-184](#)] updated to [[REP11-005](#)].

Study area, baseline conditions and overall methodology

5.10.21 A desktop study and site survey were undertaken to establish the nature and extent of potential receptors. A Zone of Influence (ZOI) was used to inform the extent of study area. It includes the DCO boundary and takes into consideration all water features and associated flood plain. These, together with the WFD water bodies, are shown in Figure 13.3 [[APP-148](#)].

The Applicant selected a 1km buffer around the DCO boundary because its professional judgement and understanding of the local watercourse connectivity considered that any significant effects would be unlikely to be identified beyond this point due to, for example, dilution of pollutants.

- 5.10.22 Information for the baseline conditions was collected from a detailed desk-based study, a site visit and consultation with relevant stakeholders.
- 5.10.23 The study area was found to contain six WFD water bodies, comprising five river water bodies and one groundwater body. This covers 36 surface watercourses of which four are WFD reportable watercourses, as shown in ES Chapter 13 [[REP7-009](#) Table 13-8] and presented in Figure 13.3 [[APP-148](#)]. ES Chapter 13 [[REP7-009](#) Table 13-9] presents the status of the WFD waterbodies as at 2019. Reportable WFD watercourses are assessed under the WFD and assigned a WFD status. Non-reportable watercourses that drain into reportable WFD watercourses are not assessed but are assigned a WFD status as part of the WFD water body catchment. It is therefore necessary that consideration should be given to their impact upon the status of the wider WFD water body.
- 5.10.24 The Applicant used a range of desk-based sources of information to inform the assessment. These are listed in of ES Chapter 13 [[REP7-009](#) paragraph 13.3.5]. As these are all live websites it has been assumed that data presented here was current at the time of writing/when accessed.
- 5.10.25 The 2019 River Etherow Model (Flood Modeller Tuflow linked model) flood risk model was provided by the EA and used to inform the FRA.
- 5.10.26 The data sources listed in ES Chapter 13 [[REP7-009](#) paragraph 13.3.5] have been used to identify water environment receptors assessed, including surface watercourses and groundwater bodies. Many of the identified surface watercourses are unnamed on OS mapping, such that all identified watercourses within the Study Area were assigned a unique identifier code for ease of reference and consistency across chapters and assessments. The numbering system is explained in ES Chapter 13 [[REP7-009](#) paragraph 13.3.9 and Insert 13-1].
- 5.10.27 Hydromorphological walkovers were undertaken on 10th and 16th September 2020 to assess bed and bank characteristics (materials, forms and features), flow conditions and fluvial processes. Where it was not possible to undertake field surveys due to access restrictions, watercourses were characterised using readily available information.
- 5.10.28 A flood risk walkover was undertaken on 22nd September 2020 to assess bed and bank characteristics, identify flood mechanisms and vulnerable receptors.
- 5.10.29 The method of assessment and reporting of significant effects was predominantly qualitative, based on the methodology set out in ES Chapter 4 [[REP2-005](#)].
- 5.10.30 The assessment was undertaken for both construction and operational phases and involved the categorisation of importance (sensitivity) of receptor, the categorisation of magnitude of the impact and an assessment

of the significance of the effect based on the importance of the receptor and magnitude of the impact.

- 5.10.31 The assessment considered the following water environment technical areas:
- water quality (changes to watercourse chemistry and condition);
 - flood risk (changes to risk from flooding);
 - hydromorphology (changes to physical characteristics and functioning of watercourses); and
 - groundwater (changes to groundwater quality and quantity).
- 5.10.32 The likely significant effects associated with the Proposed Development on identified receptors are assessed for each technical area. An overall assessment was based on the water environment technical area with the most adverse significant effect resulting from construction and operational activity. This approach aims to highlight the impact on the water receptor as a whole rather than from one technical area.
- 5.10.33 To inform the process three associated standalone assessments were prepared and submitted. These were the HEWRAT Assessment (set out in ES Appendix 13.1 Water Environment data) [[APP-178](#)], the FRA (Level 3) [[REP10-002](#)] and a WFD Compliance Assessment [[REP3-004](#)].
- 5.10.34 The Applicant submitted a River Etherow Technical Note [[REP9-030](#)].
- 5.10.35 ES Chapter 9 [[REP7-007](#)] and ES Chapter 8 [[REP2-008](#)] were also used to inform the assessment within ES Chapter 13 [[REP7-009](#)].

Highways England Water Risk Assessment Tool (HEWRAT)

- 5.10.36 To assess the potential for likely significant effect on surface water quality from routine runoff, a simple assessment was undertaken using the HEWRAT to determine whether the risk to surface and ground water quality from soluble pollutants and chronic impacts from sediment released pollutants is acceptable.
- 5.10.37 Where the initial assessment has shown a potential for the risk to be not acceptable for annual average concentrations of soluble pollutants, and proportionate mitigation cannot be readily incorporated, a detailed assessment was carried out using the United Kingdom Technical Advisory Group (UKTAG) zone of Rivers and Lakes Metal Bioavailability Assessment Tool (M-BAT). The HEWRAT was also used to perform the surface water spillage assessment and determine whether the risk of a serious pollution incident occurring was acceptable.
- 5.10.38 Groundwater quality and routine runoff, and groundwater spillage assessments have also been undertaken under certain flow conditions as detailed in ES Appendix 13.1 [[APP-178](#)].

Water Framework Directive (WFD) Assessment

5.10.39 A detailed WFD compliance assessment [[REP3-004](#)] has been provided as a separate document with this DCO application. The overall aim of the WFD compliance assessment is to identify and assess potential impacts of the Proposed Development upon the water environment, and to determine if the Proposed Development is compliant with WFD legislation. Where appropriate, this WFD assessment has also identified mitigation measures (both included into the design as embedded mitigation and site-specific) to ensure no deterioration to any WFD surface water body or groundwater body.

5.10.40 The WFD assessment follows guidance produced by The Planning Inspectorate (PINS) in [Advice Note 18 on the Water Framework Directive](#).

Flood Risk Assessment

5.10.41 The Applicant submitted an FRA [[REP10-002](#)]. The overall aim of the FRA is to understand flood risk to and from the proposed development and the management of flood risk through mitigation if required.

5.10.42 The assessment considered receptors for flood risk and includes the Proposed Development and committed developments (i.e. cumulative assessment) within the study area. Receptor vulnerability is classified in accordance with NPPF and flood risk and coastal change NPPG. The FRA also considers impacts of climate change, as set out in the NPPF, using a sensitivity analysis undertaken in agreement with the EA based on Met Office United Kingdom Climate Projections (UKCP) 18 climate change projections. ES Chapter 13 [[APP-069](#)], as submitted with the application, describes that EA climate change allowances were applied for peak river flow based on the Mersey catchment, comprising 35% for the central band and 70% for the upper band, with a sensitivity run utilising the H++ scenario. It is stated in the Consultation Report [[APP-026](#)] that the July 2020 EA's allowances were used following pre-application discussion and agreement with the EA.

5.10.43 Receptors considered in this assessment include the Proposed Development and areas at risk of flooding. In this regard, the receptors are each watercourse and their floodplains; and each surface water flood route, both of which may hold developments and assets of various type.

5.10.44 The assessment makes consideration of the vulnerability of the receptor with reference to the flood risk category, which is categorised by assessing the design elements of the Proposed Development. This assessment aims to identify whether the Proposed Development has any potential to influence or alter the risk of flooding to each receptor.

5.10.45 The appraisal of flood risk impacts associated with the Proposed Development considered:

- increases in upstream water level caused by any restriction in flow;
- loss of floodplain storage due to infrastructure occupying areas which were previously available for flood storage or flows;

- loss of floodplain conveyance due to infrastructure crossing existing floodplain and forming a barrier to flow or modifying existing hydraulic links between channel and floodplain;
- impediment of water flow caused by infrastructure crossing existing drainage channels, causing potential blockage, and altering local catchment area boundaries;
- the diversion of watercourses and drains causing changes in catchment boundaries, channel flow capacities and floodplain storage;
- the surface water drainage strategy;
- the need for the Proposed Development to remain operational and safe for users during times of flood; and
- the effect of below ground structures on groundwater flow and groundwater flood risk.

5.10.46 A high-level review of the risk of flooding and potential impacts was undertaken across all flood sources. Where this review indicated potential significant impacts on the risk of flooding, or a risk of flooding to the Proposed Development, further investigation in the form of hydraulic modelling was undertaken during the development of the FRA.

Potential Impacts

5.10.47 Potential impacts considered during the construction phase included effects from cuttings and structures affecting river and groundwater flow, dewatering due to construction operations, river realignments and channel loss, changes to flood storage and defence and changes to discharge volumes and quality.

5.10.48 During the operational phase potential impacts, including those due to the introduction of new cuttings and structures, river realignment or channel loss, changes to flood storage and defences and discharge volumes and quality, were considered.

Design, mitigation and enhancement

5.10.49 Mitigation measures are embedded mitigation and use of best practice. These would be secured through Requirements 4, 6, 8 and 9 of the rDCO (Appendix D), the EMP1 [[REP12-007](#)], REAC [[REP11-005](#)], FRA [[REP10-002](#)] and the Drainage Design Strategy [[APP-188](#)]. The EMP and REAC would be updated throughout the life of the Proposed Development and so would remain relevant.

5.10.50 EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)] contain a number of permitting and consenting requirements, including Flood Risk Activity Permits (FRAPs) for work in or near the River Etherow. The Applicant would apply to the EA for these.

5.10.51 Where works have the potential to impede flow in ordinary watercourses, Ordinary Watercourse Consents would be sought from TMBC.

5.10.52 No enhancement opportunities were identified.

Significant effects

5.10.53 No significant effects were identified with the mitigation measures in place.

Factual issues considered during the Examination

5.10.54 The water environment issues considered during the Examination included:

- baseline information;
- drainage strategy;
- the WFD and effects on water quality, dewatering and water supply;
- flood risk and the Sequential and Exception Tests;
- use of SuDS; and
- maintenance arrangements.

Baseline information

5.10.55 The EA [[REP2-074](#)] expressed concerns regarding the lack of information in the GIR identifying, amongst other things, the lack of a Hydrogeological Risk Assessment.

5.10.56 We [[PD-009](#) question 11.3] sought information as to how gaps in the baseline data for water quality identified within ES Chapter 13 [[APP-069](#)] had been addressed. The Applicant [[REP2-021](#)] explained that it had used EA routine monitoring data, which it considered suitable for use to determine baseline water quality conditions and undertake the relevant assessments.

5.10.57 The Applicant directed the EA to information previously supplied with the application submission and subsequently met with the EA, seeking to address their concerns. A Hydrogeology Risk assessment was subsequently issued [[REP3-025](#)], forming ES Appendix 13.2 [[REP3-025](#)].

5.10.58 The EA's [[REP4-019](#)] concerns particularly related to the effects of the Proposed Development on groundwater, as it considered that the dewatering of the below ground level structures, such as underpasses and cuttings, in some locations could artificially dewater natural aquifer bodies which are known to provide sole supplies of water, from abstraction boreholes, to several private dwellings. Additional concerns were expressed by the EA regarding the study area for effects on groundwater, as it considered that there was potential for further-reaching effects due to connectivity of sub-surface water bodies. The EA also had concerns that the natural chemical conditions of the groundwater bodies may adversely impact the surface water network if the drainage / dewatering liquid were to enter them. The EA stated the need for additional information in order for a technical assessment to be completed.

5.10.59 The EA [[REP4-019](#)] also expressed concerns that the FRA had not been updated to reflect the latest climate change allowances for peak river flow published by the EA in July 2021. The EA suggested that the river modelling for the River Etherow, which informs the risk assessment for the River

Etherow bridge and associated flood plain compensation area, should be reviewed in line with the revised guidance for the Upper Mersey management catchment.

- 5.10.60 The Applicant [[REP4-005](#)] responded, confirming that it had not updated the FRA to take into account the later peak river flow climate allowances, but had carried out a sensitivity test and would incorporate the changes in Stage 5 Detailed Design.
- 5.10.61 We [[PD-012](#) questions 11.5 and 11.6] sought to establish whether the Applicant's approach was acceptable to the EA and the Lead Local Flood Authorities (LLFA), whether the Applicant and EA could resolve the matter through discussion during the Examination, and if not, what approach we should take in regard to flooding. The LLFAs for the Proposed Development are TMBC and DCC.
- 5.10.62 The Applicant and EA had further discussions. During these discussions the Supplementary Ground Investigation Report (SGIR) [[REP7-027](#)] was published and the EMP was updated to include the Outline DWP [[REP12-007](#) Annex B.8]. The Applicant updated the FRA [[REP10-002](#)] to reflect the revised guidance for the Upper Mersey management catchment and uses the latest climate change allowances for peak river flow.
- 5.10.63 Although the EA was still reviewing the GIR [[APP-187](#)] And SGIR [[REP7-027](#)] in May 2022, it concluded that the information presented was sufficient for the assessment at DCO stage on the basis that Requirement 6 of the dDCO secured further updates and refinement of mitigation accordingly and this position is reflected in the SoCG between the EA and the Applicant [[REP12-015](#)].

Drainage strategy

- 5.10.64 The application includes a preliminary drainage design and states that the drainage design was carried out to comply with the design and climate change criteria set out in CG 501 – Design of Highway Drainage Systems, with an increased climate change percentage of 40% for the attenuation design to align with EA guidance.
- 5.10.65 In addition to the climate change allowances outlined above, additional sensitivity tests were carried out as outlined in CG 501. The existing greenfield flow rates for the drainage networks were calculated and these have been used to fix the outfall rates for the networks. The existing outfall rates were matched for all storms with a return period up to 100 years with the climate change allowance detailed above. This approach was agreed in principle with the two LLFAs (TMBC and DCC) and [[REP9-010](#), [REP9-020](#)].
- 5.10.66 The flows would be restricted using flow controls close to the outfall locations. The outfalls would be to existing watercourses and each outfall would match the greenfield flow for all storms from a one-year return period up to 100 years inclusive of climate change allowance.
- 5.10.67 DCC and HPBC [[REP2-045](#), [REP2-046](#)] identified concerns in the absence of a drainage strategy. The Applicant provided a Drainage Design Strategy Report [[APP-188](#)] and Culvert and Drainage Plans [[REP1-008](#)] with its

Application. DCC [REP8-023] confirmed that, as LLFA, it agrees with the general principles established in the Drainage Design Strategy and are pleased to see an emphasis on sustainable drainage and keeping the drainage system as natural and sustainable as possible. It expressed an aspiration that as much of the newly diverted ordinary watercourses should be open channels and not culverts.

- 5.10.68 We [PD-009 question 11.7] sought to ascertain how the Applicant would accommodate any pre-existing land drains that could be encountered during the works. The Applicant [REP2-021] explained what steps had already been taken during survey work and how these had not found any land drains. It identified a requirement of National Highways' design standards to connect any land drains severed by the works into the proposed highway drainage system, but that no allowance is normally made in the drainage design to accommodate these as they usually have a very large time of concentration so any peak flows would not be likely to be coincident with peak surface run off from the impermeable highway and flows can thus be easily accommodated within the highway drainage system.
- 5.10.69 Sharon Jones [REP1-052] said that the area through which the Proposed Development would run possesses a lot of natural springs and that her field, which is next to the DCO boundary is often waterlogged. She expresses concerns that the increased impermeable area created by the road would cause more flooding. The Applicant [REP2-022] confirms that the Drainage Design Strategy Report [APP-188] acknowledges that there are a substantial number of mapped springs which suggest that the groundwater level is high in many areas and confirms that they have been taken into consideration as part of the overall design.
- 5.10.70 Warner E Bower [REP4-028] requested that a stream on land to be temporarily acquired and returned be completely culverted to use less ground, and reduce future maintenance. He also requests that open water courses are replaced by gravel filled trenches to reduce land-take and reduce future maintenance and the spread of weeds onto his retained land. He pointed out the need for attenuation of surface water runoff from the whole of the diverted section of Carr House Lane in the underpass area before it enters Carr Brook and questions the ability of the culvert under Carr House Lane in the vicinity of the new underpass to cope with runoff. He identifies the location where several field drains serving his land issue and expresses the concern that these outfalls should not be interfered with during or after construction of the Proposed Development. He also questioned whether he would be able to connect existing and new field drains into the new drainage infrastructure.
- 5.10.71 The Applicant [REP5-022, REP6-017] explained their approach to drainage design in regard to the choice of open drains, culverts or other forms of drain. It states that it designed the proposed drainage system to give priority to the retention and provision of open channels in accordance with culvert design principles advocated by the Environment Agency and the LLFA, whereby priority should be given to retaining open channels for purposes including flood defence and environmental benefits. It identifies that installation of culverts should only be considered where alternative

options have been thoroughly explored and considered infeasible. Support for this approach was voiced by DCC [REP8-023] in their role as LLFA.

- 5.10.72 The Applicant [REP5-022] confirms that Tara Brook, in the vicinity of Carr House Lane is not an ecologically and morphologically diverse river but nevertheless it considers that the watercourse offers valuable aquatic habitat at this scale and is an important contributor to the wider catchment. It explains that the open channel design was adjusted to minimise the extent of land required for the realignment whilst providing sufficient space for the channel to thrive and that the watercourse would be designed to be self-sustaining (e.g. two-stage cross-section), such that the maintenance required should be minimal. The Applicant drew our attention to the need to monitor and maintain culverts to reduce risks of blockages. It argues that securing the realignment of Tara Brook as an open channel is an essential part of the Proposed Development's ecological mitigation, secured in the rDCO (Appendix D) through REAC [REP11-005] BD1.13, with the aim of enhancing the local watercourse system as a whole, in keeping with the principles of the WFD and BNG.
- 5.10.73 In regard to drainage of the diverted length of Carr House Lane the Applicant [REP5-022] explained their proposed design. The surface water would be collected throughout the length of the diverted access road using a linear drainage system and confirm that the flow would be attenuated prior to outfall into the existing watercourse. The Applicant states that it assessed existing flows and proposed to attenuation to ensure that flows would not be increased because of the Proposed Development. It therefore considered that existing infrastructure, such as the existing culvert under Carr House Lane has been considered appropriately and would not be surcharged by the Proposed Development.
- 5.10.74 The Applicant [REP5-022] confirms that any works would be undertaken in liaison with the landowner and with consideration of the existing infrastructure to ensure it is not interfered with. It also confirmed that any existing field drainage severed by the construction of the Proposed Development would be connected into the proposed highway drainage system in accordance with National Highways standards. However, it points out that TMBC are LLFA with responsibility for watercourses and drainage in the vicinity of Warner E Bower's property. Any future requirement for connection of new land drains into the drainage system would, therefore, need to be discussed with TMBC.

The WFD and effects on water quality and groundwater levels

- 5.10.75 The ZOI identified several watercourses and an aquifer as being physically impacted by the Proposed Development or in direct hydraulic connectivity with it. The Applicant submitted a WFD compliance assessment [REP3-004]. It concluded that the Proposed Development, with mitigation and subject to the existing permitting system, would be WFD compliant.
- 5.10.76 We [PD-009 question 11.6] sought confirmation from the EA whether it agreed with the Applicant's conclusions and whether any pollution resultant from the Proposed Development could be controlled through the existing permit and licencing systems.

5.10.77 The EA [REP2-052], indicated that it was satisfied with the WFD assessment in term of Biodiversity, and in their SoCG with the Applicant [REP12-023 Reference number 10.1.2.10] express the view that actions secured through the REAC [REP11-005] and EMP1 [REP12-007] would provide a net positive change in the riparian environment, and that it would be seeking to control pollution through the Environmental Permitting Regulations (2016).

Construction phase

5.10.78 As identified above, in Section 5.9 there is a risk of contaminant release during construction which could find its way into watercourses or groundwater bodies. There is, further, risk that activity during the construction phase would reduce groundwater levels.

5.10.79 The Applicant proposes mitigation for these effects, embedded within the Proposed Development through EMP1 [REP12-007], its associated Management Plans and the REAC [REP11-005], all required by the rDCO (Appendix D). Of particular relevance to this matter are the CWMP, SWMP, MMP, Pollution Prevention Plan, Emergency Spillage Response Plan and DWP, and through good design, including the continued gathering of data to inform the design process. Together these would control how the proposed construction works would be carried out and materials and waste managed so that the risk of release of contaminants, or provision of pathways to receptors, would be controlled; and appropriate actions to be taken in the event of release of contaminants.

5.10.80 We [PD-009 question 11.12] sought confirmation that potential releases of pollution could be adequately regulated under the pollution control framework and that there was no foreseeable impediment to the issue of any relevant operational pollution control permits. The EA [REP2-052], TMBC [REP8-027] and DCC [REP2-051], who are the relevant authorities with such responsibilities, confirmed that they were satisfied that such releases could be adequately controlled and that there were no circumstances currently foreseeable why such permits would not be granted. We further queried whether, in combination with other current sources of pollution, the cumulative effects with the Proposed Development would make it unacceptable. TMBC and DCC confirmed that, in their view, it would not. The EA [REP6-039] stated its intent to address concerns regarding the release of pollutants, including groundwater released during construction operations, through the existing regulatory permit system under the Environmental Permitting Regulations 2016, identifying specifically, potential impacts from Carr House Land Landfill, and the need for further information to be gathered for the updating if the Hydrogeological Risk Assessment and coordination of the Applicant's approach with current land contamination risk guidance.

5.10.81 The EA raised concerns regarding level of detail and technical content that references the Hydrogeology Risk Assessment [REP3-025] provided within the Outline Dewatering Plan within EMP1 [REP12-007], which they regarded as a critical part of ensuring no adverse effects. It [REP6-039] suggested a DCO requirement for the submission of a Ground Water Management Plan or similar as a prior commencement requirement. In response to matters that we [EV-039] the EA and the Applicant held a series of meetings.

- 5.10.82 During these discussions the SGIR [REP7-027] was published, ES Chapter 9 [REP7-007] and ES Chapter 13 [REP7-009] amended to reflect its findings, and the EMP was updated to include the Outline Dewatering Plan (DWP) (EMP Annex B.8) [REP12-007].
- 5.10.83 To address the EA's concerns about the volume and quality of waters outfalling into the River Etherow during the construction and operational phases, and their impact of bank erosion, the Applicant submitted a River Etherow Technical Note [REP9-030]. This provides further information regarding the measures incorporated in the final design to ensure that contaminants, including particulate matter, are intercepted before discharge into the river and that bank erosion around the outfalls is minimised.
- 5.10.84 In discussions with the Applicant the EA provided detailed comments on these additional documents. However, there was insufficient time remaining in the Examination to resolve matters fully. Nevertheless the EA [REP10-014, REP11-023] was satisfied that sufficient information was available for this stage of the Proposed Development.
- 5.10.85 Section 5.9 notes that the final position of the EA [REP10-014, REP11-023] and the Applicant [REP12-023], reflected in the SoCG [REP12-015], is to address the EAs concerns at the detailed design stage. This is secured through action RD1.15 of the REAC [REP11-005] which states: "*The Hydrogeological Risk Assessment will be updated during Detailed Design, including the results of an updated water features survey, and to address technical comments from the EA following review of the version [REP3-025] submitted into the DCO examination*". This is supported by Requirement 6 of the rDCO (Appendix D), which was agreed between the two parties.

Operational phase

- 5.10.86 There would be an ongoing potential impact on water courses and groundwater from the pollution mobilised from pre-existing land uses during construction, from spillages on the road network or from maintenance and other works on the highway, including salting and gritting. Risk of changes to the level of groundwater bodies would also remain.
- 5.10.87 The Proposed Development seeks to address these issues by the mitigation embedded within the Proposed Development through the Drainage Design Strategy [APP-188], the EMP, its associated Management Plans and the REAC, as required by the rDCO (Appendix D) and through good design.
- 5.10.88 As above, the LAs and the EA were satisfied that the release of contaminant could be controlled by good design and measures within the EMP, informed by the outcome of the EIA, including its management plans and the REAC backed up by the permitting system and existing legislation. We consider the potential for the release of contaminants and to change of groundwater levels, together with the suitability of proposed mitigation, in Section 5.9.
- 5.10.89 The EA [REP6-039] indicated that, in combination with the environmental permitting system under the Environmental Permitting Regulations 2016 and Requirements measures proposed within the rDCO (Appendix D) and EMP, notably the Pollution Prevention Plan, Emergency Spillage Response Plan and Construction Water Management Plan to be secured through

Requirement 4(i) and submission of written details under Requirement 8(1). The latter requires the submission of written details of the surface and foul water drainage system sufficient to address any concerns about runoff contaminated by salt, grit, or other pollutants.

- 5.10.90 The Applicant [[REP6-017](#)] responded that particulate contamination in runoff is also covered by the HEWRAT assessment [[APP-178](#)].

Flood Risk

- 5.10.91 The FRA [[APP-056](#)] for the Proposed Development was updated [[REP10-002](#)]. The study areas for the FRA comprised Flood Zones that it considered may be affected by the Proposed Development. Existing flood risks for all flood risk sources, were assessed, together with flood risks to the Proposed Development, mitigation measures and residual flood risk. However tidal and coastal flooding were discounted due to the inland location.
- 5.10.92 The FRA was based on the methods set out in DRMB LA 113 Road drainage and the water environment and were intended to accord with the NPPF. The EA's designation of Flood Zones was adopted. This is consistent with the NPPF and defines Flood Zone 1 as low probability, Flood Zone 2 as medium probability, Flood Zone 3a as high probability and Flood Zone 3b as functional floodplain based on the annual probability that a flood event would occur. The Flood Zones in the vicinity of the Proposed Development are shown on ES Figures 13.4 [[APP-148](#)]. The FRA identifies that the River Etherow Bridge and embankment lies in the functional floodplain. This would be classified as Flood Zone 3b, with a high risk of fluvial flooding.
- 5.10.93 We [[PD-009](#) questions 11.1 and 11.2] sought further details of the parameters and assumptions on which the drainage design was based. The Applicant [[REP2-021](#)] explained their methodology and assumptions for the preliminary design of the works so that sufficient land would be secured for the watercourse realignments, culverts and other surface water features, such as ponds, located within the extent of the Proposed Development. The preliminary drainage design, as set out in the Drainage Design Strategy Report [[APP-188](#)] and River Etherow Outfall Technical Note [[REP9-030](#)] indicates that outflows into both Ordinary Watercourses, for which the LLFAs have responsibility for flood management, and Main Rivers, which are the responsibility of the EA, would be attenuated prior to discharge so that current greenfield flow rates of discharge would be maintained. The Proposed Development incorporates three storage areas, shown on ES Figure 2.4 Environmental Masterplan [[APP-074](#)], within which discharge from the affected catchments would, in times of need, be held prior to discharge into groundwater or watercourses.
- 5.10.94 The Applicant's assessment finds the construction phase impacts on flood storage would be due to construction works within the floodplain and other areas at risk of flooding. During the operational phase, the impacts would arise from increased flows due to increased runoff from the road as a result of a larger impermeable area and the loss of flood storage as a result of increased land take.
- 5.10.95 The FRA provides flood depth maps showing the depth of floodwater with and without the Proposed Development.

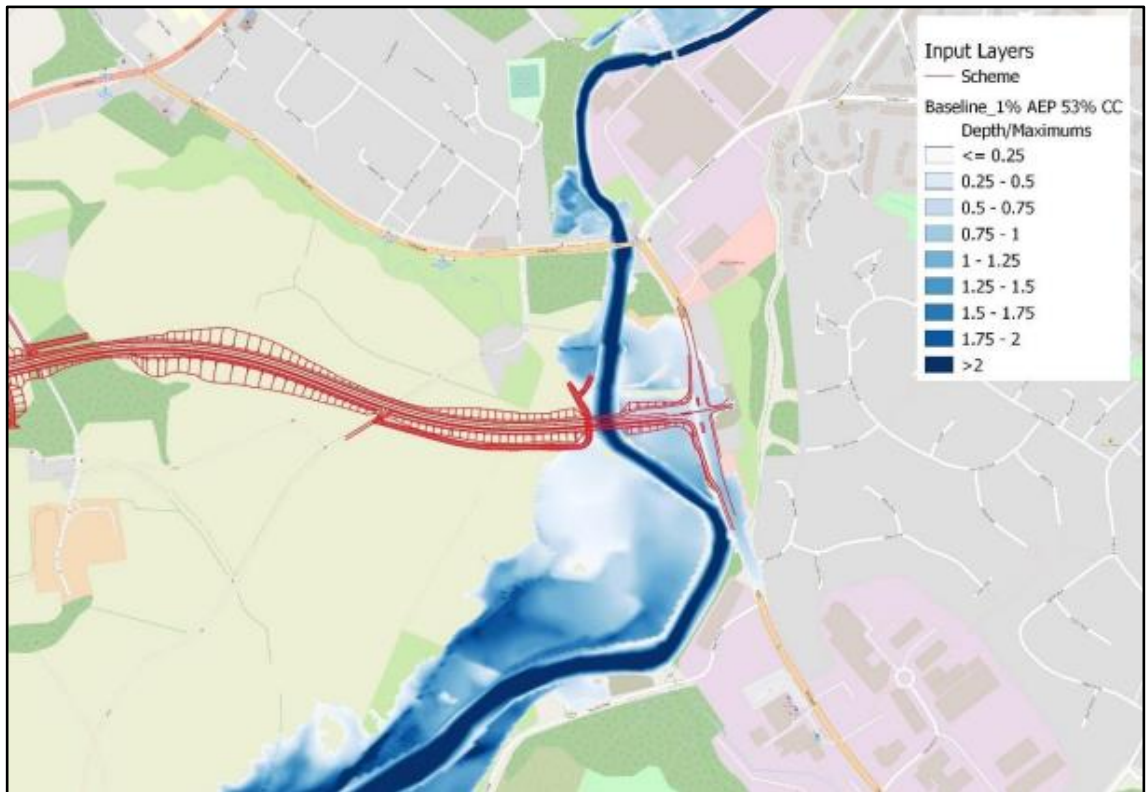


Figure 5.10.1: Baseline flood depth map in relation to the Proposed Development footprint for the 1% AEP event plus 53% climate change allowance [extract from Insert 4-4 of [REP10-002](#)]

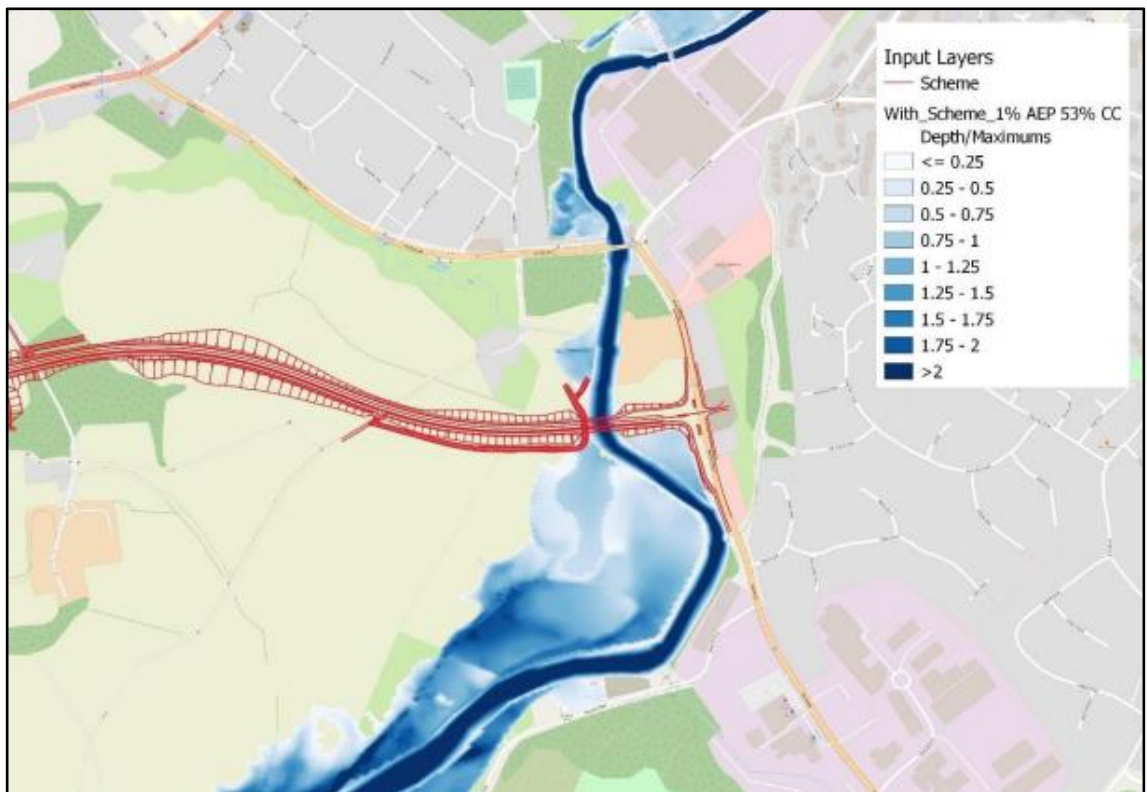


Figure 5.10.2: Post development flood depth map for the 1% event plus 53% climate change allowance [extract from Insert 4-7 of [REP10-002](#)]

- 5.10.96 The FRA concluded that the soffit level of the River Etherow Bridge would give 600mm freeboard above the 1% Annual Exceedance Probability flood level plus climate change allowance of 53%. It therefore concluded that the bridge is set high enough that it would not create an obstruction during such times of flood flow.
- 5.10.97 The EA expressed concerns regarding the FRA [[REP2-052](#), [REP2-074](#)]. These related to the use of climate change allowances, which had been revised in July 2021, and the lack of an agreed hydrographic model for the River Etherow. We sought verification as to whether the most up-to-date climate change allowances had been used in the assessment of the effects of the Proposed Development [[PD-009](#) question 11.8].
- 5.10.98 The Proposed Development would result in permanent loss of floodplain associated with the River Etherow. As such, a floodplain compensation storage area would be provided to the south of the A57 link road and west of the River Etherow. The Applicant [[REP3-021](#)] explained the basis on which it had modelled flood risk, under an understanding that the EA had agreed the use of the July 2020 allowance for peak river flow. However, in view of forthcoming changes in climate change allowances that were foreseeable at that time, the Applicant included a sensitivity test for an increase of 85% in flows, in line with the H++ allowance, when calculating the volume of the compensation area. The Applicant [[REP7-014](#)] confirmed that the proposed compensatory storage area would provide compensation for the floodplain loss, together with a significant degree of overprovision.
- 5.10.99 The FRA [[REP10-002](#)] explains that the model used for the River Etherow incorporates the defending of the left bank of the River Etherow, the reprofiling of the river at the bridge crossing, the lowering of the right bank immediately downstream of the bridge crossing, development of a preferential flow route to the compensation area and the compensation area itself. The FRA concluded that the works associated with the Proposed Development would result in reduction in maximum peak level of 260mm when compared to baseline against the 53% climate change allowance flood level, with a peak downstream reduction of approximately 150mm and thus would not increase flood risk.
- 5.10.100 The EA [[REP4-019](#), [REP4-020](#)] continued to express concerns that the revised climate change allowances had not been included in the model and recommended that the latest climate change figures for the Upper Mersey catchment are considered to ensure compensatory storage is adequate. The EA also retained concerns regarding the modelling of the River Etherow, recommending that these concerns be addressed to ensure a robust assessment of flood risk. The EA suggested that these matters would benefit from discussion at an ISH and we subsequently had that discussion at ISH3 [[EV-039](#) Item 4].
- 5.10.101 The Applicant [[REP5-022](#)] stated that the flood risk was being reviewed as part of the Proposed development's Detailed Design, and that the FRA would be updated as part of that process. It was their intent that the new climate change allowances to be incorporated into the modelling for the detailed design would be agreed with the EA through the SoCG process. It

also stated the intent to meet with the EA to discuss and progress the SoCG.

- 5.10.102 We [PD-012 questions 11.6 and 11.7] sought the views of the EA and the LLFAs to the Applicant's proposed course of action to resolve this matter. The EA [REP6-039] advised that, if the Applicant's intention is to address the issues of the flood modelling (and thus the FRA) during the detailed design stage, then, as part of the Examination, the Applicant should provide assurance to us that the development design presented is feasible and there is confidence that it would remain feasible once the latest climate change guidance is factored i.e. that the compensatory flood plain storage currently proposed would be sufficient. It considered that, if there is confidence from the Applicant that the latest climate change allowances can be accommodated in the design without impact elsewhere (off-site), then a conditional approach for the remaining issues to be addressed as part of an updated FRA should be considered. The EA identified the need for details on discharge rates to receptors and required attenuation volumes / SuDS features necessary to ensure risk is not increased in the receptors. The Applicant [REP9-030] later provided a River Etherow Outfall Technical Note to address these concerns.
- 5.10.103 TMBC [REP6-037] deferred to the EA, and told us that it was still awaiting an update from the Applicant and gave details of outstanding issues. It found the Applicant's approach acceptable. DCC [REP6-026] said that it was satisfied with the Applicant's position that this matter could be dealt with at the detailed design stage.
- 5.10.104 This was discussed further at ISH3 [EV-039]. During the Hearing we sought to understand whether there was a way forward on this issue, and how practicable the use of a Requirement within the DCO would be. During the Hearing we sought to establish what progress to agreement had been made, and what plans were in place to resolve outstanding areas of concern between the Applicant, the EA and LLFAs.
- 5.10.105 Subsequently the Applicant published its SGIR [REP7-027] and amended ES Chapter 9 [REP7-007] and ES Chapter 13 [REP7-009] to reflect its findings.
- 5.10.106 Prior to ISH3, the EA [REP6-039 question 11.6] suggested a way forward. The Applicant [REP7-014] stated that, with regards to the adequacy of the flood compensation storage area provided by the Proposed Development, the proposed works would displace approximately 1600m³ of flood storage as a result of footprint of the embankment, while the compensatory flood provision would provide 6200m³ of flood storage. The Applicant told us that this was checked against the EA's July 2021 peak river flow climate change allowances for the Upper Mersey Catchment and the modelling indicates that this provides sufficient compensatory storage to mitigate against the extent of floodplain lost because of the Proposed Development.
- 5.10.107 At ISH3 we heard that discussions were ongoing between the Applicant, the EA and LLFAs. The EA [REP8-037] and the Applicant [REP8-019] confirm that discussions on the modelling of the River Etherow and the FRA are ongoing, and that together they were pursuing the conditional approach to acceptability of the FRA. TMBC [REP8-027] identified that a number of

issues remained to be resolved but considered that any remaining issues can be dealt with as part of the detailed design process. DCC [[REP8-023](#), [REP11-012](#)] are of the view that it is satisfied with the Applicant's position and that this matter can be dealt with at the detailed design stage and secured through the rDCO (Appendix D).

- 5.10.108 These discussions have continued after ISH3 and the agreed position of the EA and the Applicant is set out in their SoCG [[REP12-015](#)]. This identifies that there are several issues which require further investigation / assessment / refinement of mitigation, but this is only possible once the final design parameters are known and so these remaining issues need to be addressed through DCO requirements with consultation with EA on Requirements 4 and 9, the REAC [[REP11-005](#)], EMP1 [[REP12-007](#)] and through environmental permitting. The parties consider that the wording of Requirement 6 of dDCO and REAC is acceptable to secure updates to the Hydrogeology Risk Assessment and FRA and therefore to secure the final mitigation.
- 5.10.109 On 10th May 2022, close to the end of the Examination, the EA updated its guidance on peak rainfall allowances in 'Flood risk assessments: climate change allowances'. The peak rainfall allowances were updated to reflect the latest projections in the UK Climate Projections Local (2.2km) and subsequent research 'FUTURE-DRAINAGE: Ensemble climate change rainfall estimates for sustainable drainage'. There was no opportunity to seek the views of the Applicant or IPs during the Examination. However, it is noted that guidance on transitional arrangements was provided to LLFAs alongside the revised allowances, which indicates that the EA would base its advice on the previous allowances where planning applications are validated or well progressed to avoid delays. We are therefore of the view that, as the Examination of the Proposed Development was nearing completion at the time of publication and the EA had not indicated a requirement to revise the modelling, use of the July 2020 peak rainfall allowances is appropriate.

Construction phase

- 5.10.110 The Applicant's assessment finds the construction phase impacts on flood storage would be due to construction works within the floodplain and other areas at risk of flooding.
- 5.10.111 We consider dewatering effects during construction works, and how these are to be controlled, in Section 5.9 above. The EA expressed the view that the outline management plans including, amongst others, the Outline DWP [[REP12-007](#) Appendix B.8] are adequate for this stage, but need to be updated following completion of the Hydrology Risk Assessment. It does, however, emphasise the need to secure the updating and acceptability of Hydrology Risk assessment and the REAC and adherence to DCO compliance measures by third parties.
- 5.10.112 The Applicant confirmed that the wording of Requirement 6 of the dDCO was revised and includes the requirement for submission and approval of an updated Hydrogeology Risk Assessment and DWP prior to commencement and the RD1.15 of the REAC [[REP11-005](#)] was amended to clarify that the development must be undertaken in accordance with DWP.

- 5.10.113 CPRE PDSY [[REP5-029](#)] brought our attention to flooding over the weekend of 19 / 20 February 2022 which affected the A57 between Woolley Bridge and Melandra Road, where the Proposed Development would join the existing road network. Residents were evacuated from the area. It stated that the A57 was regularly subject to flooding in this area, which lied in Flood Risk Zone 3a.
- 5.10.114 The Applicant [[REP7-025](#)] responded that the area was identified within the FRA as an existing flood risk area and that the flood risk mitigation work presented in the FRA as part of the proposed River Etherow crossing seeks to improve this situation by means of the compensatory flood storage provision and with new and improved flood defence along the left bank, immediately upstream of the proposed River Etherow crossing.
- 5.10.115 Construction activities within the floodplain of the River Etherow have the potential to impact on flood storage and flood flows of the river. We [[PD-009](#) question 11.10] sought information as to how the effects of construction sequencing had been considered and how essential criteria of construction sequencing identified within that sequencing would be secured. The EA [[REP8-037](#)] identified similar concerns, stating that it did not feel able to secure a programme of works through the system for issuing FRAPs.
- 5.10.116 The Applicant [[REP2-021](#)] identified that the construction of the compensatory floodplain storage would be undertaken in the early stages of the ground engineering works prior to the construction of the crossing's embankments so as to ensure that the flood compensation measures are in place during the works to mitigate flood risk in this area. Primarily, their view was that sequencing enables management of risk through construction by development of the compensatory floodplain storage first to act as mitigation during the development and construction of the road embankments. It identified the intent that criteria would be assessed through both the REAC [[REP11-005](#)] Ref. RD1.20 and EMP1 [[REP12-007](#)] both of which are live documents which would be updated throughout the life of the Proposed Development.
- 5.10.117 The Applicant [[REP9-027](#)] updated Commitment RD1.1 of the REAC [[REP11-005](#)], seeking to strengthen its requirements to address this matter.
- 5.10.118 Following discussions with the Applicant the EA [[REP12-015](#) Reference Numbers 2.1.2.1 and 2.1.2.2] welcomed the recognition of the Applicant under RD1.20 of the REAC that construction activity in the vicinity of the River Etherow, including compensatory flood storage provision would require careful programming / sequencing to ensure flood risk is minimised whilst construction takes places within the River Etherow floodplain and acknowledges the commitment to provision of the compensatory storage to construction commencing in this area. Nonetheless the EA considered that, given the limitations of FRAP control we may consider it pertinent to require that this commitment is formalised as a separate further requirement within Schedule 2 of the rDCO (Appendix D) to provide greater confidence of accordance with paragraph 167 of the NPPF, unless this commitment would be accounted for elsewhere.

5.10.119 In the event of our finding that a separate requirement is needed the EA suggested a form of wording for that requirement:

"Pursuant to Requirement 4(1-2), prior to the commencement of development, a programme outlining the intended schedule and /or phasing of construction works shall be submitted to, and approved in writing by, the Secretary of State, following consultation with relevant authorities, including the Environment Agency [insert other relevant authorities]. The programme shall:

- *Demonstrate how any compensatory measures required to avoid and/or mitigate adverse environmental impacts have been factored and, where necessary, associated activities prioritised.*
- *The programme shall be fully implemented as approved. Any changes to the programme may subsequent be agreed, in writing, by the Secretary of State."*

Operational phase

5.10.120 During the operational phase, the impacts would arise from increased flows due to increased runoff from the road because of a larger impermeable area and the loss of flood storage because of increased land take. These have been considered within the FRA, which would be updated and agreed with the EA following detailed design prior to commencement of the Proposed Development, as secured by Requirement 9 of the rDCO (Appendix D).

5.10.121 SMJTS [[REP8-040](#)] identified that in recent storms, heavy rainfall caused significant flooding at the junction of the A57 with Shaw Lane at Dinting, causing traffic build-up, congestion and increased journey times, travellers taking an alternative route into Glossop via Woolley Bridge. SMJTS requested that documents submitted to the Examination be updated to reflect this. CPRE PDSY [[REP5-029](#)] brought similar concerns to our attention.

5.10.122 The Applicant [[REP7-025](#)] responded that the area was identified within the FRA as an existing flood risk area and that the flood risk mitigation work presented in the FRA as part of the Etherow crossing seeks to improve this situation by means of the compensatory flood storage provision and with new and improved flood defence along the left bank, immediately upstream of the Etherow crossing.

Sequential and Exception Tests

5.10.123 Whilst most of the route is in Flood Zone 1, part of the Order land would fall within Flood Zone 3b. The NPSNN and the NPPG therefore require the Sequential and Exception Tests to be applied. The Applicant's FRA finds that the Proposed Development amounts to 'Essential Infrastructure' for the purposes of NPPG Table 2: Flood risk vulnerability classification. Table 3 of the NPPG allows for Essential Infrastructure to be located within FZ3 if it passes the Exception Test.

5.10.124 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. In this case, the Proposed Development

comprises a new section of linear infrastructure. The Applicant [[REP8-019](#)] argued that the Proposed Development was subject to an assessment of alternatives as set out in ES Chapters 1-4 [[REP2-005](#)] and a road solution selected. Any road alignment linking Mottram Moor to Woolley Bridge would need to cross the floodplain of the River Etherow, and so no route with a lower flood risk classification was available. In addition, however, the works at the Woolley Bridge junction would include a flood compensation storage area which would be located within the River Etherow floodplain. The Applicant evaluated and undertook hydraulic modelling for this facility and consulted with the EA who now agree that the model is acceptable [[REP12-015](#)]. No other, more suitable location was identified for the floodplain storage, which must have a preferential flow route from the river to be effective. CPRE PDSY [[REP9-042](#)] argue that there are alternatives to road building.

5.10.125 The Exception Test requires it to be demonstrated that the Proposed Development provides wider sustainability benefits to the community that outweigh flood risk. An FRA must also demonstrate that the Proposed Development would be safe for its lifetime, without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The Applicant contends that, since the Proposed Development is an NSIP, and having regard to the benefits of the Proposed Development set out in the Planning Statement, it passes the first part of the Exception Test [[REP8-019](#)].

5.10.126 CPRE PDSY [[REP7-036](#) [REP9-042](#)] argue that the benefits from the Proposed Development are limited and do not apply to those most affected by the flooding.

SuDS

5.10.127 NPSNN paragraph 5.115 states that "*applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken to lower flood risk by improving flow routes, flood storage capacity and using SuDS*".

5.10.128 We [[PD-009](#) question 11.17] explored whether the Proposed Development had taken and made the most of the opportunities presented by open space within the DCO boundary.

5.10.129 The Applicant's response [[REP2-021](#)] identified features of the Proposed Development that would incorporate opportunities for wildlife and the design features to achieve this. It also identified design measures to allow access for the public. It cites opportunities taken for mitigation and compensation included within the Proposed Development design which it considers demonstrate a strong effort to take opportunities to conserve and advance biodiversity including habitat provision to encourage ecological diversity.

5.10.130 The Applicant identified that, in some locations, constraints such as the land available, the need to retain areas of open space and public safety had necessitated other solutions. The Applicant undertook to seek and incorporate further opportunities that present themselves during detailed design.

- 5.10.131 TMBC [[REP8-027](#)] and DCC [[REP2-051](#)] considered that the Applicant had taken reasonable opportunities to provide SuDS. DCC felt that it would always be possible to do more, undertaking as a LLFA to discuss this matter further with the Applicant during the Detailed Design Phase.
- 5.10.132 Paragraph 5.100 requires that the DCO would need to make provision for the adoption and maintenance of any SuDS by the most appropriate body.
- 5.10.133 At ISH3 [[EV-039](#) Agenda Item 4] we sought to verify that arrangements were in hand to ensure the future maintenance of the SuDS infrastructure. The Applicant [[REP8-019](#)] advised us that, as the River Etherow provides an intuitive boundary for drainage infrastructure and also serves as the authority boundary between TMBC and DCC it was proposing that drainage infrastructure would be adopted and maintained by TMBC to the west of the River Etherow and by DCC to the east. Discussions are ongoing to agree the maintenance boundaries and the Applicant submitted maintenance boundary proposals to TMBC for consideration. Boundary proposals would be issued to DCC as part of the ongoing detailed design process. TMBC [[REP8-027](#)] confirmed that discussions were ongoing, but that those discussions have been positive and at that time no major issues have been identified. Thus, TMBC believe a satisfactory outcome is achievable. DCC [[REP8-023](#)] were currently seeking to arrange a meeting between its LLFA Officers and the Applicant's Flood Risk Consultants to seek to agree maintenance liabilities for the drainage structures associated with the Proposed Development, however the LLFA did not see this as a fundamental concern.

Other matters

- 5.10.134 During the Examination, the Secretary of State for DEFRA issued a Written Ministerial Statement which added the administrative areas of HPBC and PPNPA to affected areas in relation to nutrient levels in relevant river basin catchments.
- 5.10.135 We raised this matter at ISH3, and asked the Applicant, NE and the LPAs to provide us their comments in writing. At the Hearing, and subsequently in writing, HPBC [[REP8-025](#)] indicated that the Proposed Development lies outside of the relevant 'nutrient neutral' area. This was confirmed by PDNPA [[REP8-026](#)]. The Applicant [[REP8-019](#)] told us that this was its understanding, too, but undertook to liaise with and respond to any further indication provided by NE. We [[PD-017](#) question 11.4] sought comments from NE who [[REP12-039](#)] confirmed that it had no issues regarding nutrient levels within the administrative areas of HPBC and PDNPA in relation to the Proposed Development due to the locality of the Proposed Development not being within the Peak District Dales SAC catchment.
- 5.10.136 Warner E Bower [[REP4-028](#)] raised concerns that the Proposed Development design, with lengths of carriageway in the vicinity of Carr House Farm bounded by false embankments, could result in accumulations of snow. The Applicant [[REP5-022](#)] responded that the proposed cross section includes 1m hard strips and a minimum of 2.5m verges on either side of the single carriageway, in addition, a 3m wide cycleway/footway with equestrian use is provided on the south side of the proposed road

where the visual screening bund is also provided. It is therefore considered that there is sufficient width within the proposed cross section to accommodate snow drifts and the clearance of snow from the carriageway.

Conclusions on the water environment

5.10.137 We have examined the Proposed Development against the policies set out in the NPSNN in our consideration of the impacts of the Proposed Development on the water environment.

5.10.138 At the start of the Examination a range of concerns were expressed by the EA, LLFAs and other IPs. However, there was a constructive dialogue between the Applicant, the EA and the LLFAs during the Examination and many of the issues were agreed to their satisfaction, subject to suitable safeguards being incorporated within the DCO, EMP1 and REAC.

Baseline information

5.10.139 During the Examination there was much discussion regarding the information provided, the climate change allowance used in the modelling and spatial extent of the study area for groundwater.

5.10.140 Subsequently the Applicant engaged in discussions with the EA and provided additional information including, amongst other things, a SGIR [REP7-027], a Hydrogeology Risk Assessment [REP3-025] and an outline DWP [REP12-007]. The Applicant also updated the climate change allowances for peak river flow in the FRA [REP10-007] and ES Chapter 13 [REP7-009].

5.10.141 We shared the EA's concerns in this regard. However, with the additional information provided, and safeguards incorporated within the rDCO (Appendix D) as considered below, we consider that a satisfactory way forward has been provided and agreed with the EA and LLFAs to address the identified shortcomings of the baseline information.

Drainage strategy

5.10.142 The Applicant provided a Drainage Design Strategy Report [APP-188] which sets out the basis of its preliminary drainage design. This matched outfall rates for the drainage network to greenfield flows using the design criteria set out in DMRB CG 501 – Design of Highway Drainage Systems. TMBC and DCC confirm that, as LLFAs, they agree with the general principles of what the Applicant are proposing in the Drainage Design Strategy and generally support this as it has an emphasis on sustainable drainage and keeping the drainage system as natural and sustainable as possible, including avoiding unnecessary culverting. This aim is delivered through RD1.7, 1.8, 1.10, 1.11 and 1.14 of the REAC.

5.10.143 Whilst there are areas where artesian springs occur, we are satisfied that the Applicant is aware of these and that they have been addressed within the Drainage Design Strategy Report and would be addressed within the detailed drainage design, which would be secured through the Requirements 4, 6, 8, 9 and 13 of the dDCO and RD1.7 and RD1.15 to

RD11.18 of the REAC. Similarly, measures are in place to address any existing land drains encountered during the works.

- 5.10.144 From the evidence before us we are satisfied that existing drainage systems would be accommodated within the overall drainage design, and that suitable arrangement would be put in place to protect their operation through RD1.7 of the REAC.

The WFD and effects on water quality and groundwater levels

- 5.10.145 The findings of the WFD compliance assessments were not disputed during the Examination. The EA have expressed the view that water quality and pollution would be adequately safeguarded by measures within the DCO, EMP1 and REAC, in combination with the Environmental Permitting Scheme. Having considered the evidence on water quality, we find that the conclusions of the assessment are reasonable and that safeguarding and mitigation measures are provided within the DCO, through Requirements 4 and 6, the outline management plans within EMP1 and the requirement that they be updated throughout the life of the Proposed Development to keep them relevant, and through the REAC, with particular reference to RD1.3 to 1.20 inclusive. Therefore, we are satisfied that the Proposed Development would not prevent achievement of good status or result in deterioration of status of the North West RBMP for the waterbodies affected by the Proposed Development.
- 5.10.146 Having regard to the quality of runoff on the wider water environment, as the Proposed Development would increase traffic flows outside of the DCO boundary, the effect of such increases was also considered. On several roads there would be increases in traffic flow that would proportionately increase the amount of particulates generated.
- 5.10.147 In built up areas, these would wash into the surface water drainage system and be dealt with through existing maintenance and treatments. In more rural areas the outwash had potential to accumulate in roadside verges or adjacent land. Whilst this is unlikely to be a significant issue generally, the significance of such accumulations in more sensitive areas, such as PDNP need more careful consideration. Poppy Simon [[REP2-083](#)] and others express concerns about the degradation of the peat as a result of traffic. We return to these matters in Section 5.11 and Chapter 6 of this report.
- 5.10.148 Overall, therefore, we consider that the Proposed Development would be unlikely to have a significant harmful effect on water quality. As such, we consider that the Proposed Development meets the requirements of paragraphs 5.222, 5.223, 5.226 and 5.227 of the NPSNN.
- 5.10.149 Nonetheless, the mitigation and other measures to control pollution and groundwater levels are only able to minimise risk to water quality, and cannot eliminate it completely, therefore a residual risk of detriment to water quality and groundwater levels would remain. We consider that the mitigation provided through the DCO and its associated documents, together with the existing legal permitting system provides practicable and proportionate safeguards. We find that the residual risk would be small. As such, we conclude that the effects of the Proposed Development on the

water environment in terms of water quality, though negative, would be unlikely to be significant.

Flood Risk and the Sequential and Exception Tests

- 5.10.150 There was considerable discussion regarding the adequacy of the FRA as submitted with the Application. The Applicant, EA and LLFAs engaged positively with each other to suggest a solution, should there be no agreement of acceptability of the river modelling and the FRA. This included the need to make provision for further investigation and assessment of the FRA once final design parameters were known, and how this would be secured within the DCO.
- 5.10.151 The EA suggested a conditional approach and the incorporation within the DCO of a requirement for consultation on Requirements 4, 6, 8 and 9 and the need to update the Detailed Design flood model and FRA under 1.21 of the REAC. There is a requirement to update the Hydrogeology Risk Assessment as part of the development of the EMP. Together these provisions would make provision for acceptance of the FRA prior to development and ensure that this is done based on the most up-to-date data.
- 5.10.152 There was general agreement between the Applicant, EA and LLFAs that this could provide a suitable safeguarding vehicle. In view of the position reached between these parties, we consider that such an approach provides a means of ensuring that mitigation of flood impacts for the Proposed Development are provided, so long as we have sufficient confidence that the scope of necessary mitigation is shown to be feasible and deliverable within the works.
- 5.10.153 Having reviewed the evidence before us, we conclude that the over-provision of volume within the compensatory floodplain storage area, and the point to which discussions between the EA and the Applicant have reached, where the modelling of the River Etherow is agreed, and only minor issues remain to be resolved between the EA and the Applicant that such a solution does provide sufficient assurance for the DCO to progress with the inclusion of such provisions. Therefore, we conclude that, the Applicant having provided revised information reflecting the peak rainfall allowances, and these being agreed to the satisfaction of the EA, the revision of the wording of Requirement 9 of the rDCO (Appendix D) is not necessary. Whilst peak river flow allowances were recently revised, the EA have advised that where schemes are well progressed, as is the case with the Proposed Development, the EA's previous advice applies and therefore the new allowances do not need to be applied.
- 5.10.154 Within the works we find that the Proposed Development would provide adequate surface water storage and attenuation capacity to ensure that the peak rate and total volume discharged from the site would not exceed the existing rates and volumes. As such, we find that the Proposed Development would meet the aims of paragraph 5.113 of the NPSNN.
- 5.10.155 We find that during the construction phase the works to construct the River Etherow bridge and embankments within the flood plain have potential to interrupt both normal and flood river flows. The Applicant amended RD1.20

of the REAC to ensure that provision of the compensatory floodplain storage area is made prior to any other works being carried out in the area, and that the programme for works is included within EMP2, which would be subject to consultation with the EA and LLFAs. Strict adherence is ensured by RD 2.1.

- 5.10.156 Nonetheless, noting the concern of the EA that the FRAP and given the existing risk of flood affecting properties on Woolley Bridge and the sensitivity of the receptors along Woolley Bridge to flooding, which have occurred recently, we consider it prudent to ensure that programming of the works is specifically included within the provisions of the rDCO (Appendix D), and so Requirement 9(3), based on the suggested wording from the EA, has been provided to ensure this.
- 5.10.157 We recognise that other parties to the Examination (especially SMJTS and CPRE PDSY) remain concerned about the impact of the Proposed Development on flood risk and point to recent incidents of flooding. Nevertheless, we have not been presented with substantive evidence to demonstrate that the Proposed Development would directly affect, or be affected by, these or similar incidents. Nor did the LLFAs express concerns in this regard. The Applicant demonstrates, through the Flood Depth maps above that the Proposed Development would have a beneficial effect on flooding on Woolley Bridge, in as much as the risk and severity of any future flooding would be reduced by the embedded mitigation provided by the compensatory floodplain storage area and improvements to flood defences on the left bank of the River Etherow. This is a benefit weighing in favour of the Proposed Development. The flood defence works are provided through adherence to RD1.19 of the REAC. This benefit would be permanent and, in view of the overall reduction in risk of the release of pollutants, damage to property and disruption to traffic we consider this to be a moderate beneficial effect of the Proposed Development that would be significant.
- 5.10.158 Consequently, with the proposed mitigation measures in place we are content that the Proposed Development would be likely to lead to a negligible increased risk of flooding. As such, the Proposed Development would accord with paragraphs 5.99, 5.102 and 5.104 of the NPSNN.

Sequential and Exception Tests

- 5.10.159 The Applicant sought to address the Sequential and Exception Tests in its submission and responses. Whilst the information submitted by the Applicant was relatively brief, neither the LLFAs nor the EA questioned its findings and we are satisfied that, overall, enough information has been provided to make the necessary assessment.
- 5.10.160 We agree that the Proposed Development amounts to Essential Infrastructure which the NPPG shows is appropriate in Flood Zone 2 and can be in Flood Zone 3 (a and b) subject to the Exception Test. NPSNN paragraph 5.98 requires that where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where relevant, the Sequential Test has been applied as part of site selection and, if required, the Exception Test as set out in the NPPF.

We also recognise the nature of Proposed Development as provision of new linear infrastructure. We are satisfied that, in linking Mottram Moor to Woolley Bridge no alternative route would be located to an area of lower flood risk. Therefore, we find that the Proposed Development meets the Sequential Test.

- 5.10.161 We are satisfied that the Applicant provided an appropriate FRA and has taken steps to update this to the satisfaction of the EA. We are further satisfied that the information accompanying the Proposed Development is sufficient to carry out the necessary Sequential and Exception test such that the requirements of paragraphs 5.91, 5.92, 5.93, and 5.99 are fulfilled.
- 5.10.162 Regarding the Exception Test and NPSNN paragraph 5.108, we are satisfied that the project would be safe for its lifetime, without increasing flood risk elsewhere. In Section 7.5 of this report, we complete the Exception Test by weighing wider sustainability benefits to the community against flood risk.

Use of SuDS

- 5.10.163 The Proposed Development would make use of SuDS over the majority of its length. We accept that land ownership constraints, the need to retain or replace public open space and to ensure public safety, limit the extent to which further SuDS solutions are achievable. Nevertheless, we welcome the Applicant's commitment to seek further opportunities for their further use during the Detailed Design phase and note the support of the Applicant's approach voiced by the EA and DCC. We have investigated the future adoption and maintenance of the SuDS infrastructure. The LLFAs have stated that they can foresee no impediment to their future adoption of relevant structures and features. We therefore consider that the Proposed Development meets the preference for the use of SuDS set out in paragraphs 5.110, 5.111 and 5.230 of the NPSNN and paragraph 169 of the NPPF. With the incorporation of such features within the works, as shown on the Works Plans [[REP11-002](#)], and Scheme Layouts [[REP11-004](#)] which are Certified Documents within the DCO, we are content that there is nothing to suggest that the design of the SuDS features would not comply with the relevant National Standards as required by paragraph 5.100 of the NPSNN and that their adoption by the appropriate LLFA is progressing.

Other matters

- 5.10.164 We are satisfied that the Proposed Development lies outside, and well away from the Peak District Dales SAC catchment and thus would not adversely affect any 'nutrient neutral' area.

Overall conclusions on the water environment

- 5.10.165 We find that the Applicant provided an appropriate FRA and that NPSNN paragraphs 5.92, 5.93 and 5.99 are fulfilled. We are content that the Proposed Development would be likely to lead to a negligible increased risk of flooding and would accord with NPSNN paragraphs 5.99, 5.102 and 5.104. We find that the Sequential Test has been met in accordance with paragraph 5.105 of the NPSNN. Regarding the Exception Test and NPSNN paragraph 5.108, we are satisfied that the project would be safe for its lifetime, without increasing flood risk elsewhere.

- 5.10.166 We consider that the Proposed Development meets the preference for the use of SuDS set out in paragraphs 5.110, 5.111 and 5.230 of the NPSNN and paragraph 169 of the NPPF. There is no evidence to suggest that the SuDS features would not be adopted by an appropriate body in accordance with the requirements of NPSNN paragraph 5.100. We find that adequate surface water storage and attenuation capacity would be provided for the Proposed Development to meet the aims of NPSNN paragraph 5.113.
- 5.10.167 We consider that the Proposed Development would be unlikely to have a harmful effect on water quality and would meet the requirements of paragraphs 5.222, 5.223, 5.226 and 5.227 of the NPSNN.
- 5.10.168 We find that the Proposed Development would, by reducing the risk of flooding on Woolley Lane, be likely to reduce the risk of spread of pollution, damage to property and disruption of traffic. This is a moderate beneficial effect that counts significantly in favour of the DCO being made.

5.11 BIODIVERSITY AND ECOLOGICAL CONSERVATION

Introduction

- 5.11.1 This section considers the effect of the Proposed Development on biodiversity and nature conservation interests. It includes air quality and water borne impacts on biodiversity. Issues relating to the HRA are addressed separately in Chapter 6. However, it is relevant to note here that Chapter 6 finds that likely significant effects on the qualifying features of the two European sites considered in the HRA because of the Proposed Development, both alone and in combination with other plans and projects, can be excluded for the impact-effect pathways assessed.

Policy and legislation context

National policies and legislation

- 5.11.2 Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 requires regard to be taken of the United Nations Environmental Programme Convention on Biological Diversity of 1992.
- 5.11.3 The Natural Environment and Rural Communities Act 2006 (NERC Act) sets a biodiversity duty for public bodies and requires regard to be taken of the United Nations Environmental Programme Convention on Biological Diversity of 1992.
- 5.11.4 Paragraph 5.22 of the NPSNN advises that, where the project is subject to EIA, the ES should set out "*any likely significant effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity*". The ES should consider "*the full range of potential impacts on ecosystems*".
- 5.11.5 The project should also take opportunities to conserve and enhance biodiversity conservation interests (paragraph 5.23). Paragraph 5.25 of the NPSNN goes on to state that "As a general principle, and subject to the

specific policies below, development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives.”

- 5.11.6 Paragraph 5.26 advises that the SoST should attach appropriate weight to *“designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment”*. Paragraph 5.29 of the NPSNN presumes against development which is likely to have an adverse effect on SSSIs either individually or in combination with other developments.
- 5.11.7 Paragraph 5.31 recognises that sites of regional and local biodiversity interest, including local wildlife sites (LWSs), have a fundamental role to play in meeting overall national biodiversity targets and in contributing to the quality of life and the wellbeing of the community. Nevertheless, whilst due consideration should be attached to such designations, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.
- 5.11.8 Paragraph 5.32 is clear that the SoST should not grant development consent for development that *“would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this”*.
- 5.11.9 Paragraph 5.33 says that proposals may provide opportunities for building in beneficial biodiversity features as part of good design and the SoST should consider whether the Applicant has maximised such opportunities. Requirements or planning obligations can be used to deliver such beneficial features.
- 5.11.10 Many wildlife species receive statutory protection under a range of legislative provisions, whilst other species and habitats have been identified as being of principal importance for the conservation of biodiversity. Proposals should take measures to protect these species and habitats from any adverse effects. Where appropriate, requirements or planning obligations may be used to deliver this protection. Consent should be refused where there would be harm to these habitats or species and their habitats unless the benefits of the development (including need) clearly outweigh that harm (paragraphs 5.33 and 5.34).
- 5.11.11 Paragraph 5.36 of the NPSNN states that appropriate mitigation measures should be an integral part of the proposals, and that applicants should identify where and how these would be secured. It goes on to say *“the applicant should demonstrate that:*
- *during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;*

- *during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised (including as a consequence of transport access arrangements);*
- *habitats will, where practicable, be restored after construction works have finished;*
- *developments will be designed and landscaped to provide green corridors and minimise habitat fragmentation where reasonable;*
- *opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals, for example through techniques such as the 'greening' of existing network crossing points, the use of green bridges and the habitat improvement of the network verge."*

5.11.12 Paragraph 5.38 advises that the SoST needs to take account of what mitigation measures may have been agreed between the Applicant and NE and whether NE has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.

5.11.13 NE should be consulted regarding the assessment of noise on designated nature conservation sites, protected landscapes, protected species, or other wildlife (paragraph 5.192).

5.11.14 Paragraphs 174 to 182 of the NPPF set out the national planning policies for conserving and enhancing the natural environment. Amongst other things the policies seek to support policies and decision making that contribute to and enhance the natural environment through minimising impacts on and provide net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated, or as a last resort compensated for, permission should be refused.

Development plan policies

5.11.15 The Greater Manchester Biodiversity Action Plan (GMBAP) (2009) provides an over-arching document across all ten districts in Greater Manchester. The overall aim of the GMBAP is to promote the conservation, protection, and enhancement of biological diversity in Greater Manchester for current and future generations.

5.11.16 The TUDP (2004) contains the following policies relevant to nature conservation are outlined below:

- Policy N1a International Nature Conservation Sites which seeks to protect Special Protection Areas (SPAs), Special Conservation areas (SACs), priority natural habitats and priority species.
- Policy N2 Locally Designated Nature Conservation Sites seeks to protect Sites of Biological Importance (SBIs) and Local Nature Reserves (LNRs) which have been formally designated under the National Parks and Access to the Countryside Act 1949.
- Policy N3 Nature Conservation Factors aims to ensure that impacts on wildlife, plant life or geological features (whether or not these are

currently designated for protection) have been considered appropriately when assessing development proposals.

- Policy N6 Protection and Enhancement of Waterside Areas aims to protect and enhance watercourses, avoid culverting and protect and enhance established habitats and associate species
- Policy N7 Protected Species seeks to protect badgers and species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act as amended.

5.11.17 The High Peak Local Plan (2016), through Policy EQ5 Biodiversity, seeks to protect and enhance the biodiversity and geological resources of the Plan Area and its surroundings. The policy seeks to conserve and enhance sites of international, European, and national importance, and regionally and locally designated sites. It further seeks to encourage development to include measures to contribute positively to the overall biodiversity of the Plan Area, protect and enhance watercourses and identifying local ecological networks, supporting their establishment and protection. The policy supports working with partners to help meet the objectives and targets in the Peak District Biodiversity Action Plan or its successor.

5.11.18 The Peak District Biodiversity Action Plan 2011-2020 aims to enhance landscapes with good quality, diverse habitats which are suitable to support a range of species, not just on high quality sites such as Sites of Special Scientific Interest (SSSI) and nature reserves but also on the land surrounding them, buffer important sites, creating larger areas of semi-natural habitats and linking habitats together, which should also enhance the visual characteristics of the landscape, enable species to move and adapt in the face of climate change, and increase biodiversity, restore habitats such as peat bogs, moorlands and woodland as these help to absorb carbon, purify water supplies, and reduce run-off to help mitigate the effects of climate change.

5.11.19 The Peak District Biodiversity Action Plan area includes the entirety of the PDNP as well as some small parts of adjacent National Character Areas not covered by other Local Biodiversity Action Plans (BAPS).

The application

5.11.20 Apart from figures, the most relevant parts of the application about biodiversity and nature conservation, as updated during the Examination, are:

- ES Chapter 5: Air Quality [[APP-061](#)] updated to [[REP3-006](#)];
- ES Chapter 8: Biodiversity [[APP-064](#)] updated to [[REP2-008](#)];
- Appendix 8.1: Biodiversity Baseline and Preliminary Assessment [[APP-169](#)];
- Appendix 8.2: Confidential Badger Survey [[APP-170](#)];
- Appendix 8.3: Aquatic Ecology [[APP-171](#)] updated to [[REP2-015](#)];

- Appendix 8.4: Assessment of Likely Significant Air Quality on Designated Habitats [[APP-172](#)];
- ES Chapter 9: Geology and Soils [[APP-065](#)] updated to [[REP7-007](#)];
- Drainage Design Strategy Report [[APP-188](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- ES Chapter 16: Summary [[APP-072](#)] updated to [[REP2-010](#)];
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)];
- REAC [[APP-184](#)] updated to [[REP11-005](#)]; and
- OLEMMP [[REP8-014](#)].

Ecological assessment

Introduction

- 5.11.21 The Applicant said that its assessment methodology was based on guidance in DMRB LA 104 Environmental Assessment and Monitoring), LA 105 (Air Quality) , LA 108 (Biodiversity) and LD 118 (Biodiversity Design), together with the Guidelines of Ecological Impact Assessment in the UK and Ireland (CIEEM Third Edition, 2018) (CIEEM guidelines). The significance of effect was derived through assignment of a value to the ecological receptors based on professional judgment and information / guidance on the distribution of the receptors to assign a value using criteria in DMRB LA 108 (Table 8.5). Where a receptor had a value at more than one level, the overriding value used was that of the highest level.
- 5.11.22 The assessment uses DMRB LA108 to inform assignment of the significance of a biodiversity effect through a combination of environmental sensitivity or value of the receptor and the magnitude of impact. As such, effects at international, European, UK or national level (CIEEM categories) are equated with 'very large' effect (DMRB category). Similarly, 'regional' level is equated with 'large' effect, 'county or unitary authority' level with 'moderate' effect, 'local' level with 'slight' effect and 'site' level with 'neutral' effect. For the purposes of the assessment, significant effects are taken to be moderate or greater. Slight and neutral effects are considered not significant. The Applicant took the view that significant adverse effects trigger the need for mitigation. This is considered below.

Nature conservation designations

- 5.11.23 There are no European designated sites within 2km of the Order land and no SACs designated for bats within 30km of it. The Proposed Development does not lie adjacent to, upstream or downstream of, a watercourse which is designated in part or wholly as a European site, nor is it hydrologically or hydro-geologically linked to a European site with a groundwater dependent terrestrial ecosystem.
- 5.11.24 Two statutory designed sites (both LNRs) of importance for nature conservation lie within 2km of the Proposed Development, Hurst Clough

LNR and Great Wood LNR. The locations of these are shown in ES Figure 8.1 [[APP-169](#)].

- 5.11.25 The Dark Peak SSSI, the Peak District Moors (South Pennine Moors Phase 1) SPA, and the South Pennine Moors SAC share a boundary situated, at its nearest point to the Proposed Development, approximately 2.2km to the north-east but within 200m of the ARN. The Eastern Peak District Moors SSSI, and Huddersfield Narrow Canal SSSI are also located within 200m of the ARN. The eastern half of the Proposed Development is also situated within the Dark Peak SSSI Impact Risk Zone which includes infrastructure projects that could cause changes in air pollution.
- 5.11.26 Four LNRs are located within 200m of the ARN (Etherow Country Park LNR, Hurst Clough LNR, Werneth Low Country Park LNR, and Reddish Vale LNR).
- 5.11.27 There are 31 non-statutory designated sites of importance for nature conservation within 2km of the Proposed Development. These are listed within ES Chapter 8 [[REP2-008](#) Table 8-10] with locations provided within Figure 8.2 [[APP-111](#)].
- 5.11.28 Furthermore, 47 non-statutory designated sites, including 25 Sites of Biological Importance (SBIs), 16 Local Wildlife Sites (LWSs), four potential Local Wildlife Sites, and two Nature Improvement Areas are located within 200m of the ARN. Full details of these sites are provided within Appendix 8.1 [[APP-169](#)] and their locations are shown on Figure 8.2 [[APP-111](#)].
- 5.11.29 In accordance with DMRB LA 108, and due to being designated at the county level, LWS and SBIs are considered to be of county value.
- 5.11.30 The Dark Peak NIA is located 1.2km north-east of the Order land. Nature Improvement Areas were established as an opportunity to create joined up and resilient ecological networks at a landscape scale. The Dark Peak Nature Improvement Area covers 25,000 ha of the PDNP and whilst it contains habitats and species of national value, it is not designated for this purpose specifically, being focused on habitat restoration.
- 5.11.31 Using the Ancient Tree Inventory, no Ancient Woodland is recorded as present within 500m of the Proposed Development. However, 15 separate parcels are present within 2km of the Proposed Development, with the closest parcel located 517m west.
- 5.11.32 One common sycamore, classified as a notable tree, is located approximately 125m north of the Proposed Development just north of Coach Road. A notable beech and a veteran oak are also present approximately 1.2km north-east of the Proposed Development associated with Hollingworth Hall Wood SBI.
- 5.11.33 Twenty-three areas of Ancient Woodland are present within 200m of the ARN. Locations are provided on Figure 8.2 [[APP-111](#)] with further details provided within ES Appendix 8.1 [[APP-169](#)].
- 5.11.34 In accordance with DMRB LA108, areas of Ancient Woodland are considered to be of national importance.

Habitats

- 5.11.35 Two hedgerows meet criteria for 'important hedgerow' in accordance with Hedgerow Regulations.
- 5.11.36 Habitats within 500m of the DCO which are notable due to their inclusion in a Priority Habitat Inventory include:
- lowland mixed deciduous woodland;
 - wet woodland;
 - lowland dry acidic grassland;
 - hedgerows;
 - flood plain mire;
 - standing water and associated inundation vegetation and qualifying ponds; and running water.
- 5.11.37 The following habitats are not priority habitats, but they provide corridors of habitat connectivity for the purpose of genetic exchange and dispersal of notable and protected species across the wider landscape. Such habitats are abundant throughout Greater Manchester and Derbyshire, ubiquitous across the UK and are considered to be of less than local value (within the Proposed Development area) and are scoped out of further assessment as any potential impacts on these habitats are unlikely to be significant.
- amenity grassland;
 - bare ground;
 - buildings and hardstanding;
 - bracken;
 - dense scrub;
 - improved grassland;
 - parkland and scattered trees;
 - plantation woodland;
 - semi-improved grassland;
 - scattered scrub; and
 - tall ruderal.
- 5.11.38 Invasive plant species recorded within or adjacent to the Order land include Japanese knotweed, Himalayan balsam, variegated yellow archangel and cotoneaster.

Aquatic Ecology

- 5.11.39 ES Appendix 8.3 [[REP2-015](#)] sets out the methodology for assessing and baseline conditions for aquatic ecology. Study areas are defined based on the Ecology Zone of Interest for aquatic receptors. The study area for

watercourses located within the screening area, and any hydrologically connected standing water bodies and aquatic designated sites, is defined as 2km from the DCO boundary. The study area for standing water bodies and aquatic designated sites, which are not hydrologically connected to a watercourse within the screening area, is defined as the Proposed Development plus 150m from the DCO boundary. Taken together these areas formed the study area and this aquatic ecology study area was used to review background records for inclusion in the assessment of baseline conditions for aquatic habitats, including review of records of fish, aquatic macroinvertebrates and macrophytes.

- 5.11.40 All watercourses and standing water bodies within the study area were identified from geospatial analysis and Ordnance Survey mapping. Aerial imagery was used to confirm the presence/absence of aquatic features in cases of uncertainty. Where aerial imagery was unclear, a precautionary approach was taken to screen in features for further assessment. Other project data, for example great crested newt Habitat Suitability Index data and/or walkover survey observations were also used to confirm presence of the feature. Watercourses and ponds are shown on ES Figure 8.5 [[APP-114](#)].
- 5.11.41 Existing background records were collated for watercourses and standing water bodies within the aquatic ecology study area. Several data sources were used in support of the preliminary design stage assessment of aquatic receptors. These are listed in ES Appendix 8.3 [[REP2-015](#)].
- 5.11.42 All desk study data were screened for relevance to the Proposed Development in terms of location, data, and period of record. Data over ten years old was not used as this was viewed as potentially unrepresentative due to likely changes to the aquatic environment over that period. Designated sites (statutory and non-statutory) within the aquatic ecology study area have only been reported in instances where an identified aquatic receptor is noted specifically within the designation citation, or where a watercourse or standing water body is likely to be integral to the maintenance of the designated
- 5.11.43 Ecological features were rationalised for detailed assessment in accordance with the requirements of CIEEM (2018) 18. A schedule of the aquatic features is provided in ES Appendix 8.3 [[REP2-015](#) Tables 3.1 and 3.2]. As not all the aquatic receptors identified within the study area were considered as being potentially affected by the Proposed Development the Applicant undertook a separate exercise to screen only potentially affected watercourses and standing water bodies into the impact assessment process, where an impact pathway is identifiable to the habitat or species because of implementation of the Proposed Development and using professional judgement.
- 5.11.44 The Applicant undertook field surveys within and adjacent to the DCO boundary. Field survey requirements were determined with reference to background record availability and potential impacts of the Proposed Development. Existing baseline data were reviewed to identify the validity of its use (spatially and temporally) in place of the requirement for additional specific survey for the Proposed Development and for each

aquatic feature, a series of survey screening criteria were applied to determine the exact survey requirements to inform the assessment. These criteria are described in the following sections.

- 5.11.45 These surveys included a River Corridor Survey (RCS), a walkover survey, a Modular River Physical (MoRPh) survey, a watercourse ecological survey and a pond survey. Details of these are provided in ES Appendix 8.3 [[REP2-015](#)] sections 2.8 and 2.9.
- 5.11.46 Biodiversity features were valued following DMRB LA 108. The evaluation was based on the information gathered from the desk study and field survey using a combination of professional judgement and accepted criteria, such as diversity, rarity and naturalness. The evaluation is set out in ES Appendix 8.3 [[REP2-015](#) Table 2.1].
- 5.11.47 Biodiversity features were valued following DMRB LA 108. The evaluation was based on the information gathered from the desk study and field survey using a combination of professional judgement and accepted criteria, such as diversity, rarity and naturalness. The evaluation is set out in ES Appendix 8.3 [[REP2-015](#) Table 2.1].
- 5.11.48 ES Appendix 8.3 [[REP2-015](#) Table 3.1] schedules the watercourses within the study area and their points of interaction with the Proposed Development. The Applicant took forward only watercourses for which an impact pathway exists to assessment.
- 5.11.49 ES Appendix 8.3 [[REP2-015](#) Table 3.2] lists the ponds within the study area and their location relative to the DCO boundary. No lakes were identified within the study area. Only ponds for which an impact pathway exists have been taken forward to further assessment. The Applicant took embedded mitigation as outlined in ES Chapter 2 [[REP2-005](#)] into account.
- 5.11.50 This includes, for example, the implementation of general best practice construction pollution prevention measures and the implementation of exclusion zones around retained ponds within the DCO boundary
- 5.11.51 One statutory designation is situated along the Hurstclough Brook (Hurstclough Brook LNR) approximately 345m south from the DCO boundary. However, the LNR is important for non-aquatic receptors (ancient semi-natural woodland habitat, bryophytes, and fungi) and no other statutory or non-statutory designated watercourses, ponds or lakes were identified within the study area.
- 5.11.52 EA monitoring data were only available for the River Etherow within the aquatic ecology study area. These data are summarised in ES Appendix 8.3 [[REP2-015](#) Table 3.3]. They were collected by the EA using standard survey methods and are therefore assumed to have been checked and quality assured prior to publication. Data are presented for surveys undertaken within the last 10 years. No macrophyte data are available within the aquatic ecology study area. Survey locations are shown on ES Figure 8.5 [[APP-114](#)].
- 5.11.53 All watercourses screened into assessment within ES Appendix 8.3 [[REP2-015](#) Table 3.1] were screened as requiring walkover survey and the River

Etherow, Tara Brook and Hurstclough Brook as requiring MoRPh and aquatic macroinvertebrate surveys as per the approach outlined in Section 2.8.

- 5.11.54 The River Etherow water course was screened in for supplementary aquatic macroinvertebrate survey to optimise the location of monitoring sites in relation to potential construction effects. This supports a baseline prior to the Proposed Development which could be incorporated into a construction monitoring strategy as the Proposed Development progresses. No aquatic macroinvertebrate data were available for Tara Brook or the Hurstclough Brook, and as such they were screened in for survey.
- 5.11.55 The Applicant considered EA fish data within the aquatic ecology study area to provide adequate information on likely fish species present within the River Etherow and so did not screen in further fish surveys for the River Etherow. No fish data were available for Tara Brook or Hurstclough Brook within the aquatic ecology study area. However, no suitable fish habitat was recorded within these watercourses within the DCO boundary during walkover survey and RCS. Tara Brook was found to exhibit some suitable habitat for fish approximately 1km downstream of the DCO boundary. Given its proximity to the River Etherow in this location it was considered that the downstream reaches of the Tara Brook may support species that are present within the River Etherow, and potentially act as rearing grounds for smaller fish. As such, the Applicant considered that the background records on the River Etherow provided a suitable proxy for the Tara Brook in terms of potential species presence and sensitivity.
- 5.11.56 Hurstclough Brook has a significant culvert approximately 185m in length downstream of the existing A57 which is considered likely to act as a barrier to fish movement and as such further limit fish presence on the Hurstclough Brook within the study area. Accordingly, the Applicant screened both Tara Brook and Hurstclough Brook out of fish survey.
- 5.11.57 No EA macrophyte data less than 10 years old were available within the aquatic ecology study area for the River Etherow, Tara Brook or Hurstclough Brook. However, walkover survey and review of RCS data identified limited suitable macrophyte habitat within these watercourses. As such, they were screened out of macrophyte survey.
- 5.11.58 All other watercourses within the study area were found to be heavily modified drainage ditches with limited habitat suitability for aquatic species. These watercourses are suitably characterised by walkover survey and RCS where available; no additional detailed aquatic habitat and species surveys were proposed for these watercourses.
- 5.11.59 Watercourse baseline tables are provided in ES Appendix 8.3 [[REP2-015](#)] Tables 3.4 to 3.8. screening is summarised in Table 3.9 and baseline information for ponds in Tables 3.10 to 3.18.

Air Quality

- 5.11.60 The Applicant assessed the air quality impact of the Proposed Development on 'designated habitats' of international, national, and local ecological conservation importance for protected / notable species and habitats and

other species identified as being of principal importance for the conservation of biodiversity within the air quality study area. The assessment is set out in ES Appendix 8.4 [[APP-172](#)]. DMRB LA 105 Air Quality, designated habitats are defined as 'Ramsar' sites, SPAs, SACs, SSSIs, LNRs, LWSs, Nature Improvement Areas, Ancient Woodland and veteran trees containing habitats sensitive to nitrogen deposition. A detailed methodology for the designated habitats air quality assessment is provided in the ES Chapter 5 [[REP3-006](#)].

- 5.11.61 The air quality study area considers the ARN which is determined based on the roads meeting the traffic screening criteria in DMRB LA 105 and adjoining roads within 200 m. An assessment is required for designated habitats identified within 200 m of the roads that trigger the traffic screening criteria. The roads determined by the Applicant as meeting the traffic screening criteria in DMRB LA 105 and the air quality study area are presented in ES Figure 5.1 [[APP-076](#)].
- 5.11.62 As explained in ES Appendix 8.4 [[APP-172](#)] the Applicant carried out a desk study nature conservation evaluation and a field survey. As construction effects would only be temporary and less than those during operation, the Applicant considered only operational effects on air quality.
- 5.11.63 DMRB LA 105 Air Quality provides designated habitat screening criteria for determining the need for further consideration of the impacts of nitrogen deposition. The designated habitat screening criteria are considered to be exceeded where total nitrogen deposition is greater than the relevant lower critical load, and the change in nitrogen deposition is greater than 1 % of the relevant lower critical load. Where these criteria were exceeded further consideration was given to the magnitude of the change in nitrogen deposition. Where this is greater than 0.4 kg of Nitrogen per hectare per year (N/ha/yr) then the significance of effect was assessed by a competent expert for biodiversity.
- 5.11.64 The Applicant concluded that the change in nitrogen deposition rates with the Proposed Development is expected to be less than the DMRB LA 105 designated habitat screening criteria and the magnitude of change of the nitrogen deposition is less than 0.4 kg N/ha/yr at all relevant statutory designated sites (LNR, SSSI, SAC, and SPA) and most of the non-statutory designated sites.
- 5.11.65 The Applicant [[REP1-021](#)] identified changes to nitrogen deposition exceeding the DMRB LA 105 designated habitat screening criteria and with a magnitude of change of the nitrogen deposition greater than 0.4 kg N/ha/yr in small areas at the boundary of the following four non-statutory designated sites:
- Dark Peak Nature Improvement Area;
 - Melandra Castle and Railway LWS;
 - Peak Forest Canal North SBI; and
 - Shire Hill Ancient Woodland.

- 5.11.66 Upon further investigation, through using site citations and aerial views, two sites (Dark Peak Nature Improvement Area and Peak Forest Canal North) were reassessed due to not containing woodland habitat and thus a lower conversion factor for a 'grassland' habitat was appropriate, under which the magnitude of change of the nitrogen deposition is less than 0.4 kg N/ ha/ yr. The effects are outlined in the ES [[APP-172](#) Table 3-1].
- 5.11.67 The other two (Shire Hill Ancient Woodland and Melandra Castle and Railway LWS) were identified as suffering the potential loss of one species (ES Appendix 8.4 [[APP-172](#)] Table 3-2). Further assessment was undertaken of the two sites.
- 5.11.68 The Applicant identified that responses to increases in nitrogen deposition because of the Proposed Development at Shire Hill Ancient Woodland would lead to imperceptible levels of change within the affected habitats or to individual trees. The duration of the impact was likely to be in the region of one year and was considered to be short-term and impact a relatively small area (approximately 0.1ha), which is considered unlikely to lead to long-term perceptible changes of the composition and species richness of the woodland ground flora or on the health of trees within the woodland. Further, any subtle effects that do occur are not predicted to compromise the integrity or key features of the designated habitats. The Applicant thus concluded that the Proposed Development would result in a negligible adverse impact on Shire Hill Ancient Woodland, leading to a neutral effect that would not be significant.
- 5.11.69 With regard to Melandra Castle LWS the Applicant identified that there is insufficient information to determine an air quality attribute for the designated habitat. However, a precautionary approach found that, taking into account that a very limited portion (<0.001 ha) of the LWS would be potentially affected by the Proposed Development, and that the current habitats are not considered congruent with the designation of the LWS (consisting of a highly disturbed area with sparse self-seeded young trees, and presence of several invasive species) the Proposed Development would result in a neutral impact on Melandra Castle LWS, leading to a neutral (not significant) effect on this designated habitat.

Statutory protected and other notable fauna species

- 5.11.70 The following statutorily protected and other notable fauna species were scoped-in to the assessment having regard to the findings of the Applicant's Scoping Report and the PINS Scoping Opinion [[APP-152](#)]:
- bats (roosting, commuting and foraging);
 - badger;
 - general bird assemblage (excluding barn owl);
 - barn owl;
 - otter;
 - priority mammals, including hedgehogs and brown hare; and
 - common toad.

Surveys were carried out for these, and values assigned to them in accordance with DMRB and professional judgement. One main badger sett was identified, located within the DCO boundary. Two further main setts were identified within the survey area but outside of the DCO boundary. A further sett was identified, classified as a subsidiary sett (due to very limited use by badgers) and no associated main sett has been recorded to give full confidence of this classification. There is potential that this sett could be reoccupied as to classify it as a main sett in the future

- 5.11.71 Surveys and analysis of historic data were also undertaken for wintering birds, water vole, white clawed crayfish, terrestrial invertebrates great crested newts, hazel dormouse, reptiles. For the other species the need for further assessment was scoped out.
- 5.11.72 Evidence of signal crayfish, an invasive fauna species was recorded along the River Etherow and associated tributaries during the otter and water vole survey.

Potential impacts

Construction phase

- 5.11.73 Without mitigation, construction phase impacts on biodiversity and nature conservation were identified as:
- habitat loss as a result of land use changes and vegetation clearance;
 - fragmentation of populations or habitats due to breaking up of a habitat, ecosystem, or land-use type into smaller parcels, or the creation of partial or complete barriers to the movement of species;
 - disturbance to species resulting from a change in normal conditions (such as water pollution, light or noise) that would result in the important biodiversity feature changing its typical behaviour;
 - degradation of habitats resulting in the reduction in the suitability of the habitat for the identified important feature; and
 - species mortality due to construction activities.

Operational phase

- 5.11.74 Operational phase impacts were identified as quantity and or quality of flow within watercourses, loss or fragmentation of foraging and commuting routes, species' mortality including from traffic collisions and disturbance and degradation of habitats from such effects as road noise or lighting.
- 5.11.75 Following initial traffic modelling the Applicant scoped out further assessment of SSSIs and LNRs in respect of air quality / deposition in accordance with DMRB LA 105. screening criteria. Potential air quality impacts during operation for Melanda Castle LWS and Shire Hall Ancient Woodland were considered further and the Applicant concluded that a neutral effect would result that would not be significant.

Design of the Proposed Development, mitigation measures, enhancement and residual effects

- 5.11.76 The Proposed Development includes a range of measures intended to avoid or mitigate the likely adverse effects on biodiversity and nature conservation interests.

Design measures

- 5.11.77 The approach to mitigation for impacts on natural conservation resources proposed by the Applicant is to adhere to the mitigation hierarchy, as follows:
- avoid – impacts are avoided through measures incorporated into the design and good working practices;
 - mitigate – impacts are reduced where possible to a level that the effect on the nature conservation resource is not significant through measures implemented through the design, construction, and operation phases; and
 - compensate – impacts that are unavoidable and where mitigation does not reduce the effect to a level that is not significant are compensated for through creation or provision of new resources, such as habitat or places of shelter for animals.

- 5.11.78 Where impacts cannot be avoided, measures would be used to reduce impacts on biodiversity resources to a level where the overall effect on the resource is not significant. Any additional measures to improve the biodiversity value are considered to be enhancements. Where significant residual effects on a biodiversity resource are predicted after measures to avoid or mitigate for the impacts have been adopted, then measures to compensate for the effect are proposed to be delivered as part of the Proposed Development.

Embedded mitigation

- 5.11.79 Impacts during construction would be controlled through strict adherence to the embedded mitigation measures (to avoid or prevent adverse effects) which are identified in the EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)]. These would be developed using best practice techniques and would also include a suite of bespoke control measures such as avoidance and minimisation of lighting from sensitive construction areas and, where possible, scheduling the most disruptive works to avoid sensitive periods for specific species or species groups.

Essential Mitigation and Enhancements

- 5.11.80 Mitigation is secured through adherence to the Environmental Masterplan as shown in ES Introductory Figure 2.4 [[APP-074](#)], EMP1 [[REP12-007](#)], REAC [[REP11-005](#)], and OLEMMP [[REP8-014](#)], as secured by Requirements 4, 5 and 7 of the rDCO (Appendix D).

Habitats

- 5.11.81 The construction of the Proposed Development would result in both losses and gains of habitats. These are summarised in ES Chapter 8 [[REP2-008](#) Table 8-15]. The permanent habitat gains are those classified as habitats created or restored as part of the Proposed Development. The Proposed Development was designed to achieve a net gain for area-based habitats using the DEFRA Biodiversity Metric 2.0 Calculation Tool. This would be through such measures as, amongst others, the replacement of the 3,312m of hedgerow lost with a total of 6,000m, a net gain of 2,688m.
- 5.11.82 Following permanent and temporary loss of riparian habitat during construction under the proposed River Etherow Bridge and associated flood compensation work riparian vegetation would be reinstated to allow replacement habitat to establish. During construction of the River Etherow Bridge slow start up of piling machinery away from the watercourse would be employed to minimise impacts of noise and vibration disturbance to fish and other animals within the river and its corridor.
- 5.11.83 Open watercourses, both realignments and new channels, would be designed to provide enhanced habitat conditions. Natural colonisation is the preferred option for new watercourses as it promotes the establishment of species prevalent within the locality. The proposed development would increase the overall length of open watercourses. Culvert lengths have been minimised and would incorporate design features to maintain and encourage connectivity. Ecologically sensitive realignment of the Hurstclough Brook would replace 220m of watercourse with limited habitat complexity with 220m of improved habitat. The realignment of Tara Brook would replace 304m of undefined channel lost under the footprint of the Proposed Development with 322m of new channel.
- 5.11.84 In addition to channel realignments, the Proposed Development would include approximately 2,675m of new drainage channels and interception channels to offset roughly 718m of minor watercourses (ditches and indistinct watercourse features) lost under the footprint of the Proposed Development. As with the realignments, new channels would be sensitively designed to maximise ecological potential, for example through the inclusion of varied planforms.
- 5.11.85 The Proposed Development would retain a section of an approximately 100m of existing channel and incorporation into the realignment design as a backwater habitat to provide additional aquatic habitat provision.
- 5.11.86 The inclusion of SuDS within the Proposed Development provides an opportunity to mitigate for the loss of existing ponds.

Species

- 5.11.87 Checks would be carried out prior to the commencement of construction to ensure mitigation and enhancement for species is appropriate and relevant, and to protect against inappropriate disturbance.
- 5.11.88 The Proposed Development would necessitate the loss of nine small day or satellite bat roosts and four potentially present maternity roosts which lie within the DCO boundary.

- 5.11.89 To ensure that continued roosting is available during the construction period, a variety of artificial bat boxes would be installed within retained vegetation prior to construction commencing and a dedicated bat structure would be constructed to provide appropriate mitigation for the loss of the four potentially present maternity roosts within the DCO boundary. This would be located close to where the existing roosts would be lost and would be nearby to suitable habitat and connected via hedgerows to the wider landscape. Further enhancement would be provided by the provision of additional native planting around it. The structure would be designed to reflect local heritage structures, seeking to make a positive contribution to local landscape character. The structure would incorporate a variety of features to accommodate a range of bat species.
- 5.11.90 The positioning and enhancement of nearby planting is intended to minimise opportunities for human disturbance and encourage bats to forage and commute away from the carriageway to minimise bat mortality due to vehicle impact.
- 5.11.91 Further bat roosting provision is made within the River Etherow Bridge and on retained trees. Dark corridors would be maintained around any artificial bat boxes through ensuring the minimal lighting is used and ensuring that any artificial roosts are directly illuminated. Bird boxes would also be provided to reduce competition for accommodation. All bat boxes would be installed prior to construction and would be maintained for a minimum of five years.
- 5.11.92 Loss of bat foraging and roosting habitat would be mitigated through the creation of significant areas of replacement habitat designed to support suitable prey species. There would be an initial reduction of habitat during the constructional period, however, it is identified that there is sufficient suitable habitat available until the newly created habitat matures.
- 5.11.93 Bat 'hop-overs' would be created at strategic locations around the Proposed Development which would consist of tall vegetation planted on either side of a road with the aim of guiding bats across roads at a safe height above traffic and avoid road casualties. The Applicant considers, however, that the significant increase in woodland and grassland planting would provide enhanced foraging and commuting opportunities for bats would fully mitigate any residual impacts arising from habitat severance.
- 5.11.94 The recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting' would be followed when designing the lighting schedules. The lighting design considered the presence of the dedicated bat structure located within the north of the Showground area. Screen planting in the form of hedgerows would further provide a natural screen to provide dark corridors for bats. No lighting is proposed upon the vegetated area on the Mottram Underpass which, in combination with the scrub planting, would provide a dark corridor encouraging bats to cross this area east and west.
- 5.11.95 The dedicated bat structure and artificial bat mitigation measures would be installed within the DCO boundary. The peak frequencies in typical construction activity spectra would normally be below the hearing threshold

for bats or outside their range of audible frequencies. For construction noise to be audible for bats, construction noise levels would be required to exceed their threshold of hearing, which is not expected to occur. Therefore, the Applicant concluded that there would be no significant effects from construction or operational noise are likely for bats.

- 5.11.96 Pre-commencement surveys would be undertaken to update the current baseline. If any of the mitigation measures are deemed not to be necessary in light of any new survey information, the Applicant committed to their implementation as enhancement measures.
- 5.11.97 The main badger sett located within the DCO boundary would require closing under an NE licence and compensatory mitigation to be provided in the form of the creation of an artificial sett within the clan's respective territory. As the two further main setts are located within the survey area but outside of the DCO boundary these would be fully retained. The sett classed as a subsidiary sett is identified as having potential for reoccupation. If this occurs, the Applicant would create an artificial main sett within the clan's territory in the west of the Proposed Development to provide adequate compensatory mitigation.
- 5.11.98 A further seven setts, located within the DCO boundary (one annexe, one subsidiary, and five outlier setts), would be required to be closed under an NE licence. No compensatory mitigation is required for the closure of these setts, due to them not being classified as a main active sett.
- 5.11.99 Six setts are located within 30m of the DCO boundary and there is a risk that these setts may be damaged or destroyed during the construction phase. It is possible that these setts would be temporarily closed under an NE licence during the constructional phase.
- 5.11.100 The Applicant considers that the embedded mitigation measures are sufficient to mitigate against any potential killing, injuring, or entrapment of badgers. However, further mitigation measures are required to ensure that sufficient habitat and connectivity is provided.
- 5.11.101 To ensure that connectivity is maintained across the Proposed Development, safe crossing points would be provided to maintain connectivity during the operational phase and enable badgers, otters and other animals to access to the wider landscape as required. This would be in the form of embedded mitigation through underpasses, as well as piped culverts and purpose-built mammal crossings across the Proposed Development. Linear fencing would be utilised to prevent road mortalities and guide badgers to the safe crossing points. Acoustic fencing is proposed around a significant portion of the Proposed Development to be used for both badger and acoustic fencing. In areas where acoustic fencing isn't proposed, badger fencing would be installed 500m from each crossing point and artificial sett. Fencing would be designed to encourage animals towards the crossing points using indents or recesses towards each crossing entrance.
- 5.11.102 Dark corridors with no or very limited artificial lighting would be implemented at strategic locations (such as at safe crossing points) to aid

movement. This would either be through controlling lighting levels, or through planting of sufficient screen planting to create darker pockets.

- 5.11.103 The loss of badger foraging habitat would be mitigated through the creation of significant areas of replacement habitat to support prey species. Again, whilst there would be an initial reduction of habitat during the construction phase, the Applicant considers that there is sufficient habitat located immediately adjacent to the Proposed Development that would be available until the newly created habitat matures and becomes available.
- 5.11.104 In a worst-case scenario that percussive piling works are proposed to be used in close to one active subsidiary badger sett, then the sett may be subject to a moderate magnitude of impact if used for a significant time period. In this case, that sett may require temporary closure under a NE mitigation licence.
- 5.11.105 Loss of suitable bird nesting and foraging habitats would be mitigated through net increases in native woodland, hedgerow, tree planting, watercourses and waterbodies, and the provision of species-rich grassland, shrubs and scrub.
- 5.11.106 Sparrow, starling, and general-purpose nest boxes would be installed within suitably vegetated locations within the Proposed Development to provide additional nesting opportunities within, or close to existing suitable habitats. The proposed River Etherow Bridge would provide opportunities to provide dedicated nesting boxes or ledges underneath for river-based bird species including dipper and grey wagtail.
- 5.11.107 Habitat for non-breeding waders including curlew and lapwing that were recorded during the breeding bird surveys would be created within the east of the Proposed Development. Areas of wet, moderately cattle grazed, rushy grassland would be provided within the proposed flood compensation storage area to the east of the Proposed Development which consists of a scraped shallow depression that would be seasonally wet.
- 5.11.108 Based on the results of the breeding bird and barn owl surveys, it is considered that there are two barn owl pairs breeding close to the Proposed Development. Barn owl were recorded foraging and commuting within the DCO boundary.
- 5.11.109 Barn owl 'fly-overs' and taller screen planting would be created at strategic locations where barn owls are breeding in close proximity or have been recorded foraging and commuting around the Proposed Development. These fly-overs and screen planting would consist of tall vegetation planted on either side of the road with the aim to encourage barn owls to cross the road at a safe height above traffic. The vegetation would be of a larger or higher specification and include pine and standard trees to ensure that an instant screen is available. Trees would also be incorporated into the hedge adjoining the farm access track north of the M67 Junction 4 to provide added screening in very close proximity to the recorded breeding barn owls. To discourage barn owls from foraging within the grassed area adjacent to the highway, these areas would include regularly mowed amenity grassland. Any areas of rough grass, which are likely to support prey would

only be located behind continuous screens to mitigate against potential road collisions.

- 5.11.110 An area of damp, marshy grassland with patches of wet woodland planting would be created adjacent to the three proposed SUDS water bodies within the eastern section of the Proposed Development. The peripheries of the SUDS would be planted with patches of willow scrub to compensate for the loss of wet woodland where species such as grasshopper warbler and reed bunting have been recorded breeding. This area would be relatively unmanaged to allow a denser structure to develop providing the necessary cover and protection for these species. These habitats would be protected to ensure that the area does not become grazed or poached as a result of the neighbouring pastoral field use.
- 5.11.111 A clear span design would be utilised as part of the proposed River Etherow Bridge to avoid impacts to the banks and retain aquatic connectivity within this area. Otter-proof fencing would be installed, extending from each side of the River Etherow Bridge for a distance of at least 100m in each direction, to prevent mortality through traffic collision.
- 5.11.112 During construction operations the bank side habitat would be maintained for otters, an 8m buffer either side of retained and unmodified sections of the river would be marked and fully retained. Where necessary, this buffer would be fully fenced off to prevent any machinery or personnel from using these areas.
- 5.11.113 To update the current baseline, pre-commencement survey on the River Etherow and watercourses within the DCO boundary would be undertaken prior to construction.
- 5.11.114 In order to provide enhancements for otters, an artificial otter holt would be installed along the River Etherow within a suitable location with sufficient vegetation cover. Otters have been recorded foraging and commuting within the River Etherow, however, currently no holts have been recorded within the survey area. The creation of an artificial otter holt would provide an additional secure resting site to facilitate the expansion of this species further as otters are recorded as expanding within the wider area.
- 5.11.115 New high-quality habitat for brown hare and hedgehog would be created within the DCO boundary, including a mix of new broadleaved woodland, grassland and hedgerow planting. To provide dedicated habitat for brown hares, a gradual woodland boundary would be created through providing longer grassed field margins which are generally preferred by brown hare.
- 5.11.116 The three new large SUDS water bodies that would be created during the construction phase would provide continued and enhanced breeding opportunities for common toad. New high-quality habitat would be created in close proximity to the water bodies.
- 5.11.117 Refuges for hibernation would be created within close proximity to the water bodies to provide continued hibernation or refuge opportunities. The use of wildlife kerbs and 'Enkamet' climbing ladders installed within any constructed gully pots would mitigate against entrapment.

Mitigation measures and residual effects

5.11.118 The measures to mitigate adverse effects on biodiversity during the construction and operational phases are largely contained within EMP1 [[REP12-007](#)], the REAC [[REP11-005](#)] and the OLEMMP [[REP8-014](#)]. Implementation of the Proposed Development in accordance with these documents is secured by rDCO (Appendix D) Requirements 4, 5, 6 and 8. In addition, Requirement 7 would secure the preparation of a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the ES or nesting birds found when undertaking the construction of the Proposed Development.

5.11.119 The Applicant's assessment of the residual effects of the Proposed Development on biodiversity and nature conservation after mitigation is summarised below.

Statutory designated sites

5.11.120 Chapter 6 deals with European sites. The Applicant considered that the Proposed Development would not have a significant effect on any other statutory designated sites during the construction or operational phases. For the most part, this is due to their distance from the Order land and the absence of hydrological or habitat links.

5.11.121 In the case of the Hurst Clough LNR, the assessment identified the need for pollution prevention control measures and standard best practice measures to control construction dust. These are secured in EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)].

Non-statutory designated sites

5.11.122 In the case of the Hurst Clough SBI, the assessment identified the need for standard best practice measures to control pollution. These are secured in EMP1 [[REP12-007](#)] and the REAC [[REP11-005](#)].

5.11.123 Otherwise, following mitigation, no significant effects during the construction or operational phases were identified at other non-statutory designated sites.

Other habitats

5.11.124 A potentially significant impact was identified upon Shire Hill Ancient Woodland due to exceedances of the DMRB LA 105 nitrogen deposition screening criteria. This matter was raised during the Examination and is reported below. Otherwise, the Applicant concluded that there would be no significant effect upon Ancient Woodland due to the distance of the Proposed Development from the nearest Ancient Woodland.

5.11.125 The Proposed Development would result in the loss of lowland mixed deciduous woodland, wet woodland, lowland dry grassland, and hedgerow during the construction phase. Mitigation would comprise replacement habitat of the same type, and in increased footprint. Notwithstanding, the assessment found that there would be a slight adverse effect on each habitat in the construction phase, although a slight beneficial effect for each

in the operational phase. Regarding flood plain mire the Applicant identified a moderate adverse effect during the construction phase due to the loss of habitat, but a negligible beneficial effect during operation.

- 5.11.126 In terms of standing water, four ponds would be lost within the DCO boundary. The assessment found that these ponds had limited habitat value, due to their use by cattle for drinking and thus there would be no significant construction phase effects on standing water. In the longer term, the loss would be offset, with some betterment in terms of quality and quantity of habitat provision, but this would take time to establish and so such enhancement would not materialise until the operational phase.
- 5.11.127 In terms of running water, the assessment reported that the construction of the River Etherow would result in a temporary and permanent loss of riparian and in-channel vegetation to a relatively small section under the bridge (with the deck length being 18m). The design would avoid the need for working within the channel and so is not expected to affect the integrity of key habitat characteristics, or the viability of species communities within the river. Replacement planting for the loss of mature riverside trees would take time to establish and mature and so, in the short to medium term there would be an adverse effect on the habitat. Overall, given the quantum and duration of loss and mitigation provided a slight adverse effect is predicted in the short to medium term. In the longer term, embedded mitigation to ensure attenuation of water discharge and protect its quality the effect is considered to be neutral.
- 5.11.128 At Hurstclough Brook the interception of water feeding into the upper section would result in a reduction in flow during the operational phase. The water intercepted would remain in the Hurstclough Brook catchment but the reduction in flow over the affected section is anticipated to result in a slight adverse residual effect, even with the mitigation proposed.
- 5.11.129 Otherwise, the effect of the Proposed Development on running water, with embedded mitigation, is anticipated to be neutral overall as overall lengths and flows are retained the same.
- 5.11.130 No significant operational phase effects on other habitats were identified in the Applicant's assessment.

Species

- 5.11.131 The Applicant's assessment found that, following mitigation, the Proposed Development would have no significant adverse construction phase effects on:
- bats (roosting, commuting and foraging);
 - badger;
 - general bird assemblage (excluding barn owl);
 - barn owl;
 - lowland scrub and grassland species;
 - otter;

- priority mammals, including hedgehogs and brown hare; and
- common toad.

5.11.132 In respect of bats, general bird assemblage, lowland scrub grass species (such as the grasshopper warbler), otter and common toad the assessment found that the Proposed Development would have a slight beneficial effect in the long-term through the creation and enhancement of habitats of value to roosting, foraging, and commuting.

5.11.133 For badgers, barn owl and priority species (hedgehogs and brown hare) there was found to be a neutral significance of effect, and no overall long term benefits.

Applicant's conclusions

5.11.134 Overall, the Applicant found that there would be temporary adverse effects on several biodiversity features as described above during construction but with the implementation of mitigation measures the significance of effect would be neutral to slight adverse and therefore not significant. Moreover, with the implementation of mitigation measures, the Applicant considered that there would be potential for a neutral to slight beneficial effect on biodiversity in the medium to long term, during the operational phase of the Proposed Development.

5.11.135 The Applicant considered that embedded mitigation measures incorporated into the design of the Proposed Development, including environmental working practices to ensure adequate pollution control measures are implemented and use of precautionary methods of working during construction to minimise risks to individual animals of protected species where licences would not be required, would avoid and prevent adverse effects.

5.11.136 It considered that the Proposed Development would result in an increase in notable habitats in terms of area and quality to ensure that sufficient and increased habitat is provided across the Proposed Development. Further it considered that essential mitigation would be provided for protected species through increased breeding opportunities, including a dedicated bat structure and a range of bat / bird nesting boxes and several crossing points to aid connectivity across the Proposed Development. Mitigation measures under licence, for bats and badgers, would be required due to the legal protection afforded to these species.

5.11.137 The Applicant concluded that no significant adverse residual effects were predicated because of the Proposed Development.

5.11.138 Monitoring, to ensure the success of the proposed mitigation measures would be provided through the EMP1 [[REP12-007](#)] and REAC [[REP11-005](#)] including long-term management plans for the notable habitats and species monitoring programmes.

5.11.139 In summary, the Applicant considered that the mitigation and compensation proposals demonstrated compliance with the requirements of the NPSNN by

creating new habitats, minimising habitat fragmentation, and providing sufficient essential mitigation for protected species.

Factual issues considered during the Examination

5.11.140 The biodiversity and nature conservation issues considered during the Examination included:

- the assessment methodology;
- effectiveness and monitoring of proposed mitigation;
- effects on Shire Hill Ancient Woodland;
- invasive non-native species;
- noise and visual disturbance effects on ground breeding birds of the Dark Peak SSSI;
- effects on mountain hare; and
- opportunities for enhancement.

5.11.141 Matters of air quality and the effect of the Proposed Development on qualifying features of European sites are considered in Chapter 6 of this report. Water quality and the control of pollution are considered in Section 5.10, above.

5.11.142 Many parties submitted Relevant Representations (including, amongst others, Chris Hallam [[RR-0133](#)], David O'Brien [[RR-0211](#)], Gareth Simpson [[RR-0286](#)], Hilary Hebron [[RR-0334](#)], Joanna Collins [[RR-0415](#)], Lisa Hopkinson [[RR-0526](#)], Poppy Simon [[RR-0713](#)]) expressing concern about loss and fragmentation of habitat and the effect of the Proposed Development on protected species. These issues are considered below.

Assessment methodology

5.11.143 We [[PD-009](#) questions 12.1 and 12.2] queried whether the Applicant's Habitat Survey and Macroinvertebrate Survey were suitable to establish a baseline position. The Applicant [[REP2-021](#)] responded that, at the time of submission, the Phase 1 habitat survey data was just under two years old. It advised that, in line with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance, this survey data would be in date, but would require updated surveys to ensure the baseline has not changed significantly. It explained that several surveys and site visits were undertaken throughout 2020 and 2021, and that the ES reflects this latest data, to ensure that the original Phase 1 habitat survey baseline is correct. Therefore, the Applicant considers that the extended Phase 1 habitat survey represents a suitable basis for establishing the ecological baseline.

5.11.144 We [[PD-009](#) question 12.4] sought clarification of the basis on which the negligible adverse significance of effect from noise and vibration disturbance to badger during construction was determined. The Applicant [[REP2-021](#)] explained that badgers are known to tolerate high levels of noise as evidenced by the diverse array of habitats they occupy, including areas subject to high levels of disturbance, this view is supported in advice

provided by NE when assessing the requirement for a licence in respect of development. The Applicant explained that, on this basis, whilst badgers constituted a 'sensitive receptor' in accordance with DMRB LA 111 and that they may be subject to moderate to major noise increases, it does not anticipate that badgers would be significantly impacted by construction or operational noise and would tolerate any changes in the environment. Therefore, the Applicant scoped out any noise and vibration impact on the species.

- 5.11.145 In the SoCG between NE and the Applicant [[REP10-006](#)] the parties agree that the assessments carried out are acceptable. No issue with the adequacy of the methodology or scope of the ES regarding biodiversity was raised by TMBC, DCC, HPBC or the EA.
- 5.11.146 PDNPA [[RR-0677](#)] [[REP2-048](#)] [[REP2-055](#)] and the NT [[REP2-079](#)] raised issues regarding the scoping out of impact pathways to the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC in the Habitats Regulation Assessment (HRA) Screening Report [[REP2-004](#)]. They also raised concerns about collision risk for qualifying features of the European sites. These matters are considered in detail in Chapter 6, below.

Effectiveness and monitoring of proposed mitigation

- 5.11.147 SMJTS [[RR-0796](#)] queried how mitigation measures would be monitored during construction. The Applicant [[REP1-042](#)] explained that monitoring requirements to be implemented during and after the construction phase of the Proposed Development would be outlined in the EMP and REAC.
- 5.11.148 We [[PD-009](#) question 12.20] sought details of the various biodiversity mitigation measures proposed by the Applicant, including when these would be provided and how long they would take to become established. We further explored what evidence there is that such measures provide effective mitigation.
- 5.11.149 The Applicant [[REP2-021](#)] explained its provision strategy. It set out that the bat structure and artificial badger setts would be constructed and ready for use in advance of removal of the existing provision. New habitat features such as hedgerow and tree planting would be planted towards the end of the construction period after the major construction works are completed and land is ready for the landscape elements. The time for the habitats to fully establish to target condition would vary but would take between four years, for such habitats as grassland, to up to 30 years, for woodland habitat, to fully establish. The other mitigation measures in relation to protected and priority species would occur throughout the construction period. It drew our attention to the measures outlined within the REAC [[REP11-005](#)] and that this document secures a Precautionary Working Method Statement that would be prepared prior to construction.
- 5.11.150 The Applicant told us that artificial badger setts, bat structures, and habitat planting are widely used within developments with high levels of success. These mitigation measures have proven effective on other highway schemes similar to the Proposed Development and following post construction monitoring, have been shown to be effective.

- 5.11.151 The Applicant stated that the new habitats and ecological mitigation features would be monitored to ensure they are fulfilling their respective purpose and any remedial action would be undertaken immediately if the habitats and features are proving ineffective. As part of the mitigation strategy, new habitats and features would be provided above and beyond the minimum requirement such that where certain elements fail to be sufficient remaining habitats and features would provide the necessary mitigation. This includes a 10% BNG in line with DEFRA Metric 2.0 which ensures that additional habitat is provided taking into consideration negative factors such as 'difficulty of creation' and 'time to completion'. These measures would be secured via the OLEMMP [[REP8-014](#)] within EMP1 [[REP12-007](#)].
- 5.11.152 We [[PD-012](#) question 12.2] investigated the mitigation measures in the vicinity of watercourses such as mammal crossings and otter fencing. The Applicant [[REP2-021](#)] stated that these had not been explicitly assessed at their current stage of design but would be considered further during detailed design. We sought the views of NE and the EA on the suitability of this approach. In response, NE [[REP6-029](#)] indicated it accepted that such mitigation measures can be considered further during the detailed design phase subject to updated surveys. It stated that the Applicant should consult with NE on mitigation measures that may impact on protected species requiring a licence to ensure the measures are appropriate.
- 5.11.153 The EA [[REP6-039](#)] also confirmed, based on the general scheme wide approach to mammal crossings and that other positive environmental measures / interventions within the water environment would be actively considered, the Applicant's approach is acceptable subject to further consultation, which the EA noted was secured through Requirement 4 of the dDCO as a requirement for consultation with them on the Environmental Management Plan and Landscape and Ecological Management and Monitoring Plan (LEMMP) in EMP2. Targeted pre-commencement surveys are secured in the REAC [[REP11-005](#)], for instance through items ref BD1.6 to BD1.11.
- 5.11.154 TMBC [[REP2-056](#)] commented that the proposed mitigation / compensation measures appear standard but there is a lack of detail. It considered that much of the success, or not, of such provision would be dependent on detailed design, timing, and location. This was discussed further at ISH3 [[EV-039](#) Agenda Item 7]. TMBC [[REP8-027](#)] said that, in terms of the mitigation measures for bats and badgers, given the stage of the Proposed Development and that the measures would require licences from NE, the outline given of the mitigation measures is sufficient at this stage. However, in terms of reporting, as outlined in REAC [[REP11-005](#)], all biodiversity measures listed (BD1.1 to BD1.16) should be reported to LPA(s).
- 5.11.155 At ISH2 [[EV-015](#)] we asked the LAs for comments on the OLEMMP [[REP8-014](#)]. DCC [[REP4-010](#)] provided comments in regard to design mitigation.
- 5.11.156 TMBC [[REP9-036](#)] expressed satisfaction with the document at this stage, provided that the final planting mix is agreed with the LAs. The EA [[REP10-010](#)] expressed similar views and that the EMP was acceptable as a first

submission but that cherry laurel and snowberry should be avoided in the planting mix. The EA identified that Requirement 4 of the DCO secures consultation on the later iterations of the LEMMP.

- 5.11.157 NE [[REP12-039](#)] confirmed that it had no further comments to make on EMP1 [[REP12-007](#)] or REAC [[REP11-005](#)].
- 5.11.158 The Applicant [[REP3-021](#)] considered that in principle the outlined mitigation measures are appropriate and fit for purpose, with further details and refinement being provided at the detailed design stage. It told us that the location and form of the outlined mitigation measures have all been provided specifically to address any potential impacts upon protected / priority species and habitats and take into consideration any local or site-specific factors.
- 5.11.159 We [[PD-009](#) question 12.8] sought to verify how pre-commencement surveys identified in the ES Chapter 8 [[REP2-008](#)] and REAC [[REP11-005](#)] to check the baseline position for several species prior to construction would be used to inform the mitigation requirements, other than for badgers for which details were already identified in the REAC. We further asked how, if the surveys identify a change to the baseline requiring further mitigation, the Applicant would manage this.
- 5.11.160 The Applicant [[REP2-021](#)] explained that due to the length of time between preparing the DCO application and the Examination period it was considered probable that the ecological baseline could change. Therefore, on-going monitoring and pre-commencement surveys were proposed to ensure the ecological baseline is kept up to date at regular intervals and this data would then subsequently inform any changes to the mitigation strategy.
- 5.11.161 It explained that the mitigation outlined is provided on a reasonable 'worst-case' scenario for many species and therefore, there is certainty that the mitigation identified and assumed within the assessment is sufficient to ensure that the Proposed Development would result in no likely significant effects. Any required changes to the proposed mitigation strategy would be outlined within EMP2 and secured via the REAC. EMP2 would be a live document and refined throughout the pre-construction and construction phases to incorporate further mitigation requirements and to ensure it is kept relevant.
- 5.11.162 We [[PD-009](#) question 12.11] asked the Applicant to provide details of any discussions and / or agreement reached with NE or the EA about monitoring arrangements for identified biodiversity mitigation.
- 5.11.163 The Applicant [[REP2-021](#)] explained that monitoring would be required as part of the licence conditions for the European Protected Species Mitigation (EPSM) licence for bats during the operational phase; this would be agreed with NE as part of the licence application.
- 5.11.164 Monitoring would be required as part of the protected species licence condition for badgers upon completion of the artificial sett during the construction phase. This monitoring would be in accordance with a Method Statement, which would be agreed with NE as part of the licence application.

- 5.11.165 The SoCG between NE and the Applicant [[REP10-006](#)] confirms the agreement of the badger and bat licence processes. NE did not foresee any problem that would prevent the issue of the protected species licences.
- 5.11.166 The ES identified the requirement for surface water quality monitoring during construction which may be supplemented by biological quality monitoring using aquatic macroinvertebrate community sampling. Specific monitoring requirements including monitoring methods and schedule would need to be agreed with the EA. The SoCG between the EA and the Applicant [[REP12-015](#)] confirms general agreement between the parties on the water quality monitoring process.

Effects on Shire Hill Ancient Woodland

- 5.11.167 DCC and HPBC [[REP2-045](#) and [REP2-046](#) paragraphs 11.15 and 11.16] requested further clarity on the underlying calculations supporting the Applicant's position that, due to short duration and the relatively small area affected, the air quality impacts on Shire Hill Ancient Woodland from Nitrogen Deposition would be not significant. The Applicant [[REP3-018](#)] clarified that the duration of the impact would be one year and provided an explanation for how this is derived from completed modelling. This matter was raised during ISH2 [[EV-015](#)]. Subsequently DCC [[REP4-010](#)] confirmed that, following the Applicant's explanation, it had no further concerns regarding the impacts on the Ancient Woodland.

Effects on ground breeding birds

- 5.11.168 Chapter 6 considers the effect of the Proposed Development on noise and visual disturbance to bird qualifying features of European sites. PDNPA [[RR-0677](#), [REP2-048](#)] raised similar concerns for bird species in the Dark Peak SSSI such as curlew, snipe and dunlin. There is no evidence before us to suggest that these impacts would affect the species within the SSSI any differently to those of the European sites. NE [[REP4-025](#)] confirmed that it had no further comments to make with regards to the Applicant's responses on this matter as set out in [[REP3-028](#)].
- 5.11.169 PDNPA [[REP11-016](#)] confirmed that their concerns regarding noise and visual disturbance to bird species within the Dark Peak SSSI remain, and this is reflected in their SoCG with the Applicant [[REP12-014](#)].

Effects on mountain hare

- 5.11.170 PDNPA [[RR-0677](#), [REP2-048](#), [REP2-055](#)] raised concerns regarding visual and noise disturbance to mountain hare resulting from increased traffic, particularly on the A57. Mountain hare is a species of principal importance (SPI) as defined under s41 of the NERC Act.
- 5.11.171 PDNPA [[REP2-055](#)] also raised concerns regarding road mortality impacts on the population of mountain hare, again resulting from increased traffic. Derwent & Hope Woodlands Parish Council [[RR-0244](#)] voiced similar concerns.
- 5.11.172 The Applicant [[REP3-028](#)] noted that whilst there is anecdotal evidence the Peak District mountain hares occasionally fall victim to road traffic on high

moorland roads (including the A57 and A628) roadkill is not listed as a potential threat within the Article 17'35 report for mountain hare. It stated that there is currently no known data or research regarding the issue of roadkill to mountain hare and therefore it is difficult to ascertain the potential impact arising from an increase in road traffic on the A57 and A628.

- 5.11.173 The Applicant [[REP3-028](#), [REP4-008](#)] considered that the species would be habituated to the already high numbers of vehicles using the roads, with 10,700 annual average daily traffic (AADT) on the A628 and 3,050 AADT on A57. The Applicant noted that mountain hare are predominantly nocturnal animals and would be active during the night-time when traffic flows are lighter, with at most an hourly average increase of 27 passes on the A628 and 29 passes on the A57. It considered that the increase in traffic, given the level of use experienced already, would be small and have no significant effect on either visual and noise disturbance or levels of road mortality for mountain hare.
- 5.11.174 At ISH2 [[EV-015](#) Agenda Item 5] we asked PDNPA for comment on the Applicant's consideration of the impacts of the Proposed Development on mountain hare. PDNPA [[REP4-012](#)] identified that the Article 17'35 report was a generalised report covering the UK, rather than specific to issues within PDNP and noted that impacts from roads would be captured through other human intrusions and disturbance as a Medium-level threat. PDNPA said that the Applicant presented no evidence to demonstrate that mountain hares are habituated to the existing high levels of road usage, citing existing evidence of road casualties to demonstrate that any such habituation is, at best, incomplete. Further, it considered that the species' nocturnal habits would increase vulnerability to vehicle strike due to headlight dazzle. PDNPA considered that in the absence of evidence to demonstrate otherwise, an increase in vehicle passes would result in a proportionate increase in fatalities, whatever the time of day.
- 5.11.175 NE [[REP4-025](#)] stated that it had no further comments with regard to the Applicant's responses about to mountain hares.
- 5.11.176 CPRE PDSY [[REP5-028](#)] commented that Mountain Hare numbers were estimated to be in the low thousands in PDNP and that traffic on the A57 claims about 20% of the local adult population in the vicinity. On that basis, it considered that an increase in traffic on the A57 would result in an increase in mortality to mountain hares from vehicle collision.
- 5.11.177 We [[PD-012](#) questions 12.5 and 12.6] sought further comments from the Applicant and NE to issues raised by PDNPA and CPRE PDSY.
- 5.11.178 The Applicant [[REP6-017](#)] told us that, whilst PDNPA had concerns about the lack of evidence for the basis of the drawn conclusions, there is a general lack of scientific evidence regarding road kill and mountain hares. It also said that available recent literature attributes potential losses to predominantly climate change, disease, hybridisation, and habitat loss and that any available literature regarding roadkill and mountain hares is largely anecdotal, outdated, and would be difficult to draw sound conclusions from. The Applicant commented that the population of Mountain Hares within the

Peak District is estimated to be between 500 and 5,000 and that there are limited studies into the distribution and numbers of Mountain hares within England, and this is compounded by the tendency of Mountain Hare populations to fluctuate significantly, especially following harsh winters making estimates difficult.

- 5.11.179 The Applicant maintained its position on the nocturnal traffic modelling as described above, noting that the average hourly increase in vehicle passes during the 'off peak' would equate to one additional vehicle approximately every two minutes and that the increase of 27 and 29 passes on the A628 and A57 in the with development scenarios from 225 to 301 and 63 to 90 passes respectively would not significantly increase the potential for mortality due to vehicle collisions. Therefore, the Applicant considered it to be unlikely that the modelled increase in vehicle passes would lead to a significant increase in roadkill of mountain hares.
- 5.11.180 NE [[REP6-029](#)] stated that mountain hares do not form part of the notified features of the Dark Peak SSSI and that NE do not hold records for populations of the species or how they are affected by roadkill. NE stated it had no specific comments to make but, in recognising the mountain hare as a priority species, recommended seeking additional expert advice if there are concerns with regards to potential impacts on mountain hares by roadkill and further information is required as part of the Examination.
- 5.11.181 We [[PD-012](#) questions 12.7 and 12.8] asked PDNPA whether it had further comments, following the responses from NE and the Applicant. We requested CPRE PDSY to explain the basis for their comments at Deadline 5 about mountain hare population and roadkill impacts and whether it was aware of any subsequent data or evidence.
- 5.11.182 PDNPA [[REP6-038](#)] had no further comment to make at that stage.
- 5.11.183 CPRE PDSY [[REP6-024](#), [REP6-025](#)] submitted comments and a report titled Roadkill assessment for Peak District mountain hares (*Lepus timidus*). It [[REP6-024](#)] provided the source that it had used earlier as a basis for comments at Deadline 5. Whilst earlier research had indicated population levels at 10,000, [[REP6-025](#)], prepared by Dr Carlos Bedson for CPRE PDSY, indicated a much lower figure. Dr Bedson [[REP6-025](#)] indicates recent estimates of the mountain hare population in the Peak District, which is isolated from other populations of the species as approximately 3,500 individuals, which is stated to be below sustainable levels (of 4000 individuals). He further said that road surveys during 2018 to 2020 recorded more than 100 roadkill individuals annually but considers that these were infrequent and underestimated incidence. He estimates the overall roadkill of mountain hares as around 200 individuals per year. He also said that a large portion of the population that live in proximity to roads, do succeed in crossing roads and surviving but that any increase in traffic volumes may lead to proportionate increases in roadkill of mountain hares. In his report [[REP6-025](#)] Dr Bedson suggested how potential impacts from roadkill could be mitigated. He discussed such measures as driver education and possible speed management in hot spots.

- 5.11.184 The Applicant [[REP7-026](#)] maintained the view that it was unlikely that the modelled increase in vehicle passes would lead to a significant increase in roadkill of mountain hares.
- 5.11.185 We [[PD-017](#) question 12.8] asked the Applicant and NE for comments on CPRE PDSY's report [[REP6-025](#)]. The Applicant [[REP11-010](#)] reiterated their earlier responses [[REP6-017](#) and [REP7-026](#)]. NE [[REP12-039](#)] told us that, on the advice of NE's mountain hare expert, the report and conclusion presented by CPRE PDSY [[REP6-025](#)] should be taken into consideration for the project.
- 5.11.186 CPRE PDSY [[REP12-030](#)] dispute the Applicant's view that evidence regarding mountain hare roadkill is anecdotal or outdated, given that their report [[REP6-025](#)] is recent scientific work.
- 5.11.187 PDNPA [[REP11-016](#)] confirmed that their concerns remain regarding the attrition on mountain hare numbers as a result of roadkill, and this is reflected in their SoCG with the Applicant [[REP12-014](#)]. Similarly CPRE PDSY [[REP12-033](#)] maintain their concerns.

Invasive non-native species

- 5.11.188 In their draft SoCG [[REP2-026](#) 10.1.3.2 and 10.1.3.3] the EA noted the presence of invasive non-native species (INNS) within the DCO boundary. The EA considered that the CEMP should refer to best practice measures for avoiding spread of such species.
- 5.11.189 We [[PD-012](#) question 12.1] asked the Applicant whether a specific reference to best practice was needed and sought comments from the EA on the suitability of measures to control INNS within the OLEMMP. This was discussed further at ISH3 [[EV-039](#) Agenda Item 7]. The Applicant [[REP6-017](#)] undertook to incorporate best practice measures, as outlined by the EA, and to incorporate this commitment into the OLEMMP. The OLEMMP [[REP8-014](#)] identifies that all Schedule 9 (Wildlife & Countryside Act 1981) INNS identified within the DCO boundary would either be eradicated prior to any works commencing, or fully avoided during the duration of the works in line with the INNS Management Plan, which would be prepared and included in Annex B of EMP2 and that this document would be in accordance with relevant best practice guidance means as provided collective guidance by NE, DEFRA, and the EA.
- 5.11.190 The final SoCG [[REP10-005](#)] between the Applicant and the EA indicates that there are no outstanding concerns over management of INNS.

Opportunities for enhancement

- 5.11.191 Consideration of the opportunities for enhancement also took in the Applicant's approach to BNG. The Applicant states in ES Chapter 8 [[REP2-008](#)] that the Proposed Development was designed to achieve a net gain for area-based habitats using the DEFRA Biodiversity Metric 2.0 Calculation Tool. ES Chapter 8 [[REP2-008](#) Table 8-15] provides a summary of all habitat losses and gains within the DCO boundary and full details of the use of the Biodiversity Metric are provided in ES Appendix 8.1 [[APP-169](#) Section

3.4 and Appendix C]. We have no reason to dispute these calculations and no other parties commented on them.

- 5.11.192 The Applicant, in ES Chapter 8 [REP2-008 paragraph 8.8.38], states that if any of the mitigation measures for bats are deemed not necessary following the pre-construction surveys, they would still be implemented as enhancement. Paragraph 8.8.62 identifies an enhancement to otters, in the form of an artificial holt along the River Etherow. This would provide a potential opportunity for otters to spread into that area.
- 5.11.193 DCC and HPBC [REP2-045, REP2-046] identified potential enhancement for biodiversity through the incorporation of drystone walling or mixed species hedges rather than fences, and using native species in any landscaping works. We [EV-015 Item 5] asked for the Applicant's views on the use of such features within the Proposed Development. The Applicant [REP4-008] replied that the current design proposals do not include provision for dry stone walls, but that such features are being considered outside of the DCO process, along with other enhancement opportunities to be explored during the detailed design stage.
- 5.11.194 The Applicant drew our attention to the linear gain in hedging that the Proposed Development would provide, and that native species would be used within the new hedgerows. It further identified that hedgerows were designed to aid connectivity for bats and birds across the Proposed Development. The Applicant identified that details for each of the proposed structures remain in development and are not currently available. The Applicant said that the benefits of gritstone for landscape and visual considerations, as well as biodiversity, would be considered at detailed design stage but they cannot be developed in isolation, as they take in a much wider brief embracing other key issues such as sustainability, buildability, maintenance, and safety. The Applicant submitted an outline Design Approach Document, to be incorporated into EMP1 as Appendix C.1, which commits the Applicant to working with the LAs to achieve Good Design. Consultation between the Applicant and LAs on the EMP is secured through Requirement 4 of the dDCO [REP12-002]. We consider landscaping matters in Section 5.6, above.
- 5.11.195 The NT [RR-0620, REP2-079] identified an opportunity for biodiversity mitigation and enhancement adjacent to the A57 Snake Pass and potentially also the A628. The Applicant [REP1-042] responded that any likely significant effects upon designated sites for nature conservation from the Proposed Development, including air quality and nitrogen deposition effects had been screened out within the HRA Screening Report and within ES Chapter 8 [REP2-008]. It did, however, welcome the opportunity to discuss off-site enhancement opportunities with the NT, but noted that any commitment to these enhancements would sit outside the DCO application.
- 5.11.196 In its SoCG [REP10-006] NE indicates general agreement with the scope, methodology and findings of the ES on biodiversity and nature conservation matters and with the proposed mitigation measures. The responses of TMBC [REP8-027, REP9-036] also indicated general agreement with the Applicant's approach to biodiversity matters and its SoCG [REP9-010] shows general agreement on the proposed mitigation measures. HPBC

[[REP6-027](#)] confirmed no remaining concerns about biodiversity. The SoCGs with DCC [[REP9-020](#)], and the EA [[REP12-015](#)] also indicated general agreement with the Applicant's approach to biodiversity matters and proposed mitigation.

Conclusions on biodiversity and ecological conservation

- 5.11.197 Our consideration of this topic has had careful regard to the policies of the NPSNN on biodiversity and ecological conservation. We also consider the NPPF and development plan policies as applicable to an NSIP.
- 5.11.198 The Applicant's overall approach to this topic, including the scope and content of baseline surveys, was generally agreed by the most relevant authorities. In the most part, those authorities did not raise substantive concerns regarding the Applicant's findings. This is shown in the SoCGs with NE, the EA, TMBC, and DCC. Rather, the matters raised during the Examination focussed on specific issues and concerns that the Applicant addressed to our satisfaction. Therefore, we find that the application accords with paragraph 5.22 of the NPSNN in its consideration of the full range of sites, habitats species and potential impacts and paragraph 5.26 in attaching appropriate weight to the range of sites, habitats, and species.
- 5.11.199 A licence under s10 of the Protection of Badgers Act 1992 and an EPS mitigation licence from NE (in respect of bats) under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 are required. Draft Licences have been prepared, but await additional information from ongoing surveys before approval by NE. NE [[REP10-006](#)] indicated that all protected species' issues (including licencing requirements under of the Conservation of Habitats and Species Regulations 2017 or the Wildlife and Countryside Act 1981 as amended can be addressed by Requirements in the dDCO [[REP12-002](#)], should it be granted. We are satisfied that the requirements of paragraph 5.38 have been suitably addressed.
- 5.11.200 We queried the basis on which the disturbance to badgers from noise and vibration were assessed. We are satisfied with the Applicant's response and no contrary view was expressed.
- 5.11.201 We consider that the assessment methodology is sufficiently comprehensive and transparent, and we were not left in doubt as to how the effects of the Proposed Development were quantified.
- 5.11.202 In the early part of the Examination, we explored the suitability and effectiveness of the proposed mitigation. It is clear to us that during the construction phase habitat would be adversely affected when planting is removed, and land occupied. This would not be mitigated fully until planting and other new habitats would be established. Thus, the Proposed Development would result in the temporary reduction of available habitat and the severance of habitat connectivity during construction. The mitigation measures for the Proposed Development include the provision of new habitat and measures to would provide linkage across the DCO area. There would be biodiversity benefits in the proposed improved habitats, including woodland and water courses, SuDS measures, dedicated bat and bird roosts, woodland screening, and removal of invasive species.

- 5.11.203 The Applicant considers that, following the loss of habitat, and pending the provision and establishment of mitigating measures, sufficient habitat and connectivity would remain to support local fauna. No contrary view was expressed and, based on the evidence before us we consider that the overall impact of the construction works would have a slight adverse impact in the short to medium term, which would not be significant. In the longer term, the mitigation, which includes measures to avoid and prevent adverse effects, would provide enhancements in some instances, resulting in a neutral to slight beneficial effect that would not be significant.
- 5.11.204 Other mitigation would be provided in advance of its need. There is provision within the EMP and REAC to ensure that the Applicant can review and refine mitigation in response to any changes in need. The Applicant identified that mitigation measures such as artificial badger setts, bat structures and habitat planting have been widely used elsewhere with high levels of success. The EA and TMBC considered that the design of Proposed Development could be refined during detailed design. We are reassured by the monitoring measures to be provided within the EMP and based on the evidence before us we conclude that the proposed mitigation measures are deliverable and would be likely to be effective.
- 5.11.205 We are satisfied that the potential impact on Shire Hall Ancient Woodland would be of a scale and duration such that it would not be significant. We note that this view is shared by DCC, who had raised concerns in their LIR.
- 5.11.206 Given the current levels of traffic and the likelihood for the species to have become accustomed to noise and visual disturbance from passing traffic in the baseline situation, we find the Applicant's view that the Proposed Development would have a limited effect on the behaviour of mountain hare more convincing, and we have come to similar conclusions about disturbance to ground breeding bird species of the Dark Peak SSSI.
- 5.11.207 The balance of evidence on the effect of the Proposed Development on mountain hare mortality due to vehicle collision was less clear, with both sides of the debate providing substantive supporting evidence. We have considered the advice of NE's mountain hare expert that Dr Benson's report and conclusion should be considered. It is clear to us that an increase in traffic numbers would be likely to result in an increase in mountain hare fatalities due to an increase in the interaction between the species and vehicles as they enter the carriageway. It is not clear, however, what the increase would be. Whilst it is tempting to assume a directly proportionate relationship, that may well be over-simplistic, because, as noted in Section 5.2, vehicles on the roads crossing PDNP, tend to travel in convoys.
- 5.11.208 There was wide variation in the estimated total population of mountain hare within PDNP, ranging from 3,500 to 10,000, and their distribution. There is no formal survey or recording by NE to verify the population number as they are not a notified feature of the SSSI. Whilst Dr Benson recorded over 100 roadkill individuals annually, he said that this number may be an underestimate as surveys were infrequent. Extrapolating from his observations Dr Benson estimated around 200 individual casualties per annum. It is noted that mountain hare numbers can fluctuate considerably over time. Further, the effects would manifest in those parts of the

population adjacent to the ARN within PDNP. While CPRE PDSY suggested that about 20% of the adult mountain hare population lived in the square km adjacent to the roads, no formal record or evidence of the distribution of the population was presented. We have considered a likely worst case scenario using Dr Benson's estimates of 200 individuals being killed out of a population of 3,500. This would result in a mortality rate of approximately 6% of the population per annum.

- 5.11.209 Having considered this matter carefully, weighing the available evidence before us, we conclude that while there is likely to be an impact on the population of mountain hare in the proximity of the ARN within PDNP, it has not been demonstrated that this would have a significant effect on the mountain hare population. Given the significance of the species and the uncertainties over attrition rates and overall population, we have adopted a precautionary approach, but nevertheless find that the adverse effect on the overall population is likely to be moderate, at worst.
- 5.11.210 We have considered the possible mitigation measures suggested within Dr Benson's paper. It will be seen from our consideration of speed management measures within PDNP in Section 5.2 that the provision of physical measures, such as average speed cameras, brings other issues regarding the character and appearance of the PDNP and there would be likely to be issues of deliverability and practicability. An educational programme to increase awareness of risk to fauna from vehicle collision may be more feasible. However, based on the evidence before us on the likely scale and limited area of the effects we are not convinced that specific mitigation for this issue is required to address the issue of mountain hare attrition through roadkill due to the Proposed Development.
- 5.11.211 We noted that, at the end of the Examination, there was agreement between the Applicant and the EA that the provisions within the EMP and REAC would be sufficient to address the management of INNS. This was not disputed. Having followed the arguments we conclude that a satisfactory outcome has been reached such that there is no impediment in this regard to granting the DCO.
- 5.11.212 Several objections were raised regarding the effect of the Proposed Development on other species, including foxes and deer. However, there was little solid evidence to support those concerns. On the other hand, we have already found that the Applicant's baseline information and assessments of the effect of the Proposed Development on those and other species are sound. We also note the advice of NE [[REP10-006](#)], who has not disputed the scope, method or conclusions of the Applicant's study. As such, we find that the objections raised do not call into question the relevant ES findings.
- 5.11.213 In terms of the more generalised objections raised on biodiversity matters, whilst we acknowledge that there are widely held concerns regarding the effect of development on biodiversity at national and international levels, our task in this report is to consider the effects of the Proposed Development. That does include any cumulative biodiversity effects with other developments as set out in ES Chapter 15 [[REP1-020](#)] in which the Applicant's assessment is set out in terms of the committed developments

scoped in, and concluded no adverse cumulative biodiversity effects during the construction or operational phases.

- 5.11.214 The NPSNN is the primary source of policy guidance for the Proposed Development. We consider that the NPPF is also an important and relevant consideration, but only to the extent relevant to a project and it is not intended to contain specific policies for NSIPs where particular considerations can apply. In this case the NPSNN provides clear guidance on the approach to biodiversity enhancement. Paragraph 5.23 requires the Applicant to show how the Proposed Development takes advantage of opportunities to enhance, as well as conserve, biodiversity interests. Paragraph 5.33 requires the SoST to consider whether the Applicant maximised opportunities to build in beneficial biodiversity features in and around developments. As such, whilst acknowledging the aims of paragraphs 174(d) and 180(d) of the NPPF to achieve a net gain in biodiversity, we consider that they do not outweigh paragraphs 5.23 and 5.33 of the NPSNN in this case, nor have we found conflict between them and the Proposed Development.
- 5.11.215 To that extent, the Proposed Development would comply with paragraphs 5.23, 5.25, 5.26, 5.29, 5.31, 5.33 and 5.34 of the NPSNN on conserving and enhancing biodiversity conservation interests and paragraphs 5.36 and 5.38 regarding the mitigation measures.
- 5.11.216 There is no dispute that, even with the mitigation proposed, there would be a slight adverse residual effect on Hurstclough Brook, which would be likely to experience a reduction in flow on its upper section. However, that would be unlikely to result in any significant effects.
- 5.11.217 We are satisfied that the Proposed Development would not give rise to any significant residual effects on statutory or non-statutory wildlife sites, protected species and habitats and other species of notable importance for the conservation of biodiversity, other than mountain hare. This would be achieved using a variety of mitigation measures.
- 5.11.218 We have found that the Proposed Development has the potential to achieve enhancements in biodiversity. The mitigation measures necessary to achieve those enhancements are set out in EMP1 [[REP12-007](#)] and we have no reason to doubt that they would be deliverable and effective.
- 5.11.219 The Proposed Development would result in a BNG. The scale of the BNG is, however, limited and would thus provide a slight beneficial effect because of the Proposed Development, albeit that BNG is not currently a legal requirement for NSIPs. We note the commitment of the Applicant to seek further BNG, in consultation with the LAs and others, during the detailed design phase. Nonetheless, the scale of the benefit is likely to be such that it does not count significantly for the DCO being made.
- 5.11.220 In respect of mountain hare, we consider that a moderate adverse effect, and thus a significant one, would remain due to the potential for increased mortality through traffic collisions given the increase in traffic within their PDNP range. This counts significantly against the DCO being made.

- 5.11.221 Accordingly, in line with NPSNN paragraph 5.35, it is necessary to consider whether the benefits of the Proposed Development (including need) clearly outweigh this harm. We consider this in Chapter 7.
- 5.11.222 We have had regard to the NERC Act and the biodiversity duty in our consideration of the implications of the Proposed Development on mountain hares, as a species of principal importance. We have no concerns in relation to compliance with the Natural Environment and Rural Communities Act 2006 and we have fulfilled our biodiversity duty.
- 5.11.223 As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 (as amended) (the Decisions Regulations), we have taken account of the United Nations Environmental Programme Convention on Biological Diversity of 1992 in our consideration of the likely impacts of the Proposed Development and appropriate objectives and mechanisms for mitigation and compensation. We are content that the Proposed Development accords with the aims of the United Nations Environmental Programme Convention on Biological Diversity of 1992.

5.12 LAND USE, SOCIAL, ECONOMIC AND HUMAN HEALTH

Introduction

- 5.12.1 This section covers the land use, social, economic and human health effects of the Proposed Development. It, therefore, takes account of the loss and replacement of public open space, effects on PRoW, severance, WCHs, effects on human health, direct and indirect effects on businesses in the area and effects on agricultural land and holdings.
- 5.12.2 Matters relating to PRoW and WCHs are also considered in Section 5.2 of this report (transportation networks and traffic). The consideration of effects on human health should be read in conjunction with Section 5.3 (air quality) and Section 5.5 (noise and vibration). Matters relating specifically to agricultural land are considered in Section 5.9.
- 5.12.3 PA2008 s131 and s132 provisions for a special parliamentary procedure in relation to the acquisition of open space are addressed in Section 8.10.

National policy context

Open space and green infrastructure

- 5.12.4 Paragraph 5.162 of the NPSNN advises that access to high quality open spaces and the countryside can be a means of providing necessary mitigation and that green infrastructure can enable developments to provide positive environmental and economic benefits.
- 5.12.5 Paragraph 5.165 requires the Applicant to "*identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing ...*"
- 5.12.6 At paragraph 5.166 the NPSNN states that "*Existing open space, sports and recreational buildings and land should not be developed unless the land is*

surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings."

5.12.7 Paragraph 5.174 advises that the SoST *"should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the Applicant to provide new, improved or compensatory land or facilities."*

5.12.8 At paragraph 5.175 the NPSNN goes on to state that green infrastructure identified in development plans should normally be protected from development, and, where possible, strengthened by, or integrated within it. The value of linear infrastructure in supporting biodiversity should also be taken into account when assessing the impact on green infrastructure.

5.12.9 Paragraph 5.181 advises that, where s131 and s132 of the PA2008 apply (in relation to the loss of open space), *"any replacement land provided under those sections will need to conform to the requirements of those sections."*

Public access and WCHs

5.12.10 Paragraph 3.16 of the NPSNN advises that the Government is committed to sustainable travel and is investing in developing a high-quality cycling and walking environment to bring about a step change in cycling and walking. The national road network has a direct role in helping pedestrians and cyclists and *"the Government expects Applicants to use reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes."*

5.12.11 Applicants should also *"identify opportunities to invest in infrastructure in locations where the national road network severs communities and acts as a barrier to cycling and walking, by correcting historic problems, retrofitting the latest solutions and ensuring that it is easy and safe for cyclists to use junctions"* (paragraph 3.17).

5.12.12 Furthermore, all reasonable opportunities to deliver improvements in accessibility on, and to, the existing national road network should be taken wherever appropriate (paragraph 3.20). Paragraph 3.21 reminds applicants of their duty to promote equality and to consider the needs of disabled people as part of their normal practice.

5.12.13 Regarding PRoW, National Trails, and other rights of access to land, paragraph 5.184 recognises their importance as recreational facilities for walkers, cyclists, and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on these facilities and, where appropriate, to consider what opportunities there may

be to improve access. Paragraph 5.184 goes on to advise that revisions to an existing right of way need to consider the use, character, attractiveness, and convenience of the right of way. The SoST should consider whether the mitigation measures put forward by the Applicant are acceptable and whether they are secured by the DCO.

- 5.12.14 The NPSNN confirms at paragraph 5.185 that PRoW can be extinguished under s136 of the PA2008 if the SoST is satisfied that an alternative has been or will be provided or is not required.
- 5.12.15 Paragraph 5.205 requires the Applicant to consider reasonable opportunities to support other transport modes in developing infrastructure. They should use reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users. In doing so, applicants should seek to improve access, wherever possible, on and around the national networks and take account of the accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users (paragraph 3.20).

Human health

- 5.12.16 Paragraph 4.79 of the NPSNN advises that national road networks have the potential to affect the health, wellbeing and quality of life of the population. Direct impacts on health can arise because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests.
- 5.12.17 New or enhanced national network infrastructure may also have indirect health impacts. This could be due to access to key public services, local transport, opportunities for cycling and walking or the use of open space for recreation and physical activity (paragraph 4.80).
- 5.12.18 Where the proposal would have likely significant environmental impacts affecting human beings, the ES should assess any likely significant adverse health impacts (paragraph 4.81). Measures to avoid, reduce or compensate for adverse health impacts, including cumulative impacts, should also be identified (paragraph 4.82).

Socio-economics

- 5.12.19 Paragraph 2.13 of the NPSNN states that the SRN provides critical links between cities, joins up communities and connects other transport infrastructure. The SRN provides a vital role in people's journeys, and drives prosperity by supporting new and existing development, encouraging trade and attracting investment. A well-functioning SRN is critical for safe and reliable journeys and the movement of goods in support of the national and regional economies.
- 5.12.20 Paragraph 2.16 advises that traffic congestion constrains the economy and impacts negatively on quality of life. Congestion constrains existing economic activity, as well as economic growth, by increasing costs to businesses and damaging their competitiveness. Congestion can also lead to a marked deterioration in the experience of road users.

- 5.12.21 Nevertheless, the Government recognises that for development of the national road network to be sustainable it should be designed to minimise social and environmental impacts and improve quality of life (paragraph 3.2). Applicants are expected to avoid and mitigate social impacts in line with the principles set out in the NPPF. Applicants should also provide evidence that they have considered reasonable opportunities to deliver social benefits as part of schemes (paragraph 3.3).

Agricultural land and holdings

- 5.12.22 Paragraph 5.168 of the NPSNN states that applicants should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.

The application

- 5.12.23 The elements of the application most relevant to the consideration of land use, social and economic matters, as updated during the Examination, are:

- ES Chapter 5: Air Quality [[APP-061](#)] updated to [[REP3-006](#)];
- ES Chapter 9: Geology and Soils [[APP-065](#)] updated to [[REP7-007](#)];
- ES Chapter 11: Noise and Vibration [[APP-067](#)] updated to [[REP8-008](#)];
- ES Chapter 12: Population and Human Health [[APP-068](#)] updated to [[REP2-009](#)];
- ES Figure 12.1: Community Facilities and Commercial Assets [[APP-147](#)];
- ES Chapter 13: Road Drainage and the Water Environment [[APP-069](#)] updated to [[REP7-009](#)];
- ES Chapter 15: Cumulative Effects [[APP-071](#)] updated to [[REP1-020](#)];
- Case for the Scheme: National Policy Statement Accordance Table [[APP-182](#)] updated to [[REP2-016](#)]; and
- EMP1 [[APP-183](#)] updated to [[REP12-007](#)].

The Applicant's approach

- 5.12.24 ES Chapter 12: Population and Human Health [[REP2-009](#)] presents the results of an assessment of the effects of the Proposed Development on population and human health during its construction and operational phases. The assessment was undertaken in line with the guidance of DMRB LA 112: Population and Human Health and considers:

- land use and accessibility, including private property and housing, community land and assets, development land and businesses, agricultural land holdings, and WCH; and
- human health, including health profiles of affected communities, health determinants (including access to healthcare, community, recreation and education facilities, access to green and open space, existing and

predicted levels of air and noise pollution, landscape amenity, sources and pathways of potential pollution (such as land and water contamination) and safety), and likely health outcomes.

5.12.25 The study area for land use and accessibility extends 500m from the Order limits and is shown on ES Figure 12.1 [APP-147]. The study area for human health includes parts of the administrative areas for TMBC and HPBC and so the characteristics of their administrative areas have informed the baseline conditions relating to land use and accessibility and human health. The baseline conditions and, where relevant, sensitivity of receptors, are set out in Section 12.6 of ES Chapter 12 [REP2-009]. Study areas for the effects of air quality [REP3-006], noise and vibration [REP8-008], water environment [REP7-009] and geology, soils and land contamination [REP7-007] on human health are as set out in the ES.

5.12.26 ES Chapter 12 [REP2-009] notes that potential impacts on land use and accessibility during construction may arise from:

- temporary or permanent land-take and/ or demolition, temporary or permanent diversions;
- closure or stopping up of WCH routes;
- temporary disruption caused by construction traffic and diversions or closures of roads;
- increased competition for housing; and
- workforce changes.

Potential effects

5.12.27 Potential impacts to human health during construction may arise from:

- anxiety and related wellbeing effects from permanent land take / demolition;
- anxiety and wellbeing effects from exposure to sustained construction activity affecting noise, vibration air quality and visual amenity;
- reduced accessibility to facilities and open space; and
- pollution.

5.12.28 Potential impacts during the operational phase on land use and accessibility include permanent changes to:

- the local housing market and job market due to increased accessibility to housing and key employment locations, with potential for improved employment opportunities and increased accessibility;
- access and permanent changes to, severance of and new connectivity for WCH routes;
- reduction in size of, and severance within, agricultural holdings; and
- connectivity of PRow for WCH users through the provision of new links.

5.12.29 Potential impacts for human health during the operational phase include:

- changes to stress, anxiety and wellbeing from altered traffic noise and vibration;
- changes to stress, anxiety and wellbeing from altered landscape amenity;
- pollution;
- changes to community severance;
- changes to accident rates and severity;
- changes in access to facilities and open space, community severance;
- changes to connectivity for WCH;
- secondary impacts from consequential developments, increased accessibility to key employment locations, with potential for improved employment opportunities and increased accessibility generally; and
- other amenity impacts.

Mitigation

5.12.30 Measures to mitigate or reduce adverse effects during construction include:

- traffic management, including within the construction sites;
- communication with local residents through a Community Engagement Plan and the appointment of a Community Relations Manager and provision of a Customer Contact Centre;
- minimisation of disruption to WCH routes and provision of alternatives where closures would occur;
- restoration of temporarily acquired land;
- avoidance of permanent severance of agricultural land and compensation where additional severance occurs;
- installation of livestock fencing;
- appointment of an agricultural liaison officer during the works;
- dust and noise management; and
- visual screening of works where possible.

Such measures form part of EMP1 [[REP12-007](#)] with an EMP (second iteration) to be secured under Requirement 4 of the rDCO (Appendix D).

5.12.31 During the Proposed Development's operation, measures to mitigate or reduce adverse effects include:

- realignment of PRoW as close as practicably possible to their original alignment;
- provision of underpasses to maintain connectivity of PRoW for WCHs; and

- other measures for managing air quality, noise and vibration and landscape and visual effects as outlined in the respective ES chapters covering these matters.

Enhancement

5.12.32 The Applicant is proposing the following enhancements:

- ensuring that cycling provision within the Proposed Development would tie into TMBC's proposed Hyde to Hollingsworth cycleway scheme;
- de-trunking of the A57 between M67 Junction 4 and the Roe Cross Road junction;
- reducing the speed limit to 20mph on the de-trunked section and Woolley Lane, together with traffic management to create a better environment for WCHs; and
- measures on Mottram Moor between the new Mottram Moor junction and the Gun Inn junction to improve WCH provision.

Summary of likely significant residual effects

5.12.33 A summary of the Applicant's assessment of likely significant residual effects as reported in ES Chapter 12 [[REP2-009](#)]:

Construction phase

- A permanent large adverse effect due to the demolition of dwellings as follows: four in Four Lanes, seven in Old Road, six in Tollemarche Close and eight in Old Hall Lane. A permanent negative health effect was identified in association with this.
- A permanent moderate adverse effect arising from the demolition of four sheds on Four Lanes, nine garages on Tollemarche Close and a stable on Mottram Moor. This would also result in a permanent negative health outcome.
- A temporary moderate adverse effect on 4,236 houses within the study area due to temporary disruption to access during the works.
- A permanent negative adverse health effect was identified as a result of the removal of 25 houses from the housing stock due to changes in access to good quality housing.
- A temporary negative adverse health effect for approximately 4,236 households within the study area due to disruption and amenity impacts.
- A temporary negative adverse health effect on the local population in regard to housing availability due to the potential influx of workers from outside the area.
- In relation to community facilities, no significant residual effects have been predicted although a permanent negative health effect was identified in association with the loss of and / or reduction in access to the Public Park / Garden behind 2 to 5 Old Road and the open space adjacent to Mottram Moor Farm. A temporary adverse health outcome

associated with changes in access and amenity impacts was predicted for 25 community facilities, 5 schools, and a nursery within the study area. Similarly, a temporary adverse health outcome associated with changes in access and amenity impacts on public open space recreation and leisure time activities within the study area.

- A permanent large adverse effect on four business units at Roe Cross Industrial Estate and the former Mottram Agricultural Showgrounds resulting from demolition and permanent land take. A permanent adverse health outcome was identified in association with the loss of those properties and the displacement of businesses and their workers. Similarly, a temporary adverse health outcome associated with changes in access for approximately 12 other local businesses / commercial premises / units predominantly in association with the Roe Cross Industrial Estate and Hattersley Industrial Estate and 415 local businesses / commercial premises in the wider study area.
- A temporary beneficial health outcome was predicted in association with the boost to local business productivity and the job market from the creation of employment for constructing the Proposed Development.
- A permanent large adverse effect on one farm holding due to land-take.
- A permanent moderate adverse effect on five farm holdings and on the Mottram Show ground due to permanent and temporary land-take and severance.
- A temporary moderate adverse effect on seven PRoW due to temporary diversion. A temporary adverse health outcome is predicted to arise for users of those PRoW routes and 123 other routes in the wider study area due to loss of amenity, temporary severance or disruption to access to them during the works.
- A temporary adverse health outcome was predicted in association with construction activities, including site accidents within the compounds associated with trespassing and other criminal activities, conflict with construction vehicles and changes to the network linked to traffic management and in association with utilities works or buried services.
- A temporary negative health outcome is anticipated to result from disruption or loss of access to public transport.
- The construction works have the potential to cause dust emissions and result in a temporary adverse health and wellbeing effect. This is considered in Section 5.3 above.
- Similarly, there would be potential to impact soil and water pollution, again with an associated temporary negative health outcome. These are considered in Sections 5.9 and 5.10 of this chapter.
- Changes to the landscape, including loss of vegetation, demolition of buildings and the creation of new structures, together with other visual disturbance from lighting within the works site and moving plant have the potential to impact landscape amenity. Again, this would have an associated impact on health and wellbeing and result in a temporary negative health outcome. We consider this in Section 5.6.

- During construction, the proposed works have the potential to affect social cohesion and lifetime neighbourhoods through severance in access to these areas and some of the surrounding areas.
- There is potential to engender social impacts and risks that could affect health and community cohesion through the introduction of a non-home-based workforce.
- The loss of former Mottram Agricultural Showgrounds and of cricket grounds were identified in relation to social cohesion and lifetime neighbourhoods. However, the Applicant understood that neither the showgrounds nor the cricket grounds were used.

Operational phase

- 5.12.34 In accordance with DMRB LA 112, the Applicant considered effects after a year of operation, for which it is considered that land use and accessibility effects associated with routine maintenance operations would be unlikely to be significant. For effects on human health, consideration was made up to year 15 of the operational phase after which it is considered that human health effects associated with routine maintenance operations were unlikely to be significant.
- 5.12.35 When operational the Applicant predicts the Proposed Development would have no significant impacts to private property and housing beyond that which is considered in other chapters of the ES. The Applicant predicted the operational effect on property as being neutral.
- 5.12.36 The Applicant predicted the operational effects of the Proposed Development on community land and assets as not being significant.
- 5.12.37 Provision of improved pedestrian and cyclist crossing facilities and new underpasses to maintain farm access and provide a safe route for WCH seeks to ensure that access to existing community land and assets is maintained and improved when the Proposed Development is operational. The Applicant predicted a positive health outcome.
- 5.12.38 The Applicant considered that there may be some direct and indirect effects on businesses and the job market within the study area due to improved connectivity, reduced congestion, reduced and more reliable journey times and overall improvements to access with subsequent benefits to human health and wellbeing through reduction in stress. The Applicant therefore considered that the Proposed Development would a beneficial impact on economic growth.
- 5.12.39 In the longer term if the developments identified in the ES [[REP2-009](#) Table 12.12] are brought forward, it is expected that there would be an increase in traffic using the local network compared with the prevailing situation. The Applicant considers that without the Proposed Development the road network would become highly congested exacerbating existing delays and that the reduced congestion and improved journey reliability would bring economic benefits to the area.

- 5.12.40 The Proposed Development would result in some loss of agricultural land and the sub-division of the retained farm holdings, which would increase the travel time associated with the operation of the affected farms. Those effects on farming have been assessed by the Applicant as being moderate to large adverse. The Applicant considers those effects would be unlikely to impact significantly on health and wellbeing in the longer term and thus in the shorter term a negative health outcome is anticipated, reducing over time to a neutral effect, as new working methods and practices become established for respective farm holdings.
- 5.12.41 The Applicant undertook a WCH assessment of the existing facilities that are available for pedestrians, cyclists, and equestrians. That assessment has been used to establish what facilities would be affected and would need to be replaced and what general improvements to WCH facilities could be made in association with the Proposed Development.
- 5.12.42 For the operational phase the Applicant would prepare a communication plan, which would help inform the local community of the improvements to accessibility, connectivity and journey times.
- 5.12.43 All WCH provision on the existing A57 would be maintained with any improvements being agreed with the relevant local highway authority. Any cycle lanes provided by the Proposed Development would be designed for future cycle lane connectivity along the de-trunked corridor.
- 5.12.44 Moderate beneficial effects for the existing WCH network were predicted by the Applicant. Those beneficial effects were predicted to be beneficial for health and wellbeing.
- 5.12.45 The Applicant anticipated a negative health outcome with respect to landscape and visual effects.
- 5.12.46 Operational activities have the potential to impact risk of injury and death. The assessment of the level of operational impact and significance of effects is detailed in ES Chapter 12 [[REP2-009](#) Table 12.25].
- 5.12.47 In summary, the Applicant identifies a temporary negative health outcome from changes in traffic levels and lack of awareness of altered traffic movements. This would be likely to affect high sensitivity groups of human receptors and vulnerable groups.
- 5.12.48 The Applicant identified a positive permanent health outcome from increased safety because of decreasing traffic levels and congestion through Mottram and through the embedded mitigation within the design. This would be likely to affect high sensitivity and vulnerable human receptors.
- 5.12.49 During the operational phase the Applicant expects that there would be a significant improvement for human health due to general reductions in NO₂ concentrations for all but one receptor. As such the Applicant anticipates a Positive health outcome. ES Chapter 5 [[REP3-006](#)] provides a more detailed consideration of Air Quality and we consider this in Section 5.3.
- 5.12.50 We consider contamination risk in regard to soils and geology in detail in Section 5.9 of this report. The Applicant's assessment [[REP7-007](#)] identifies

minimal exposure of road users to contaminated soil / ground gas migration or contaminated water via abstractions during the operational phase.

- 5.12.51 Residents utilising public open space surrounding the highway during the operational phase would be expected to experience a negligible impact following mitigation. This would result in a temporary slight adverse health impact, although receptors were considered to be of high value/sensitivity.
- 5.12.52 With mitigation the magnitude of impact in relation to local water abstractions was considered by the Applicant to be negligible adverse, with a commensurate temporary slight effect. The Applicant considers that residents are considered to be very high sensitivity in relation to local water abstractions.
- 5.12.53 Overall, the Applicant considered that the Proposed Development would have a neutral or temporary slight adverse effect on residents, resulting in a non-significant classification. A negative health outcome is therefore attributed.
- 5.12.54 The road drainage and water environment assessment [[REP7-009](#)] identifies that during operational phase there would be no residual significant effect for water quality. We consider the spread of water-borne contamination in Section 5.10.
- 5.12.55 The Applicant considered that, once the Proposed Development is operational, the noise climate would be permanently affected by changes in vehicle activity as determined by the traffic flows, speeds and fleet composition on the local road network, including the Proposed Development itself, however no significant adverse effects from ground-born vibration are expected as a result. It identifies beneficial impacts that could occur at Hyde Road and Mottram Moor in Mottram and Woolley Lane in Hollingworth due to the link roads diverting traffic away from these areas. However, the Applicant identifies adverse effects that could occur at residential streets in Mottram close to the route of the Proposed Development, such as Four Lanes, Old Hall Lane and Lodge Court. This is because the Proposed Development would provide a new noise source that would be likely to affect the noise climate in these areas.
- 5.12.56 The Applicant identified that overall, during the operational phase, there would be more perceptible increases than perceptible decreases with the Proposed Development. Significant adverse effects were predicted at 128 noise sensitive receptors due to the Proposed Development. There were also 374 noise sensitive receptors where significant beneficial effects were predicted due to the Proposed Development, mostly at dwellings within an NIA (NIA 10992) at Mottram that would be bypassed by the Proposed Development. As such, the Applicant anticipated both positive and negative health outcomes here.
- 5.12.57 The Applicant provided a fuller consideration of noise and vibration in ES Chapter 11 [[REP8-008](#)] and we consider noise and vibration in Section 5.5.
- 5.12.58 The Applicant considered that during the operational phase, the Proposed Development would reduce community severance for Mottram in Longdendale through the separation of local and regional traffic, thus

resulting in large reductions of traffic on the existing A57. It considered that would make this stretch of road much more accommodating for cyclists and pedestrians, with improved crossings facilities being available and a reduction in speed for vehicles using the de-trunked part of the A57. This was predicted by the Applicant to lead to permanent positive benefits to health and wellbeing.

5.12.59 The Applicant identified that during the operational phase traffic congestion issues would be alleviated with significant reductions in traffic predicted at Mottram Moor (between Back Moor and Stalybridge Road), Hyde Road and Woolley Lane, therefore providing a safer and more pedestrian friendly environment in the village. It said that the Proposed Development would also make substantial provisions for WCH, improving connectivity, and the new bypass would also provide for more reliable, shorter journey times. These impacts were anticipated to result in a permanent positive health outcome for travellers.

Applicant’s summary of health outcomes

5.12.60 In respect of human health, the Applicant summarised the health outcomes against each of the wider health determinants through the construction and operational phases in ES Chapter 12 [REP2-009 Table 12.26].

Aspect	Wider health determinants	Health outcome (Construction)	Health outcome (Operation including up to Year 15)
Natural environment	1) Air pollution 2) Soil and water pollution	1) Negative 2) Negative	1) Positive 2) Negative
Built environment	3) Safety / risk of injuries and death	3) Negative	3) Negative
Activities	4) Housing 5) Transport options 6) Active travel	4) Negative 5) Negative 6) Negative	4) Neutral 5) Positive 6) Positive
Landscape	7) Landscape amenity	7) Negative	7) Negative
Local economy	8) Development land and business 9) Agricultural land holdings	8) Negative 9) Negative	8) Positive 9) Neutral
Community	10) Education, healthcare services and other community facilities 11) Open space, recreation and leisure-time activities 12) Social cohesion and lifetime neighbourhoods	10) Negative 11) Negative 12) Negative	10) Positive 11) Positive 12) Positive
Lifestyle	13) Noise pollution and vibration	13) Negative	13) Positive and Negative

Figure 5.12.1: Health outcome summary [extract from Table 12.26 of REP2-009]

Factual issues considered during the Examination

5.12.61 The land use, social and economic matters considered during the Examination included:

- method of assessment;
- the effects on local businesses;
- the adequacy of support for occupiers of dwellings to be acquired;

- the effects on severance;
- the effect on Mottram Agricultural Showground;
- the adequacy of the proposed replacement public open space;
- the adequacy of planting in mitigating visual effects;
- the effects on the local job market and economy;
- the effects on life expectancy;
- effects on the NT and its tenants;
- the effects on potential development land; and
- other matters.

The effects of the Proposed Development on WCH and PRow are considered in detail in Section 5.2; Transport Networks and Traffic, above. The effects of the Proposed Development on the peace and tranquillity of the countryside and PDNP are considered in Sections 5.5 and 5.8.

Method of assessment

- 5.12.62 DCC in its relevant representation [[RR-0240](#), [RR-0330](#)] and its joint LIR with HPBC [[REP2-045](#), [REP2-046](#)] expressed concern about a lack of detailed assessment of effects on the local economy, with potential for both benefits and disbenefits arising from changes to journey times and congestion with particular reference to the effects on Hadfield and Glossop town centres.
- 5.12.63 We [[PD-009](#) question 13.6] asked the LAs for comments on the Economic Assessment for the Proposed development. While TMBC [[REP2-056](#)] had no comments to make at that stage, HPBC [[REP2-053](#)] stated that the economic assessment should consider the local economic impacts in more detail, citing the concern expressed in its LIR [[REP2-046](#)] of the likelihood that businesses that are dependent on local travel within Glossopdale would be likely to suffer from increased delays and journey times due to the additional traffic arising from the Proposed Development. HPBC also acknowledged that businesses that are focused more on connections to Greater Manchester and the SRN may benefit from reduced journey times overall.
- 5.12.64 The Applicant [[REP3-018](#)] clarified how economic effects had been assessed and that they were captured within the “Wider Economic Impacts”, considering the effects on premises both within and outside of the DCO boundary. The Applicant submitted that not every impact can be proportionately monetised, and qualitative impacts are considered alongside monetised impacts. The Applicant considers that, overall, over the whole life of the Proposed Development, there would be a positive impact on development land. The value of that was not monetised due to the high-level complexity of the assessment and relatively low economic output anticipated, such consideration was not considered proportionate.
- 5.12.65 The Applicant further explains that it considered other economic impacts, such as journey time savings, on a wider basis, rather than council

boundaries. The Applicant, however, acknowledged that travellers making journeys entirely outside the DCO boundary may experience increased journey times due to higher traffic flows, but for any given site such delays are forecast to be significantly outweighed by the time savings for movements passing through the DCO boundary. The Applicant further submitted that forecasts for future time savings and delays which have informed the economic assessment had been based on unchanged land use and had not made any allowance for increased local development. The Applicant recognised that the generation of more local jobs through improved connections to local employment sites would help provide residents with the opportunity to work locally rather making longer distance commutes. That would help reduce traffic and reduce delays compared to the forecasts which have been presented, but such impacts at individual sites are not considered sufficiently certain to warrant capture as part of the central forecast scenario.

- 5.12.66 The Applicant explained that the assessment of how the Proposed Development was anticipated to affect businesses beyond direct travel costs and focussed on how reduced travel costs would improve agglomeration and connectivity, rather than how the effects on businesses would feed back to the transport network. Such an assessment would require detailed land use transport interaction modelling which the Applicant considered would not be proportionate because of the level of complexity involved.
- 5.12.67 We [[PD-012](#) question 13.5] asked HPBC to summarise any remaining concerns about the Applicant's consideration of land use, social and or economic. HPBC [[REP6-027](#) responses to Questions 3.26 and 13.10] replied that it had no concerns beyond those highlighted in that submission and its LIR. HPBC did, however, identify remaining concerns regarding severance within Glossopdale, including potential local economy impacts on Glossop High Street. HPBC remained of the view that further consideration should be given to such impacts.
- 5.12.68 In the signed SoCG between the Applicant and HPBC [[REP12-008](#) Item 3.15] states that there is agreement about the assessment of economic impacts.
- 5.12.69 In response to our question [[PD-009](#) question 13.16], TMBC [[REP2-056](#)] queried whether the impact on and loss of agricultural land had been included in the ES. The Applicant [[REP3-021](#)] signposted where the impact on agricultural land could be found within ES Chapter 12 [[REP2-009](#)].
- 5.12.70 We [[PD-012](#) question 13.3] and [[PD-017](#) question 13.1] asked TMBC to summarise any remaining concerns about the Applicant's consideration of land use, social and economic, or human health. TMBC [[REP6-037](#), [REP11-018](#)] said that it had no further concerns.
- 5.12.71 We [[PD-009](#) question 13.10] sought clarification about how driver stress had been considered in the ES. The Applicant [[REP2-021](#)] explained that consideration of travellers stress is no longer a requirement of DMRB with this requirement having been withdrawn in October 2019. The Applicant further explained that the assessment undertaken notes different groups within the population, and this includes the 'Wider Population', and public

transport users and vehicle travellers are considered as part of this wider group within the overall population during both the construction and operational phases.

Conclusions on method of assessment

- 5.12.72 Whilst there has been dispute over the economic assessment, particularly regarding the way in which local impact on business was assessed, we find that there is no fundamental issue with the basic methodology used and that appropriate and proportionate assessment was undertaken.

Local businesses

- 5.12.73 We received an Additional Submission from Christopher Hill [[AS-002](#)], which, having considered the contents, we accepted as relevant to the consideration of the Proposed Development. In his submission Christopher Hill, whose property would be permanently acquired, explained that his wife runs a business from their home and that the client base for this business is rooted in the local area. It was submitted that should the Hills need to vacate their property, there would not only be a need to secure a new business premises but also establish an entirely new client base if a replacement home were to be located too far from the current one.
- 5.12.74 We [[PD-012](#) question 13.1] requested information regarding the turnover of the business. We did not receive any response from Christopher Hill.
- 5.12.75 Similarly, we [[PD-012](#) question 13.2] sought details of the effects on businesses on Roe Cross Lane. Steve Williams [[REP6-031](#)], the owner of Steeple Building and Preservation Services responded. He told us that he foresaw a drop in contracts if his business was required to relocate to another area as this business's current location is central position to its client base. Steve Williams felt that any move would undermine the company's reputation and incur extra costs in addition to those associated with the initial move, such as additional travel and loss of contact with the company's client base.
- 5.12.76 At Compulsory Acquisition Hearing (CAH) 2 [[EV-038](#), [EV-049](#)] the Applicant [[REP8-020](#)] advised that the owner of Roe Cross Industrial Park continued not to engage with them. However, the tenants had engaged, and the Applicant was in the process of arranging meetings to understand the effects on these businesses.
- 5.12.77 John J Bower and Warner E Bower [[RR-0434](#), [RR-0173](#), [RR-0174](#)] expressed concerns regarding severance, access and other matters adversely affecting their businesses. At CAH1 [[EV-013](#), [EV-021](#)] Warner E Bower raised issues of severance and other effects on his farming business. At CAH1 [[EV-020](#), [REP4-028](#)] it was stated that, amongst other things, there would be severance, loss of land, alteration of access and additional running costs. The Applicant [[REP5-022](#), [REP6-017](#)] acknowledged that there would be severance of the holding, which straddles the line of the Proposed Development, however it is seeking to address such issues, including access, through negotiation. The Applicant advised that Carrhouse Lane would maintain access between the two sides of the road providing a connection between the two sections of the farm and access would be

available to all parts of the holding. The Applicant undertook to continue discussions with a view to minimising the impacts of the Proposed Development during the construction and operational phases.

Conclusions on local businesses

- 5.12.78 Local businesses would be lost, and farms would have their acreage reduced and severed because of the Proposed Development. Those effects could not be eliminated, only be reduced, mitigated, or compensated for. We note that the Applicant sought to engage with Affected Persons and continues to do so, but attempts at engagement have, in some cases, been ineffective.
- 5.12.79 We have, in Sections 5.2 and 5.9, considered the transportation and agricultural effects of the Proposed Development in detail and we are satisfied that necessary and proportionate mitigation would be secured through the rDCO (Appendix D), most particularly via the operation of an EMP [[REP12-007](#)] to manage and mitigate the effects of the Proposed Development on local businesses, including farms, during the construction phase through management plans securing such measures as agreed traffic management, the appointment of an agricultural liaison officer and working methods for handling soils. We are satisfied that there are suitable compensation provisions for businesses affected by CA and TP.
- 5.12.80 There was general agreement between IPs that, in the operational phase, some local trips would be subject to longer journey times. As explained in Section 5.2 and Chapter 4 above, we find that the Applicant's traffic model is fit for the purpose. Given that it is likely that because of the Proposed Development there would be some businesses that would experience beneficial effects, while others would be subject to adverse effects. That said, we conclude that, overall, there would be likely to be longer-term benefits to both the local and the wider area through improved journey time reliability and journey time savings that would provide a significant overall economic benefit, both locally and in the wider area.

Occupiers of dwellings to be acquired

- 5.12.81 We [[PD-009](#) question 13.9] sought to ascertain from the Applicant and LAs whether the support and liaison between the Applicant and Affected Persons, particularly those whose homes were being acquired permanently, would be adequate. We asked whether there would be merit in the early appointment of the proposed Community Relations Manager, the early establishment of the proposed National Highways and/or a Principal Contractor Customer Contact Centre, the development and publication of the Community Engagement Plan and annexing this to EMP1 [[REP12-007](#)]. We further asked whether any other measures would be appropriate.
- 5.12.82 Hayley Simpson and Michaela Bromley [[AS-003](#), [PDL-007](#), [PDL-008](#), [PDL-009](#), [PDL-010](#), [REP1-048](#), [REP1-051](#), [REP4-021](#), [EV-038](#), [EV-049](#)] voiced concerns about the stress and uncertainty that was placed on them in relation to the CA of Valerie Bromley's dwelling. Similar concerns were raised by Christopher Hill [[AS-002](#)]. CA is dealt with in detail in Chapter 8.
- 5.12.83 In response to our written question the Applicant [[REP2-021](#)] explained that a Community Engagement Plan, outlining the methods in which the local

and surrounding community would be engaged during construction of the Proposed Development, including contact details for key site management would be developed in the lead up to any implementation of the development. The Applicant also told us that within the roles and responsibilities in the EMP1 [REP12-007], the Principal Contractor would appoint a Community Liaison Manager to respond to complaints, community liaison, and ensure commitments to stakeholder consultations are delivered and that Section 2.8 of EMP1 includes communication measures that would be put in place for the construction phase. Table 2.3 of EMP1 provides the outline communication processes. These are secured through rDCO (Appendix D) Requirement 4.

- 5.12.84 The Applicant advised us that it had no issues with implementing these measures which would be included within the Community Engagement Plan and provided an outline Community Engagement Plan, attached as Annex B.6 of EMP1. The Applicant [REP2-009 paragraph 12.12.5] further advised us that it has, where possible, already acquired properties, or is already engaged with landowners.
- 5.12.85 TMBC [REP2-056] voiced support for the additional measures that we suggested, as did DCC [REP2-051], who also felt that effective communication with the local community and the County Council by the Applicant would be essential as many members of the local community would assume that, as the Proposed development is a highway scheme, DCC, as the LHA would be the authority to contact.
- 5.12.86 At ISH2 [EV-015 Agenda Item 8 I) EV-037] we asked the LAs for comments on the outline Community Engagement Plan. Both TMBC [REP5-031] and DCC [REP5-034]. DCC stated satisfactory experience of such measures as are included in the outline Community Engagement Plan have been applied successfully in respect of the Derby Junctions DCO.

Conclusions on occupiers of dwellings to be acquired

- 5.12.87 During the Examination we experienced at first hand the effect that the Proposed Development was having on occupiers of dwellings that would be acquired permanently and their families. We understand that such events can be traumatic and distressing for those involved. We further recognise that such events cannot be avoided in all cases and that, where acquisition of a home is necessary, the adverse effects cannot be eliminated, merely managed. With this in mind we are concerned that the process would be managed in such a way as to minimise such distress where possible.
- 5.12.88 Chapter 8 of this report considers CA and the justification for taking property in detail. We understand the need to restrict the acquisition of others' property to the minimum necessary to provide an effective and acceptable solution to the identified issues.
- 5.12.89 Requirement 4 of the rDCO (Appendix D) secures a Community Engagement Plan and, within it, a Community Liaison Officer. The LAs supported this mitigation and the Applicant was committed to provide it.
- 5.12.90 We conclude that, given that the adverse effects cannot be eliminated, it is only possible to reduce or mitigate effects and / or, where appropriate,

provide compensation, the DCO provides, through the EMP, an appropriate and proportionate means of so doing. We are satisfied that there are suitable compensation provisions for CA and TP. We also consider that the Applicant took reasonable steps to engage with Affected Persons to resolve issues by negotiation. There would, however, remain a significant adverse impact on human health from the acquisition and demolition of property, including homes.

Severance

- 5.12.91 DCC [[REP2-045](#)] and HPBC [[REP2-046](#)] raised concerns regarding increased severance of communities within Glossopdale as a result of increased traffic. PDNPA [[REP2-048](#)] also raised concerns over increased severance for routes crossing the PDNP and in the village of Tintwistle. These concerns were also repeated by other IPs.
- 5.12.92 The Applicant [[REP2-021](#), [REP3-020](#), [REP3-028](#), [REP5-022](#), [REP6-017](#), [REP8-018](#), [REP8-019](#), [REP9-027](#), [REP9-029](#), [REP10-010](#), [REP12-023](#)] provided detailed responses to concerns raised regarding its modelling and the predicted traffic levels on the roads through Glossopdale and across PDNP. Matters relating to this were also discussed during ISH2 [[EV-015](#) Agenda Item 3, [EV-025](#)] and ISH3 [[EV-039](#) Agenda Items 2 and 7, [EV-042](#), [EV-048](#)]. This is reported on in detail above in Section 5.2.
- 5.12.93 The Applicant [[REP4-008](#)] advised that it assessed the impacts of potential increases in traffic on roads within Glossop due to the Proposed Development and it considers that would not to give rise to any adverse severance effects or impacts on bus services at levels requiring mitigation. The Applicant also assessed the impacts from the potential increases in traffic on roads across the PDNP and considered that severance would not arise.
- 5.12.94 The Applicant explained that, regarding severance, the IEMA guidance suggests that a change in daily traffic flow of more than 30% is required to cause a slight severance effect and that a change of more than 60% was required for the effect to be considered moderate and significant.
- 5.12.95 The Applicant submitted that, based on its modelling, the change in daily traffic flows on the A628 Woodhead Pass have been forecasted to increase by less than 10% and therefore insufficient to have a significant severance effect. The change in daily traffic flows on the A57 Snake Pass due to the Proposed Development is forecast to be up to 38%. However, the absolute change in traffic flow along the A57 would, in the Applicant's opinion, be relatively small, representing an increase of approximately one additional vehicle per minute in each direction. Consequently, the effect of the predicted increases in traffic on the A57 Snake Pass due to the Proposed Development are considered by the Applicant to be insufficient to have a significant adverse severance effect.
- 5.12.96 When summarising their submissions at ISH3 DCC [[REP8-023](#)] explained that developer contributions had already been secured for a controlled crossing on Dinting Road, Glossop, and monies for safety improvements in the area of the proposed crossing. Furthermore, DCC understands that the A57 Link Roads scheme would be included in the Applicant's POPE

programme, which would consider early performance of the Proposed Development, providing the opportunity for the Applicant to make improvements, if required, in a timely manner to support the delivery of the future performance of the Proposed Development. DCC considers that the scope of the POPE should include local roads in Glossop.

- 5.12.97 In response to our questions [[PD-017](#) questions 3.11 and 14.1], PDNPA [[REP11-016](#)] indicated that its concerns regarding the increased traffic flows remained. That is confirmed in the SoCG between the Applicant and the PDNPA, the matter of severance affecting the A57 Snake Pass and the A628 through Tintwistle and the Woodhead Pass remain in dispute. Similar concerns with the Applicant's findings in this regard are also shared by CPRE PDSY [[REP12-033](#)] and other IPs.

Conclusions on severance

- 5.12.98 In relative terms the increase in traffic flows with the Proposed Development would be large, with that change being more marked during the daytime compared with the overnight period. However, in absolute terms we do not find that total flow would be great because the increase in traffic would be relative to a low baseline.
- 5.12.99 Although there would be increased use of the alternative routes avoiding the A57 through Glossop, the A628 through Tintwistle and the roads across PDNP overall we conclude that the increased volumes of traffic on those routes would not be so great as to result in severance at a level that would have a significant adverse effect.
- 5.12.100 Given the uncertainty over the use of the alternative routes avoiding the A57 through Glossop, we have also considered the alternative that additional traffic would, instead, travel through High Street West. High Street West is a bustling shopping street, through which a busy road runs. With the likely additional traffic, the difficulty in crossing this road would increase. However, in relative terms the likely increase in traffic flows would be unlikely to be of such a magnitude as to have a significant adverse impact for the patronage of the commercial premises in High Street West.
- 5.12.101 During our USIs [[EV-001](#), [EV-012](#), [EV-061](#)] we visited roads that would be directly and indirectly affected by the Proposed Development and observed the traffic flows, conditions on the streets and pedestrian and cycle movement. We observed that the volumes of traffic and driver behaviour have created an environment on parts of the highway network that is hostile for pedestrians.
- 5.12.102 Whilst there is evidence that the Proposed Development could make conditions worse for pedestrians, we consider that the change of circumstances would not be of such a scale as to necessitate mitigation. We consider it of note that DCC has not identified a need for severance mitigation to be provided in connection with the Proposed Development.

Mottram Agricultural Showground

- 5.12.103 We [[PD-009](#) question 13.2] sought clarification as to whether a new venue for the Mottram Agricultural Show (the Show) had been secured.

- 5.12.104 Concerns were raised about the loss of the Show by Doctor Jeffery Brown [RR-0259] and Stephen Bagshaw [RR-0818]. The Case for the Scheme [REP2-016 paragraph 7.17.4] states that a new larger showground has been acquired as the venue for the Show. The Applicant explained that it considered the primary use of the existing showground was not open space because other than a small number of shows, this land was used for agricultural purposes and was not open to the public.
- 5.12.105 The Applicant [REP2-021] explained that it had been in communication with representatives of the Mottram Show Society and the Society confirmed that it is about to vacate the current location off Old Hall Lane and relocate to the new show ground off the A560 Stockport Road early in the summer of 2022, with the first show of the year scheduled to take place at the new show ground in August 2022. TMBC [REP2-056] confirmed that the Mottram Show acquired a lease for the new site for the Show several years ago and it was the Society's intention to hold a summer show on the new site in the summer of 2022. TMBC further advised that is expected that the new showground would be operational prior to the loss of the former showground.

Conclusions on Mottram Agricultural Showground

- 5.12.106 Whilst the Mottram Agricultural Showground would be lost during the construction phase to make way for the cutting on the eastern approach to the Mottram Underpass, an alternative showground has been secured. We consider that the evidence demonstrates that the existing showground for the most part is in agricultural use and the effects of its loss have been considered within the ES as such. We therefore conclude that the loss of the showground use in its current location would not be a significant effect.

Public open space and sports facilities

- 5.12.107 We [PD-009 question 13.4] sought clarification as to whether the Proposed Development makes adequate provision for the loss of the public park / garden (communal yard behind 2 to 15 Old Road) and open space (land adjacent to Mottram Moor Farm) and the degree of certainty as to whether the cricket ground to the west of Four Lanes is unused.
- 5.12.108 Sport England [RR-0814] raised concerns regarding the loss of the cricket pitch, notwithstanding that it may be disused.
- 5.12.109 Regarding the open space, TMBC [REP2-056] advised the Applicant to use TMBC's most up to date Open Space Review.
- 5.12.110 The Applicant [REP2-021] explained that, within ES Chapter 12 [REP2-009], it recognised the importance placed by the NPSNN and NPPF on open space. The DCO boundary was devised to minimise land take and avoid receptors, where possible. The Applicant submitted that the 'communal yard behind 2 to 15 Old Road' was identified through the ordnance survey address base record which has classified this area as a public park/garden (communal yard). The Applicant explains that this area is recorded in the Book of Reference [REP12-006] and the Special Category Land Plans [APP-019] as plot 3/30 (open space and paved area in junction of Old Road and Roe Cross Road) and plot 3/3a (open space and woodland on the north-east side

of Roe Cross Road) and that, on completion of the Proposed Development, the area above the Mottram Underpass (where 3/30 and 3/3a are situated) would be replaced by a new amenity green space. Those plots of land have a combined area of 246 m².

- 5.12.111 The Applicant submitted that the open space (land adjacent to Mottram Moor Farm) was categorised as open space through the Ordnance Survey records. However, the Applicant understood that it is an area of urban fringe within private ownership and if it was used as open space, it was not widely used within the community.
- 5.12.112 Regarding the open spaces, TMBC [[REP2-056](#)] advised that the cricket club appears to have been unused for a considerable amount of time and has since relocated. TMBC identified that, under the Proposed Development, the cricket ground would be affected permanently, and that reference should be made to TMBC's Playing Pitch Strategy to confirm the land's status.
- 5.12.113 In respect to the disused cricket ground, the Applicant [[REP1-042](#), [REP2-021](#), [REP3-021](#)] commented that this area of land was recorded on 8 February 2007 within the Highways Agency's Compulsory Purchase Order as a disused cricket ground. The Applicant's research indicates that the pitch has been disused for at least 14 years and the landowner indicated that crops have been planted on the former pitch for some time. The Applicant understands that, prior to this, the site was used by Staley St Paul's Cricket Club, which is now located at Gorse Hall Road, Dukinfield. The Applicant's study of the Tameside Playing Pitch Strategies (2010 and 2015-2025 Strategies) and the TMBC Unitary Development Plan 2004 indicate this land is not recorded as being a cricket pitch or playing field. This is supported by evidence in the TMBC Open Space, Sport and Recreation Review 2018 which categorises the sites topography to be natural space and countryside with primary purpose described as wildlife conservation, biodiversity and environmental education and awareness. The Applicant also advised that the aerial photographs for the area indicate that the cricket pitch was no longer in use by September 2005, as the pitch was overgrown at that stage and scrub was developing.

Conclusions on public open space and sports facilities

- 5.12.114 From the evidence provided we find that an identified public open space (the 'communal yard behind 2 to 15 Old Road') would be permanently lost. However, the Applicant identified that an equivalent, landscaped plot of greater area would be provided for public open space on the roof of the Mottram Underpass. From this we conclude that adequate replacement provision is made such as to satisfy the requirements of paragraph 5.166 of the NPSNN.
- 5.12.115 Regarding the land adjacent to Mottram Moor Farm, there is limited evidence before us to demonstrate that this land is providing any substantive community use, and so its loss counts neither for nor against the Proposed Development in this respect.
- 5.12.116 With respect to the cricket pitch, we note the views of Sport England, but, in practical terms, the pitch based on the evidence before us, ceased to be used some time ago, and a replacement cricket ground has become

established at Gorse Hall Road. We note that it no longer appears as a sports facility within the Tameside Playing Pitch Strategies (2010 and 2015-2025 Strategies). Given the history of the site, and its current uses, we consider that the inclusion of this land within the Proposed Development does not result in a significant effect.

The local job market and economy

- 5.12.117 In its Case for the Scheme [[REP2-016](#) paragraph 5.5.4] the Applicant predicts that the Proposed Development would generate wider economic impacts of £97 million, composed of agglomerated benefits of £86 million and increased output in imperfectly competitive markets of £11 million.
- 5.12.118 The Applicant [[REP2-009](#) paragraph 12.7.5] identifies that the construction phase of the Proposed Development would employ up to 200-270 people at peak.
- 5.12.119 TMBC [[REP2-047](#)] identified the construction of the Proposed Development itself as the opportunity to offer local employment, training and apprenticeships and the achievement of social value uplift and recommended that such conditions and obligations as are necessary are sought to maximise this opportunity. DCC and HPBC [[REP2-045](#), [REP2-046](#)] express similar aspirations but sought information as to what steps were being taken towards achieving this.
- 5.12.120 The Applicant [[REP3-019](#), [REP3-018](#)] responded that it was actively looking at the opportunities to offer local employment, training and apprenticeships as part of the delivery of the Proposed Development and stated that it is happy to engage in further discussions as to how these measures would best be secured as part of the DCO. The Applicant advised that this was covered in the tender process with its appointed Principal Contractor and commitments have been secured regarding local employment in the area including minimum local employment percentages (30% within a 40-mile radius) and minimum spend targets with small and medium sized enterprises. The Applicant stated that the appointed Principal Contractor is already working with TMBC and Tameside College with a view to advertising recruitment opportunities and working with the college to assist with educational input.

Conclusions on the local job market and economy

- 5.12.121 Having considered the proactive steps proposed and already taken by the Applicant in support of using a local workforce and suppliers, we consider the approach reasonable and proportionate. We regard the use of contractual means for achieving this, rather than through the provisions of the rDCO (Appendix D) to be appropriate, to leave the Applicant a degree of commercial freedom in the delivery of the Proposed Development. The use of local labour and suppliers would provide temporary moderate, and therefore significant, benefit to the local economy.
- 5.12.122 Notwithstanding TMBC's concerns, which we consider above, we are satisfied that the wider economy would be likely to accrue permanent benefits in the region of £97 million, which would be significant.

Life expectancy

- 5.12.123 ES Chapter 12 [[REP2-009](#)] identified a lower life expectancy due to cardiovascular disease (CVD), coronary heart disease (CHD), stroke, diabetes, asthma, heart failure, atrial fibrillation and peripheral arterial disease (PAD) in Longdendale Ward and lower life expectancy in Hadfield North or Hadfield South than for England as a whole.
- 5.12.124 We [[PD-009](#) questions 13.7, 13.8 and 13.13] sought to ascertain whether there was any evidence that the Proposed Development would be likely to contribute to lower life expectancy in the area.
- 5.12.125 TMBC [[REP8-027](#)] responded that there is no such evidence but observed that the Proposed Development would remove the majority of the traffic which currently uses the A57 through the centre of Mottram and the A57 Woolley Lane in Hollingworth. TMBC considered that the air pollution for both particulates and NOx would be reduced for most of the ward and that this would help to reduce the environmental factors contributing to lower life expectancy.
- 5.12.126 HPBC [[REP2-053](#)] advised that there is no strong evidence to support a single causation for differences in life expectancy. The Applicant notes that deaths for all ages and all persons from respiratory disease in Hadfield North is worse, though not significantly compared to Derbyshire and England, while in Hadfield South it is marginally better. It is notable that in both Hadfield North and Hadfield South, behavioural risk factors such as smoking are lower when compared to the England average. Decline in air quality as a result of the development could have a negative effect on health. It advises that human health is also considered in their LIR [[REP2-046](#)].
- 5.12.127 DCC [[REP2-051](#)] advised us that a more detailed assessment of the potential impacts of the Proposed Development on the health and well-being of local communities and appraisal of the Applicant's health impact assessment is contained in the DCC and HPBC LIR [[REP2-045](#)].
- 5.12.128 The Applicant [[REP2-021](#)] advised us that ES Chapter 12 [[REP2-009](#)] was written in accordance with DMRB LA 112 and that DMRB does not require identification of links between individual health concerns and the Proposed Development, rather it is concerned with vulnerable groups. It said that these groups included those with health impairments, and it noted that such groups were identified in the study area, with specific note made of Longdendale Ward. In respect of this ward, the Applicant told us that it was possible to identify such groups as the baseline data noted that the under-75 CVD mortality rate in Longdendale was 75% higher than the Tameside average. The diagnosed prevalence of CHD, stroke, diabetes, asthma, heart failure, atrial fibrillation and PAD was identified as being higher than the Tameside average. For Hadfield North and South the Applicant identified that these wards have generally worse health outcomes than the region and England as a whole. The Applicant said that health outcomes for each health determinant are identified in the series of tables contained within the human health section and where negative health outcomes for vulnerable groups have been concluded, appropriate mitigation is identified.

The Applicant concluded that it is not within the scope of the ES to ascertain likely impact on life expectancy or the Proposed Developments interrelationship with individual health concerns.

- 5.12.129 Following discussions on air quality at ISH2 [[EV-025](#), [EV-035](#)], the Applicant [[REP4-008](#)] emphasised that the air quality assessment in ES Chapter 5 [[REP3-006](#)] concluded that there are not expected to be any significant adverse effects with the Proposed Development for human health receptors, or risk compliance with the AQD. The Applicant considers that there would be no significant adverse effect on human health from air pollution due to the Proposed Development and that the overall impact is expected to be an improvement.

Conclusions on life expectancy

- 5.12.130 We have carefully considered the evidence provided regarding life expectancy and the effect of the Proposed Development on air quality. There are concerns regarding the length of life, and its quality within the wider area around the Proposed Development, but no evidence has been placed before us to demonstrate that, overall, the Proposed Development would be likely to have a material effect on life expectancy in vulnerable groups of the general population in addition to the effects considered elsewhere in this chapter.

The National Trust and its tenants

- 5.12.131 The NT [[REP2-079](#)] voiced concerns that the Proposed Development would increase traffic loading on the A57 Snake Pass and that this would exacerbate ongoing land stability issues, and pose a risk to the operations of NT staff and tenants.
- 5.12.132 During the early part of 2022 a landslip closed Snake Pass and the NT provided [[REP5-036](#)] photographs of the affected area. CPRE PDSY [[REP5-029](#)] also brought the landslip to our attention.

Conclusions on the National Trust and its tenants

- 5.12.133 This matter is considered in detail in Section 5.9, and we conclude that the additional traffic on these roads would not be anticipated to significantly increase the number or duration of closures for maintenance. We find that effects on the NT and its tenants would be unlikely to be a significant effect.

Potential development land

- 5.12.134 Written submissions were made on behalf of Crossways Commercial Estates Ltd [[RR-0792](#)] and Mr D Radford [[RR-0793](#)]. Oral submission on behalf of those parties were made at the Open Floor Hearing [[EV-002](#), [EV-010](#)]. Crossways Commercial Estates considered that the Proposed Development would reduce the development potential of their land.
- 5.12.135 The Applicant [[REP1-042](#)] responded to those representations seeking to justify the alignment and land take proposed in terms of design need.

- 5.12.136 We [[PD-009](#) question 13.3] sought comments on the Applicant's responses. Savills [[REP2-084](#)] expressed, on behalf of their clients, support for the Proposed Development, but considered that the design, including the proposed alignment, would adversely affect the landholdings and that the effects of the Proposed Development on these should be further reduced or mitigated. Acting on behalf of Crossways Commercial Estates, Savills identified that the site over which concerns were held, which has various landowners including Crossways Commercial Estates, comprised approximately 27 acres of agricultural land on the western edge of Hollingsworth along the route of the Proposed Development. Savills stated that representations have been made to support the release of the site from the Green Belt in response to the emerging GMFS and PfE. Savills considered that the site could form a sustainable urban extension, infilling land to the north of the DCO boundary, between the Proposed Development and Mottram Moor. Savills put forward a case supporting the development of the site for housing and requesting that the alignment of the Proposed Development be adjusted to maximise development potential of the Crossways Commercial Estate's plot.
- 5.12.137 At ISH3 [[EV-039](#) Agenda item 7, [EV-048](#)] we asked TMBC whether it had any comments to make on the development potential of the land in question. TMBC responded [[REP8-027](#)] to tell us that the land at Holme Valley, Woolley Bridge, Hollingworth was promoted through the development of the GMSF / PfE document and that the land was considered through the PfE omission sites schedule but that they did not intend to support it being taken forward. TMBC advised that the land was designated as Green Belt and there was no intention to amend the Green Belt boundary.
- 5.12.138 The Applicant did not submitted an amended design to accommodate the requests.

Conclusions on potential development land

- 5.12.139 There is no evidence before us to demonstrate that the site benefits from an extant planning permission. The emerging PfE Joint DPD was yet to be examined and found sound and any putative site promoted by a landowner was yet to be found acceptable. The emerging plan therefore carries limited weight. Furthermore, the site lies within the Green Belt and is not identified for development within the current Development Plan. There is evidence from TMBC that it does not support the removal of the land from the Green Belt or designation of the site for development. We conclude therefore that there is no evidence before us to demonstrate that the parcel of land is developable and that effects on the potential for this land to be developed would be unlikely to be significant.

Other matters

- 5.12.140 Paul Saunders [[REP2-081](#)] raised concerns regarding the impact of the Proposed Development on visual receptors and on noise. These matters are considered in Sections 5.5 and 5.6.
- 5.12.141 He also identified a concern that there had been no consultation with the residents of properties on Mottram Moor regarding parking provision. He

identified an understanding that the 'access road' to the properties on Mottram Moor would be the responsibility of TMBC, but was concerned that the de-trunking shown on the Scheme Layout Plans [REP11-004] would only be eastwards from past the junction of Mottram Moor and Back Moor. He was also concerned regarding changes removing parking bays that had been indicated from documents released during the public consultation. He questioned the effectiveness of the consultation as his views seemed to have been disregarded. He further points out that he would have no vehicular access to the front of his property. He was also concerned regarding proposals for tree planting, which he considers would be very close to houses and to the south blocking out light and causing potential problems to the property and services with root damage.

- 5.12.142 The Applicant [REP4-005] responded that it included the proposed changes to the Proposed Development, including the layout of the Mottram Moor Junction, as part of the 2020 public consultation. The SoCG between the Applicant and TMBC [REP9-010] shows agreement that the access road would be adopted on the basis that it would be beneficial for refuse collection and routine maintenance operations, provided that formal parking provision is scaled back.
- 5.12.143 The Applicant identified that TMBC also acknowledged that residential parking had been raised as a concern and the provision needed to meet the long term needs of the residents. The Applicant explained that formal parking areas were replaced with the access road on the line of the existing A57 carriageway to discourage misuse by visitors and commuters.
- 5.12.144 The Applicant identifies that there is no existing vehicle access to the front of 45 Mottram Moor due to the presence of double yellow lines which restrict waiting at any time, however an existing vehicular access to the rear of properties 45 to 57 Mottram Moor would be retained. In addition, with the Proposed Development in place, vehicular access to the front of 53, 55 and 57 Mottram Moor would be provided.
- 5.12.145 The Applicant confirms that the area of concern regarding tree planting would be landscaped but told us that current planting proposals in the vicinity of the houses are indicative only. It anticipates that the final proposals would be for grassland with bulbs, native hedgerow, and trees to provide visual screening. It does, however, confirm that it is proposed to include tree planting to provide a screen to the road, but that this would be located at a safe distance from houses, with tree species selected to ensure they do not become over large or block light. The Applicant confirmed that residents would have a choice as to whether they want trees outside of their properties.
- 5.12.146 The Applicant undertook to update the REAC [REP11-005] to state that planting proposals would be carefully considered so that they do not result in damage to properties or block light.

Conclusions on other matters

- 5.12.147 We are satisfied that, were the DCO to be granted, the adoption of the road by TMBC is secured and the access roads serving the properties fronting Mottram Moor would no longer form part of the trunk road network. Whilst

the proposed layout may differ from that which Paul Saunders would wish, we note that it resulted from consultation with many parties, who would be likely to have competing aspirations, not all of which would be satisfied. We consider that, on balance, the Proposed Development as shown would provide a reasonable balance between competing needs for access, landscaping and safeguarding of LA interests. The REAC [REP11-005] provides, through Item LV1.2a commitment to consultation with residents on the nature of the planting outside their properties and we therefore consider that adequate mitigation and safeguarding of interests is provided. We find that this matter would be unlikely to result in a significant effect.

Conclusions on land use, social, economic and human health

- 5.12.148 We conclude that the Applicant made an appropriate and proportionate assessment of the potential impacts of the Proposed Development on existing and proposed land uses within the study area and, where necessary, would provide appropriate replacement land to mitigate the loss of public open space, such that the requirements of NPSNN paragraphs 5.165, 5.166, 5.174, 5.175 and 5.181 are satisfied.
- 5.12.149 In our consideration of public access and WCHs in Section 5.2 we find that the Proposed Development complies with the requirements of NPSNN paragraphs 3.16, 3.17, 3.20, 3.21, 5.184, 5.185, and 5.205.
- 5.12.150 We find that appropriate consideration has been given to human health matters in accordance with NPSNN paragraphs 4.79 to 4.82.
- 5.12.151 From our consideration of transport topics within Section 5.2 and our deliberations above, we conclude that the Applicant has addressed the matters identified in paragraphs 2.13 and 2.16 of the NPSNN, whilst having due consideration and fulfilling the requirements of paragraphs 3.2 and 3.3 and the principles set out in the NPF to avoid and mitigate social impacts.
- 5.12.152 In accordance with our conclusions in Section 5.9 we find that the Applicant has fulfilled its obligations under paragraph 5.168 of the NPSNN.

Construction phase

- 5.12.153 During the construction phase there would be permanent adverse impacts, both economic and in terms of human health outcomes from the loss of property, both residential, commercial and agricultural, and from severance effects on farm holdings.
- 5.12.154 There would be residual temporary large adverse economic effects due to loss of housing from the local market, adverse human health outcomes from loss of housing from the local market, and disruption to transport networks, including public transport.
- 5.12.155 We find, in Section 5.5, that temporary adverse noise effects, at six representative receptors and adverse vibration effects at seven representative receptors with a negative outcome on human health would result during the construction phase.

- 5.12.156 There would be temporary negative adverse health and social cohesion effects from disruption to traffic, the disruption of access to community facilities, public open space, leisure facilities and PRoW, the influx of temporary workers to the area and from construction activities.
- 5.12.157 These negative effects would be significant.
- 5.12.158 Temporary benefits are identified to the local economy and human health from the creation of employment in association with the Proposed Development. We consider that these are significant benefits.

Operational Phase

- 5.12.159 The severance to farm holdings would be ongoing, and adversely affect the businesses concerned. Thus, there would be an ongoing negative economic effect and these effects cannot be mitigated, only compensated for. Initial health and wellbeing effects would, however, diminish over time until working procedures become the norm, with a long-term neutral health effect that would be significant.
- 5.12.160 We find, in Section 5.8, material harm in PDNP in relation to landscape and visual effects, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP. This, and other adverse effects on visual amenity, and noise pollution in the area around the DCO would have a permanent adverse human health effect and this counts significantly against the DCO being made.
- 5.12.161 In Section 5.2 we found that the Proposed Development would have a permanent adverse effect on highway safety, and therefore human health. The Applicant has also identified ongoing harm to human health in the vicinity of the DCO due to changes in traffic levels and lack of awareness of altered traffic patterns.
- 5.12.162 These harms would be significant, particularly where high sensitivity groups of human receptors and vulnerable groups are concerned.
- 5.12.163 Improved connectivity and reduced congestion and more reliable journey times would provide support for local, and regional businesses providing opportunities for economic growth by facilitating development and reducing costs to existing businesses.
- 5.12.164 A positive human health outcome is anticipated to result from improvements in air quality on roads bypassed by the Proposed Development.
- 5.12.165 We find, in Section 5.5, that there would be adverse noise effects at 128 dwellings and two other receptors during the operational phase. We find that there would be beneficial noise effects, with a positive human health outcome, to 374 dwellings and nine other receptors. These effects would be significant.
- 5.12.166 The Applicant would provide enhancement to WCH facilities and connectivity by de-trunking one section of the A57 and reducing traffic flows and speeds on other sections of the network. These, together with embedded

mitigation through improved connectivity for WCHs including into the wider PRoW network, including National Routes, would provide a safer more comforting environment for WCHs and improve connectivity and social cohesion within the vicinity of the Proposed Development.

5.12.167 These would provide economic health and social benefits.

5.12.168 Detailed consideration of impacts arising from specific aspects, such as air quality, noise, ground, and water pollution, on human health are considered in relevant chapters and sections of this report.

Matters counting significantly for or against the DCO being made

5.12.169 We find that the following beneficial effects count significantly in favour of the DCO being made:

- local economy and human health outcomes from the creation of employment during the construction phase;
- economic benefits for businesses through improved connectivity, reduced congestion and more reliable journey times;
- human health outcomes from decreases in noise at 374 dwellings and nine other receptors during the operational phase;
- human health outcomes from improvements in air quality on roads bypassed by the Proposed Development; and
- enhanced facilities for WCH providing a safer and more comforting environment and improving connectivity and social cohesion.

5.12.170 We find the following adverse effects count significantly against the DCO being made:

- economic and human health outcomes from the loss of residential, commercial and agricultural property, and from severance effects on farm holdings;
- temporary health and social cohesion effects from disruption to traffic, the loss of access community facilities, public open space, leisure facilities and public rights of way, the influx of temporary workers to the area and from construction activities;
- human health outcomes from increases in noise at six representative receptors and adverse vibration effects at seven representative receptors during the construction phase; and from increases in noise at 172 dwellings and two other receptors during the operational phase;
- permanent effects on human health from harm to amenity, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP, and other effects on visual amenity and noise pollution in the area around the Proposed Development; and
- human health outcomes in relation to highway safety and due to changes in traffic levels and lack of awareness of altered traffic patterns.

5.13 OTHER ENVIRONMENTAL TOPICS

Introduction

5.13.1 This section deals with matters identified in the NPSNN, NPPF or local policies which, potentially, require consideration when making a decision on a NSIP, but which have not been covered in the preceding sections of this chapter. Having regard also to the issues raised in the Examination it briefly considers:

- security, major accidents and disasters;
- civil and military aviation and defence interests; and
- decommissioning.

5.13.2 The penultimate part of this section considers the combined and cumulative effects of the Proposed Development, after which we then provide our conclusions on the issues considered in this section.

Security, major accidents and disasters

5.13.3 Paragraph 4.74 of the NPSNN states that national security considerations apply across all national infrastructure sectors. The DfT has lead responsibility for security matters concerning national networks and for directing the security approach to be taken. It works with government agencies including the Centre for the Protection of National Infrastructure (CPNI) to reduce the vulnerability of the most 'critical' infrastructure assets.

5.13.4 Paragraph 4.76 advises that the Applicant should only include such information in the application as is necessary to enable us to examine the development consent issues and make a properly informed recommendation on the application.

5.13.5 The Applicant [[REP2-016](#) Appendix B] advised that no national security implications had been identified for the Proposed Development. Nevertheless, the detailed design, would, as appropriate, incorporate safety and security standards that meet the requirements of the CPNI.

5.13.6 We [[PD-009](#) question 14.5] sought clarification of the involvement of the Centre for the Protection of National Infrastructure in the Proposed Development. The Applicant responded [[REP2-021](#)] that, the requirement for consultation with relevant security experts from CPNI and the DfT applies, as set out in paragraph 4.76 of the NPSNN "*where national security implications have been identified...*". No national security implications have been identified for this Proposed Development and therefore no consultation was required.

5.13.7 Appendix 4.2 of the ES [[APP-153](#)] included an evaluation of the vulnerability of the Proposed Development to major accidents and disasters. The methodology was based on the following stages:

- Stage 1: the generation of a long list of possible major events;

- Stage 2: screening of the long list of major events to determine those that are relevant to the Proposed Development, or where it may have a realistic sensitivity to a particular event. Any major events that could not realistically occur were omitted from the assessment at that stage;
- Stage 3: a scoping exercise to review the remaining major events to see whether they require further evaluation or design mitigation or whether they would be appropriately mitigated/managed such that consequential environmental effects would be insignificant; and
- Stage 4: identification of the need for assessment. Where major events were not scoped out at Stage 3, and where further design mitigation would be unable to remove the potential for a potential significant environmental effect, the relevant ES chapters identify the potential consequences for receptors and give a qualitative evaluation of the potential significance of effects because of a major event.

5.13.8 The evaluation identified that the great majority of potential events would be manageable with embedded mitigation and no further assessment was necessary. Other events were subject to further assessment:

- ground stability and geological faults which are considered within the GIR and Supplementary GIR [[APP-187](#), [REP7-027](#)];
- landfill accidents (gas migration, leachate leakage, asbestos) which are covered in ES Chapter 9 [[REP7-007](#)];
- groundwater contamination events affecting SPZs which are covered in ES Chapter 9 [[REP7-007](#)] and ES Chapter 13 [[REP7-009](#)];
- floods and flood defence failures, which are covered in ES Chapter 13: [[REP7-009](#)] and the FRA [[REP10-002](#)];
- meteorological disasters, including drought, storm events and heat wave, which are considered in ES Chapter 14 [[REP1-019](#)];
- storm events (including blizzards, cold waves, hailstorms and thunderstorms), which are covered in ES Chapter 14 [[REP1-019](#)];
- air quality events, covered in ES Chapter 5 [[REP3-006](#)];
- road accidents, dealt with in ES Chapter 12 [[REP2-009](#)];
- utilities failure, which is dealt with in ES Chapter 2 [[REP2-005](#)];
- collapse of Longdendale Aqueduct, which is the subject of discussions with United Utilities in regard to protection of their asset;
- defence industry and unexploded ordnance (UXO) risk which is considered in the GIR [[APP-187](#), [REP7-027](#)]; and
- mining and quarrying industry which is dealt with in ES Chapter 9 [[REP7-007](#)].

Civil and Military Aviation and Defence

5.13.9 Paragraph 5.47 of the NPSNN refers to the importance of UK air space for both civilian and military aviation interests and states that it is essential

that the safety of UK aerodromes, aircraft and airspace is not adversely affected by new national networks infrastructure. Paragraph 5.54 states that it is important not to significantly impede or compromise the safe and effective use of any defence assets.

- 5.13.10 We [[PD-009](#) question 14.3] sought further information on these issues. The Applicant [[REP2-021](#)] advised that it had consulted the Secretary of State for Defence, National Air Traffic Services and the Civil Aviation Authority during the pre-application period in accordance with the list of prescribed consultees set out in the table included in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations. It said it had received no response from any of the parties.
- 5.13.11 Neither DCC [[REP2-051](#)] or TMBC [[REP2-056](#)] were aware of any problems. HPBC [[REP2-056](#)] told us that it understood the Proposed Development is located within the Manchester Airport Consultation Zone relating to the flight path for aircraft. Nothing arose to demonstrate any effect on aviation. The Proposed Development would introduce street lighting to the landscape but would not create any tall structures likely to affect aviation. Therefore, and in the absence of adverse comment from the relevant bodies it is reasonable to assume that no significant adverse effects would result.

Decommissioning

- 5.13.12 The Applicant advised [[APP-252](#) paragraph 4.2.25] that an indefinite design life had been assumed, and the environmental assessment process would therefore not include consideration of decommissioning activities at the end of operational life of the Proposed Development.
- 5.13.13 The link roads would form an integral part of nationally and locally important infrastructure. We therefore consider it very unlikely that that they would be demolished at the end of their design life. We therefore consider that it is reasonable to scope decommissioning out of the ES.

Combined and Cumulative Effects

- 5.13.14 Paragraph 4.17 of the NPSNN requires the us to consider how significant cumulative effects, and the interrelationship between effects might affect the environment, even though they may be acceptable when considered on an individual basis with mitigation measures in place.
- 5.13.15 ES Chapter 15 [[REP1-020](#)] distinguishes between single project and different project effects. Combined effects are defined as combinations of impacts that have been identified in the ES which, when acting together, are considered likely to result in a new or different likely significant effect, or an effect of greater significance, than any one of the impacts on their own on an identified receptor. Cumulative effects are taken to be impacts which, when considered together with the impacts associated with other planned developments, could result in a new or different likely significant effect or an effect of greater significance than the Proposed Development in isolation. It found that there would be temporary large adverse cumulative effect from combined visual, noise and vibration impacts on three properties along Four Lanes and a property on Tollemache Close that would be significant.

- 5.13.16 During the operational phase there would be initial significant adverse cumulative effects from noise, vibration and visual on a number of residential properties, which would reduce over time as the mitigation planting matures, so that only the significant effect from noise remains at Year 15 aside from at Tara Brook Farm, a number of properties along Old Road and a number of properties along Tollemarche Close. For these receptors the adverse impact would remain as moderate adverse.
- 5.13.17 Cumulative effects with other developments are considered as necessary for each topic earlier sections in this chapter. In Section 5.4 we conclude that it is acceptable for the cumulative assessment to include other developments in both the baseline (Do-Minimum) scenario and in the (Do-Something) scenario with the Proposed Development.
- 5.13.18 We [[PD-017](#) question 14.1] asked TMBC, DCC, HPBC, PDNPA, the EA and NE whether they had any comments regarding combined and cumulative effects. The EA and NE made no specific response. TMBC, DCC and HPBC confirmed that they had no comments to make [[REP11-018](#), [REP11-012](#), [REP11-014](#)]. PDNPA [[REP11-016](#)] confirmed that it still retains grave concerns regarding the indirect impacts of the Proposed Development on PDNP, both in terms of individual impacts, and cumulatively on the 'special qualities' of PDNP. We consider these impacts earlier in this chapter.

Conclusions on other environmental effects

- 5.13.19 We consider that the Applicant has undertaken reasonable steps to establish the effects of the Proposed Development on civil and military aviation and defence assets. There is no indication that it would materially affect these interests. Therefore, we find that the Proposed Development would comply with paragraphs 5.47 and 5.54 of the NPSNN and that these matters do not count significantly for or against the DCO being made.
- 5.13.20 There is nothing to suggest that the Proposed Development poses a material risk to, or is itself vulnerable to, national security considerations. We find that NPSNN paragraphs 4.74 and 4.76 are satisfied. We consider that the Applicant has undertaken a methodical evaluation of the risks posed by major accidents and disasters. We see no reason to believe that the Proposed Development would be particularly vulnerable to any such realistically likely event. These matters, therefore, do not count significantly for or against the DCO being made.
- 5.13.21 We do not consider it necessary to consider the prospect of decommissioning the Proposed Development any further.
- 5.13.22 Cumulative effects with other developments are considered as necessary for each topic in the earlier sections of this chapter.
- 5.13.23 We see no reason to disagree with the assessment of single project cumulative effects. We consider that the Proposed Development would be likely to result in temporary large adverse cumulative effects from combined visual, noise and vibration impacts on three properties along Four Lanes and a property on Tollemache Close that would be significant and count significantly against the DCO being made.

6 THE HABITATS REGULATIONS

6.1 INTRODUCTION

6.1.1 This chapter sets out our analysis and conclusions relevant to the Habitats Regulation Assessment (HRA). This will assist the Secretary of State for Transport (SoST), as the Competent Authority, in performing their duties under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').

6.1.2 This chapter is structured as follows:

- Section 6.2: Findings in relation to Likely Significant Effects on the UK national site network and European sites;
- Section 6.3: Conservation objectives for sites and features; and
- Section 6.4: HRA conclusions.

6.1.3 In accordance with the precautionary principle embedded in the Habitats Regulations, consent for the Proposed Development may be granted only after having ascertained that it will not adversely affect the integrity of European site(s)¹ and no reasonable scientific doubt remains².

6.1.4 Policy considerations and the legal obligations under the Habitat Regulations are described in Chapter 3 of this report.

6.1.5 We have been mindful throughout the Examination of the need to ensure that the SoST has such information as may reasonably be required to carry out their duties as the Competent Authority. We have sought evidence from the Applicant and the relevant Interested Parties (IPs), including Natural England (NE) as the Appropriate Nature Conservation Body (ANCB), through written questions and ISHs.

RIES AND CONSULTATION

6.1.6 We produced a Report on the Implications for European Sites (RIES) [[PD-014](#)] which compiled, documented, and signposted HRA-relevant information provided in the DCO application and Examination representations up to Deadline 7 (23 March 2022). The RIES was issued to set out our understanding on HRA-relevant information and the position of the IPs in relation to the effects of the Proposed Development on European sites at that point in time.

¹ For the purposes of this chapter, in line with the Habitats Regulations and relevant Government policy, the term "European sites" includes Special Areas of Conservation (SAC), candidate SACs, possible SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites. For ease of reading, this chapter also collectively uses the term "European site" for 'European sites' defined in the Conservation of Habitats and Species Regulations 2017 and 'European Marine Sites' defined in the and the Conservation of Offshore Marine Habitats and Species Regulations 2017, unless otherwise stated.

² CJEU Case C-127/02 Waddenzee 7 September 2004, Reference for a preliminary ruling from the Raad van State (Netherlands) in the proceedings: Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.

- 6.1.7 Consultation on the RIES took place between 28 March 2022 and 27 April 2022. Comments were received from the Applicant [[REP9-001](#)], CPRE Peak District and South Yorkshire Branch (CPRE PDSY) [[REP9-043](#)], National Trust (NT) [[REP9-048](#)] and Peak District National Park Authority (PDNPA) [[REP9-035](#)] (27 April 2022).
- 6.1.8 NE did not provide comments at Deadline 9. We [[PD-017](#)] therefore sought comments from NE on 6 May 2022. NE [[REP12-039](#)] responded at Deadline 12 (16 May 2022).
- 6.1.9 The RIES [[PD-014](#)] set out some specific questions directed at the Applicant, which it did not provide a response to at Deadline 9. We therefore included these questions in WQ3 [[PD-017](#)] and the Applicant [[REP11-010](#)] responded at Deadline 11 (11 May 2022).
- 6.1.10 We also invited comments from the Environment Agency (EA), NE, the host local authorities (Derbyshire County Council (DCC), High Peak Borough Council (HPBC) and Tameside Metropolitan Borough Council (TMBC)) and PDNPA on any outstanding concerns in respect of biodiversity, ecological and geological conservation and the HRA in WQ3 [[PD-017](#)]. Comments were received from PDNPA [[REP11-016](#)] at Deadline 11. The EA [[REP11-023](#)], DCC [[REP11-012](#)], HPBC [[REP11-014](#)] and TMBC [[REP11-018](#)] confirmed that it had no outstanding concerns. NE [[REP12-039](#)] confirmed that it had no further concerns to raise at Deadline 12.
- 6.1.11 Comments received in response to the RIES have been considered in the drafting of this chapter.
- 6.1.12 Our recommendation is that the RIES, and consultation on it, may be relied upon as an appropriate body of information to enable the Secretary of State to fulfil their duties of consultation under Regulation 63(3) of the Habitats Regulations, should the SoST wish to do so.

PROPOSED DEVELOPMENT DESCRIPTION AND HRA IMPLICATIONS

- 6.1.13 The Proposed Development is described in Chapter 2 of this report.
- 6.1.14 The spatial relationship between the Order Limits of the Proposed Development and European sites is shown in Appendix A Location of European Designated Sites (Figure 1) of the Applicant's HRA Screening Report [[APP-054](#) , [REP2-004](#)].
- 6.1.15 The Proposed Development is not directly connected with, or necessary to, the management of a European site [[APP-054](#), [REP2-004](#)]. Therefore, the SoST must make an 'appropriate assessment' (AA) of the implications of the Proposed Development on potentially affected European sites considering their Conservation Objectives.
- 6.1.16 The Applicant's assessment of effects is presented in the HRA Screening Report [[APP-054](#)] (hereafter referred to as 'the Applicant's HRA Screening Report').
- 6.1.17 The HRA Screening Report [[APP-054](#)] draws on information contained in other DCO application documents. These documents include:

- ES Chapter 5: Air Quality [[APP-061](#)]
- ES Chapter 8: Biodiversity [[APP-064](#)]
- ES Chapter 11: Noise and Vibration [[APP-067](#)]
- ES Chapter 15: Cumulative Effects [[APP-071](#)]
- ES Appendix 5.1: Air Pollutants [[APP-155](#)]
- ES Appendix 5.3: Further Details on Air Quality modelling [[APP-157](#)]
- ES Appendix 5.5: Air Quality Model Results [[APP-159](#)]
- Transport Assessment Report [[APP-185](#)]

6.1.18 The Applicant also provided an assessment of likely significant effects (LSE) arising from changes to air quality at designated habitats in ES Appendix 8.4 [[APP-172](#)]. Appendix 8.4 presents the assessment of impacts to designated habitats other than European sites, but reference is made to the European sites.

6.1.19 Tables 6.1 and 6.2 of the Applicant's HRA Screening Report [[APP-054](#)] describe the consultation undertaken by the Applicant with NE as ANCB in respect of the assessment. It is stated that consultation commenced in May 2019 and continued until May 2021. The Applicant states that NE agreed with methodology and results of the assessment in respect of both European sites considered.

6.1.20 In response to our written questions, the Applicant provided an updated HRA Screening Report [[REP2-004](#)] and a separate version of the screening matrices (prepared in accordance with Planning Inspectorate Advice Note 10³) [[REP2-044](#)] at Deadline 2 (14 January 2022). Changes to the report and screening matrices were made to clarify cross references to information contained in other application documents and to correct errors in data. The changes did not alter the assessment or conclusions reached in [[APP-054](#)].

6.1.21 References to the Applicant's HRA Screening Report in this chapter refer to the version of the document and screening matrices submitted at Deadline 2 unless otherwise specified.

6.1.22 The Applicant also submitted updated versions of other DCO application documents used to inform the HRA Screening Report [[REP2-004](#), [REP2-044](#)] at various deadlines, with the latest versions listed as below:

- ES Chapter 5: Air Quality [[REP3-006](#)]
- ES Chapter 8: Biodiversity [[REP2-008](#)]
- ES Chapter 11: Noise and Vibration [[REP8-008](#)]
- ES Chapter 15: Cumulative Effects [[REP1-020](#)]

³ Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects, version 8, published November 2017 (Planning Inspectorate), available at <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-ten/> (28 March 2022)

6.1.23 The Applicant has not identified any LSE on European sites in European Economic Area (EEA) States in its HRA Screening Report [[APP-054](#), [REP2-004](#)] and / or within its ES [[REP2-005](#)]. Only European sites which form part of the UK national site network are addressed in this report. No such impacts were raised for discussion by any IPs during the Examination.

SUMMARY OF HRA MATTERS CONSIDERED DURING THE EXAMINATION

6.1.24 The main HRA matters raised by us and other IPs and discussed during the Examination are summarised in the RIES [[PD-014](#) Table 3.3]. These matters related to the screening conclusions set out in the Applicant's HRA Screening Report [[REP2-004](#)] in respect of the following European sites and impact pathways during the operational phase:

- Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) (all bird qualifying features):
 - noise and visual disturbance from increased traffic flows along the affected road network (ARN);
 - reduction in species' density from increased risk of collision along the ARN; and
 - increased recreational pressure arising from additional traffic vehicle movements along the ARN.
- South Pennine Moors Special Area of Conservation (SAC) (blanket bog and upland heath qualifying features):
 - habitat degradation through adverse changes in air quality along the ARN; and
 - habitat loss from increased frequency of wildfires through additional vehicle movements along the ARN.

6.1.25 We [[PD-014](#) paragraphs 2.2.11 and 2.2.12] and [[PD-017](#) questions 12.1 and 12.2] also raised the potential for impacts from the Proposed Development on the qualifying features of the South Pennine Moore SAC, in particular blanket bog and upland heath, from an increase in particulates, including tyre and brake wear, associated with increased road traffic along the ARN. These matters are discussed below, as appropriate.

6.1.26 NE [[REP2-028](#), [REP2-054](#), [REP2-080](#), [REP4-025](#), [REP6-029](#)] agreed with the Applicant's screening conclusions. NE [[REP2-080](#)] confirmed that it was satisfied that the information submitted demonstrates beyond reasonable scientific doubt that there would be no likely significant effects on the European sites from the construction and operation of the Proposed Development either alone or in combination.

6.1.27 During the Examination, the Department for Environment Food and Rural Affairs (DEFRA) and NE published new advice in relation to nutrient levels in relevant river basin catchments (16 March 2022). The new advice resulted in HPBC and PDNPA being added to the list of local authorities in affected areas. We consulted HPBC, PDNPA and NE on the implications of the new advice for the Proposed Development and the HRA. HPBC [[REP8-025](#)] and

PDNPA [[REP8-026](#)] stated that there were no implications for the Proposed Development as the advice related to the Peak District Dales SAC and the River Wye, which was more than 20km from the Proposed Development at the closest point. NE [[REP12-039](#)] confirmed that there were no concerns about the Proposed Development as it would not be located within the Peak District Dales SAC catchment.

6.2 FINDINGS IN RELATION TO LIKELY SIGNIFICANT EFFECTS

- 6.2.1 Under Regulation 63 of the Habitats Regulations, the Competent Authority must consider whether a development will have LSE on a European site, either alone or in combination with other plans or projects. The purpose of the LSE test is to identify the need for an AA and the activities, sites or plans and projects to be included for further consideration in the AA.
- 6.2.2 The Applicant's HRA Screening Report [[APP-054](#)] considered European sites in accordance with the criteria in Design Manual for Roads and Bridges (DMRB) LA 115 Habitats Regulations Assessments (described in Section 4 of the HRA Screening Report). The Applicant considered whether there were any European sites within 2km of the Proposed Development and any SACs within 30km of the Proposed Development where bats are one of the qualifying features. The Applicant also considered whether the Proposed Development crosses or lies adjacent to, upstream or downstream of, a watercourse that is designated in part or wholly as a European site or might have a potential hydrological or hydrogeological linkage to a European site with a groundwater dependent terrestrial ecosystem. The Applicant determined that there were no such European sites.
- 6.2.3 The Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC are located approximately 2.2km to the northeast of the Proposed Development at the closest point, but within 200m of the affected road network (ARN). These European sites were screened into the assessment on the basis that they are susceptible to changes in air quality that may occur because of the Proposed Development.
- 6.2.4 Paragraphs 4.1.2 and 4.1.3 of the Applicant's HRA Screening Report [[APP-054](#)] describe that the traffic screening criteria in DMRB LA 105 Air Quality were applied to the ARN based on the comparison between the Proposed Development ('Do Something' (DS)) and the position without the Proposed Development ('Do Minimum' (DM)) to ascertain whether further assessment of changes in air quality were required. The Applicant concluded that the A57 met the traffic screening criteria for further assessment of air quality. The A628 was excluded from further assessment as it did not meet the screening criteria in DMRB LA 105 Air Quality; the Applicant states in paragraph 4.1.3 that the predicted change where the A628 is located adjacent to the European site boundaries is +846 annual average daily traffic (AADT), i.e. below the threshold of 1,000 AADT.
- 6.2.5 No additional European sites were identified during the Examination by either the Applicant or other IPs as being potentially affected.
- 6.2.6 NE [[REP2-080](#)] indicated that the Applicant had identified the correct European sites and qualifying features on which LSE could occur as a result

of the Proposed Development. NE [REP2-080] agreed that the main issue was whether the Proposed Development will lead to an increase in traffic on roads within the Peak District National Park (PDNP) during the operational phase that could lead to associated air quality impacts on habitats for which the SPA and SAC could be affected.

- 6.2.7 We consider that the correct European sites and qualifying features have been identified for the purposes of assessment.
- 6.2.8 The Applicant has described how it has determined what would constitute a 'significant effect' in terms of air quality change within Tables 5.1 and 5.2 of its HRA Screening Report [APP-054], stating that a "*potentially significant effect can be considered where there is an exceedance of the relevant critical load and an increase in the nitrogen deposition rate of 0.4kg N/ha/yr or greater as a result of the Scheme, when compared against predictions without the Scheme.*"
- 6.2.9 Tables 3.1 and 3.2 of the RIES [PD-014] identify the potential impacts screened by the Applicant for likely significant effects for each qualifying features of the European sites and the Applicant's conclusions.
- 6.2.10 The Applicant's HRA Screening Report [APP-054] concluded that the Proposed Development would have no likely significant effects during construction or operation, either alone or in combination with other projects or plans, on any of the qualifying features of the two European sites screened into assessment. It is stated that the assessment is limited to the construction and operational phases as there is "*no foreseen decommissioning to consider.*" These conclusions were unchanged in the revised HRA Screening Report [REP2-004] and Appendix B Planning Inspectorate Screening Matrices [REP2-044].
- 6.2.11 The Applicant addressed potential in combination effects from air quality in Section 5 of the HRA Screening Report [APP-054, REP2-004, REP2-044]. The projects considered in the Applicant's in combination assessment are detailed in Table 5-3 of the HRA Screening Report and Table 15-7 of ES Chapter 15 [REP1-020].
- 6.2.12 NE, in its relevant representation [RR-0621] confirmed it was satisfied that there would be no LSE on the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors SAC from the Proposed Development either alone or in combination. NE agreed with the Applicant's screening conclusions throughout the Examination [REP2-028, REP2-054, REP2-080, REP4-025, REP6-029, REP12-039].
- 6.2.13 Three IPs (CPRE PDSY, NT and PDNPA) raised concerns about the evidence submitted by the Applicant to screen out impacts identified in the HRA Screening Report [APP-054, REP2-004] and Appendix B PINS Screening Matrices [REP2-044], including the decision to exclude the A628 from further air quality assessment. PDNPA [REP2-048, REP2-055] also identified additional impact pathways that it considers should have been subject to screening for likely significant effects, including visual disturbance to bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA and wildfire risk to blanket bog and upland heath habitat qualifying features of the South Pennine Moors SAC. The

Examination focussed on these matters, and they are considered further in turn below.

LSE FROM THE PROPOSED DEVELOPMENT ALONE

- 6.2.14 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] concluded no LSE from the Proposed Development alone during the construction, operational and decommissioning phases on any qualifying features of:
- Peak District Moors (South Pennine Moors Phase 1) SPA:
 - short-eared owl (breeding);
 - merlin (breeding); and
 - golden plover (breeding).
 - South Pennine Moors SAC:
 - 4030 European dry heaths;
 - 7130 blanket bogs;
 - 91A0 old sessile oak woods with Ilex and Blechnum in the British Isles;
 - 4010 Northern Atlantic wet heaths with erica tetralix; and
 - 7140 transition mires and quaking bogs.
- 6.2.15 We [[PD-009](#) question 12.19] sought clarification from NE about a comment made in its RR [[RR-0621](#)] regarding mitigation being required to exclude LSE. NE [[REP2-054](#)] confirmed that it does not consider that mitigation is required to exclude LSE.
- 6.2.16 Three IPs (CPRE PDSY, PDNPA and NT) raised concerns about some of the Applicant's screening conclusions, which we explored as described below.
- 6.2.17 PDNPA [[REP6-038](#)] considered that insufficient evidence was provided by the Applicant to exclude LSE to all bird qualifying features of the SPA in respect of noise and visual disturbance, and European dry heaths and blanket bog qualifying features of the SAC in respect of nitrogen deposition from increase traffic numbers on the A57 and A628 during operation. PDNPA said that these matters should have been taken forward for an AA.
- 6.2.18 NT [[REP2-079](#)] also raised concerns, in particular about the potential for effects from atmospheric pollution to the SAC during the operational phase and how these might impact on the objective to restore levels of deposition to at, or below, the Critical Load. NT did not dispute the Applicant's screening conclusions.
- 6.2.19 CPRE PDSY [[REP7-036](#)] stated that it did not have confidence in the Applicant's traffic increase figures used for the purposes of screening out the A628 from further assessment of impacts on the Peak District National Park (within which the SAC is located) and it supported PDNPA's position on this matter.

- 6.2.20 We sought to explore whether the Applicant had applied a sufficiently precautionary approach to its screening for LSE, particularly in relation to air quality effects on biodiversity arising from traffic on the A628 at Issue Specific Hearing 2 (ISH2). The Applicant [REP4-008] explained that the assessment followed DMRB LA 115 and that the approach was agreed with NE, as outlined in the Statement of Common Ground (SoCG) [REP2-028].

Construction phase

- 6.2.21 Section 5.1 of the Applicant's HRA Screening Report [APP-054, REP2-004] described that "*construction related emissions... are considered highly unlikely to have any impacts on the European sites by virtue of the distance from the Scheme and the intervening topography... and there being no hydrological links*".
- 6.2.22 Tables B.4 and B.5 of Appendix B to the Applicant's HRA Screening Report [APP-054, REP2-004] set out the Applicant's evidence to support its conclusions in respect of all bird qualifying features of the Peak District Moors (South Pennine Moors Phase 1) SPA and all habitat qualifying features of the South Pennine Moors SAC respectively. It is stated that the distance between the Proposed Development and the SPA is sufficiently far to rule out disturbance to birds and that the construction works are sufficiently far from the SPA/ SAC to avoid effects to the roads immediately adjacent to it.
- 6.2.23 The Applicant screened out a quantitative assessment of emissions to air from construction traffic from ES Chapter 5 [REP3-006] on the basis that "*no single phase of construction related traffic management is expected to be in place for more than 2 years*" and the traffic screening criteria in DMRB LA 105 were not met. As such, we understood that qualitative information was used by the Applicant to support its conclusion of no LSE from construction traffic emissions and we [PD-009 question 12.14] sought clarification as to the potential number of Heavy Goods Vehicle (HGV) movements to be routed on roads passing through the two European sites in order to consider the likely implications of this impact. The Applicant [REP2-021] confirmed that construction traffic is not expected to be routed via the A57 and/ or A628, so there would be no HGV movements passing through the European sites due to the construction of the Proposed Development. The Applicant [REP2-021] stated that construction traffic is expected to use routes to and from Ashbury Rail Head or Bredbury via the M67. The Applicant [REP2-021 question 3.33] in response to a question from us about HGV movements during construction stated that construction of the Proposed Development is expected to generate up to approximately 90 vehicle trips per day during the peak periods of activity. We note that this is below the screening threshold for further air quality assessment in DMRB LA 105 of 200 HGVs per day.
- 6.2.24 We [PD-014] requested the Applicant to update the Outline Traffic Management Plan (TMP) [REP1-038] and Register of Environmental Actions and Commitments (REAC) [REP5-012] to secure a commitment in the dDCO to not route HGVs through the European sites during construction. The Applicant [REP11-010 question 3.10] stated that it was "*not aware of having made any commitment to not route HGVs associated with the works*

via the A57 and/ or the A628.” Nonetheless, the Applicant submitted a final Outline TMP [REP11-006] and REAC [REP11-005 GEM1.4 and GEM2.5] that included such a commitment in respect of the A57, which the Applicant stated was “due to the sensitive nature of the road (being in a National Park), even though there are not any current restrictions”. The Applicant [REP11-010] stated that “the A628 will be required because it is the only reasonable route in from the east” and the documents therefore do not include a commitment to avoid the A628 during construction.

- 6.2.25 NE [REP2-080] did not dispute the Applicant’s decision to screen out construction phase impacts or the reasons given. Whilst NE did not comment specifically on construction phase impacts, it stated in its WR that it was satisfied from the evidence submitted that the Applicant had demonstrated beyond reasonable scientific doubt that there would be no LSE on the integrity of the European sites.
- 6.2.26 We [PD-012] question 12.9] sought clarification from PDNPA that their concerns related only to the operational phase of the Proposed Development, considering the information submitted by the Applicant [APP-054, REP2-004, REP2-021] to demonstrate that there would be no impact pathways to the European sites during construction. We [PD-014] sought similar clarification from NT. PDNPA [REP6-038] and NT [REP9-048] confirmed that their concerns relate to the operational phase of the Proposed Development only.
- 6.2.27 We are satisfied with the Applicant’s decision to screen out a detailed assessment of construction phase effects on the basis that there would be no LSE to the European sites given the distance between the site and the European sites (2.2km at the closest point) and the lack of hydrological connectivity. With regard to construction traffic movements, we note that a commitment is secured with the Outline TMP and REAC to not route construction vehicles via the A57 but a similar commitment was not made in respect of the A628, which also travels through and adjacent to the European sites. Whilst this matter has not been subject to detailed assessment in ES Chapter 5 or the HRA Screening Report, we have considered information provided by the Applicant, which indicates that no more than 90 HGV movements would occur during peak construction period and that construction traffic is expected to route primarily via Ashbury Rail Head or Bredbury via the M67 not the A628. We have also considered the baseline condition, as presented at Figure 3.6 of the Transport Assessment Report [APP-185], which shows that HGVs represent 11% of the 15,950 AADT on the A628 Market Street (Hollingworth), ie 1,755 HGV movements. Baseline flows have not been presented for the A628 further east of Hollingworth where it travels adjacent to and through the European sites. However, we note that the Applicant submitted Traffic Data [APP-151] showing flows for the DM scenario in 2025, where HGVs represent 15% of the 10,700 AADT on the A628 in the vicinity of Torside Reservoir, ie 1,605 HGV movements. We consider that the additional up to 90 HGV movements per day on the A628 during construction are likely to be within the natural traffic flow variability on this road. We also note that the Applicant’s conclusion of no LSE was not disputed by NE. We are therefore content that LSE can be excluded.

Operational phase - Peak District Moors (South Pennine Moors Phase 1) SPA

Habitat impacts through adverse changes in air quality along the ARN, affecting the presence of and subsequent availability of prey species – all bird qualifying features

- 6.2.28 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] identified that the only potential for a LSE on the SPA is through an increase in atmospheric pollution, from changes in nitrogen deposition associated with additional vehicle movements along the A57. The SPA lies within 200m of the ARN along approximately 10km of the A57. ES Chapter 5 [[REP3-006](#)] included an assessment of estimated nitrogen deposition rates for relevant habitats at receptors points within the SPA, both with and without the Proposed Development at the opening year of 2025. The results are summarised in Table 5.1 of the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] and included at Appendix D. The Applicant described the results as showing that the maximum change in nitrogen deposition is 0.21kg N/ha/yr for montane habitats, which is more than the 1% critical load for this habitat of 0.05kg N/ha/yr but less than the nitrogen deposition threshold of 0.4kg N/ha/yr at which an effect would be significant. The Applicant stated that the bird qualifying features have a sensitivity by virtue of the broad habitats that they inhabit. Typical breeding habitats for each bird qualifying feature are described in the report: dwarf shrub heath is identified as the broad habitat for merlin and short-eared owl, and bogs, dwarf shrub heath and montane habitats are identified as the broad habitat for golden plover. The Applicant states that the air quality assessment (ES Chapter 5 [[REP3-006](#)]) showed that the change in nitrogen deposition is below the threshold at which there would likely be an effect on habitat composition and, as the habitat is not likely to be significantly affected, it would continue to support prey species of the SPA bird qualifying features. It is also noted that all the SPA bird qualifying features require open moorland habitat, where key species are present, for hunting and foraging and that the habitat adjacent to the roadside was therefore unlikely to be an important feeding area because of the presence of the road.
- 6.2.29 On this basis, the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] (Table B.4 of Appendix B) states that LSE could be excluded for reduction in species' density arising from habitat impacts and availability of prey species on the basis that the birds' breeding habitat is located away from the ARN.
- 6.2.30 NE [[REP2-080](#), [REP12-039](#)] did not dispute the Applicant's conclusions.
- 6.2.31 PDNPA [[REP2-048](#)] and NT [[REP2-079](#)] did not comment on this matter in their local impact report and written representation (WR) respectively. We [[PD-014](#)] therefore indicated in the RIES that was assumed that PDNPA and NT had accepted the Applicant's screening conclusions of no LSE in respect of this impact pathway. PDNPA [[REP9-035](#)] subsequently confirmed that it agreed LSE could be excluded for this matter and NT [[REP9-048](#)] did not dispute our assumption.
- 6.2.32 We are satisfied based on the information presented in the Applicant's HRA Screening Report that there would be no LSE to the SPA birds arising from

habitat impacts and/ or degradation because of air quality changes that could affect the presence and availability of their prey species.

Noise disturbance from increased traffic flows along the ARN - all bird qualifying features

- 6.2.33 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] (Table B.4 of Appendix B) states that LSE could be excluded for noise disturbance to all bird qualifying features. In reaching its conclusion, the Applicant noted that the predicted noise levels from the ARN in proximity to the SPA at opening have potential to cause moderate to low behavioural changes on avifauna (such as alarm calls, heads up, change in feeding/ roosting activity) but that these changes are possible with or without the Proposed Development. The Applicant explained that birds will generally habituate to regular ambient noise below 70dB, and the resident SPA populations would be habituated to the existing situation.
- 6.2.34 In its RR, PDNPA [[RR-0677](#)] stated its concerns about the Applicant screening out noise disturbance along the A628 adjacent to the SPA for LSE, noting that increases in traffic, particularly HGVs, will create more constant noise and could add to general disturbance of ground nesting birds, potentially reducing their area of useable habitat. PDNPA noted that *"forecasts indicate that the A628... will see a daily increase in traffic of 850-950 vehicles (2025) and 900-1,100 vehicles (2040); the A57... will see an increase in vehicles of 1,150 (2025) and 1,450 (2040)."*
- 6.2.35 The Applicant [[REP1-042](#)] responded to PDNPA's comment at Deadline 1, stating that ES Chapter 11 [[APP-067](#)] includes an assessment of road traffic noise levels on the A628 and that the modelled traffic flows through the PDNP were not predicted to cause a perceptible change in noise level.
- 6.2.36 In response to concerns raised by PDNPA [[REP2-048](#), [REP2-055](#)] and NT [[REP2-079](#)] about impacts from noise disturbance to SPA birds as a result of additional vehicles, particularly on the A57, the Applicant [[REP3-028](#)] referred to the information presented in its HRA Screening Report and noted that the Site Improvement Plan for the SPA does not outline noise disturbance as a potential pressure or threat.
- 6.2.37 PDNPA [[REP4-012](#)] maintained that insufficient evidence had been presented to screen out noise disturbance for LSE. PDNPA acknowledged that predicted noise levels could change with or without the Proposed Development but considered that it was reasonable to conclude that the level and significance of effects could be greater with the Proposed Development than without because of the increase in traffic levels. PDNPA commented that no information had been presented to demonstrate the impact of existing traffic on bird populations and cited research suggesting that birds are displaced by noise disturbance rather than habituating to it, with avoidance zones extending as far as 1km for some species, with population reductions of 30-100%. PDNPA considered that the Applicant had not provided any evidence that birds habituate equally to increased noise levels and cited research suggesting that, even if they habituate, noise disturbance effects increase with traffic volume up to a threshold, which may be in the order of 30,000 AADT. PDNPA responded to the

Applicant's comments on the Site Improvement Plan by explaining that it is not intended to be comprehensive or predict all potential pressures.

- 6.2.38 As set out in the RIES [PD-014], we [PD-012 questions 12.4 and 12.11] requested the Applicant to comment on PDNPA's concerns and sought further information about habitats used by SPA birds during breeding and foraging, the location of these relative to the ARN, and baseline and predicted noise levels at relevant locations. The Applicant provided further information [REP6-017] and referenced ES Figure 5.2(ii) [APP-078], which illustrates that the SPA boundary is immediately adjacent to the A57 for the initial western stretch and subsequently set back from the road as it travels eastwards. We note that this plan does not illustrate the different SPA habitats used by the bird qualifying features as requested by us but the Applicant [REP6-017] confirmed that all habitats are suitable for use by foraging birds and provided a written description of them consistent with information in the HRA Screening Report [REP2-004]. The Applicant [REP6-017] stated that the likely noise impacts on the ARN are set out in ES Chapter 11 [REP3-007], which concludes that for the A628 the existing level is 71dB and the predicted change is 0.2dB, i.e. not significant, and for the A57 the existing level is 63.1dB and the predicted change is 2.3dB, which would be discernible but not significant. The Applicant [REP6-017] stated that there is little scientific research into noise levels and perceived changes to individual bird species, but golden plover are assessed in the Waterbird Disturbance Mitigation Toolkit, which concluded that they are 'moderately sensitive to noise disturbance' and a precautionary approach assumes tolerance of noise up to 72dB being acceptable with caution at levels above 55dB. The Applicant [REP6-017] noted the existing "*high number of vehicles using the roads*", and reiterated that species are likely to be habituated to noise.
- 6.2.39 Prior to review of the Applicant's additional information in [REP6-017], NE responded to a request from us [PD-012 question 12.12] to comment on PDNPA's concerns. NE [REP6-029] stated that it had used evidence provided by the Applicant about noise levels from additional traffic to reach its conclusion that impacts would be insignificant and could be screened out of further assessment in the HRA. NE stated that if there was any uncertainty in the traffic modelling, it should be addressed to determine whether an AA is required. NE [REP6-029] stated that, as a rule of thumb, an increase of 3dB or more against existing noise levels could be significant.
- 6.2.40 NT [REP6-028] confirmed that its comments were of a general nature about noise impacts to the PDNP, rather than specifically in relation to bird qualifying features of the SPA.
- 6.2.41 PDNPA [REP9-035] confirmed in its comments on the RIES [PD-014] that it maintained concerns about noise disturbance, stating that in addition to the predicted change in levels it was also concerned about duration and frequency of noise disturbance because of increased traffic, particularly on the A57. PDNPA noted that tolerance levels for golden plover in the Waterbird Disturbance Mitigation Toolkit are across a range and that the predicted noise levels arising from operation of the Proposed Development are within the stated caution range of between 55dB and 72dB. PDNPA noted their understanding that the guidance is "*primarily for considering*

impacts on wintering flocks rather than birds on their breeding grounds... which are likely to be more susceptible to disturbance". PDNPA considered that the Applicant's comments about predicted noise levels having the potential to cause moderate to low behavioural change with or without the Proposed Development are not supported by evidence, and that, whilst existing traffic levels may cause some disturbance, an increase, as predicted, is likely to increase the level of disturbance. PDNPA restated its earlier comments that there is no evidence that birds are habituated to existing roads and that populations may already be reduced by existing levels of road use, with research into bird disturbance suggesting that there is likely to be an existing impact, which could be increased by further increase in traffic levels.

- 6.2.42 The Applicant [[REP10-010](#)] restated its position from previous deadlines and did not submit any further information in response to PDNPA's comments.
- 6.2.43 The final SoCG [[REP12-014](#)] between the Applicant and PDNPA shows this matter as being "not agreed", with both the Applicant and PDNPA's position unchanged from their earlier comments as described above.
- 6.2.44 We [[PD-017](#) question 12.5] sought comments from NE on information submitted by the Applicant [[REP6-017](#)] and the outstanding concerns raised by PDNPA in [[REP9-035](#)]. NE [[REP12-039](#)] supported the inclusion of noise disturbance to SPA birds as part of the HRA. NE agreed with PDNPA that it should not be assumed that birds are habituated to existing roads but stated that the figures provided by the Applicant indicated that there would not be an increase of 3dB or more against existing levels. NE stated it was satisfied that there would be no LSE to the bird qualifying features of the SPA from increases in traffic numbers.
- 6.2.45 As described at Chapters 4 and 5 of this report, we are satisfied that the Applicant's traffic modelling is robust for the purposes of identifying the predicted increase in traffic movements with the Proposed Development and is therefore content that this information is an appropriate basis for the consideration of potential noise disturbance to the SPA birds. We consider that, whilst there is potential for an increase in noise disturbance, the Applicant demonstrated that for both the A57 and A628 the predicted change would be below the threshold of 3dB at which relevant guidance indicates that disturbance would be significant for SPA birds and that noise levels would also remain below the tolerance level of 72dB for golden plover identified in the Waterbird Disturbance Mitigation Toolkit. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded based on the evidence provided by the Applicant. We are satisfied that LSE to the SPA birds arising from noise disturbance associated with increased vehicle numbers on the A57 and A628 can be excluded.

Visual disturbance from increased traffic flows along the ARN - all bird qualifying features

- 6.2.46 PDNPA [[RR-0677](#), [REP2-048](#), [REP2-055](#)] raised concerns about increases in visual disturbance to SPA birds as a result of additional vehicles on the A57 and A628. This impact pathway was not considered in the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)]. PDNPA stated that research

evidence (not cited) suggests visual disturbance can negatively impact breeding birds and that the Applicant did not appear to have submitted evidence of relevant disturbance thresholds, whether existing levels of disturbance already exceed tolerances or whether the predicted traffic increases might cause tolerances to be exceeded. Prior to reviewing the Applicant's [REP4-008] response, PDNPA [REP4-012] stated that insufficient evidence had been presented to screen out visual disturbance and questioned the basis for the Applicant's statements that breeding habitat would be located away from the road and that species would be habituated to existing roads. PDNPA stated that the Site Improvement Plan for the SPA is not intended to predict all pressures that could arise.

- 6.2.47 The Applicant [REP4-008] acknowledged that visual disturbance was not specifically addressed in the HRA Screening Report [APP-054, REP2-004] and stated that this was due to its review of the traffic data and projected changes, which it considered were the only potential form of visual disturbance. The Applicant [REP4-008] stated that the change in traffic levels would be de minimis on the basis of a comparison of average hourly increases in traffic flow between the modelled DM and DS scenarios during off-peak, i.e. night-time, when it considered that the impact of change would be greatest in terms of visual disturbance. The Applicant [REP4-008] explained that average hourly increase in vehicle passes would be at most an additional 29 passes for the A57 and an additional 27 passes for the A628 in the DS scenario compared to the DM scenario (of between 63 and 90 passes on the A57 and between 225 and 301 passes on the A628 in the modelled years from 2025 to 2051). The Applicant [REP4-008] also noted that the level of traffic experienced would be a constant visual impact and the projected increase in vehicles would not change this, and that the Site Improvement Plan for the SPA does not outline visual disturbance as a potential pressure or threat.
- 6.2.48 We [PD-012 question 12.12] sought comments from NE on the Applicant's explanation for discounting visual disturbance as an impact pathway and the concerns raised by PDNPA. NE [REP6-029] confirmed it was satisfied with the Applicant's explanation in [REP4-008] for discounting visual disturbance as an impact pathway to SPA birds.
- 6.2.49 As described above under 'Noise disturbance from increased traffic flows along the ARN' the Applicant [REP6-017 question 12.11] provided additional information about habitats used by SPA birds during breeding and foraging, and the location of these relative to the ARN to support its statements about habitats being located away from the ARN.
- 6.2.50 PDNPA [REP9-035] confirmed in its comments on the RIES [PD-014] that it maintained concerns about visual disturbance. PDNPA agreed that the only form of visual disturbance to the SPA birds would be from an increase in vehicle numbers on the A57 and A628 but disagreed that the changes would be de minimis given the percentage change in predicted traffic levels, particularly on the A57. PDNPA disagreed with the Applicant's position that the impact would be greatest at night-time, stating that this assumption was not supported by evidence and noting that golden plover and merlin are diurnal, so impact would be greatest during the daytime, and short-eared owl is crepuscular, so the period of greatest sensitivity would not be

during night-time. PDNPA stated that the Applicant had provided no evidence that traffic levels would be a constant visual impact; it considered that flows are likely to be uneven, with any increase likely to increase the period of visual disturbance.

- 6.2.51 The Applicant [[REP10-010](#)] maintained its position on assessing the potential for visual disturbance from increased traffic flows along the ARN for all bird qualifying features of the SPA and did not submit any further information in response to PDNPA's comments.
- 6.2.52 The final SoCG [[REP12-014](#)] between the Applicant and PDNPA shows this matter as being 'not agreed', with both the Applicant and PDNPA's position unchanged from their earlier comments as described above.
- 6.2.53 We [[PD-017](#)] question 12.6] sought comments from NE on additional information provided by the Applicant [[REP6-017](#)] and the outstanding concerns about visual disturbance raised by PDNPA in [[REP9-035](#)]. NE [[REP12-039](#)] supported the inclusion of visual disturbance arising from an increase in traffic numbers to SPA birds as part of the HRA. NE stated it was satisfied that there would be no LSE to the bird qualifying features of the SPA from increases in traffic numbers.
- 6.2.54 As described at Chapters 4 and 5 of this report, we are satisfied that the Applicant's traffic modelling is robust for the purposes of identifying the predicted increase in traffic movements with the Proposed Development and are therefore content that this information is an appropriate basis for the consideration of potential visual disturbance to the SPA birds. We consider that, whilst there is potential for an increase in visual disturbance, evidence has been provided by the Applicant that the predicted change in traffic would be de minimis at night-time, when SPA birds are more likely to be affected by, for example, car lights and that during the daytime traffic movements are expected to present a constant visual presence similar to the baseline condition. We also note that visual disturbance is not identified as a vulnerability of the SPA birds in the citation information. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded based on the evidence provided by the Applicant. We are satisfied that LSE to the SPA birds arising from visual disturbance associated with increased vehicle numbers on the A57 and A628 can be excluded.

Reduction in species' density from increased risk of collision along the ARN - all bird qualifying features

- 6.2.55 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] (Table B.4 of Appendix B) states that LSE could be excluded for increased collision risk along the ARN on the basis that the typical breeding habitat of all bird qualifying features is located in areas away from the ARN and that species would be habituated to the existing heavily used roads. The Applicant also noted that mortality from vehicular collision is not recognised as a vulnerability of the SPA.
- 6.2.56 As described under 'Noise disturbance from increased traffic flows along the ARN', PDNPA [[RR-0677](#)] noted the forecast increase in traffic flows and stated its concerns that the A628 had been screened out of further

assessment for LSE arising from an increased risk of collision. PDNPA considered that there would be less breaks in traffic and fragmentation of habitat, resulting in the likelihood of more collisions. PDNPA was also concerned that an increase in roadkill would attract more predators, potentially impacting on ground nesting birds.

- 6.2.57 PDNPA [[REP2-048](#), [REP2-055](#)] and NT [[REP2-079](#)] raised concerns about impacts from increased risk of collision during the operational phase as a result of additional vehicles on sections of both the A57 and A628 passing through the SPA.
- 6.2.58 The Applicant [[REP4-008](#)] reiterated its position in the HRA Screening Report that mortality from road collision is not a vulnerability of the SPA and that the bird qualifying features would be habituated to the existing roads as they are major routes through the SPA, noting that the baseline traffic flows are 10,700 AADT on the A628 and 3,050 AADT on the A57. The Applicant noted that 'predation' caused by native and non-native predators is listed as a vulnerability for the bird qualifying features but that the Supplementary Advice for the SPA also identifies that short-eared owls have adaptive methods to reduce this impact and that golden plover select remote open moors, which are naturally low in resident predators. The Applicant states that the open habitats within the PDNP coupled with natural adaptations of the bird qualifying features and predator control as part of general game reserve management mean that predation is not seen as a significant threat.
- 6.2.59 NE did not comment on this matter specifically but confirmed [[REP4-025](#)] that it was satisfied that sufficient evidence had been submitted to exclude the possibility of LSE on ground breeding birds, i.e. bird qualifying features of the SPA. NT [[REP4-024](#)] confirmed it did not dispute the Applicant's conclusion of no LSE in respect of all bird qualifying features of the SPA.
- 6.2.60 PDNPA [[REP4-012](#)] confirmed that it did not dispute the Applicant's conclusion of no LSE to golden plover (breeding) due to their feeding behaviour and reduced significance of individual collisions given the larger population but considered that insufficient evidence had been presented to screen out LSE in respect of the short-eared owl (breeding) and merlin (breeding) qualifying features. PDNPA [[REP4-012](#)] questioned the basis for the Applicant's statements that breeding habitat would be located away from the road and that species would be habituated to existing roads, stating that evidence had not been provided to support this position for example on the proximity of nesting SPA birds to the road network or the risk to birds foraging more widely. PDNPA cited research that suggests bird population densities do diminish near roads but also that short-eared owl (breeding) and merlin (breeding) may be particularly vulnerable to vehicle collisions, which because of their small populations means any collision is significant.
- 6.2.61 As described above under "*Noise disturbance from increased traffic flows along the ARN*", the Applicant [[REP6-017](#)] provided further information in response to our [[PD-012](#) question 12.11] request for additional information about habitats used during breeding and foraging and the location of these relative to the ARN. The Applicant [[REP6-017](#) question 12.4] also stated

that there did not appear to be any long term survey of bird traffic fatalities in the UK, noting that a series of independent surveys have all used different survey intensities, methodologies and study areas and on differing species' groups. The Applicant therefore considered that it was difficult to draw sound conclusions from the studies cited by PDNPA [[REP4-012](#)].

- 6.2.62 PDNPA [[REP9-035](#)] stated that on further consideration of the available information, whilst it felt that an increase in traffic is likely to increase the risk of collision, there is little evidence that road collision is currently a significant issue for the bird qualifying features of the SPA and LSE are therefore unlikely in respect of all SPA birds.
- 6.2.63 We [[PD-017](#) question 12.9] requested that NE comment on any outstanding concerns it had about the HRA. NE [[REP12-039](#)] confirmed that it had no further concerns.
- 6.2.64 As described at Chapters 4 and 5 of this report, we are satisfied that the Applicant's traffic modelling is robust for the purposes of identifying the predicted increase in traffic movements with the Proposed Development and are therefore content that this information is an appropriate basis for the consideration of potential increase of collision risk to the SPA birds. We consider that, whilst there is potential for an increase in collision risk, evidence has been provided by the Applicant that the typical breeding habitat of the SPA birds is in areas away from the ARN and that species would be habituated to the existing heavily used roads. We note that vehicular collision is not recognised as a vulnerability of the SPA birds and that there is little evidence to suggest road collision is a significant issue for them. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded based on the evidence provided by the Applicant. We are satisfied that LSE to the SPA birds arising from increased collision risk associated with increased vehicle numbers on the A57 and A628 can be excluded.

Increased recreational pressure arising from additional traffic vehicle movements along the ARN - all bird qualifying features

- 6.2.65 NT [[REP2-079](#)] raised the possibility of increased recreational pressure as an additional impact pathway arising from increased vehicle numbers and associated parking, footfall, litter and fire risk adjacent to the A57.
- 6.2.66 This impact pathway was not considered in detail in the HRA Screening Report [[APP-054](#), [REP2-004](#)] but the Applicant stated that as the proposal relates to road infrastructure, it is unlikely to result in an increase in recreational activities.
- 6.2.67 NE [[REP2-080](#)] confirmed that it was satisfied that evidence provided by the Applicant demonstrated beyond reasonable scientific doubt that there would be no LSE to the SPA birds although it did not comment specifically on this matter.
- 6.2.68 We [[PD-012](#) question 12.10] requested clarification from NT as to whether it considered this was a possible impact pathway for LSE to the SPA birds. NT [[REP6-028](#)] confirmed that the comments were general in nature about

impacts from increased recreational pressure to the PDNP, rather than specifically in relation to qualifying features of the SPA.

- 6.2.69 We [[PD-017](#) question 12.9] requested that NE comment on any outstanding concerns it had about the HRA. NE [[REP12-039](#)] confirmed that it had no further concerns.
- 6.2.70 We are satisfied based on the information presented in the Applicant's HRA Screening Report that there would be no LSE to the SPA birds arising from an increase in recreational pressure, noting that the Proposed Development is for road infrastructure and is not designed to attract more visitors to the PDNP and/ or the SPA. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded.

Increased traffic flow resulting in combined effects (air quality, noise and collision) - all bird qualifying features

- 6.2.71 In its RR, PDNPA [[RR-0677](#)] noted concerns about the potential for increased traffic flow to result in cumulative effects to designated sites from increased nitrate deposition, noise disturbance and collision with wildlife. It identified a particular concern that the A628 had been screened out of further assessment.
- 6.2.72 In response, the Applicant [[REP1-042](#)] described the basis on which the A628 had been screened out of further assessment for air quality in the HRA, as more fully explained below under 'Habitat degradation through adverse changes in air quality along the ARN – blanket bog and upland heath qualifying features.'
- 6.2.73 The Applicant did not respond specifically to the potential for combined impacts to result in LSE but as described in this chapter, the Applicant excluded LSE to the bird qualifying features of the SPA in respect of these matters individually.
- 6.2.74 The final SoCG [[REP12-014](#)] between the Applicant and PDNPA shows this matter as being "not agreed".
- 6.2.75 NE [[RR-0621](#), [REP2-028](#), [REP2-054](#), [REP2-080](#), [REP4-025](#), [REP6-029](#)] did not comment on this impact pathway. We [[PD-017](#) question 12.9] requested that NE comment on any outstanding concerns it had about the HRA. NE [[REP12-039](#)] confirmed that it had no further concerns.
- 6.2.76 As described earlier in this chapter, we are satisfied that LSE to the bird qualifying features of the SPA can be excluded in respect of these impact pathways separately and therefore consider that there is no potential for them to combine and result in LSE. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded.

Operational phase - South Pennine Moors SAC

- 6.2.77 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] (Table B.5 of Appendix B) stated that the old sessile oak woods with ilex and blechnum in the British Isles qualifying feature of the SAC is not located within 200m of the ARN and was therefore screened out for LSE.

6.2.78 NE [[RR-0621](#), [REP2-028](#), [REP2-080](#)] did not dispute this approach and no comments were raised by IPs.

6.2.79 We are satisfied with the Applicant's approach to screening out the old sessile oak woods with ilex and blechnum in the British Isles qualifying feature of the SAC on the basis of its distance from the ARN.

Habitat degradation through adverse changes in air quality along the ARN – all qualifying features except for old sessile oak woods with ilex and blechnum in the British Isles

6.2.80 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] identified that the only potential for a LSE on the SAC is through an increase in atmospheric pollution, which is listed as a vulnerability of the SAC in its Conservation Objectives.

6.2.81 The Applicant stated that the SAC lies within 200m of the ARN along approximately 10km of the A57 and ES Chapter 5 [[REP3-006](#)] therefore included an assessment of estimated nitrogen deposit rates for relevant habitats at receptor points within the SAC, at the opening year of 2025. The results are summarised in Table 5.2 of the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] and included at Appendix D. The Applicant also submitted the results of the modelling for transect receptor points at 10m intervals up to 200m from the road for the SAC separately in ES Appendix 5.3 [[APP-157](#)]; the receptor locations are shown on ES Figure 5.2(ii) [[APP-078](#)]. The Applicant noted that background nitrogen deposition across the SAC is known to exceed the relevant critical load thresholds for harm due to a long history of nitrogen deposition, so any further increase could be harmful.

6.2.82 The Applicant also described the specific air quality targets as established in NE's Supplementary Advice to the Conservation Objectives, which include a restore and staged recovery target for all qualifying features except transition mires and quaking bogs, which has a maintain target. The Applicant states that raised and blanket bog is the most sensitive qualifying feature to nitrogen deposition according to the Air Pollution Information System (APIS) website, with a background nitrogen deposition across the SAC of 5-10kg N/ha/yr. The Applicant described the results as showing that the maximum change in nitrogen deposition is 0.21kg N/ha/yr for European dry heaths and blanket bogs qualifying features, which is more than the 1% critical load for raised and blanket bog of 0.05kg N/ha/yr but less than the nitrogen deposition threshold of 0.4kg N/ha/yr, at which an effect would be significant. The Applicant stated that the assessment also demonstrated that the change in nitrogen deposition declines rapidly with distance from the ARN, as demonstrated by the transect receptor point results in ES Appendix 5.3 [[APP-157](#)].

6.2.83 The Applicant noted that Northern Atlantic wet heaths with *Erica tetralix* and transition mires and quaking bog qualifying features make up only 6.7% and 0.4% of the habitat respectively and are therefore unlikely to be present in the area potentially affected by the ARN of the Proposed Development. The Applicant did not provide habitat mapping for these qualifying features. However, we note that they are less sensitive to

nitrogen deposition than European dry heaths and blanket bogs, for which the Applicant demonstrated that there would not be a significant effect, and that ES Figure 5.2(ii) [APP-078] shows that the A57 only passes through the SAC for a distance of approximately 4km and elsewhere the SAC boundary is set back from the road, where the Applicant demonstrated that change in nitrogen deposition would rapidly decline with distance.

- 6.2.84 The Applicant [APP-054, REP2-004] explained that the A628 was screened out of further air quality assessment on the basis of predicted traffic numbers of +846 vehicles where the European site is roadside in the opening year of 2025, which is below the threshold for further air quality assessment in the DMRB LA 105 (1,000 AADT).
- 6.2.85 PDNPA [RR-0677, REP2-048, REP2-055] raised concerns about confidence limits in traffic data, which the Applicant [APP-054, REP2-004] used as a basis to screen out further air quality assessment of the A628, noting that the SAC is already subject to high traffic flow and nitrate deposition in the vicinity of the A628. NT [REP2-079] noted that the outlook for the A628 is similar to the A57 and highlighted the possibility for more frequent road closures and/ or weight restrictions in the future, for example as a result of bad weather and landslip.
- 6.2.86 We [PD-009 questions 7.13 and 12.13] sought clarification from the Applicant about selection of the opening year (2025) as the worst-case scenario for the air quality assessment and data in Appendix C of the HRA Screening Report [APP-054], which indicated a change of more than 1,000 AADT on the A628 in the opening year. The Applicant [REP2-021 questions 7.13 and 12.13] responded to confirm that the opening year (2025) rather than design year (2040) was used to define the ARN as the worst case is ordinarily the opening year given the expected reduction in vehicle emissions in future years. The Applicant confirmed that Appendix C included outdated data, which did not reflect design changes prior to submission and submitted an updated version [REP2-004].
- 6.2.87 We [PD-009 questions 7.14 and 12.13] also requested NE to comment on any outstanding concerns it had about the air quality assessment. NE [REP2-054] confirmed it had no outstanding concerns about the air quality assessment in terms of HRA and that it was unlikely that there would be any significant air quality effects on designated sites.
- 6.2.88 The Applicant [REP3-028] responded to comments made by PDNPA and NT and stated that modelled transect receptor points within 200m of the A57 show that changes in nitrogen deposition were less than 0.4kg N/ha/yr with no LSE and it therefore follows that for receptors on the A628, where AADT is reduced relative to the A57 and the boundary of the European site is more distant from the road (at 50m or more), the nitrogen deposition would be less than 0.4kg N/ha/yr and not significant. The Applicant confirmed that the traffic forecasting and modelling, upon which the screening for further air quality assessment was based, was undertaken in accordance with DfT's Transport Analysis Guidance (TAG) using the most recent modelling tools and as such the *"level of confidence in the forecast changes... is the best that can be achieved given the inherent uncertainties with all forecasts"*.

- 6.2.89 The Applicant [[REP4-008](#)] provided further explanation of the approach taken to assessment of air quality impacts and confidence limits in traffic modelling. It reiterated that predicted flows along the A628 in the opening year would be +950 (rounded to the nearest 50) and therefore below the screening threshold in DMRB LA 105. The Applicant summarised the approach for assessing air quality impacts on designated ecological sites and stated that ES Appendix 5.3 [[APP-157](#)] sets out the methodology in detail, and ES Appendix 8.4 [[APP-172](#)] provides further detail of the additional ecological assessment undertaken in accordance with DMRB LA 108 where DMRB LA 105 screening criteria were exceeded.
- 6.2.90 In response to a question from us at ISH2, the Applicant [[REP4-008](#)] confirmed that there are no implications for the assessment arising from the publication of Joint Nature Conservation Committee (JNCC) Guidance⁴ in December 2021, which provides an evidentiary basis for decision-making thresholds to inform assessment of air quality impacts on designated sites, as it was not developed for assessment of individual projects such as road schemes.
- 6.2.91 We [[PD-012](#) question 12.14] requested confirmation from PDNPA about whether it was satisfied by the Applicant's explanation for the decision not to undertake further air quality assessment of the A628. PDNPA [[REP6-038](#)] maintained its position, stating that traffic numbers used to screen out assessment of nitrogen deposition for the A628 are only marginally below the AADT threshold and if the margin of error falls above a 95% significance level it would require assessment, on the basis that LSE on SAC qualifying habitats cannot be ruled out. PDNPA [[REP6-038](#) question 3.5] noted that there was an apparent small difference between existing recorded traffic flows and predicted flows for opening year (both of which are stated to be based on the position before the COVID-19 pandemic) and that some IPs had suggested that modelled figures for predicted traffic flows at opening year are lower than would be expected with the Proposed Development. PDNPA noted that it might therefore have been appropriate for the Applicant to take a precautionary approach given the high level of protection ascribed to the European sites along the A628. CPRE PDSY [[REP7-036](#)] supported PDNPA's position. The representations made by PDNPA and CPRE PDSY in respect of traffic modelling are discussed in Chapter 4 and Section 5.2 of this report.
- 6.2.92 The Applicant [[REP7-026](#)] restated its position that any air quality impacts to European sites from increased vehicle numbers along the A628 would be less than that assessed for the A57. The Applicant referred to a previous response (RR-0240-23 in [[REP1-042](#)]) in respect of the impact of the COVID-19 pandemic on forecast traffic demand, which noted that it was too early to know what the long-term impacts might be on travel patterns and that it was appropriate to rely on the established method of forecasting traffic growth.
- 6.2.93 In its comments on the RIES [[PD-014](#)], PDNPA [[REP9-035](#)] re-iterated its concern that no statistical confidence levels for predicted traffic flows appear to have been submitted. PDNPA considered that it was therefore

⁴ JNCC, Guidance on Decision-making Thresholds for Air Pollution (2021)

possible that predicted increases could exceed AADT thresholds set out in DMRB LA 105 and require further assessment. NT [REP9-048] noted that PDNPA had raised concerns about confidence limits in traffic data and highlighted comments it made in its WR [REP2-079] about the reliability of the A57 and whether the potential for future closures and/ or weight restrictions associated with bad weather and landslips had been accounted for in the decision to screen out further assessment of the A628. NT also noted the probable need for traffic restraint measures on the A57 to address road safety issues.

- 6.2.94 CPRE PDSY [REP9-043] also provided comments on the RIES [PD-014] and stated that it was not satisfied that the Applicant's traffic modelling represents the worst-case scenario and that as such the A628 should not have been screened out of further air quality assessment. CPRE PDSY's representation sets out information to explain their concerns about the traffic modelling. CPRE PDSY's concerns about traffic modelling are discussed in Chapter 4 and Section 5.2 of this report.
- 6.2.95 The Applicant [REP10-010] reiterated that the traffic modelling was undertaken in accordance with DfT's TAG, which it described as an industry standard and "*widely recognised as appropriate and proportionate for decision making*".
- 6.2.96 We [PD-017 question 12.7] sought further comment from the Applicant about whether there were any implications for the assessment of air quality changes on the A628 arising from potential future closures and/ or weight restrictions on the A57. The Applicant [REP11-010] responded that there are no proposals to introduce traffic restraint measures on the A57 as part of the Proposed Development and the Applicant would not support such measures. The Applicant maintained its position that the approach to assessment of LSE from habitat degradation through adverse changes in air quality was correct.
- 6.2.97 The position of PDNPA [REP12-014] in the final SoCG and CPRE PDSY [REP12-033] in its final Position Statement remained unchanged.
- 6.2.98 NE [REP2-054] confirmed it had no outstanding concerns about the air quality assessment in terms of HRA and that it was unlikely there would be any significant air quality effects on designated sites. We [PD-017 question 12.9] requested that NE comment on any outstanding concerns it had about the HRA. NE [REP12-039] confirmed that it had no further concerns.
- 6.2.99 As described at Chapters 4 and 5 of this report, we are satisfied that the Applicant's traffic modelling is robust for the purposes of identifying the predicted increase in traffic movements with the Proposed Development and are therefore content that this information is an appropriate basis for the consideration of potential habitat degradation from adverse air quality changes to the qualifying features of the SAC. We are satisfied that the Applicant's assessment demonstrates that LSE can be excluded in respect of adverse air quality effects from vehicles on the A57, noting that whilst the predicted maximum change in nitrogen deposition of 0.21kg N/ha/yr for European dry heaths and blanket bogs exceeds the 1% critical load it remains below the threshold of 0.4kg N/ha/yr at which an effect is likely to

be significant. In this regard, we also note the results of the Applicant's modelling for transect receptor points at 10m intervals up to 200m from the A57, as part of the ARN, which demonstrate a rapid decline in nitrogen deposition of generally 50% or more at 10m, e.g. for receptor T7 (raised and blanket bogs) the change at 0m is 0.21kg N/ha/yr reducing to 0.10kg N/ha/yr at 10m. We consider that the Applicant's approach to screen the A628 out of further assessment is appropriate on the basis that the predicted increase in traffic movements is below the threshold for assessment in DMRB LA 105, that the qualifying habitats are located at a greater distance from the ARN than those along the A57 due to the SAC boundary being set back approximately 50m from the road and that any effects on the A628 would therefore be no worse than those identified on the A57.

- 6.2.100 We note the concerns of IPs about the potential for future closure and/ or weight restrictions on the A57 and consequent redistribution of traffic to the A628; however, we have not been presented with any evidence that such restrictions would be introduced, and the Applicant stated it would not support such restrictions. We also note the concerns raised by IPs about the existing high level of nitrogen deposition and how the Proposed Development might affect the Conservation Objective to restore levels of deposition to at, or below, the Critical Load through staged recovery, as described in Section 6.3. As described above, we are satisfied that the Applicant's assessment demonstrates that effects would not be significant, and that the effects of nitrogen deposition decline rapidly with distance from the ARN. We also note the advice of NE, as ANCB, that it is satisfied that LSE can be excluded based on the evidence provided by the Applicant. We are satisfied that LSE to the qualifying features arising from habitat degradation from adverse air quality changes associated with increased vehicle numbers on the A57 and A628 can be excluded.

Habitat loss from increased frequency of wildfires through additional vehicle movements along the ARN - all qualifying features

- 6.2.101 PDNPA [[REP2-048](#), [REP2-055](#)] raised concerns about increased wildfire risk associated with higher traffic flows along the A57 and A628 as an additional impact pathway. PDNPA [[REP2-048](#)] stated that between 2007 and 2016 there were 260 recorded wildfires on the Peak District Moors, of which 28 had causes attributed (one being to a vehicle, and six or seven being to discarded cigarettes).
- 6.2.102 The Applicant [[REP3-028](#)] submitted information to explain why an increase in vehicles would not result in an increased frequency of wildfires, noting that most recorded wildfires were attributed to arson, discarded cigarettes, barbeques and campfires with the cause of ignition generally being of human origin.
- 6.2.103 NE did not comment on this matter specifically but confirmed in [[REP2-080](#)] that it was satisfied that evidence provided by the Applicant demonstrates beyond reasonable scientific doubt that there would be no significant effect on the integrity of the SAC.

- 6.2.104 We [[PD-012](#) question 12.13] requested PDNPA to confirm if it was satisfied by the Applicant's explanation. PDNPA [[REP6-038](#)] confirmed that it was satisfied and accepted that *"whilst they may not have "no effect", the proposals are unlikely to result in a significant increase in wildfire risk"*.
- 6.2.105 We are satisfied based on the information presented by the Applicant about the recorded origin of previous wildfires that the predicted increase in vehicles along the ARN because of the Proposed Development would not give rise to an increased frequency of wildfires and that this impact pathway would not result in LSE to the habitat qualifying features of the SAC.

Habitat degradation through increase in particulates in runoff and other relevant sources - all qualifying features except for old sessile oak woods with ilex and blechnum in the British Isles

- 6.2.106 We [[PD-012](#) question 12.3] requested the Applicant to explain what consideration had been given to the potential for particulate contamination in runoff to affect peat deposits in the PDNP and the requirement for any mitigation. The Applicant [[REP6-017](#)] responded that any impacts upon habitats within the PDNP have been screened out in the HRA Screening Report [[APP-054](#), [REP2-004](#)] and that as the PDNP is located upstream from the Proposed Development, there are no potential impact pathways. The Applicant stated that as such no mitigation is required to avoid LSE but *"best practice methods for environmental protection would be adhered to, such as the Guidance on Pollution Prevention and the Construction Industry CIRIA C715 Environmental good practice guidelines"*. Given the stated lack of impact pathway from the Proposed Development to the SAC, this comment is understood to relate to potential effects on receptors in proximity to the new road, for which Requirement 8(1) of Schedule 2 of the dDCO [[REP12-002](#)] requires the submission and approval of a surface and foul water drainage scheme, including means of pollution control, rather than effects to the SAC.
- 6.2.107 We [[PD-014](#)] and [[PD-017](#) questions 12.1 and 12.2] sought further comments from the Applicant and NE as to the potential for LSE associated with an increase in particulates, including from tyre and brake wear, arising from the predicted increase in traffic movements along the ARN within 200m of the SAC.
- 6.2.108 NT [[REP9-048](#)] commented that there were outstanding questions raised by us about possible source impact pathways, ie from particulates, that should be factored into the HRA if necessary.
- 6.2.109 The Applicant [[REP10-010](#) question 12.1] explained that air quality changes have been assessed following DMRB LA 105, *"which is focused on the effect of nitrogen deposition as the primary pollutant of concern to qualifying habitats within designated sites."* It stated that there was limited guidance available in respect of the assessment of impacts from particulate matter on designated sites, and that recent Institute of Air Quality Management (IAQM) guidance⁵ and Chartered Institute of Ecology and Environmental

⁵ IAQM, A guide to the assessment of air quality impacts on designated nature conservation sites (2020)

Management (CIEEM) Advisory Note⁶: does not cover this issue. The Applicant noted that IAQM guidance⁷ provides advice on receptor sensitivity to particulate matter from construction activities but does not provide a methodology for quantifying impacts on qualifying habitats within designated sites. The Applicant provides quotations from reports by NE⁸ and English Nature⁹, stating that *"the impacts... of particulates on plants appear to be variable, and data is insufficiently comprehensive to draw any firm conclusions on the effects of road traffic particles on nature conservation"* and that *"the wider of impacts of particulates... deposited on vegetation away from the verge are likely to be small or insignificant"*. The Applicant stated that there is no published information on sensitivity of qualifying habits to particulate matter on the Air Pollution Information System website, as *"it is not considered as a main pollutant of concern in relation to habitats."*

- 6.2.110 NE [[REP12-039](#) question 12.2] stated that it does not currently have guidance on particulates in runoff from cars so was unable to make any specific comments as to there being a potential impact pathway for LSE on qualifying features of the SAC.
- 6.2.111 We note that the SAC is located upstream of the Proposed Development and agrees that there is therefore no likely impact pathway for particulate matter contamination in run-off to the habitat qualifying features of the SAC. We have not been presented with any information to dispute the position of the Applicant that other sources of particulate matter arising from the predicted increase in vehicles along the ARN, including from tyre and brake wear, are likely to be small and limited to areas in proximity to the roads, noting that the APIS website does not identify particulate matter as a main pollutant of concern. We conclude that LSE to the habitat qualifying features of the SAC from particulate matter can be excluded.

Decommissioning phase

- 6.2.112 Appendix B to the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] states that *"no assessment of LSE has been made for decommissioning"* of the Proposed Development as it *"will be operational for the foreseeable future"*.
- 6.2.113 The Applicant's position on decommissioning was not disputed by NE [[REP2-080](#), [REP12-039](#)] or other IPs that commented on the HRA.
- 6.2.114 We are satisfied with the Applicant's approach to decommissioning.

LSE FROM THE PROPOSED DEVELOPMENT IN COMBINATION

- 6.2.115 The Applicant has addressed potential in combination effects from air quality to all qualifying features of the Peak District Moors (South Pennine

⁶ CIEEM, Advisory Note: Ecological Assessment of Air Quality Impacts (2021)

⁷ IAQM, Guidance on the assessment of dust from demolition and construction (2014)

⁸ NE, The Significance of Secondary Effects from Roads and Road Transport on Nature Conservation (1996)

⁹ English Nature, The Ecological Effects of Diffuse Air Pollution from Road Transport (2004)

Moors Phase 1) SPA and South Pennine Moors SAC in Section 5 of the HRA Screening Report [[APP-054](#), [REP2-004](#), [REP2-044](#)].

- 6.2.116 The plans and projects considered in the Applicant's in combination assessment are detailed in Table 5-3 of the HRA Screening Report and ES Chapter 15 [[REP1-020](#) Table 15-7]. In response to written questions from us, the Applicant [[REP2-021](#) question 12.17] confirmed that the schemes identified for the cumulative assessment in ES Chapter 15 [[REP1-020](#)] were also considered as part of the in combination assessment.
- 6.2.117 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] states that the only potential impact pathway for in combination LSE is through an increase in atmospheric pollution via the ARN during the operational phase and all other impacts have been screened out of the assessment.
- 6.2.118 Tables B.4 and B.5 of the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#), [REP2-044](#)] concluded that, as the Proposed Development was determined not to have any construction impacts alone on the two European sites, primarily from lack of impact pathways due to the circa 2.2km distance between them and the Proposed Development at the closest point, there is no scope for in combination effects during construction.
- 6.2.119 Tables 6.1 and 6.2 of the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#), [REP2-044](#)] concluded that there would be no likely significant in combination effects during the operational phase due to a number of reasons, including the location of the roads potentially affected and the mitigation included within the other plans and projects to prevent adverse air quality effects and LSE from them, either alone or in combination, on the European sites.
- 6.2.120 We ([[PD-009](#)] questions 12.15 to 12.18) sought clarification from the Applicant as to its approach to in combination assessment, including further information about how areas of search used for plans and projects were defined and how plans and projects not within the Proposed Development's traffic model were assessed. The Applicant [[REP2-021](#)] confirmed that the search area included all local authorities surrounding the Proposed Development and that plans and projects not within the traffic model were separately reviewed to reach a conclusion that there would be no adverse significant effects as described in ES Chapter 15 [[REP1-020](#)].
- 6.2.121 The scope of the in combination assessment was not disputed by NE [[REP2-080](#), [REP10-006](#), [REP12-039](#)], NT [[REP2-079](#), [[REP9-048](#)], PDNPA [[REP2-048](#), [REP2-055](#), [REP9-035](#), [REP11-016](#), [REP12-014](#)] or CPRE PDSY [[REP9-043](#)].
- 6.2.122 We are satisfied with the Applicant's approach to the assessment of in combination effects and considers that the approach has enabled the identification of relevant plans and projects that could combine with the Proposed Development to result in LSE to the European sites arising from changes to air quality.

LSE ASSESSMENT OUTCOMES

- 6.2.123 The sites for which the Applicant concluded no LSE would occur from either the project alone or in combination with other projects and plans are presented in Tables 6.1 and 6.2 below. The additional impact pathways raised by PDNPA and NT during the Examination are shaded in pink.
- 6.2.124 NE's WR [[REP2-080](#)] records its agreement on the conclusions of the Applicant's screening assessment. NE's response [[REP12-039](#) questions 12.5, 12.6 and 12.9] confirmed it is satisfied there would be no LSE to bird qualifying features of the Peak District Moors (South Pennine Phase 1) SPA from noise and/ or visual disturbance, and that it had no further concerns to raise with respect to HRA.
- 6.2.125 We are satisfied, on the basis of the information provided, that the correct impact-effect pathways on each site have been assessed and with the approach to the assessment of alone and in combination LSE.

Table 6.1: The ExA's understanding of the Applicant's screening exercise and degree of agreement with NE, NT, and PDNPA for Peak District Moors (South Pennine Moors Phase 1) SPA at Deadline 12

Features	Potential impact (operational phase only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
Short-eared owl (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species' density arising from habitat impacts through changes in air quality along the ARN, affecting the presence of and availability of prey species	No	Yes	Yes	No	Yes	Yes
	Reduction in species' density arising from increased risk of collision along the ARN	No	Yes	Yes	No	Yes	Yes
	Visual disturbance	No	Yes	Not raised by NT PDNPA not agreed	No	Yes	Not raised by NT PDNPA not agreed
	Recreational pressure	No	Yes	Not disputed by NT Not raised	No	Yes	Not disputed by NT Not raised

Features	Potential impact (operational phase only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
				by PDNPA			by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes
Merlin (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species density arising from habitat impacts through changes in air quality along the ARN, affecting the presence of and availability of prey species	No	Yes	Yes	No	Yes	Yes
	Reduction in species density arising from increased risk of collision along the ARN	No	Yes	Yes	No	Yes	Yes
	Visual disturbance	No	Yes	Not raised by NT PDNPA not agreed	No	Yes	Not raised by NT PDNPA not agreed
	Recreational pressure	No	Yes	Not disputed by NT Not raised by PDNPA	No	Yes	Not disputed by NT Not raised by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes
Golder plover (breeding)	Noise disturbance	No	Yes	Not disputed by NT PDNPA not agreed	No	Yes	Not disputed by NT PDNPA not agreed
	Reduction in species density arising from habitat impacts through changes in air quality along the ARN, affecting the presence of and	No	Yes	Yes	No	Yes	Yes

Features	Potential impact (operational phase only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
	availability of prey species						
	Reduction in species density arising from increased risk of collision along the ARN	No	Yes	Yes	No	Yes	Yes
	Visual disturbance	No	Yes	Not raised by NT PDNPA not agreed	No	Yes	Not raised by NT PDNPA not agreed
	Recreational pressure	No	Yes	Not disputed by NT Not raised by PDNPA	No	Yes	Not disputed by NT Not raised by PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes

Table 6.2: The ExA's understanding of the Applicant's screening exercise and degree of agreement with NE, NT and PDNPA for the South Pennine Moors SAC at Deadline 12

Features	Potential impact (operational phase only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
European dry heaths (4030)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Not agreed with PDNPA and NT	No	Yes	Not agreed with PDNPA and NT
	Habitat loss from increased risk of wildfire risk arising from additional vehicle movements	No	Yes	Not raised by NT Agreed with PDNPA	No	Yes	Not raised by NT Agreed with PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes
Blanket bogs (7130)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Not agreed with PDNPA and NT	No	Yes	Not agreed with PDNPA and NT

Features	Potential impact (operational phase only)	Screening result: LSE?	Agreed with NE?	Agreed with NT and/ or PDNPA?	Assessment of effects on integrity required?	Agreed with NE?	Agreed with NT and/ or PDNPA?
	Habitat loss from increased risk of wildfire risk arising from additional vehicle movements	No	Yes	Not raised by NT Agreed with PDNPA	No	Yes	Not raised by NT Agreed with PDNPA
	In combination effects	No	Yes	Yes	No	Yes	Yes
Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes
Northern Atlantic wet heaths with Erica tetralix (4010)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes
Transition mires and quaking bogs (7140)	Habitat degradation through adverse changes in air quality along the ARN	No	Yes	Yes	No	Yes	Yes
	In combination effects	No	Yes	Yes	No	Yes	Yes

6.3 CONSERVATION OBJECTIVES

- 6.3.1 The conservation objectives for the sites and features identified above are set out in Tables 5.1 and 5.2 of the Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)].
- 6.3.2 As described in Section 6.2, NT [[REP2-079](#)] made representations about the potential for effects from atmospheric pollution on the blanket bog and upland heath habitat qualifying features of the South Pennine Moors SAC during the operational phase. NT stated that whilst emissions from the Proposed Development (i.e. a maximum change of 0.21kg N/ha/yr) might not result in LSE, it potentially conflicts with NE's Supplementary Advice to the Conservation Objective to restore levels of deposition of air pollutants to at, or below, the Critical Load of 5kg N/ha/yr, with a staged recovery target to transition to the next lower class of Critical Load exceedance of between 7-14kg N/ha/yr, noting the background level of 32.5kg N/ha/yr.

6.3.3 PDNPA [[REP2-048](#), [REP2-055](#)] and NT [[REP2-079](#)] made representations about vulnerabilities of the European sites identified in NE's Supplementary Advice, including (wild) fire risk to the blanket bog and upland heath habitat qualifying features of the South Pennine Moors SAC and recreational pressure more generally. These matters are discussed in Section 6.2.

6.4 HRA CONCLUSIONS

6.4.1 The Proposed Development is not directly connected with, or necessary to, the management of a European site, and therefore the implications of the project with respect to adverse effects on potentially affected sites must be assessed by the SoST.

6.4.2 Two European sites and their qualifying features were considered in the Applicant's assessment of LSE. These are described at Section 6.2 and summarised in Tables 6.1 and 6.2.

6.4.3 No additional European sites were identified during the Examination by either the Applicant or other IPs as being potentially affected.

6.4.4 The Applicant's HRA Screening Report [[APP-054](#), [REP2-004](#)] concluded that the Proposed Development would have no LSE during the construction or operational phases, either alone or in combination with other projects or plans, on any of the qualifying features of the European sites.

6.4.5 NE [[REP2-028](#), [REP2-054](#), [REP2-080](#), [REP4-025](#), [REP6-029](#), [REP12-039](#)] agreed with the Applicant's screening conclusions.

6.4.6 The methodology and outcomes of the Applicant's screening for LSE on the two European sites and some of their qualifying features was subject to discussion and scrutiny during the Examination following representations from other IPs, including CPRE PDSY, NT and PDNPA. These matters are described in the RIES [[PD-014](#)] and Section 6.2.

6.4.7 We are satisfied that the correct European sites and qualifying features have been identified for the purposes of assessment, and that all potential impacts which could give rise to LSE have been identified.

6.4.8 Our findings are that LSE on the European sites from the Proposed Development when considered alone or in combination with other plans or projects can be excluded for the impact-effect pathways assessed. In reaching this conclusion, the Applicant has not relied on measures to avoid effects that could otherwise be significant.

6.4.9 We consider that an AA of the Proposed Development is not required to be undertaken by the SoST to fulfil their duty under the requirements of the Habitats Regulations.

7 CONCLUSIONS ON THE CASE FOR MAKING A DCO

7.1 INTRODUCTION

7.1.1 This chapter sets out our reasoning and conclusions on whether there is a case for the making of a Development Consent Order (DCO) for the Proposed Development.

7.1.2 Our conclusions are based on the provisions of the recommended DCO (rDCO) (Appendix D), which is discussed in Chapter 9.

7.1.3 Relevant legislation and policy are identified in Chapter 3. We consider the need for the Proposed Development in Section 4.5 and the potential effects in Chapters 5 and 6.

7.1.4 Following this introduction, this chapter considers:

- the matters to be taken into account as required by the Planning Act 2008 (PA2008) and other relevant legislation and policy;
- the need case for the Proposed Development;
- the likely impacts of the Proposed Development by topic; and
- the planning balance and conclusions.

7.1.5 Matters in relation to the Compulsory Acquisition (CA) and Temporary Possession (TP) of land and/or rights and the creation of new rights over land will be discussed in Chapter 8.

7.2 MATTERS TO BE TAKEN INTO ACCOUNT

7.2.1 The designated National Policy Statement for National Networks (NPSNN) provides the primary basis for making decisions on development consent applications for national networks Nationally Significant Infrastructure Projects (NSIP) in England by the Secretary of State for Transport (SoST).

7.2.2 Our conclusions on the case for making a DCO are therefore reached within the context of the policies contained in the NPSNN. Also, as indicated in Chapters 3 and 5, we have taken all other relevant law and policy into account. We have had regard to the public sector equality duty (PSED) including in relation to enabling participation in hearings using Microsoft Teams and supporting the participation of Affected Persons.

7.2.3 Paragraph 4.2 of the NPSNN advises that, subject to the detailed policies in the NPSNN and the provisions of s104 of the PA2008, there is a presumption in favour of granting development consent for NSIPs that fall within the need for infrastructure established in the NPSNN.

7.2.4 Section 104 of the PA2008 requires the Secretary of State for Transport (SoST) to decide an application for a national networks NSIP in accordance with the NPSNN, unless it is satisfied that to do so would:

- lead to the United Kingdom (UK) being in breach of its international obligations;
- be unlawful;
- lead to the SoST being in breach of any duty imposed by or under any legislation;
- result in adverse impacts of the development outweighing its benefits; or
- be contrary to legislation about how the decisions are to be taken.

7.2.5 Paragraph 4.3 of the NPSNN states that *“In considering any proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:*

- *its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;*
- *its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.”*

7.2.6 We consider all relevant policy and legislation, including those summarised in Chapter 3.

7.2.7 Our conclusions follow from our consideration of all evidence presented to the Examination, including the application documents, the Environmental Statement (ES), the Habitats Regulations Assessment (HRA), the Local Impact Reports (LIR), Statements of Common Ground (SoCGs), Relevant and Written Representations, oral submissions at the hearings, answers to questions, responses to requests for information and our unaccompanied site inspections.

7.3 THE NEED CASE AND CONSIDERATION OF ALTERNATIVES

7.3.1 The Applicant’s need case for the Proposed Development and the benefits arising from it are set out in the Case for the Scheme [[REP2-016](#)].

7.3.2 The Applicant’s need case and submissions made on it during the Examination are addressed in Section 4.5, where we conclude that we are satisfied that the need for the Proposed Development had been established in accordance with the requirements of the NPSNN.

7.3.3 The benefits arising from the Proposed Development set out in the Applicant’s need case [[REP2-016](#)] include that it would:

- reduce congestion and improve the reliability of people’s journeys through Mottram, Hollingworth and Tintwistle and also between the Manchester and Sheffield city regions;
- improve air quality and reduce noise levels in certain areas, through reduced congestion and removal of traffic from residential areas;

- re-connect local communities along the Trans-Pennine route;
- reduce delays and queues that occur during busy periods and improve the performance of junctions on the route;
- benefit business trips drivers by £117 million by improving the connection between businesses in the Manchester and Sheffield regions;
- generate a further £97 million of positive, wider economic impacts; and
- benefit walkers, cyclists and horse rider (WCH) users through improved linkage to existing public rights of way (PRoW), the provision of additional links and improved crossing facilities.

7.3.4 Tameside Metropolitan Borough Council (TMBC) [REP2-047] said that there would be long-term positive impacts from the Proposed Development in relation to economic growth, transportation and human health. It said that the Proposed Development would *“generally make vehicular routes into and through this part of Tameside faster and more predictable, which will help existing local businesses grow in and around the A57”* and that it would *“assist in addressing existing areas of underutilised economic development potential and will strengthen both vehicular and public transport linkages to advanced manufacturing hubs and sustainable industries across Manchester and Sheffield”*. It said that the Proposed Development would help to divert traffic away from rat runs on unsuitable local roads, including in Charlesworth and Broadbottom, *“therefore improving conditions on these routes and communities and their easier accessibility to jobs, homes and education thereby generating economic uplift”*.

7.3.5 In their LIR, TMBC referred to *“new bridleways, footpaths and cycle lanes proposed as part of the scheme”* and considered that *“due to the decreased congestion through the A57 corridor, active travel will become more desirable and there is potential for improving public transport services e.g., bus routes”*. It anticipated that the Proposed Development would *“improve air quality in Mottram-in-Longdendale through reduced congestion and removal of traffic from residential areas, leading to a positive effect on human health”*.

7.3.6 In their LIRs, Derbyshire County Council (DCC) [REP2-045] and High Peak Borough Council (HPBC) [REP2-046] said that *“those making longer trips through Glossop that also make use of the new infrastructure will experience journey times benefits”* and that there *“may be some direct and indirect effects on businesses and the job market within the study area due to improved connectivity, reduced congestion, reduced and more reliable journey times, and overall improvements to access with subsequent benefits to human health and wellbeing through reduction in stress”*. They considered that areas with development potential could be supported and that *“by reducing journey times from sites in Glossopdale to Greater Manchester these sites could be made more attractive to potential investors or developers”*. They referred to a new combined footway and cycleway and to the prediction in the ES of significant beneficial effects to the WCH network. DCC and HPBC concerns in relation to local trips in Glossopdale are considered in Section 7.4.

- 7.3.7 We are satisfied that the Proposed Development would support the Government's vision and strategic objective set out in the NPSNN to deliver national networks that meet the country's long-term needs, including supporting a prosperous and competitive economy as part of a wider transport system. It would meet the critical need to improve the national networks.
- 7.3.8 Having considered all submissions to the Examination, and with reference to the LIRs and our detailed consideration of relevant matters in Chapters 4, 5 and 6, on balance we are satisfied that the benefits identified by the Applicant would be likely to be delivered by the Proposed Development.
- 7.3.9 We considered alternatives in Section 4.5. We are satisfied that the appraisal of alternatives was sufficient to meet NPSNN requirements and find that the consideration of alternatives does not weigh significantly for or against the DCO being made.

7.4 LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT

Introduction

- 7.4.1 In this section we summarise our conclusions on each topic in Chapters 4 and 5, focussing on:
- the Applicant's assessment methodology and findings;
 - key issues considered during the Examination;
 - the adequacy of mitigation measures and how they are secured;
 - compliance with policy; and
 - matters counting significantly in favour of or against the DCO being made.
- 7.4.2 Unless otherwise stated below, the matters that we consider count significantly for or against the making of the DCO for each topic are the likely significant beneficial or adverse effects identified in Chapter 5.

Environmental Impact Assessment

- 7.4.3 The Proposed Development is Environment Impact Assessment (EIA) development. In Chapters 4 and 5 we considered representations made by Interested Parties (IPs) including CEPP, CPRE PDSY, Daniel Wimberley and others about the adequacy of the ES, including in relation to the consideration of alternatives, traffic modelling, effects on climate change, air quality and Peak District National Park (PDNP).
- 7.4.4 We consider that the ES and associated information submitted by the Applicant during the Examination provided an adequate overall assessment of the environmental effects of the Proposed Development for the purposes of decision making in accordance with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

7.4.5 We have found that the Applicant adequately defined the Rochdale Envelope and sufficient controls would be secured by the rDCO (Appendix D) to appropriately mitigate the effects identified using the Rochdale Envelope.

7.4.6 Regarding Transboundary impacts, we agreed with the Secretary of State for Housing, Communities and Local Government's screening opinion that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. Consequently, we consider that the EIA process has been undertaken satisfactorily in this regard.

Habitats Regulations Assessment (HRA)

7.4.7 We are satisfied that the evidence indicates that the Proposed Development would not be likely to give rise to any adverse significant effects on the UK national site network and European sites due to the lack of effective pathways. We are also satisfied that the SoST has sufficient information available to discharge their obligations on this matter under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).

Transport networks, traffic, access, severance, public transport, walkers, cyclists, and horse riders

7.4.8 Transport networks, traffic, access, severance, public transport, walkers, cyclists, and horse riders matters arising during the Examination included:

- the adequacy of the traffic model and the consideration given to other developments;
- traffic, congestion and delay, including on local roads and across PDNP;
- traffic management during the construction phase;
- WCH and PRow;
- public transport and modal choice; and
- highway safety.

7.4.9 We have found that the traffic modelling is proportionate and adequate for the assessment of the Proposed Development and its effects.

7.4.10 We consider that there would be disruption to traffic, including WCH and public transport during the construction phase there would also be an increased risk of accident. The mitigation is relevant and appropriate, but would minimise risk, rather than eliminate it. Given the limited scale of the works within the public realm, and their duration, we consider that the resultant adverse impact would not be significant.

7.4.11 We find that the Proposed Development would by increasing network capacity between M67 Junction 4 and Woolley Bridge address the specific congestion points on the network and provide substantial net benefits to overall congestion and journey times on a principal route between Manchester and Sheffield. It thereby supports the overarching policy objectives in paragraphs 2.2, 2.3, 2.4, 2.6, 2.12, 2.13 and 2.14 of the

NPSNN. The scale of the solution is sufficient without providing capacity for unrestrained growth and therefore gains support from paragraph 2.24 and would be a significant beneficial effect.

- 7.4.12 The Proposed Development would increase traffic through PDNP and would therefore conflict with Policies T1 and T2 of the Peak District National Park Core Strategy Development Plan Document 2011. This is a material consideration and would be a significant adverse effect.
- 7.4.13 We have found that the Proposed Development would provide improvements to the existing PRoW network for WCH through the provision of additional links and improved crossing facilities. We consider that there would be significant benefits to WCH users.
- 7.4.14 We are satisfied that, where PRoW are extinguished suitable, practicable alternatives would be provided and this is done without unreasonable inconvenience to future users. The Proposed Development satisfies the requirements of paragraphs 5.184 and 5.185 of the NPSNN.
- 7.4.15 The Proposed Development would provide the opportunity for overall improvement of bus services, which would be a significant benefit. We have found that the Applicant considered reasonable opportunities to support other transport modes, as required by paragraph 5.205 of the NPSNN, and that there is no conflict between the Proposed Development and national or local policies relating to modal choice.
- 7.4.16 We are content that the Applicant consulted the relevant local highway authorities, had due regard to the policies set out in local plans on demand management, and that the requirements of paragraphs 5.203 and 5.204 are satisfied.
- 7.4.17 We are satisfied that the Applicant's assessment of safety, adherence to design standards and actions to put in place arrangements for safety auditing fulfils the requirements of paragraphs 4.61, 4.62 and 4.65 of the NPSNN.
- 7.4.18 We have found that the Proposed Development would result in an overall increase in the number of unplanned incidents. We are particularly concerned about the potential for increases in traffic to lead to an increase in the number of road traffic accidents on the A57 Snake Pass, which is a route of existing concern. We have satisfied ourselves that the Applicant considered solutions to address this and are therefore content that paragraphs 4.64, 4.65 and 4.66 of the NPSNN have been complied with. Nevertheless, the overall increase in accidents would be a significant adverse effect.
- 7.4.19 We find that the following count significantly in favour of the DCO being made:
- increased network capacity between M67 Junction 4 and Woolley Bridge, addressing specific congestion points on the network, and reducing overall congestion and journey times on a principal route between Manchester and Sheffield;

- improved facilities and linkages to the existing PRow network that would benefit WCH, increase connectivity, and provide more opportunity for, and encourage, active travel; and
- overall benefits to bus passengers through reduced and more reliable journey times and opportunities for overall improvements.

7.4.20 We find that the following count significantly against the DCO being made:

- increase in traffic through PDNP conflicting with Policies T1 and T2 of the Peak District National Park Core Strategy Development Plan Document 2011; and
- an increased likelihood of road casualties.

Air quality

7.4.21 Air quality matters arising during the Examination included:

- compliance with the Air Quality Directive (AQD);
- the scoping out of detailed assessments of Air Quality Management Areas (AQMA);
- the need to mitigate pre-commencement activities;
- construction dust mitigation measures;
- the screening out of a quantitative assessment of emissions from construction traffic;
- whether an assessment was required for the design year of 2040;
- the adjustment of modelled background concentrations to account for the results from monitoring;
- how the dispersion model was verified;
- the consideration given to road gradients;
- the accuracy of the traffic model and how vehicle emissions were calculated; and
- effects of air pollution and particulate matter on human health.

7.4.22 We are content that the Applicant's consideration of the study area, selection of receptors, baseline conditions, not including the GM CAZ in the traffic or dispersion models, the consideration given to climate change, and the methodology are appropriate for the purposes of the air quality assessment. Clear consideration has been given to vehicle emissions, how tighter emission standards are expected to reduce PM₁₀ and NO_x emissions, air quality effects over the wider area, relevant statutory air quality thresholds and AQMA as required by paragraphs 2.16, 3.6-8 and 5.10-12 of the NPSNN.

7.4.23 Although we have found the assessment to be acceptable, following our considerations after the Examination we conclude that it is necessary to provide mitigation for air quality during the operational phase because of

uncertainties in the traffic modelling and the potential for materially new or materially different adverse effects from those identified in the ES. The provisions are for the third iteration EMP to include a requirement for monitoring of air quality in the Tintwistle and Dinting Value Air Quality Management Areas and mitigation measures for any adverse effects in relation to the ability to meet national air quality objectives that are reasonably attributed to the operation of the authorised development in those areas. Otherwise, we are satisfied with how all air quality matters were addressed during the Examination.

- 7.4.24 We are content with the consideration of mitigation for potential effects, including those suggested in paragraph 5.15 of the NPSNN, and we are satisfied that necessary measures are secured by the rDCO (Appendix D).
- 7.4.25 We have paid particular attention to the AQD and to the relevant provisions in the NPSNN, including paragraphs 5.9 and 5.13. We note that the SoSDEFRA has the sole responsibility for determining compliance against the AQD. However, from the evidence presented to us, our view is that with the rDCO (Appendix D) in place the Proposed Development would be unlikely to cause any delays in non-compliant areas becoming compliant, or to cause any compliant areas to become non-compliant.
- 7.4.26 We are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and find that, subject to the provisions of the rDCO (Appendix D), there would be beneficial air quality effects in some locations and adverse effects in others. On balance, we consider that there would be unlikely to be any overall significant effect in respect to air quality.
- 7.4.27 Following the above, we consider that overall effects on air quality do not count significantly for or against the DCO being made.

Climate change

Effects of the Proposed Development on climate change

- 7.4.28 Effects on climate change matters arising during the Examination included:
- objections to the Proposed Development because it would result in increases in carbon emissions in the context of declarations of a climate emergency and targets of net-zero carbon emissions by 2050;
 - assessment against the Climate Change Act 2008 and carbon budgets, and compliance with the UK's international obligations;
 - requirements to assess against the Net Zero Strategy: Build Back Greener, October 2021 (NZS), Decarbonising Transport, A Better, Greener Britain, also known as the Transport Decarbonisation Plan (TDP) and in relation to the Road Investment Strategy (RIS);
 - compliance with local and regional policies and requirements to assess against local and regional carbon budgets;
 - assumptions about the increasing electrification of the vehicle fleet;

- mitigation measures for the construction and operational phases and benchmarking; and
- the significance of carbon emissions due to the Proposed Development.

7.4.29 All these matters have been considered appropriately. We are satisfied with the identification of the carbon emissions due to the Proposed Development and with the cumulative assessment.

7.4.30 Appropriate comparison has been made of the carbon emissions with the UK carbon budgets for the relevant time periods. It is likely that carbon emissions due to the Proposed Development in any of the five-year periods would be a maximum of 0.0033% of the relevant carbon budget and we are satisfied that from the Proposed Development would be unlikely to materially impact the Government's ability to meet the budget. On that basis we are satisfied with the consideration given to paragraphs 5.16, 5.17 and 5.18 of the NPSNN. We therefore also conclude that in consideration of s104 of the PA2008, the Proposed Development would be unlikely to cause the UK to be in breach of its international obligations, including the Paris Agreement 2015 and the Glasgow Pact 2021.

7.4.31 We are content that adequate mitigation measures have been secured, including through the addition of a new Requirement to the dDCO submitted with the application [[APP-020](#)], and that they would be likely to ensure that the carbon footprint would not be unnecessarily high. We therefore find that NPSNN paragraph 5.219 is satisfied.

7.4.32 We find that the adverse effect on climate change from an increase in carbon emissions due to the Proposed Development in the context of climate reduction targets, the NZS and the TDP, and the related conflict with local net zero policies count significantly against the DCO being made.

7.4.33 On 18 July 2022, after the close of the Examination, a judgement was made in the High Court (R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin)) in relation to the NZS. We are not able to address the implications of that judgement for our recommendation as we do not have enough information on the government's response and are not able to take submissions from the parties to the Examination.

7.4.34 Our recommendation is subject to the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin) for the Proposed Development.

Vulnerability of the Proposed Development to climate change

7.4.35 We are content that the resilience of the Proposed Development to climate change, as well as the combined impacts from climate change and the Proposed Development on the surrounding environment and receptors, was adequately addressed by the Applicant in accordance with paragraphs 4.36 to 4.47 of the NPSNN. We consider that the assessment of effects during the operational phase has appropriately considered the likelihood of climate events and hazards occurring and the consequences of the potential

impacts on disruption to the road network, taking account of the identified mitigation measures.

7.4.36 We find that the vulnerability of the Proposed Development to climate change does not count significantly for or against the DCO being made.

Noise, vibration, and nuisance

Noise and vibration

7.4.37 Noise and vibration matters arising during the Examination included:

- differences between noise survey data and strategic noise mapping;
- the assessment for temporary welfare and storage sites;
- distinctive tonal, impulsive, or low frequency characteristics;
- the need to mitigate pre-commencement activities;
- the mitigation of noise and vibration from percussive piling;
- effects on the Mottram Longdendale Aqueduct;
- out of hours construction activity;
- Control of Pollution Act 1974 s61 consent for construction works;
- noise insulation and temporary rehousing mitigation measures;
- use of electric vehicles during the construction phase;
- complaints processes and monitoring during the construction phase;
- the consistency of limits of horizontal deviation with the assessment;
- addressing noise issues in NIAs;
- the assessment for PRow;
- noise or vibration arising from speed control measures; and
- noise barrier modelling and if they should be absorbent or reflective.

7.4.38 We are satisfied that the Applicant's consideration of baseline conditions, study area, identification of Noise Important Areas, baseline surveys, noise models, identification of receptors, cumulative impacts and assessment methodology are appropriate for the purposes of the noise and vibration assessment.

7.4.39 Following the Examination, we have reached a conclusion that it is necessary to mitigate the effects of percussive piling by permitting it to be used only where rotary bored piling is not feasible and have therefore added such a requirement to the rDCO (Appendix D). We also consider it necessary to mitigate the potential for increases in horizontal deviation to result in materially adverse changes in noise or vibration levels for individual receptors from those indicated in the ES by adjusting the wording of dDCO Article 7 to "... *no materially new or materially worse environmental effects at any receptor ...*" in the rDCO (Appendix D).

- 7.4.40 On that basis we are content that the likely reasonable worst-case noise and vibration effects have been identified. We are also satisfied that the appropriate options for mitigation have been considered and are secured in the rDCO (Appendix D), as required by paragraphs 5.196 to 5.198 of the NPSNN.
- 7.4.41 Noise Important Areas have been considered in accordance with paragraph 5.200 of the NPSNN and paragraph 185 of the NPPF.
- 7.4.42 We are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to noise and vibration.
- 7.4.43 We find that beneficial noise effects at 374 dwellings and nine other receptors during the operational phase count significantly in favour of the DCO being made.
- 7.4.44 We find that the following count significantly against the DCO being made:
- adverse noise effects at six representative receptors and adverse vibration effects at seven representative receptors during the construction phase; and
 - adverse noise effects at 172 dwellings and two other receptors during the operational phase.

Nuisance

- 7.4.45 We have considered possible sources of nuisance and their mitigation and are satisfied that suitable mitigation is secured by the rDCO (Appendix D). As such, paragraph 4.58 of the NPSNN has been addressed appropriately.
- 7.4.46 Other than identified elsewhere in this chapter, we find that nuisance does not count significantly for or against the DCO being made.

Landscape and visual, design and Green Belt

Landscape and visual

- 7.4.47 Landscape and visual matters arising during the Examination included:
- July 2021 updates to the National Planning Policy Framework (NPPF);
 - landscape characteristics identified in local policy and assessments;
 - the assessment of effects during night-time;
 - proposed carriageway levels, bunds and environmental barriers; and
 - mitigation, including the Outline Landscape and Ecological Management and Monitoring Plan relation to landscape character and planting.
- 7.4.48 Following the Examination, we have added a further provision to Requirement 4(2)(d) of the dDCO to ensure that the Landscape and Ecological Management and Monitoring Plan would be in accordance with

the standalone Outline Landscape and Ecological Management and Monitoring Plan, which we have also added to Schedule 10 to ensure that it is certified. With those measures in place, we are satisfied that the rDCO (Appendix D) secures appropriate mitigation measures and that due regard has been given to 5.157 and 5.160 of the NPSNN.

- 7.4.49 Following from the above we are satisfied that the methodology is robust and that the effects of the Proposed Development were properly considered in accordance with paragraphs 5.144, 5.145, 5.146, 5.149, 5.156 and 5.159 of the NPSNN.
- 7.4.50 We are satisfied that appropriate consideration has been given to relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely reasonable worst-case effects have been identified in respect landscape and visual considerations.
- 7.4.51 We find that the following landscape and visual effects count significantly against the DCO being made:
- temporary adverse effects on ten landscape receptors and 64 visual receptors during the construction phase;
 - adverse effects on six landscape receptors at Year 1 of the operational phase, reducing to no significant effects at Year 15;
 - adverse effects on 14 representative viewpoints at Year 1 of the operational phase, reducing to three at Year 15; and
 - adverse effects on 48 visual receptors at Year 1 of the operational phase, reducing to 11 at Year 15.

Design

- 7.4.52 Design matters arising during the Examination included the Applicant's design approach and how the form of the Proposed Development responds to its setting; the design of lighting, finishes, street furniture and hard landscaping and matters to be finalised during detailed design; and mitigation provisions in the dDCO and the Design Approach Document.
- 7.4.53 The Design Approach Document is part of EMP1 [[REP12-007](#)] and is therefore secured by Requirement 4 of the rDCO (Appendix D). We are satisfied that the rDCO (Appendix D) secures appropriate mitigation for design.
- 7.4.54 Based on the above, and with the mitigation measures in place, we are therefore satisfied with the consideration given to paragraphs 4.28, 4.29 and 4.35 of the NPSNN. We conclude that the Proposed Development accords with the NPSNN in terms of general design matters and aesthetics. Other aspects of good design are considered elsewhere in this chapter.
- 7.4.55 Other than identified elsewhere in this chapter, we find that design matters do not count significantly for or against the DCO being made.

Green Belt

- 7.4.56 Green Belt matters arising during the Examination included the purposes of including land in the Green Belt, whether openness would be preserved, and whether 'very special circumstances' are required for the Proposed Development to be approved.
- 7.4.57 We are therefore satisfied that there is a requirement for a Green Belt location as it would frustrate the aims of NPSNN policy on the importance of improving the SRN if the exception for local infrastructure provided by paragraph 150 of the NPPF did not also apply to the Proposed Development.
- 7.4.58 Paragraph 5.170 of the NPSNN requires an assessment of whether the Proposed Development may be considered inappropriate development within the meaning of Green Belt policy. Paragraph 150(c) of the NPPF states that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development, if it preserves openness.
- 7.4.59 We find that the Proposed Development would introduce permanent embankments, bunds and barriers of a form, height, extent and with characteristics that would be alien to the Green Belt and that would have the effect of raising other alien elements and vehicles to several metres above existing ground level and thereby give them prominence. The Proposed Development would cross the Green Belt and would create a substantial visual barrier between the remaining areas of Green Belt, particularly for receptors either in proximity to those features or more distant that would not have visibility over the Proposed Development to the Green Belt on the other side of it. Having carefully considered these matters we conclude that the Proposed Development would not preserve the openness of the Green Belt.
- 7.4.60 Therefore, and in consideration of paragraph 150 of the NPPF, we conclude that as the Proposed Development would not preserve openness it would be inappropriate development in the Green Belt.
- 7.4.61 In accordance with paragraphs 5.170 and 5.178 of the NPSNN it follows that the Proposed Development should not be approved except in 'very special circumstances' and that those will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. We address whether there are 'very special circumstances' in Section 7.5, below.
- 7.4.62 Paragraph 5.178 of the NPSNN says that "*In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt, when considering any application for such development.*"
- 7.4.63 We find that there would be harm to the Green Belt and give this substantial weight against the DCO being made.

The historic environment

- 7.4.64 Historic environment matters arising during the Examination included the definition of harm, heritage assets whose value was not defined, pre-commencement activity, potential harm to Melandra Castle Roman Fort,

Mottram Old Hall and Tintwistle Conservation Area; and opportunities for enhancement of the historic environment.

- 7.4.65 We find that the Applicant's historic environment assessment is satisfactory and accords with paragraphs 5.128 and 5.129 of the NPSNN. We are also satisfied that the rDCO (Appendix D) secures appropriate mitigation, including a Written Scheme of Investigation, archaeological investigations, and landscape design.
- 7.4.66 As required by Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the desirability of preserving listed buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of conservation areas, and preserving scheduled monuments or their setting. We are satisfied with how they have been addressed.
- 7.4.67 Effects of unknown significance were identified for five non-designated heritage assets, being four cropmarks and possible extractive industry, that would be given a value following a future intrusive archaeological investigation. We are satisfied that these effects would be unlikely to be significant.
- 7.4.68 Paragraph 5.131 of the NPSNN says that the more important a designated heritage asset is, the more weight should be given to its conservation. Paragraph 199 of the NPPF additionally requires 'great weight' to be given to the conservation of a designated heritage asset. Paragraphs 5.132, 5.134 and 5.135 of the NPSNN and paragraph 202 of the NPPF require that less than substantial harm to designated heritage assets should be weighed against the public benefits of the Proposed Development.
- 7.4.69 In Section 7.5, below, we weigh the following against the public benefits of the Proposed Development: less than substantial permanent and irreversible harm to the settings of thirteen designated heritage assets and less than substantial temporary, short term and reversible harm to designated heritage assets.
- 7.4.70 We find that moderate adverse permanent and irreversible significant effects on the setting of the Tara Brook Farm designated heritage asset; and moderate temporary, short term, and reversible significant effects to the setting of Dial House, Ivydene, Mottram Old Hall, Dial Cottage and Tara Brook Farm designated heritage assets count significantly against the DCO being made.

PDNP

- 7.4.71 PDNP matters arising during the Examination included:
- whether paragraph 5.150 of the NPSNN and paragraphs 176 and 177 of the NPPF apply;
 - the selection of viewpoints and requirements for photomontages;
 - the consideration of Landscape Character Types and the setting of PDNP;
 - the use of Design Manual for Roads and Bridges guidance;

- National Park purposes, 'special qualities', tranquillity and wildness;
- visual and landscape receptors in the vicinity of the A57 Snake Pass; and
- adverse indirect effects from increases in traffic and mitigation.

7.4.72 We find that NPSNN paragraph 5.150 and NPPF paragraph 177 do not apply as the Proposed Development would be wholly outside PDNP. After also considering conflict with the NPSNN, we find that the relevant parts of paragraph 176 are that National Parks have the highest status of protection in relation to landscape and scenic beauty, and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

7.4.73 We are satisfied with the mitigation measures for direct effects and find that reasonable consideration has been given to mitigating indirect effects. We consider that the Proposed Development has been designed sensitively in accordance with NPSNN paragraph 5.154 and NPPF paragraph 176.

7.4.74 We consider it likely that the Proposed Development would have adverse indirect effects on visual and landscape receptors in the vicinity of the A57 Snake Pass in PDNP. Noting the likely magnitude of those effects and that PDNP has the highest status of protection in relation to landscape and scenic beauty, our view is that there would be material harm. It follows that we find it likely that there would be harm to tranquillity and to the experience of quiet enjoyment of PDNP. This leads us to conclude that there would be likely to be harm to the understanding and enjoyment of the 'special qualities' of PDNP, and therefore that National Park purposes would be likely to be compromised, which is contrary to NPSNN paragraph 5.154.

7.4.75 We have had regard to the PDNP's purposes in accordance with National Parks and Access to the Countryside Act 1949 s11A.

7.4.76 We find that material harm in PDNP in relation to landscape and visual effects, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP, together with National Park purposes being likely to be compromised, count significantly against the DCO being made.

Soils, ground conditions, material assets and waste

Soils and ground conditions

7.4.77 Soils and ground conditions matters arising during the Examination included effects on bedrock geology, superficial deposits, soils resources and peat; effects from contamination on human health, surface water and groundwater; and effects from dewatering of groundwater levels and changes to patterns of flow.

7.4.78 We find no evidence of any material conflict between the Proposed Development and local plan policies on soils, or ground conditions. Nor do we have reason to doubt that the consideration of baseline conditions, study area, baseline assessments, groundwater models, identification of receptors or assessment methodology is appropriate or accords with the requirements of the NPSNN.

- 7.4.79 We are satisfied that appropriate, reasonable, and proportionate safeguards are provided through the rDCO (Appendix D), including Requirements 4 and 6, the Outline Construction Water Management Plan, Outline Soil Resource Plan, Outline Site Waste Management Plan, Outline Materials Management Plan, the Outline Dewatering Plan and the Design Approach Document that are included in the Environmental Management Plan. Subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to soils and ground conditions.
- 7.4.80 The Proposed Development would remove land from that currently available for agriculture and the creation of the flood compensation area would degrade the land affected by that from Agricultural Land Classification Grade 4 to 5. We find that an appropriate balance has been struck between the competing need to protect agricultural land and the need to properly construct and mitigate for the effects of the Proposed Development. We find that the loss and degradation of agricultural land would not be significant.
- 7.4.81 We find that matters in relation to soils and ground conditions do not count significantly for or against the DCO being made.

Material assets and waste

- 7.4.82 Material assets and waste matters arising during the Examination included the effect on existing resources; whether sufficient use of sustainable construction methods would be made; whether the availability of recycled materials, including soils raised within the site would be sufficient to achieve targets; how the waste from the site would be managed and how mitigation would be secured; the effect on the local waste infrastructure; and the potential for the Proposed Development to produce hazardous waste.
- 7.4.83 We are satisfied that material resources will be managed appropriately, and quantities needed from primary resources use of materials minimised throughout the life of the Proposed Development to ensure both supply and use is reasonably sustainable. We are content that the local waste infrastructure would be unlikely to be overloaded.
- 7.4.84 We are satisfied that appropriate consideration has been given to the NPSNN and other relevant policy for the Proposed Development and that, subject to the provisions of the rDCO (Appendix D), the likely significant effects have been identified in respect to material assets and waste.
- 7.4.85 Although the Proposed Development would make demands on material assets and waste management infrastructure which are a finite resource the mitigation would reduce those demands.
- 7.4.86 We find that matters in relation to material assets and waste do not count significantly for or against the DCO being made.

The water environment

- 7.4.87 Water environment matters arising during the Examination included climate change allowances, the study area for groundwater, the drainage strategy and use of Sustainable Urban Drainage systems (SuDS), effects on water

quality and groundwater levels, Water Framework Directive (WCD) compliance, flood risk and the Sequential and Exception tests.

- 7.4.88 We are satisfied that the Applicant has provided an appropriate Flood Risk Assessment (FRA) such that the requirements of NPSNN paragraphs 5.92, 5.93 and 5.99 are fulfilled.
- 7.4.89 We consider that the Proposed Development meets the preference for the use of SuDS set out in paragraphs 5.110, 5.111 and 5.230 of the NPSNN and paragraph 169 of the NPPF. We are further satisfied that there is nothing to suggest that the design of the Proposed Development's drainage system would be unable to comply with the relevant National Standards and that the SuDS features would be adopted by an appropriate body in accordance with the requirements of paragraph 5.100 of the NPSNN.
- 7.4.90 We are satisfied that the Proposed Development would be unlikely to hinder the aims of the North West River Basin Management Plan and would be compliant with the WFD.
- 7.4.91 We consider that the Proposed Development would not have a harmful effect on water quality and would meet the requirements of paragraphs 5.222, 5.223, 5.226 and 5.227 of the NPSNN. The mitigation and other measures to control pollution and groundwater levels are only able to minimise risk to water quality, and cannot eliminate it completely, therefore a small residual risk of detriment to water quality and groundwater levels would remain. We find that the residual risk would be small and not significant and that the rDCO (Appendix D), together with the existing legal permitting system, provides practicable and proportionate safeguards.
- 7.4.92 Adequate surface water storage and attenuation capacity would be provided to ensure that the peak rate and total volume discharged from the site would not exceed the existing rates and volumes. The Proposed Development would meet the aims of paragraph 5.113 of the NPSNN.
- 7.4.93 With the proposed mitigation measures in place we are content that the Proposed Development would be likely to lead to a negligible increased risk of flooding and accord with NPSNN paragraphs 5.99, 5.102 and 5.104.
- 7.4.94 Part of the Proposed Development would lie within Flood Zone 3b, with a high risk of fluvial flooding. The Proposed Development is essential transport infrastructure that has to cross the area at risk and so we are satisfied that the Sequential Test has been met in accordance with paragraph 5.105 of the NPSNN.
- 7.4.95 Regarding the Exception Test and NPSNN paragraph 5.108, we are satisfied that the project would be safe for its lifetime, without increasing flood risk elsewhere. In Section 7.5, below, we complete the Exception Test by weighing wider sustainability benefits to the community against the flood risk.
- 7.4.96 We find that the Proposed Development would, by reducing the risk of flooding on Woolley Lane, be likely to reduce the risk of spread of pollution, damage to property and disruption of traffic. This is a moderate beneficial effect that counts significantly in favour of the DCO being made.

Biodiversity, ecological and geological conservation

- 7.4.97 Biodiversity, ecological and geological conservation matters arising during the Examination included the assessment methodology and mitigation, effects on Shire Hill Ancient Woodland, invasive non-native species (INNS), effects on ground breeding birds and mountain hare, and opportunities for enhancement.
- 7.4.98 We are satisfied that the assessment accords with paragraph 5.22 of the NPSNN in its consideration of the full range of sites, habitats species and potential impacts, and paragraph 5.26 in attaching appropriate weight to the range of sites, habitats, and species. We consider that the assessment methodology is sufficiently comprehensive and transparent, the proposed mitigation measures are deliverable and would be likely to be effective.
- 7.4.99 We consider that the effects of the Proposed Development have been identified appropriately and that there would be unlikely to be any significant effects, including on Shire Hill Ancient Woodland, ground breeding birds, but there would be likely to be significant adverse effects on mountain hare due to the potential for increased mortality through traffic collisions given the increase in traffic within their National Park range.
- 7.4.100 We find that the Proposed Development would comply with paragraphs 5.23, 5.25, 5.26, 5.29, 5.31, 5.33 and 5.34 of the NPSNN on conserving and enhancing biodiversity conservation interests and paragraphs 5.36 and 5.38 regarding the mitigation measures.
- 7.4.101 It is likely that there would be a slight adverse residual effect on Hurstclough Brook due to a reduction in flow on its upper section, that would not be significant.
- 7.4.102 We find that there would be likely to be biodiversity net gain, but we do not find sufficient evidence for us to conclude that the benefits would be significant.
- 7.4.103 As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. We are content that the Proposed Development accords with those aims.
- 7.4.104 We have had regard to the Natural Environment and Rural Communities Act 2006 and the biodiversity duty in our consideration of the implications of the Proposed Development on mountain hares, as a species of principal importance. We have no concerns in relation to compliance with the Natural Environment and Rural Communities Act 2006 and we have fulfilled our biodiversity duty.
- 7.4.105 In Section 7.5 and as required by NPSNN paragraph 5.35, we consider whether the benefits of the Proposed Development (including need) clearly outweigh the harm to mountain hare.
- 7.4.106 We find that adverse effects on mountain hare count significantly against the DCO being made.

Land use, social, economic, and human health

- 7.4.107 Land use, social, economic, and human health matters included the assessment methodology; effects on local businesses, the local job market, potential development land, severance, and the former Mottram Agricultural Showground site; support for occupiers of dwellings to be acquired; risks to construction workers; public open space and loss of sports facilities; effects on visual amenity, associated health outcomes and life expectancy.
- 7.4.108 We are satisfied with the consideration given to the NPSNN in relation to land uses, existing open space, sports and recreational buildings, green infrastructure, public access, walking, cycling and horse riding, matters affecting human health, addressing traffic congestion, and enabling safe and reliable journeys.
- 7.4.109 We find that the following beneficial effects weigh significantly in favour of the DCO being made:
- local economy and human health outcomes from the creation of employment during the construction phase;
 - economic benefits for businesses through improved connectivity, reduced congestion and more reliable journey times;
 - human health outcomes from decreases in noise at 374 dwellings and nine other receptors during the operational phase;
 - human health outcomes from improvements in air quality on roads bypassed by the Proposed Development; and
 - enhanced facilities for WCH providing a safer and more comforting environment and improving connectivity and social cohesion.
- 7.4.110 We find that the following adverse effects weigh significantly against the DCO being made:
- economic and human health outcomes from the loss of residential, commercial and agricultural property, and from severance effects on farm holdings;
 - temporary health and social cohesion effects from disruption to traffic, the loss of access community facilities, public open space, leisure facilities and public rights of way, the influx of temporary workers to the area and from construction activities;
 - human health outcomes from increases in noise at six representative receptors and adverse vibration effects at seven representative receptors during the construction phase; and from increases in noise at 172 dwellings and two other receptors during the operational phase;
 - permanent effects on human health from harm to amenity, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP, and other effects on visual amenity and noise pollution in the area around the Proposed Development; and
 - human health outcomes in relation to highway safety and due to changes in traffic levels and lack of awareness of altered traffic patterns.

Other environmental topics

- 7.4.111 Other matters arising during the Examination included security, major accidents and disasters, civil and military aviation and defence interests, decommissioning, and combined and cumulative effects.
- 7.4.112 There is nothing to suggest that the Proposed Development would materially affect civil and military aviation and defence assets; pose a material risk to, or is itself vulnerable to, national security considerations; or that it would be vulnerable to any realistically likely major accidents or disasters. We are satisfied that the requirements of paragraphs 4.74, 4.76, 5.47 and 5.54 of the NPSNN are complied with.
- 7.4.113 We do not consider it necessary to consider the prospect of decommissioning the Proposed Development any further.
- 7.4.114 Cumulative effects with other developments are considered as necessary for each topic in the earlier sections of this report.
- 7.4.115 Single project cumulative effects, typically relate to noise and vibration and visual receptors effecting a number of residential properties and/or streets.
- 7.4.116 In addition to related effects identified elsewhere in this chapter, we find that cumulative effects from combined visual, noise and vibration impacts on three properties along Four Lanes and a property on Tollemache Close count significantly against the DCO being made.

Other consents and licences

- 7.4.117 In relation to outstanding consents and licences, we have considered the available information bearing on these and, without prejudice to the exercise of discretion by future decision-makers, conclude that there are no apparent impediments to the implementation of the Proposed Development in this regard, should the SoST decide to make the DCO.

7.5 PLANNING BALANCE AND CONCLUSIONS

- 7.5.1 In reaching our conclusions on the case for making the DCO, we have had regard to NPSNN as the relevant NPS, the NPPF, the LIRs and all other matters which we consider are both important and relevant to the SoST's decision.
- 7.5.2 We consider that the environmental information submitted by the Applicant, including the ES, other environmental information submitted during the Examination and information relevant to the HRA, is adequate in terms of statutory and policy requirements purposes for decision-making. We have taken it into account, along with all submissions made to the Examination, in reaching our recommendation and our view is that the SoST can rely on it in determining the case for making the DCO.
- 7.5.3 We conclude that matters in relation to air quality, the vulnerability of the Proposed Development to climate change, nuisance, design, soils and ground conditions, material assets and waste, water environment, security, major accidents and disasters, civil and military aviation and defence

interests, and decommissioning do not count significantly for or against the DCO being made.

7.5.4 We comment next on the matters counting significantly in favour of making the DCO and matters counting significantly against, before considering the balance of issues and reaching our conclusions.

Matters counting significantly in favour of the DCO being made

7.5.5 The Proposed Development would deliver an NSIP, the need for which has been demonstrated as a matter of UK Government policy.

7.5.6 Paragraph 4.2 of the NPSNN advises that, subject to the detailed policies in the NPSNN and the provisions of s104 of the PA2008, there is a presumption in favour of granting development consent for NSIPs that meet an established national need for infrastructure. We consider that the Proposed Development would meet that need.

7.5.7 We note the Government's strong policy support for schemes that seek to deliver a well-functioning SRN. In providing junction improvements and new slip roads to the SRN to address congestion and improve performance the Proposed Development would help to deliver this policy in accordance with paragraphs 2.23-2.27 of the NPSNN.

7.5.8 Matters that we consider count significantly in favour of the DCO being made are:

- reduced congestion and improve the reliability of people's journeys through Mottram, Hollingworth and Tintwistle and also between the Manchester and Sheffield city regions, which we give substantial weight due to the scale of benefits and the support provided by the NPSNN to tackling specific congestion issues without unconstrained traffic growth;
- benefits to business trips drivers of £117 million by improving the connection between businesses in the Manchester and Sheffield regions, and a further £97 million of positive, wider economic impacts, which we give substantial weight due to the scale of benefits and the general emphasis on economic growth in the NPSNN;
- benefits to WCH through improved linkage to existing PRoW, the provision of additional links and improved crossing facilities, and related benefits to human health and social cohesion, which we give substantial weight due to the scale of benefits and the support given to sustainable modes in the NPSNN and in other national and local policy;
- the overall improvement of bus services and provision of opportunities for further improvement, which we give moderate weight due to the combination of limited benefits with strong policy support for the increased use of public transport;
- beneficial noise effects at 374 dwellings and nine other receptors during the operational phase, which we give moderate weight, reflecting the number of receptors affected and the magnitudes of effect;

- local economy and human health outcomes from the creation of employment during the construction phase, which we give moderate weight reflecting the scale of effects and temporary duration;
- reduced risk of flooding on Woolley Lane, which would be likely to reduce the risk of spread of pollution, damage to property and disruption of traffic, which we give limited weight due to the limited number of dwellings affected and that disruption to traffic would be for limited periods; and
- improved overall connection between local communities along the Trans-Pennine route, which we give limited weight as benefits to some communities would be offset by disbenefits in others.

Matters counting significantly against the DCO being made

7.5.9 The matters that we consider count significantly against the DCO being made are:

- harm to the Green Belt, which we give substantial weight, as required by the NPSNN;
- increases in traffic through PDNP conflicting with Peak District National Park Authority policies and material harm in PDNP in relation to landscape and visual effects, tranquillity and the understanding and enjoyment of the 'special qualities' of PDNP, together with National Park purposes being likely to be compromised, which we give substantial weight, reflecting the protection provided to PDNP by policy and legislation;
- adverse effects on climate change from an increase in carbon emissions due to the Proposed Development in the context of climate reduction targets, the NZS, the TDP, and the related conflict with local net zero policies, which we give moderate weight due to the scale of emissions in the context of national and local climate change policy and legislation;
- increased likelihood of road casualties on roads other than the SRN and related human health outcomes in relation to highway safety and due to changes in traffic levels and lack of awareness of altered traffic patterns, which we give moderate weight because of the likely scale of effect in the context of policy aspirations to improve highways safety;
- adverse noise effects at six representative receptors and adverse vibration effects at seven representative receptors during the construction phase, and adverse noise effects at 172 dwellings and two other receptors during the operational phase, which we give limited weight, reflecting the number of receptors affected and the magnitudes of effect;
- temporary adverse significant effects on ten landscape receptors and 64 visual receptors during the construction phase, adverse significant effects on six landscape receptors at Year 1 of the operational phase, reducing to no significant effects at Year 15, adverse significant effects on 14 representative viewpoints at Year 1 of the operational phase, reducing to three at Year 15, and adverse significant effects on 48 visual receptors at Year 1 of the operational phase, reducing to 11 at Year 15,

which we give limited weight, due to the limited scale and generally temporary nature of the effects;

- moderate adverse permanent and irreversible significant effects on the setting of the Tara Brook Farm designated heritage asset; and moderate temporary, short term and reversible significant effects to the setting of Dial House, Ivydene, Mottram Old Hall, Dial Cottage and Tara Brook Farm designated heritage assets, which we give limited weight in light of the number and type of the assets, duration and limited scale of the effects;
- adverse effects on mountain hare, which we give limited weight due to the protection offered by policy and the likely effect on population, and
- cumulative combined visual, noise and vibration impacts on four properties, which we give limited weight due to the scale and temporary nature of the effects.

The planning balance

- 7.5.10 We make our conclusions based on the framework set out in Chapters 3 and 4. The matters to be taken into account are set out in Section 6.2 and include the balance of potential benefits and potential adverse effects.
- 7.5.11 Our recommendation is subject to the provisions of the rDCO (Appendix D) and the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin).
- 7.5.12 The 'critical need' to improve the SRN to deliver a national network that meets the country's long-term needs and supports a prosperous and competitive economy, reduced congestion and improvements to journey time reliability, and benefits to businesses during the operational phase are powerful factors that bring substantial weight in favour of the DCO being made, as are benefits to WCH. These are supported by beneficial noise effects at 374 dwellings and nine other receptors, benefits related to public transport and the creation of local employment during the construction phase which bring moderate weight; together with limited weight in relation to reduced flood risk, and improved overall connections between local communities.
- 7.5.13 On the other side of the balance are harm to the Green Belt and to PDNP, which both attract substantial weight. Adverse effects on climate change bring moderate weight as do the increased likelihood of road casualties on roads other than the SRN and human health outcomes associated with increased traffic. Adverse noise effects on 172 dwellings and two other receptors, adverse effects on several landscape and visual receptors, on designated heritage assets, on mountain hare, and cumulative combined visual, noise and vibration impacts on four properties each add limited weight.
- 7.5.14 Taking all the above into account, we find that the matters in favour of the DCO being made, including the national need, clearly outweigh those against. Other matters bring both benefits and adverse effects, but none of

those, either individually or cumulatively, lead us to a different conclusion in terms of the overall balance of benefits and adverse impacts.

- 7.5.15 We consider that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and therefore 'very special circumstances' exist for the Proposed Development to be approved in accordance with paragraphs 5.170 and 5.178 of the NPSNN.
- 7.5.16 We find that the public benefits of the Proposed Development outweigh the less than substantial permanent and irreversible harm to the settings of thirteen designated heritage assets and less than substantial temporary, short term and reversible harm to designated heritage assets. We are therefore satisfied that paragraphs 5.132, 5.134 and 5.135 of the NPSNN and paragraph 202 of the NPPF are complied with.
- 7.5.17 We are satisfied that sustainability benefits to the community outweigh flood risk and, having earlier concluded that we are satisfied that the project would be safe for its lifetime without increasing flood risk elsewhere. We therefore conclude that the Exception Test has been met in accordance with NPSNN paragraph 5.108
- 7.5.18 We have had regard to the findings of the Applicant's HRA Screening Report and the comments of Natural England and consider that the conclusions of no likely significant effects are supported and that an Appropriate Assessment is not required prior to making the DCO. We see no reason for HRA matters to prevent the making of the DCO.
- 7.5.19 We therefore find that, subject to the provisions of the rDCO (Appendix D) and the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin), the case for the making of the DCO for the Proposed Development has been made, and we recommend accordingly.

8 COMPULSORY ACQUISITION AND RELATED MATTERS

8.1 INTRODUCTION

- 8.1.1 The application includes proposals for the compulsory acquisition (CA) and temporary possession (TP) of land and rights over land, including special category land comprising open space. The Applicant is seeking the power to acquire land outright, the power to acquire rights over land, the power to extinguish rights over land, and the power to occupy land temporarily for construction and maintenance purposes.
- 8.1.2 This chapter discusses whether the evidence before the Examination justifies the granting of those powers, having regard to all relevant legislation and guidance, before providing our conclusions and recommendations. Consideration is also given to Crown interests, statutory undertakers' (SUs') land and detriments to the undertakings of SUs.
- 8.1.3 Land over which powers are sought is referred to in this chapter as the Order land.
- 8.1.4 Economic impacts on businesses are addressed in Section 5.12.

8.2 LEGISLATIVE REQUIREMENTS

- 8.2.1 CA powers can only be granted if the conditions set out in s122 and s123 of the Planning Act 2008 (PA2008) are met. Specific provisions in respect of SU land, special category land, and Crown interests are set out in Section 8.10.
- 8.2.2 Section 122(2) states that the land subject to CA must be required for the development to which the development consent relates or must be required to facilitate or be incidental to the development. Department for Communities and Local Government (DCLG) CA Guidance¹⁰ states that in respect of land required for the development, the land to be taken must be no more than is reasonably required and be proportionate.
- 8.2.3 Section 122(3) states that there must be a compelling case in the public interest to acquire the land, which means that the public benefit derived from the CA must outweigh the private loss that would be suffered by those whose land is affected. In balancing public interest against private loss, CA must be justified in its own right.
- 8.2.4 Section 123 requires that one of three procedural conditions in subsections (2) to (4) must be met, namely:
- (2) The condition is that the application for the order included a request for CA of the land to be authorised.

¹⁰ Planning Act 2008: guidance related to procedures for the compulsory acquisition of land
Department for Communities and Local Government (DCLG) September 2013

(3) The condition is that all persons with an interest in the land consent to the inclusion of the provision.

(4) The condition is that the prescribed procedure has been followed in relation to the land.

8.2.5 Several general considerations also have to be addressed, either as a result of following the applicable guidance or in accordance with legal duties on decision-makers:

- all reasonable alternatives to CA must have been explored;
- the Applicant must have a clear idea of how it intends to use the land subject to CA powers;
- the Applicant must be able to demonstrate that funds are available to meet the compensation liabilities that might flow from the exercise of CA powers; and
- the decision-maker must be satisfied that the purposes stated for the CA are legitimate and sufficiently justify the inevitable interference with the human rights of those affected.

8.2.6 Further to Part 1 of Schedule 5 to the PA2008 at paragraph 2, TP powers are capable of being within the scope of a Development Consent Order (DCO). PA2008 and the associated DCLG CA Guidance does not contain the same level of specification and tests to be met in relation to the granting of TP powers as, by definition, such powers do not seek to permanently deprive or amend a person's interests in land. Based on the PA2008 and DCLG CA Guidance, TP requires:

- justification that the TP powers are needed to enable the construction of the Proposed Development;
- demonstration that the TP powers are compatible with human rights tests; and
- that there are suitable compensation provisions for interference with a relevant right or interest.

8.2.7 Article 32 of the recommended DCO (rDCO) (Appendix D) provides that the Neighbourhood Planning Act 2017 does not apply insofar as it relates to temporary possession of land in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development.

8.3 CASE FOR DEVELOPMENT

8.3.1 We considered the case for development in the preceding chapters. In Chapter 7 we conclude that the case for the making of the DCO for the Proposed Development has been made subject to the provisions of the rDCO (Appendix D), the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin).

8.4 REQUEST FOR CA AND TP POWERS

8.4.1 The draft Development Consent Order (dDCO) included with the application [[APP-020](#)] and all subsequent dDCOs submitted by the Applicant to the Examination up to and including its latest draft version [[REP12-002](#)] include provisions intended to grant the Applicant powers of CA and TP of land and rights over land.

8.4.2 The application was accompanied by:

- an Explanatory Memorandum (EM) [[APP-021](#)];
- a Book of Reference (BoR) [[APP-025](#)];
- a Statement of Reasons (SoR) [[APP-023](#)];
- a Funding Statement [[APP-024](#)].
- Land Plans [[APP-007](#)]; and
- Special Category Land Plans [[APP-019](#)].

8.4.3 The Examination and the Applicant's due diligence processes led to some of this documentation being updated during the Examination. By the close of the Examination, the most up-to-date versions were:

- EM [[REP12-003](#)];
- BoR [[REP12-006](#)];
- SoR [[REP12-005](#)];
- Funding Statement [[APP-024](#)];
- Land Plans [[REP7-002](#)]; and
- Special Category Land Plans [[APP-019](#)].

8.4.4 These documents set out the land and rights sought by the Applicant, together with the reasons for their requirement and the basis on which compensation would be funded. Taken together with submissions made to the Examination, they form the basis of our considerations in this chapter.

8.4.5 Chapter 2 sets out our summary description of the Proposed Development. The Applicant describes the Proposed Development and the Order land in the SoR [[REP12-005](#)].

8.4.6 Unless noted otherwise, references to the documents in this chapter from this point should be read as references to the latest versions cited above and plot references employed in this chapter are as per the most recently submitted Land Plans [[REP7-002](#)].

8.5 PURPOSES FOR WHICH THE POWERS ARE REQUESTED

8.5.1 The purposes for which the CA and TP powers are requested are set out in the SoR [[REP12-005](#)] and the BoR [[REP12-006](#)].

- 8.5.2 The main powers authorising CA are contained in Articles 22 and 25 of the rDCO (Appendix D). Article 25 allows for rights in land to be acquired as well as the land itself, and for new rights to be created over land. Article 26 provides for the extinguishment of private rights over land subject to CA and the suspension of private rights over land subject to TP. Article 30 allows the acquisition of subsoil or airspace only, save for where the subsoil or airspace has been excluded from CA. Article 31 would allow the Applicant to appropriate and use land above and below streets in the Order land without having to acquire any part of the street or easement right in it.
- 8.5.3 The main powers authorising TP are contained in Article 32 which would allow specified land to be occupied temporarily and would allow the Applicant to remove any buildings or vegetation, construct temporary works and buildings, and specified permanent works. The power would be subject to the time limits set out in Article 24. Article 33 would allow the TP of any land within the Order limits, if reasonably required for the purpose of maintenance, at any time during the maintenance period and for so long as may be reasonably necessary.
- 8.5.4 Article 34 would allow rights over Order land belonging to SUs to be acquired or for new rights over it to be created. Article 35 includes powers to remove or reposition apparatus belonging to SUs in stopped up streets. Article 36 deals with the recovery of costs of new connections to utilities or communications apparatus from the Applicant.
- 8.5.5 The land or rights proposed to be acquired permanently or used temporarily are identified using colour-coding on the Land Plans [[REP7-002](#)]. Schedule 5 of the rDCO (Appendix D) sets out the purposes for which rights over land may be acquired. Schedule 7 sets out the purposes for which TP may be taken.
- 8.5.6 Land already owned by the Applicant is included to ensure that no known or unknown third-party rights, which might impede delivery of the Proposed Development, remain over the land.
- 8.5.7 Other Articles that may interfere with property rights and private interests include Articles 14, 15, 20, 21 and 37.
- 8.5.8 The rDCO (Appendix D) provides that parties having interest in the land, or the interest or right in the land, may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 8.5.9 Our consideration of matters arising in respect of the DCO provisions for the powers requested is provided in Chapter 9, other than Schedule 9 – Protective provisions, which is addressed in Section 8.10.

8.6 PROCESS FOR THE EXAMINATION OF CA AND TP

- 8.6.1 Our examination included consideration of all written and oral submissions relevant to CA and TP.

Written process and hearings

8.6.2 Written submissions from parties stating an objection to the CA or TP provisions in the application, or to the effects of it, or updating on progress in negotiations with the Applicant, were made by:

- CS, JJ and WE Bower [[RR-0173](#), [RR-0174](#), [RR-0434](#), [REP4-028](#)];
- Hayley Simpson and Michaela Bromley [[RR-0323](#), [RR-0604](#), [REP4-021](#)];
- Savills (UK) Ltd on behalf of Crossways Commercial Estates Ltd [[RR-0792](#), [REP2-084](#)];
- Christopher Hill [[AS-002](#)];
- Graham Beaumont [[RR-0308](#)];
- Jason Farrow [[RR-0383](#)];
- Savills (UK) Ltd on behalf of Trustees of Mrs E Bissill's Marriage Settlement [[RR-0794](#)];
- Savills (UK) Ltd on behalf of Mr D Radford [[RR-0793](#)];
- Steve Williams [[REP6-031](#)]; and
- Jeff Brown [[REP6-035](#)].

8.6.3 The Applicant responded to a number of the submissions [[REP1-042](#), [REP1-043](#), [REP3-020](#); [REP5-022](#), [REP7-026](#)].

8.6.4 We raised several questions about CA and TP, both in writing [[PD-009](#), [PD-012](#), [PD-017](#)] and during CA hearings [[EV-013](#), [EV-038](#)], addressing issues including:

- updates to the BoR, SoR and Land Plans and their accuracy;
- diligent enquiry into land interests;
- the consideration given to alternatives to CA and TP, including modifications to the proposals, particularly in respect to residential properties in Four Lanes, Old Road, Tollemache Close and Old Hall Lane;
- the need for CA and TP and the potential for residents to retain ownership of their properties;
- progress regarding voluntary agreements and blight;
- the need for flexibility and the limits of deviation;
- progress on discussions regarding CA, TP, voluntary agreements, objections, and in respect of blight;
- the CA and TP matters raised by relevant parties;
- Crown Land for the purposes of the PA2008;
- matters raised by SUs, potential detriments to their undertakings and the securing of appropriate provisions in the DCO;
- open space and replacement land;

- cost estimates and funding;
- potential impediments to the Proposed Development;
- the consideration given to human rights, the Equalities Act 2010 and the Public Sector Equality Duty (PSED);
- the consideration given to the interests of any Category 3 parties; and
- related DCO provisions.

8.6.5 Oral submissions were made at the CA Hearings [[EV-020](#), [EV-059](#)] by parties including Warner Eric Bower, Hayley Simpson, Michaela Bromley, Tameside Metropolitan Borough Council (TMBC) and the Applicant.

8.6.6 The Applicant [[REP2-021](#), [REP4-007](#), [REP6-017](#), [REP8-020](#), [REP11-010](#)] responded and provided the following in support:

- Compulsory Acquisition Schedule [[REP1-040](#), [REP3-012](#), [REP5-014](#), [REP7-011](#), [REP9-012](#), [REP12-011](#)];
- Schedule of Progress in relation to s127 and s138 [[REP3-017](#), [REP7-016](#), [REP9-022](#)];
- Buildings for which rights are to be acquired [[AS-005](#)]; and
- Justification for the proposed Compulsory Purchase of No. 21A Old Road [[REP6-016](#)].

8.6.7 The Applicant provided updates of the dDCO [[REP12-002](#)], EM [[REP12-003](#)], BoR [[REP12-006](#)], SoR [[REP12-005](#)] and Land Plans [[REP7-002](#)].

Site inspections

8.6.8 Three Unaccompanied Site Inspections [[EV-001](#), [EV-012](#); [EV-061](#)] helped us to develop our understanding of the land proposed to be subject to the CA and TP powers.

8.7 APPLICANT'S OVERALL CASE

8.7.1 The Applicant's case is mainly set out in the SoR [[REP12-005](#)]. Detailed supporting information is provided in the Environmental Statement (ES) and alternatives are also considered in ES Chapter 3 [[REP2-005](#)] and in the Case for the Scheme [[REP2-016](#)].

8.7.2 The Applicant considered that the powers of CA and TP sought in the dDCO are necessary, proportionate and justified. It considered that the powers sought are in accordance with all relevant statutory provisions and associated guidance and was firmly of the view that there was a compelling case in the public interest for the CA and TP powers sought.

8.7.3 In the SoR [[REP12-005](#)], the Applicant addressed the statutory tests and the general considerations which the DCLG CA Guidance indicates should be demonstrated to justify the powers sought. The matters covered include whether:

- reasonable alternatives to CA and TP have been explored;
- the Applicant has a clear idea of how it intends to use the land;
- the proposed acquisition is legitimate, proportionate and necessary;
- there is a compelling case in the public interest;
- there is funding for the acquisition; and whether
- the interference with human rights is proportionate and justified?

8.7.4 These are considered further below. The Applicant's responses to our questions, objections and submissions from other parties and special considerations are addressed below.

Reasonable alternatives to CA and TP

8.7.5 In the ES Chapter 3 [REP2-005], the Applicant sets out the consideration given to alternatives and modifications to the Proposed Development to minimise the potential land take. This included a process of consultation, the choice of the alternatives and modifications that were consulted on, and selection of the chosen option based on the consideration of factors including:

- meeting the high-level strategic drivers of encouraging economic growth, making the network safer, keeping the network in good condition, supporting the smooth flow of traffic, delivering better environmental outcomes, helping cyclists, walkers and vulnerable users of the network, improving user satisfaction, and achieving efficiency;
- the views of respondents to consultations;
- access and facilities for all users, local residents and farmers;
- not affecting access requirements to a proposed housing development;
- impact on properties; and
- cost.

The Applicant has a clear idea of how it intends to use the land?

8.7.6 The SoR [REP12-005] records what each plot would be used for. The Land Plans [REP7-002] show the location of each plot and whether it is for the CA of land, TP, or TP and CA of rights.

The proposed acquisition is legitimate, proportionate and necessary?

8.7.7 The SoR [REP12-005 Annex A] set out the compulsory powers sought in relation to each plot of land and references to the works set out in the dDCO [REP12-002] that would be carried out at each location. The Applicant considers that the land included in the dDCO is the minimum land-take required to construct, operate, maintain and mitigate the Proposed Development and is necessary to achieve the objectives.

8.7.8 The SoR [[REP12-005](#) Annex A] also says that the limits of the land have been drawn as tightly as possible and that, in the event that less land proves to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that part of the land that is required and, in all events, would seek to minimise effects on land interests. It says that CA powers are also required to override any existing rights and interests in the land and grant the right to take temporary possession of land for construction and maintenance purposes, as necessary to deliver the Proposed Development.

There is a compelling case in the public interest?

8.7.9 The needs and benefits of the Proposed Development are set out in the SoR [[REP12-005](#)] and in the Case for the Scheme [[REP2-016](#) Chapters 2 and 5] and include that the Proposed Development would:

- reduce congestion and improve the reliability of people's journeys through Mottram, Hollingworth and Tintwistle and between the Manchester and Sheffield city regions;
- improve air quality and reduce noise levels in certain areas, through reduced congestion and removal of traffic from residential areas;
- re-connect local communities along the Trans-Pennine route;
- reduce delays and queues that occur during busy periods and improve the performance of junctions on the route;
- benefit business trip drivers by £117 million by improving the connection between businesses in the Manchester and Sheffield regions;
- generate a further £97 million of positive, wider economic impacts; and
- benefit walkers, cyclists and horse riders (WCH) users through improved linkage to existing public right of way (PRoW), the provision of additional links, and improved crossing facilities.

8.7.10 The Applicant [[REP12-005](#)] said that the Proposed Development aligned with the National Policy Statement for National Networks (NPSNN) with respect to the 'critical need' to improve national networks to address road congestion, provide safe, expeditious and resilient networks that better support social and economic activity, stimulate and support economic growth and to provide improvement required to address the impacts of the national networks on quality of life and environmental factors.

8.7.11 The Applicant said that there is a compelling case in the public interest for the Proposed Development to be delivered and that the condition set out in s122(3) of the PA2008 is met.

There is funding for the acquisition?

8.7.12 The cost estimate for the Proposed Development, as set out in the Funding Statement [[APP-024](#)] is £180.60 million. The estimate includes all costs up to the opening for traffic and includes allowances for compensation payments relating to the CA and TP of land and rights and potential claims

under Part 1 of the Land Compensation Act 1973, s10 of the Compulsory Purchase Act 1965 and s152(3) of the PA2008.

8.7.13 The Proposed Development was included in the Road Investment Strategy (RIS2) as 'Mottram Moor Link Road & A57 Link Road' as a committed and, therefore, funded scheme. RIS2 commits the Government to spending £27.5 billion to both build new road capacity and improve the quality and reduce the negative impacts of the existing Strategic Road Network between 2020 and 2025. The commitment was reiterated in the Highways England Delivery Plan 2015-20.

8.7.14 The Funding Statement [[APP-024](#)] considers that the RIS2 commitment demonstrates that the Proposed Development would be fully funded by the Department for Transport and is not dependant on funding contributions from other parties. It includes that funding is no impediment to the delivery of the Proposed Development or the payment of compensation to persons affected by compulsory acquisition, temporary possession, or a blight claim.

The interference with human rights is proportionate and justified?

8.7.15 The Applicant [[REP12-005](#)] has considered potential infringements of human rights as a result of the CA and TP powers sought in the dDCO [[REP12-002](#)] with respect to Article 1 of The First Protocol, Article 6 and Article 8 of the European Convention on Human Rights. The SoR [[REP12-005](#)] sets out details of the Applicant's meetings with each affected landowner and provides detail and justification for the interference of rights in relation to specific plots.

8.7.16 In summary, the Applicant's case [[REP12-005](#)] for interference with Articles 1 (the right to peaceful enjoyment of possessions) and 8 (right to respect for private and family life, home and correspondence) is that:

- the significant public benefits that would arise from the Proposed Development would outweigh any harm;
- a compelling case in the public interest for the powers sought has been demonstrated;
- the land over which powers are sought are the minimum necessary to deliver the Proposed Development;
- the Proposed Development has been designed to minimise harm while achieving its objectives;
- the interference with human rights is both proportionate and justified; and that
- those affected by the CA and TP powers would be entitled to compensation and the Applicant has the resources to pay such compensation.

8.7.17 In summary, the Applicant's case [[REP12-005](#)] with respect to Article 6 (entitlement to a fair and public hearing) is that:

- proper procedures have been followed for both the consultation on the Proposed Development and in determining the powers included within the dDCO [[REP12-002](#)];
- persons with an interest in the land have been given a full opportunity to comment;
- it has endeavoured to engage with landowners and has had regard to landowner feedback; and that
- there have been opportunities for individuals to submit representations during the Examination.

8.7.18 Chapter 4 of the SoR [[REP12-005](#)] and the Compulsory Acquisition Schedule [[REP12-011](#)] summarise the Applicant's discussions with landowners and occupiers to acquire the Land by agreement. More detail on the status of negotiations with some of those parties have also been set out in the relevant Statements of Common Ground (SoCGs). Matters outstanding at the close of the Examination are considered below.

8.8 EXAMINATION OF THE APPLICANT'S OVERALL CASE

Introduction

8.8.1 This section sets out our consideration of the responses from the Applicant and other parties to matters raised in relation to the Applicant's overall case. Individual objections and issues are addressed in the next section. This section considers:

- alternatives and whether the proposed acquisition would be legitimate, proportionate and necessary;
- funding and potential impediments;
- human rights; and
- our conclusions on the Applicant's overall case.

Alternatives and whether the proposed acquisition is legitimate, proportionate and necessary

8.8.2 We consider the Applicant's approach to alternatives to the Proposed Development in Section 4.5 and are satisfied that the options appraisals were undertaken appropriately.

8.8.3 We [[PD-009](#)] asked the local authorities if they had any concerns about whether a proportionate options appraisal, including the consideration of viable modal alternatives, has been undertaken. TMBC [[REP2-056](#)], Derbyshire County Council (DCC) [[REP2-051](#)] and High Peak Borough Council (HPBC) [[REP2-053](#)] had no concerns.

8.8.4 We [[PD-009](#)] also asked the local authorities if they were aware of any reasonable alternatives to any CA or TP sought by the Applicant, or that any areas of land or rights that the Applicant is seeking the powers to acquire are not needed. TMBC [[REP2-056](#)], DCC [[REP2-051](#)] and HPBC [[REP2-053](#)] said that they were not.

- 8.8.5 Flexibility is proposed for parts of the Proposed Development [[REP12-005](#), paragraph 2.5.1]. We [[PD-009](#)] [[EV-013](#)] queried the potential for the rights required to deliver the Proposed Development to be reduced during detailed design and how human rights would be considered during detailed design.
- 8.8.6 The Applicant [[REP2-021](#), [REP4-007](#)] said the rights included in the dDCO [[REP12-002](#)] had been carefully assessed and were required to ensure the Proposed Development could be delivered. It said that, in accordance with best practice, it would seek to acquire land by agreement and minimise land take through the detailed design process wherever possible. It added a commitment to minimise land take to the Register of Environmental Actions and Commitments [[REP11-005](#)] GEM1.5], which is part of the Environmental Management Plan (first iteration) [[REP12-007](#)] and thereby secured by Requirement 4 of the rDCO (Appendix D).

Funding and potential impediments

Cost estimate and funding

- 8.8.7 We [[PD-009](#)] queried the reliability of the cost estimate and whether funding would be available should the cost be exceeded. The Applicant [[REP2-021](#)] set out the process for developing, benchmarking and checking the cost estimate, including the land costs. It said that the risk of costs being exceeded was mitigated through a lump sum contract with a contractor that would take development cost risks.
- 8.8.8 In Section 4.5 we consider various submissions in relation to changes to the economy since the application was submitted. These changes could affect the cost estimate for the Proposed Development.

Potential impediments

- 8.8.9 We consider potential impediments in relation to outstanding consents and licences in Section 7.4 and conclude that there are no apparent impediments to the implementation of the Proposed Development in this regard.
- 8.8.10 Responding to our question [[PD-009](#)], the Applicant [[REP2-021](#)] advised that no land or rights acquisitions would be required in addition to those sought through the dDCO [[REP12-002](#)] before the Proposed Development could become operational.
- 8.8.11 We [[PD-009](#)] asked the local authorities if they considered that any potential impediments to the Proposed Development had been properly identified and addressed and if they had concerns that any matters such as acquisitions, consents, resources or other agreements for the Proposed Development to become operational may not be satisfactorily resolved. TMBC [[REP2-056](#)], DCC [[REP2-051](#)] and HPBC [[REP2-053](#)] did not raise any concerns.

Human Rights

- 8.8.12 Responding to our question [PD-009], the Applicant [REP2-021] explained that it had carried out a 'worst case assessment' for the identification of persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented. It said that additional parties would be included in updates of the BoR [REP12-006] if any additional interests were identified.
- 8.8.13 We [PD-009, EV-013, EV-038] asked the Applicant to summarise where it had not yet been able to identify any persons having an interest in land and what further steps would be taken to identify any unknown rights. The Applicant [REP2-021, REP4-007, REP8-020] set out how a number of reputed owner(s) of unregistered land had been identified throughout the diligent enquiry process and updated information on interests in the BoR [REP12-006] where appropriate. It explained that the status of interests unregistered at the Land Registry remained 'unknown', save where reputed owners made themselves known or were otherwise conclusively identified through ongoing diligent enquiry.
- 8.8.14 We [PD-009] asked the Applicant to set out how it had regard to the Equalities Act 2010 and its PSED. The Applicant [REP2-021] referred to the Equality Impact Assessment [APP-057] and provided examples of how it had engaged with parties with protected characteristics. It considered that it had met its public sector duty under the Equalities Act 2010.

Conclusions on the generalities of the Applicant's case

- 8.8.15 These conclusions are on the generalities of the Applicant's case, as set out and examined above. Our overarching conclusions on CA and TP are set out at the end of this section after we have addressed individual objections, special considerations, and the provisions in the dDCO [REP12-002]. Our consideration of individual objections and special considerations later in this chapter build from the conclusions reached here.
- 8.8.16 We are satisfied that the condition in s123(2) of the PA2008 is met because the application for the DCO included a request for CA of the land to be authorised.
- 8.8.17 The Applicant has considered the statutory tests, DCLG CA Guidance and the interference with human rights.
- 8.8.18 Following from our consideration of the case for development in the preceding chapters we are satisfied that the need case has been made subject to the provisions of the rDCO (Appendix D) and the SoST being satisfied about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin). On that basis we are satisfied that the Applicant has established the public benefit derived from the proposed CA.
- 8.8.19 The purposes for which the CA and TP powers are requested are set out in the SoR [REP12-005]. Based on the matters addressed above and in the preceding chapters, we consider that they are required for the delivery of

the Proposed Development. Our consideration of the SoR [[REP12-005](#)], BoR [[REP12-006](#)], Land Plans [[REP7-002](#)] and responses to matters raised during the Examination lead us to accept that the Applicant has a clear idea of how it intends to use the land, that it has considered the need for flexibility appropriately, and that it is only seeking the powers required to deliver the Proposed Development. The powers sought are set out in the rDCO (Appendix D).

- 8.8.20 The consideration of alternatives and modification is set out in the SoR [[REP12-005](#)]. We considered alternatives in Section 4.5 and are satisfied that the appraisal of alternatives was sufficient to meet NPSNN requirements. Noting the comments from local authorities, we are satisfied that the options appraisal has been proportionate and that reasonable alternatives, including other modes, have been considered.
- 8.8.21 We find no compelling evidence to disagree with the Applicant's proposals to minimise land take during detailed design phase.
- 8.8.22 Sufficient evidence has been provided for us to find that cost estimates, including the costs of acquisition and compensation, have been identified appropriately. Although cost estimates are likely to change since the application, the Proposed Development is included in the RIS2 programme and would ultimately be funded by the UK Government. Therefore, we are content that there would be unlikely to be a funding impediment to its delivery or to the payment of compensation. We have not seen any evidence of any other likely impediments to the Proposed Development.
- 8.8.23 Although some land rights have not been identified, the application documents, updates to the BoR [[REP12-006](#)] and responses to matters raised during the Examination have demonstrated to our satisfaction that the Applicant has applied appropriate due diligence in this respect.
- 8.8.24 We consider that the Applicant's arguments with respect to the acquisition of unknown third-party rights are reasonable and we are therefore satisfied that regard has been given to the Equalities Act 2010 and PSED.

8.9 INDIVIDUAL OBJECTIONS AND ISSUES

- 8.9.1 This section sets out our consideration of the objections received from Affected Persons and other parties and the Applicant's responses to those. Objections received from SUs are considered in Section 8.10.

Christopher Neil Hill and Toni Elizabeth Hill

- 8.9.2 The Applicant has requested powers for:
- the CA of land at plot 3/11 for the construction of a new section of the A57 dual carriageway, the realignment of Old Hall Lane, and the construction of Mottram Underpass;
 - the CA of land at plots 3/15a and 3/16a for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian

use, the realignment of Old Hall Lane, and the construction of Mottram Underpass;

- the CA of land at plot 3/19 and 3/20b for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use;
- the TP of plots 3/15b and 3/16b for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use; and
- the TP of plot 3/18 for the realignment of Old Hall Lane.

8.9.3 Christopher Neil Hill and Toni Elizabeth Hill have Category 1 interests as owners and / or occupiers; and / or Category 2 interests in respect of access or party walls and rights of way.

8.9.4 Christopher Neil Hill [[AS-002](#)] referred to discussions with the Applicant and said that his family hoped to remain in their home but that he was "*under no illusion that this bypass development is a much larger force than our hopes*" and did not accept the recompense on offer at that time.

8.9.5 The Applicant [[REP1-043](#), [REP12-011](#)] said that it had provided a response to Christopher Neil Hill about the financial negotiations and advised that plots 3/16a and 3/19 are subject to a blight case with an initial offer made on the property.

8.9.6 We note the submissions by Christopher Neil Hill and the Applicant. The house is in plot 3/16b, close to the centreline of Work No. 11(i), a combined footway / cycleway with equestrian use, which we consider necessary and a legitimate purpose in relation to CA. We are satisfied that there are suitable compensation provisions for CA and TP and are satisfied that these are appropriate in relation to the recompense concerns raised.

8.9.7 Based on the above, we are satisfied that the rights sought for the CA of land at plots 3/11, 3/15a, 3/16a, 3/19 and 3/20b are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.9.8 We are satisfied that the rights sought for the TP of plots 3/15b, 3/16b and 3/18 are for identified legitimate purposes and are compatible with human rights tests.

Crossways Commercial Estates Ltd

8.9.9 The Applicant has requested powers for:

- the CA of land at plot 6/2b for the construction of A57 Link Road, diversion of footpaths and access tracks, creation of a combined footway / cycleway with equestrian use, construction of the River Etherow bridge, work to a watercourse, construction of a drainage retention pond and drainage ditches, and diversion of a water main.

- the CA of land at plot 6/2g for the construction of A57 Link Road, creation of a combined footway / cycleway with equestrian use, and construction of the River Etherow bridge;
- the CA of land at plot 6/2o for the construction of an at grade signal controlled T-Junction with new approaches and exits, creation of a combined footway / cycleway with equestrian use, creation of a signal controlled pedestrian/cycle crossing, a new private access, a highway layby, construction of the River Etherow bridge, and location of bat boxes installed on existing trees.
- the TP and the CA of rights at plot 6/2a for the location of bat boxes installed on existing trees, construction of a flood storage area, and diversion of a water main.
- the TP and the CA of rights at plot 6/2d for the diversion of a public footpath and creation of a new access track.
- the TP and the CA of rights at plots 6/2i and 6/2n for the construction of a flood storage area;
- the TP and the CA of rights at plot 6/2j for the construction of the River Etherow bridge, and location of bat boxes installed on existing trees;
- the TP and the CA of rights at plot 6/2l for the location of bat boxes installed on existing trees;
- the TP of plot 6/2c for the diversion of public footpaths and an access track, creation of new access tracks, construction of drainage ditches, and erection of a noise barrier;
- the TP of plot 6/2e for the diversion of a public footpath, creation of a new access track, creation of a culvert, construction of drainage ditches, and construction of the River Etherow bridge;
- the TP of plot 6/2f for the construction of drainage ditches, location of bat boxes installed on existing trees, and construction of the River Etherow bridge;
- the TP of plots 6/2h and 6/2m for the construction of drainage ditches;
- the TP of plot 6/2k for the construction of drainage ditches, and construction of the River Etherow bridge;
- the TP of plot 6/2p for the construction of an at grade signal controlled T-Junction with exits;
- the TP of plot 6/2q for the creation of a combined footway / cycleway with equestrian use, and road widening and resurfacing; and
- the TP of plot 6/2r for the creation of a new access track, creation of a combined footway / cycleway with equestrian use, and the construction of an at grade signal-controlled T-Junction with approach.

8.9.10 Crossways Commercial Estates Ltd have Category 1 interests as owners.

8.9.11 Savills (UK) Ltd on behalf of Crossways Commercial Estates Ltd [[RR-0792](#), [REP2-084](#)] supported the principle of the Proposed Development while suggesting an alternative alignment for the carriageway.

- 8.9.12 The Applicant [[REP3-020](#), [REP12-011](#)] said that it is was in negotiation with Crossways Commercial Estates Ltd's agent. It said that the alternative would result in a longer span of the bridge over the River Etherow, a larger, more complex, structure and increased maintenance requirements.
- 8.9.13 We consider that the Applicant has given appropriate consideration to alternatives. We are satisfied that there are suitable compensation provisions for CA and TP.
- 8.9.14 Based on the above, we are satisfied that the rights sought for the CA of land at plots 6/2b, 6/2g and 6/2o, and for the CA of rights at plots 6/2a, 6/2d, 6/2i, 6/2j, 6/2l and 6/2n are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.
- 8.9.15 We are satisfied that the rights sought for the TP of plots 6/2a, 6/2d, 6/2c, 6/2e, 6/2f, 6/2h, 6/2i, 6/2j, 6/2k, 6/2l, 6/2m, 6/2n, 6/2p, 6/2q and 6/2r are for identified legitimate purposes and are compatible with human rights tests.

David Charles Radford

- 8.9.16 The Applicant has requested powers for:
- the CA of land at plot 9/9b for the realignment of Carrhouse Lane, together with a new access track and public footpath;
 - the TP and the CA of rights at plot 4/22a for the diversion of a water main;
 - the TP and the CA of rights at plots 9/3 and 9/9c for the construction of Carrhouse Lane underpass;
 - the TP of plot 4/22b for the diversion of a water main, and the diversion of Tara Brook.
 - the TP of plot 9/9a for the realignment of Carrhouse Lane, and the construction of drainage ditches.
- 8.9.17 David Charles Radford has Category 1 interests as owner; and / or Category 2 interests in respect of access.
- 8.9.18 Savills (UK) Ltd on behalf of Mr D Radford [[RR-0793](#)] suggested adjusting the route alignment to avoiding sterilising land with development potential.
- 8.9.19 The Applicant [[REP1-042](#)] responded to the design suggestions. It [[REP12-011](#)] later advised that it had not had a response to letters or emails sent to David Charles Radford regarding plot 9/3. For the other plots, it referred to contact with David Charles Radford's agent about the potential to minimise land acquisition through design refinement, which was noted as ongoing.
- 8.9.20 We note the submission by Savills (UK) Ltd on behalf of Mr D Radford and are satisfied with the measures in place to minimise land take during detailed design. We are satisfied that there are suitable compensation provisions for CA and TP.

- 8.9.21 Based on the above, we are satisfied that the rights sought for the CA of land at plot 9/9b, and for the CA of rights at plots 4/22a, 9/3 and 9/9c are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.
- 8.9.22 We are satisfied that the rights sought for the TP of plots 4/22a, 4/22b, 9/3, 9/9a and 9/9c are for identified legitimate purposes and are compatible with human rights tests.

Graham Albert Beaumont

- 8.9.23 The Applicant has requested powers for:
- the CA of land at plot 4/12b for the creation of a culvert to carry a watercourse, the construction of a new section of the A57 dual carriageway, the construction of an approach to Mottram Moor Junction, diversion of water sewerage pipes, and diversion of buried power cables;
 - the CA of land at plot 4/14a for the construction of a new section of the A57 dual carriageway, the construction of an approach to Mottram Moor Junction, the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use, diversion of water sewerage pipes, and diversion of buried power cables;
 - the CA of land at plot 4/18 for the construction of a new section of the A57 dual carriageway, the construction of an approach to Mottram Moor Junction, diversion of water sewerage pipes, and diversion of buried power cables;
 - the TP and the CA of rights at plot 4/12a for the creation of a culvert to carry a watercourse;
 - the TP of plot 4/12c for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use, works to an existing carriageway, and erection of a noise barrier; and
 - the TP of plots 4/12d and 4/14b for the diversion of buried power cables.
- 8.9.24 Graham Albert Beaumont has Category 1 interests as owner and / or occupier.
- 8.9.25 Graham Beaumont [[RR-0308](#)] considered the proposed land take to be excessive and said that he would like to retain as much as possible.
- 8.9.26 The Applicant [[REP1-042](#), [REP12-011](#)] referred to a site meeting with Graham Albert Beaumont and / or his agent said that it would seek to minimise effects on land take during detailed design.
- 8.9.27 We note the submissions by Graham Beaumont and the Applicant and are satisfied with the measures in place to minimise land take during detailed design. We are satisfied that there are suitable compensation provisions for CA and TP.

8.9.28 Based on the above, we are satisfied that the rights sought for the CA of land at plots 4/12b, 4/14a, 4/18, and for the CA of rights at plot 4/12a, are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.9.29 We are satisfied that the rights sought for the TP of plots 4/12a, 4/12c, 4/12d and 4/14b are for identified legitimate purposes and are compatible with human rights tests.

James Nicholas Wood

8.9.30 The Applicant has requested powers for the TP and the CA of rights at plot 8/6 to undertake and maintain works associated with the de-trunking of the existing A57 (T).

8.9.31 James Nicholas Wood has Category 1 interests as owner and occupier.

8.9.32 The Applicant [[REP12-011](#)] said that James Nicholas Wood had challenged why the land is required and that it was seeking to clarify whether the land requirements could be removed. During the Examination it [[REP12-019](#)] advised that the powers were reduced from CA of land to TP and CA of rights at the request of James Nicholas Wood.

8.9.33 We are content with the reduction in powers advised by the Applicant. We are satisfied that there are suitable compensation provisions for CA and TP.

8.9.34 Based on the above, we are satisfied that the CA of rights sought for plot 8/6, are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.9.35 We are satisfied that the rights sought for the TP of plot 8/6 are for identified legitimate purposes and are compatible with human rights tests.

Jason Patrick Farrow and Melanie Ruth Farrow

8.9.36 The Applicant has requested powers for:

- the CA of land at plot 3/11 for the construction of a new section of the A57 dual carriageway, realignment of Old Hall Lane, and construction of Mottram Underpass;
- the CA of land at plots 3/17b and 3/19 for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use;
- the TP of plot 3/17a for the creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use; and
- the TP of plot 3/18 for the realignment of Old Hall Lane.

- 8.9.37 Jason Patrick Farrow and Melanie Ruth Farrow have Category 1 interests as owners and / or lessees or tenants; and / or Category 2 interests in respect of access.
- 8.9.38 Jason Farrow [[RR-0383](#)] suggested that the Applicant was proposing to acquire more than is needed and suggested that properties were being under-valued.
- 8.9.39 The Applicant [[REP1-042](#)] referred to initial communications before later [[REP12-011](#)] saying that it did not receive a response to correspondence.
- 8.9.40 We note the submissions by Jason Farrow and the Applicant. We are satisfied that Jason Farrow is aware of the Applicant's request for powers and are satisfied that there are suitable compensation provisions for CA and TP.
- 8.9.41 Based on the above, we are satisfied that the rights sought for the CA of land at plots 3/11, 3/17b and 3/19 are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.
- 8.9.42 We are satisfied that the rights sought for the TP of plots 3/17a and 3/18 are for identified legitimate purposes and are compatible with human rights tests.

Jeffrey Mark Brown and Ruth Alice Brown

- 8.9.43 The Applicant has requested powers for:
- the CA of land at plot 3/11 for the construction of a new section of the A57 dual carriageway, realignment of Old Hall Lane, and construction of Mottram Underpass; and
 - the TP of plot 3/18 for the for the realignment of Old Hall Lane.
- 8.9.44 Jeffrey Mark Brown and Ruth Alice Brown have Category 2 interests in respect of access.
- 8.9.45 Jeffrey Mark Brown [[REP6-035](#)] raised risks of ground settlement, what the potential effects would be and whether the Applicant would underwrite any damage caused. The Applicant [[REP7-026](#)] said that the final assessment of settle would be made prior to construction and referred to measures to monitor movements and any damage.
- 8.9.46 The Applicant [[REP12-011](#)] later said that it made contact with Jeffrey Mark Brown about access interest in the non-adopted section of Old Hall Lane and that Jeffrey Mark Brown raised that he owns a well.
- 8.9.47 We note the submissions by Jeffrey Mark Brown and are content with the Applicant's response. We are satisfied that there are suitable compensation provisions for CA and TP.
- 8.9.48 Based on the above, we are satisfied that the rights sought for the CA of land at plot 3/11 are for a legitimate purpose, that they are necessary and

proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.9.49 We are satisfied that the rights sought for the TP of plot 3/18 are for identified legitimate purposes and are compatible with human rights tests.

John Joseph Bower, Warner Eric Bower, Cona Sylvia Bower, and C. Bower & Sons Limited

8.9.50 The Applicant has requested powers for:

- the CA of land at plot 4/13d for the construction of a new section of the A57 dual carriageway, creation of means of access and egress to the south of the land currently known as the Showground including a combined footway / cycleway with equestrian use, construction at Mottram Moor Junction, the creation of a culvert to carry a watercourse, the diversion of buried power cables and other utilities, the creation of a new combined footway / cycleway with equestrian use, construction of A57 Link Road, diversion of Tara Brook, construction of drainage ditches, construction of a drainage retention pond, creation of a access track, and construction of earthwork screening bunds.
- the CA of land at plot 4/13e for the construction at Mottram Moor Junction and the creation of a footway;
- the CA of land at plot 4/16 for the construction at Mottram Moor Junction, creation of a new combined footway / cycleway with equestrian use, the diversion of buried power cables and other utilities, and construction of an earthwork screening bund;
- the CA of land at plot 4/17 for the construction at Mottram Moor Junction;
- the CA of land at plot 4/19 for the creation of an access track, diversion of buried power cables and other utilities, and the creation of a footway / cycleway;
- the CA of land at plot 5/1d for the creation of a new combined footway / cycleway with equestrian use, construction of A57 Link Road, realignment of Carrhouse Lane with new access track and footpath, construction of Carrhouse Lane underpass; construction of drainage ditches, construction of an earthwork screening bund, installation of bat boxes, and diversion of a gas main pipe;
- the CA of land at plot 5/5 for the creation of a new combined footway / cycleway with equestrian use, construction of A57 Link Road, creation of an access track, and construction of drainage ditches;
- the CA of land at plot 5/7a for the creation of a new combined footway / cycleway with equestrian use, construction of A57 Link Road, and construction of drainage ditches;
- the CA of land at plot 5/9b for the creation of a new combined footway / cycleway with equestrian use, construction of A57 Link Road, creation of a culvert to carry a drainage ditch, construction of drainage ditches,

construction of earthwork screening bunds, creation of an access track, and the diversion of buried power cables;

- the CA of land at plot 6/1e for the construction of A57 Link Road, creation of a new combined footways / cycleways with equestrian use, diversion of a footpath, the creation of a culvert to carry a watercourse; construction of drainage ditches, installation of bat boxes, creation of a new access track, and diversion of existing power cables;
- the CA of land at plot 6/3c for the construction of drainage ditches and diversion of a water main;
- the CA of land at plot 8/8b for new ecological mitigation works;
- the CA of land at plot 9/7b for the realignment of Carrhouse Lane with new access track and footpath, and construction of drainage ditches;
- the CA of land at plot 9/7d for the realignment of Carrhouse Lane with new access track and footpath;
- the TP and the CA of rights at plot 4/13b for the creation of a culvert to carry a watercourse;
- the TP and the CA of rights at plots 4/13g, 6/1d and 6/3b for the diversion of a water main;
- the TP and the CA of rights at plots 4/13j and 5/7f for the installation of bat boxes;
- the TP and the CA of rights at plot 4/21 for the creation of a private access track;
- the TP and the CA of rights at plots 5/1b, 5/1i and 5/4 for the diversion of a gas main pipe;
- the TP and the CA of rights at plots 5/1f, 9/3 and 9/7c for the construction of Carrhouse Lane underpass;
- the TP and the CA of rights at plots 5/1j and 5/7d for the realignment of Carrhouse Lane with new access track and footpath;
- the TP and the CA of rights at plots 5/9d and 6/1b for the for the installation of bat boxes and the diversion of buried power cables;
- the TP and the CA of rights at plot 6/1f for the installation of bat boxes and the construction of a flood storage area;
- the TP and the CA of rights at plot 8/8c for new ecological mitigation works, the installation of bat boxes, and the creation of a public footpath;
- the TP of plot 4/13a for the diversion of Tara Brook, creation of a public footpath, and creation of a culvert to carry a watercourse;
- the TP of plot 4/13c for the diversion of Tara Brook, creation of a public footpath, creation of a culvert to carry a watercourse, and construction of an earthwork screening bund;
- the TP of plots 4/13f, 4/20, 5/7e, 5/7g, 5/7h, 5/9c, 5/9e, 5/9f and 5/9g for the creation of private access tracks;

- the TP of plot 4/13h for the diversion of Tara Brook, construction of drainage ditches, and creation of a culvert to carry a watercourse;
- the TP of plot 4/13i for the diversion of a water main, construction of a drainage retention pond, and the diversion of Tara Brook;
- the TP of plots 4/13k and 5/1a for the construction of drainage ditches and construction of earthwork screening bunds;
- the TP of plots 5/1c and 5/1k for the construction of drainage ditches and the realignment of Carrhouse Lane with new access track and footpath;
- the TP of plot 5/1e for the creation of a new combined footway/cycleway with equestrian use, construction of A57 Link Road, and realignment of Carrhouse Lane with new access track and footpath;
- the TP of plot 5/1g for the realignment of Carrhouse Lane with new access track and footpath, and the construction of A57 Link Road;
- the TP of plots 5/1h, 5/3, 5/7c, 9/7e and 9/16 for the realignment of Carrhouse Lane with new access track and footpath;
- the TP of plot 5/2 for the creation of a private access track and the construction of A57 Link Road;
- the TP of plots 5/7b and 5/8 for the construction of drainage ditches;
- the TP of plot 5/9a for the creation of a private access track, construction of drainage ditches, and erection of a noise barrier;
- the TP of plot 6/1a for the diversion of a public footpath, creation of a culvert to carry a drainage ditch, and construction of drainage ditches;
- the TP of plots 6/1c and 6/3a for the construction of drainage ditches and erection of a noise barrier;
- the TP of plot 6/3d, for the diversion of a public footpath;
- the TP of plot 8/8a for the creation of a culvert to carry a watercourse, the diversion of Tara Brook, installation of bat boxes, and the creation of a public footpath;
- the TP of plot 8/8d, for the creation of a public footpath and the diversion of Tara Brook; and
- the TP of plot 9/7a for the construction of drainage ditches and the realignment of Carrhouse Lane with new access track and footpath.

8.9.51 John Joseph Bower, Warner Eric Bower, Cona Sylvia Bower, and C. Bower & Sons Limited have Category 1 interests as owners and / or occupiers; and / or Category 2 interests in respect of access and / or rights and restrictive covenants.

8.9.52 John Joseph Bower [[RR-0434](#)] considered that the Proposed Development would not achieve any beneficial results and together with Warner Eric Bower [[RR-0173](#), [RR-0174](#)] raised concerns about impacts on their businesses, access, and the amount of land to be taken. Warner Eric Bower [[EV-020](#), [REP4-028](#)] provided detailed concerns including in relation to

means of access and severance issues, land take for environmental mitigation, potential losses in income, and the need for CA or TP of different plots.

- 8.9.53 The Applicant [[REP5-022](#), [REP6-017](#)], clarified the need for CA and TP, responded to access and other operational concerns, and said that issues would be passed on to the District Valuer for further consideration as part of the ongoing land negotiations. It [[REP12-011](#)] later referred to continuing discussions and said that the acquisition was large and complex and that much of it would be unlikely to be fully assessed until the works were underway.
- 8.9.54 We note the submissions by John J Bower, Warner E Bower and the Applicant. We consider the benefits of the Proposed Development earlier in this Section and address access and mitigation measures in Chapter 5.
- 8.9.55 We are content with the Applicant's explanations of the need for land take and with the measures in place to minimise land take during detailed design. Requirement 15 of the rDCO (Appendix D) includes for the provision and maintenance of alternative routes for private means of access, leaving us satisfied that access would be provided during the construction phase. We are satisfied that there are suitable compensation provisions for CA and TP.
- 8.9.56 Based on the above, we are satisfied that the rights sought for the CA of land at plots 4/13d, 4/13e, 4/16, 4/17, 4/19, 5/1d, 5/5, 5/7a, 5/9b, 6/1e, 6/3c, 8/8b, 9/7b and 9/7d, and for the CA of rights at plots 4/13b, 4/13g, 4/13j, 4/21, 5/1b, 5/1f, 5/1i, 5/1j, 5/4, 5/7b, 5/7d, 5/7f, 5/9d, 6/1b, 6/1d, 6/1f, 6/3b, 8/8c, 9/3, 9/7c are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.
- 8.9.57 We are satisfied that the rights sought for the TP of plots 4/13a, 4/13b, 4/13c, 4/13f, 4/13g, 4/13h, 4/13i, 4/13j, 4/13k, 4/20, 4/21, 5/1a, 5/1b, 5/1c, 5/1e, 5/1f, 5/1g, 5/1h, 5/1i, 5/1j, 5/1k, 5/2, 5/3, 5/4, 5/7b, 5/7c, 5/7d, 5/7e, 5/7f, 5/7g, 5/7h, 5/8, 5/9a, 5/9c, 5/9d, 5/9e, 5/9f, 5/9g, 6/1a, 6/1b, 6/1c, 6/1d, 6/1f, 6/3a, 6/3b, 6/3d, 8/8a, 8/8c, 8/8d, 9/3, 9/7a, 9/7c, 9/7e and 9/16 are for identified legitimate purposes and are compatible with human rights tests.

Steeple Building and Preservation

- 8.9.58 The Applicant has requested powers for the CA of land at plot 3/1 for the construction of a new section of the A57 dual carriageway, and the construction of the Mottram Underpass.
- 8.9.59 Steeple Building and Preservation have Category 1 interests as occupiers.
- 8.9.60 Steve Williams on behalf of Steeple Building and Preservation Services [[REP6-031](#)] referred to the costs of relocation and the difficulty finding a suitable replacement property.
- 8.9.61 The Applicant [[REP12-011](#)] said that it sent a letter to Steeple Building and Preservation to open negotiations for the acquisition of land.

8.9.62 We note the submission by Steeple Building and Preservation and are satisfied that there are suitable compensation provisions for CA.

8.9.63 Based on the above, we are satisfied that the rights sought for the CA of land at plot 3/1 are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

Trustees of Mrs E Bissill's Marriage Settlement

8.9.64 The Applicant has requested powers for:

- the CA of land at plot 1/9d for the construction of a new section of the A57 dual carriageway, creation of new public rights of way, the creation of a private access track, works to culverted watercourses, the construction of a drainage retention pond, and the construction of new drainage ditches;
- the CA of land at plot 2/1b for the construction of a new section of the A57 dual carriageway, creation of new public rights of way, construction of a new drainage ditch, and diversion of a water distribution main;
- the CA of land at plot 2/1f for the construction of a new section of the A57 dual carriageway, creation of means of access and egress, the construction of Old Mill Farm underpass, works to culverted watercourses, and the construction of earthwork screening bunds;
- the CA of land at plot 2/1k for the construction of the Roe Cross Road Bridge and retaining walls to Mottram Underpass;
- the CA of land at plot 7/1b for the de-trunking of the existing A57 (T);
- the TP and the CA of rights at plot 1/9a for works to culverted watercourses;
- the TP and the CA of rights at plots 1/9b and 2/1a for the diversion of a water distribution main;
- the TP and the CA of rights at plot 2/1g for the creation of means of access and egress, works to culverted watercourses and new ecological mitigation works;
- the TP and the CA of rights at plot 2/1i for works to culverted watercourses and the installation of bat boxes;
- the TP and the CA of rights at plot 7/1d for the installation of bat boxes;
- the TP of plot 1/9c for works to culverted watercourses, construction of new drainage ditches and access to a site compound;
- the TP of plot 2/1c for works to culverted watercourses and the construction of a new watercourse;
- the TP of plot 2/1d for the creation of means of access and egress, works to culverted watercourses and the construction of a new watercourse;
- the TP of plot 2/1e for the creation of new public rights of way;

- the TP of plot 2/1h for the creation of new public rights of way and the diversion of Hurstclough Brook;
- the TP of plot 2/1j for the construction of new drainage ditches; and
- the TP of plots 7/1a and 7/1c for a site compound.

8.9.65 Trustees of Mrs E Bissill's Marriage Settlement have Category 1 interests as owners.

8.9.66 Savills on behalf of Trustees of Mrs E Bissill's Marriage Settlement [[RR-0794](#)] considered that the permanent and temporary land take would be excessive, including in relation to environmental mitigation measures and rights of way. It raised concerns about access and other matters related to design and impacts.

8.9.67 The Applicant [[REP1-042](#), [REP12-011](#)] referred to correspondence to discuss land acquisition and a meeting with the agents of the Trustees of Mrs E Bissill's Marriage Settlement. It set out the purposes of the land take and responded to other matters raised.

8.9.68 We note the submissions by Savills on behalf of Trustees of Mrs E Bissill's Marriage Settlement and the Applicant. We consider access, design and impacts in Section 5 are content with the Applicant's responses in relation to land take. We are satisfied that there are suitable compensation provisions for CA.

8.9.69 Based on the above, we are satisfied that the rights sought for the CA of land at plots 1/9d, 2/1b, 2/1f, 2/1k and 7/1b and for the CA of rights at plots 1/9a, 1/9b, 2/1a, 2/1g, 2/1i and 7/1d are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.9.70 We are satisfied that the rights sought for the TP of plots 1/9a, 1/9b, 1/9c, 2/1a, 2/1c, 2/1d, 2/1e, 2/1g, 2/1h, 2/1i 2/1j, 7/1a, 7/1c and 7/1d are for identified legitimate purposes and are compatible with human rights tests.

Valerie Bromley, Michaela Bromley and Hayley Simpson

8.9.71 The Applicant has requested powers for the CA of land at plot 3/6 for the construction of a new section of the A57 dual carriageway, and the construction of the Mottram Underpass.

8.9.72 Valerie Bromley has Category 1 interests as owner and occupier. Michaela Bromley and Hayley Simpson submitted to the Examination on Valerie Bromley's behalf, as her daughter and granddaughter respectively. The Applicant [[REP11-010](#)] said it had written confirmation that Valerie Bromley is represented by other members of her family.

8.9.73 The Applicant [[REP12-011](#)] said that negotiations with the landowner were ongoing. It advised that the design was progressing with further engagement with the landowners and that a design solution looked to retain the property, but there could be periods in which the residents may have to be relocated during certain operations.

- 8.9.74 Michaela Bromley and Hayley Simpson [[RR-0323](#)] [[RR-0604](#)] [[REP4-021](#)] [[EV-059](#)] raised concerns about the benefits and impacts of the Proposed Development and objected to the family home being acquired. They raised concerns about the impact on the health and well-being of Valerie Bromley and themselves. We [[EV-013](#)] [[PD-012](#)] [[EV-038](#)] [[PD-017](#)] explored the potential for ownership of the property to remain with Valerie Bromley and for occupation of the property to be maintained safely. We requested updates on discussions between the parties.
- 8.9.75 The Applicant [[REP1-042](#), [REP4-007](#), [REP6-016](#), [REP7-020](#), [REP8-020](#), [REP11-010](#), [REP12-011](#)] provided detailed justification of the case for CA, the risk and uncertainty of the permanent and temporary effects of the Proposed Development. It said that it was fully aware of the family's request for the affected property to be retained and said that if the risks could be managed and a solution found that it would look to work with the family to retain the property. It explained that during certain operations, the residents may have to be relocated until these operations are complete and it is safe to return to the property. It committed to supporting Valerie Bromley and the family through well-being and welfare support and assistance with the services of a solicitor and an engineer to act on the family's behalf.
- 8.9.76 We note the submissions by Michaela Bromley, Hayley Simpson and the Applicant. We consider the benefits of the Proposed Development earlier in this section and address impacts and health matters in Chapter 5. We are content with the Applicant's responses in relation to land take and the potential effects of the Proposed Development on the property and with the support provided to the family. We are satisfied with the measures in place to continue to explore the potential for ownership of the property to remain with Valerie Bromley and for occupation of the property to be maintained safely and accept that no firm undertaking can yet be given that will be possible. We are satisfied that there are suitable compensation provisions for CA and TP.
- 8.9.77 Based on the above, we are satisfied that the rights sought for the CA of land at plot 3/6 are for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted.

8.10 SPECIAL CONSIDERATIONS

- 8.10.1 This section addresses our consideration of the Applicant's case and matters raised with respect to special category land, Crown interests, and SU.

Special category land

- 8.10.2 Social and human health implications of the Proposed Development on open space land are addressed in Section 5.12.
- 8.10.3 Sections 131 and 132 of the PA2008 make provisions for a special parliamentary procedure in respect of the acquisition of common, open space or fuel or field garden allotments. In this case CA powers are sought for the acquisition of open space land. To avoid special parliamentary

procedures, s131 and s132 require the Secretary of State for Transport (SoST) to be satisfied that one of a number of circumstances applies, which include that replacement land has been or would be given in exchange for the land to be compulsorily acquired, with the same rights, trusts and incidents. The provisions do not apply to TP.

- 8.10.4 Paragraph 5.166 of the NPSNN says that existing open space should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 8.10.5 Paragraph 5.174 states that consent should not be granted for development on open space unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the Secretary of State determines that the benefits of the Proposed Development (including need) outweigh the potential loss of such facilities, taking account of any proposals made by the Applicant to provide compensatory land.
- 8.10.6 DCLG (now Department for Levelling Up, Housing and Communities) CA guidance requires that regard be given to such matters as relative size and proximity of the replacement land when compared with the land it is proposed to compulsorily acquire. The guidance further states that land which is already subject to rights of common or to other rights, or used by the public, even informally, for recreation, cannot usually be given as replacement land, since this would reduce the amount of such land.
- 8.10.7 The BoR [[REP12-006](#)] and SoR [[REP12-005](#)] set out the plots, or parts of plots, identified as open space and the powers requested by the Applicant, which include the CA of plots 2/6, 3/3a, 3/30, 8/2, 8/3, and 8/4 with a total area of approximately 473m². The extent of open space is shown on the Special Category Land Plans [[APP-019](#)].
- 8.10.8 The SoR [[REP12-005](#) Section 7.2] argues that the s131 and s132 provisions of the PA2008 for special parliamentary procedures do not apply due to the exemption provided by subsections (5) as plots are required for the widening or drainage of an existing highway. The Applicant considers that replacement land does not need to be provided.
- 8.10.9 Responding to our questions [[PD-009](#), [EV-013](#)], the Applicant [[REP2-021](#), [REP4-007](#)] set out the uses proposed for the plots, clarified why there were no reasonable alternatives, explained that the land would be returned to open space on completion of the works, and set out the consideration given to the rights of the current owners. With reference to s132(2)(b) of the PA2008, it updated the preamble to the dDCO [[REP12-002](#)] to record that the SoST is satisfied with the CA of open space.
- 8.10.10 We are satisfied that replacement land does not need to be provided as the land would be returned to open space on completion of the works.
- 8.10.11 Based on the above we conclude that special parliamentary procedures under a131 and s132 of the PA2008 do not apply because:

- the rDCO (Appendix D) records that the SoST is satisfied with the CA of open space, thereby complying with s131(2)(b) and s132(2)(b);
- the open space is required in connection with the widening or drainage of an existing highway, thereby satisfying s131(5)(a) and s132(5)(a);
- land would be returned to open space on completion of the works and replacement land is unnecessary, thereby satisfying s131(5)(b) and s132(5)(b); and therefore
- the exemption provided by s131(2) and s132(2) applies.

Crown land

- 8.10.12 Section 135(1) of the PA2008 precludes the CA of interests in Crown land unless the land is held "*otherwise than by or on behalf of the Crown*", and the appropriate Crown authority consents to the acquisition.
- 8.10.13 Section 135(2) precludes a DCO from including any provision applying to Crown land or Crown rights without consent from the appropriate Crown authority. This is not limited to CA provisions in a DCO.
- 8.10.14 The BoR [[REP12-006](#)] and SoR [[REP12-005](#) paragraph 7.1.2] refer to plots 3/2k, 3/2o, 3/2p, 3/2q, 3/2s, 3/8, 3/12, 6/2f, 6/2g, 6/2i, 6/2j, 6/2k, 6/2l, 6/2m, 6/2n, 6/2o, 6/2p, 6/2q, 6/2r, 6/7 which became subject to escheat and fell to be dealt with by the Crown Estate.
- 8.10.15 Responding to our request [[PD-009](#), [EV-013](#)], the Applicant [[REP2-021](#), [REP4-007](#)] provided a letter from the Crown Estate's sole legal representatives with regards to escheat, Burges Salmon. This provided a detailed explanation and confirmed that the land which is subject to escheat does not form part of The Crown Estate and is therefore not Crown land under PA2008. It explained that the same position was taken in relation to the A19 Testos Junction Improvement Scheme.
- 8.10.16 Noting the letter and precedent, we accept that that the CA proposals do not affect any Crown land. We are satisfied that the Crown does not need to provide consent under s135 of the PA2008 for land shown in the BoR as being subject to escheat.

Statutory Undertakers

- 8.10.17 Section 127 of the PA2008 has provisions in relation to CA of land or rights over SU's land. If a SU has made a representation that has not been withdrawn before the end of the Examination, then CA may only be authorised if there is no serious detriment to the carrying on of the undertaking.
- 8.10.18 Section 138 of the PA2008 has provisions for the extinguishment of SUs' rights and removal of apparatus if the SoST is satisfied that is necessary for the Proposed Development.
- 8.10.19 The BoR [[REP12-006](#)] lists Cadent Gas Limited as having interests as Category 1 owners of plot 3/5 for which the Applicant has requested powers

for the CA of land. Plot 3/5 is described as land comprising approximately 4 square metres of land on the south west side of Old Road, Mottram.

- 8.10.20 The BoR [[REP12-006](#)] lists the following SUs as having other interests in plots for which powers are requested:
- British Telecommunications Public Limited Company with interests as Category 1 occupiers in respect of overhead or underground telecommunications cable or associated apparatus;
 - Cadent Gas Limited with interests as Category 1 occupiers in respect of a gas pipeline and associated apparatus, or Category 2 rights;
 - Cornerstone Telecommunications Infrastructure Limited with interests as Category 1 Lessees or Tenants in respect of telephone mast;
 - Electricity North West Limited with interests as Category 1 lessees or tenants in relation to an electricity substation, Category 1 occupiers in respect of overhead or underground power cable, or Category 2 rights;
 - National Grid Plc with interests as Category 1 occupiers in respect of overhead power line; and
 - United Utilities Plc with interests as Category 1 occupiers in respect of a sewer main, water main, or associated apparatus, or Category 2 rights.
- 8.10.21 In addition the SoR [[REP12-005](#) paragraph 7.4.4] mentions Cityfibre Limited, ESP Electricity Ltd, GTC Pipelines, National Grid Gas Plc, National Grid Electricity Transmission Plc, Northern PowerGrid Limited, Openreach (BT), Scotland Gas Networks, UK Power Distribution Limited, Utility Distribution Transmission Plc, Utility Assets Limited, Virgin Media Limited, Vodafone Limited, Yorkshire Water Limited, and Zayo Corporate UK Limited.
- 8.10.22 The SoR [[REP12-005](#) paragraph 7.4.4] states that none of the land to be acquired for the Proposed Development is SU land for the purposes of s127(3) of the PA2008. The Compulsory Acquisition Schedule [[REP12-011](#)] provides a schedule of the relevant plots in which each SU has an interest and the powers sought by the Applicant for those plots. The extent of the plots is shown on the Land Plans [[REP7-002](#)]. The SoR [[REP12-005](#)] sets out why the powers are requested for each plot.
- 8.10.23 Schedule 9 of the rDCO (Appendix D) includes protective provisions:
- Part 1 – For the protection of electricity, gas, water and sewage undertakers;
 - Part 2 – For the protection of operators of electronic communications code networks;
 - Part 3 – For the protection of drainage authorities;
 - Part 4 – For the protection of National Grid as electricity undertaker; and
 - Part 5 – For the protection of Cadent Gas Limited as gas undertaker.
- 8.10.24 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#), [REP8-021](#)] provided updates on progress in agreeing the protective provisions and any side

agreements with Statutory Undertakers. The Compulsory Acquisition Schedule [[REP1-040](#), [REP3-012](#), [REP5-014](#), [REP7-011](#), [REP9-012](#), [REP12-011](#)] was updated during the Examination and includes the Applicant's comments on the status of negotiations.

Cadent Gas Limited

- 8.10.25 The Compulsory Acquisition Schedule [[REP12-011](#)] states that the Applicant continued to seek engagement and negotiate with Cadent Gas Limited, who were noted as objecting to the powers request by the Applicant.
- 8.10.26 Cadent Gas Limited [[RR-0110](#)] said that it required adequate protective provisions and was not satisfied that adequate rights were secured for the diversion of a low pressure main.
- 8.10.27 The Applicant [[REP8-021](#)] reported on progress in agreeing the protective provisions and a side agreement. A signed SoCG between Cadent Gas Limited and the Applicant [[REP9-017](#)] says that Cadent does not agree to the acquisition of the land or rights required for the operation of the gas governor (plot 3/5) and that consequently the Applicant will not seek to acquire the land or rights within the area of plot 3/5. It agreed that the side agreement was to be completed shortly and that there were no contentious items outstanding.
- 8.10.28 Towards the end of the Examination, CMS Cameron McKenna Nabarro Olswang LLP on behalf of Cadent Gas Limited [[REP11-019](#)] referred to the protective provisions included in the DCO and said that Cadent withdrew its objection to the Order.
- 8.10.29 The Applicant and Cadent Gas Limited agreed that the Applicant would not seek to acquire the land or rights within the area of plot 3/5. We therefore consider that a case has not been made for CA or TP powers being granted for plot 3/5, that those powers are not granted, and that the BoR [[REP12-006](#)] and Land Plans [[REP7-002](#)] are updated accordingly.
- 8.10.30 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by Cadent Gas Limited. Apart from plot 3/5, we consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.
- 8.10.31 We note that the protective provisions have been agreed between the Applicant and Cadent Gas Limited and, given the positive indication provided by both parties, are satisfied that the side agreement is very likely to be. Based on the evidence before us, we consider it unlikely that there would be a serious detriment to Cadent Gas Limited's undertakings.

Cornerstone Telecommunications Infrastructure Limited

- 8.10.32 The Compulsory Acquisition Schedule [[REP12-011](#)] refers to the Applicant's invitations to Cornerstone Telecommunications Infrastructure Limited to open discussions about the powers sought and said that no response was received.

- 8.10.33 The Applicant [[REP8-021](#)] said that it had included protective provisions in the form approved by other telecommunications operators and awaited approval on them. It advised that there was no side agreement.
- 8.10.34 An unsigned draft SoCG between Cornerstone Telecommunications Infrastructure Limited and the Applicant [[REP2-031](#)] says that it is agreed that the mast is not affected by the Proposed Development, which would not impinge on existing access arrangements.
- 8.10.35 We see no evidence that concerns us in relation to the powers requested by the Applicant, the protective provisions, or any serious detriments to Cornerstone Telecommunications Infrastructure Limited's undertaking.
- 8.10.36 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by Cornerstone Telecommunications Infrastructure Limited. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.

Electricity North West Limited

- 8.10.37 The Compulsory Acquisition Schedule [[REP12-011](#)] says that the Applicant continued to seek engagement with Electricity North West Limited about the powers sought.
- 8.10.38 The Applicant [[REP8-021](#)] said that protective provisions had been agreed and there was no side agreement.
- 8.10.39 A signed SoCG between Electricity North West Limited and the Applicant [[REP9-018](#)] confirms that the protective provisions have been agreed.
- 8.10.40 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by Electricity North West Limited. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.
- 8.10.41 We note that the protective provisions have been agreed between the Applicant and Electricity North West Limited. Based on the evidence before us, we consider it unlikely that there would be a serious detriment to Electricity North West Limited's undertakings.

National Grid

- 8.10.42 We understand that National Grid Electricity Transmission Plc is a subsidiary of National Grid Plc.
- 8.10.43 The Compulsory Acquisition Schedule [[REP12-011](#)] states that the Applicant continued to seek engagement and negotiate with National Grid Plc, who were noted as objecting to the powers requested by the Applicant.
- 8.10.44 National Grid Electricity Transmission Plc [[RR-0619](#), [REP2-078](#), [REP9-047](#)] referred to the need to protect its interests through protective provisions and an access and maintenance agreement. It said that it continued to

liaise with the Applicant and was hopeful that the protective provisions and side agreement would be finalised by the close of the Examination.

- 8.10.45 The Applicant [[REP8-021](#), [REP12-011](#)] said that protective provisions had been agreed with National Grid Electricity Transmission plc subject to a legal agreement being signed. It said that a side agreement was in an advanced form. The signed SoCG between National Grid Electricity Transmission plc and the Applicant [[REP9-019](#)] refers to ongoing discussions to establish a Deed of Easement / Wayleave agreement on access and maintenance to overhead lines and a pylon.
- 8.10.46 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by National Grid Plc or National Grid Electricity Transmission Plc. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.
- 8.10.47 Subject to the protective provisions and side agreement being agreed between the Applicant and National Grid Electricity Transmission plc, and based on the evidence before us, we consider it unlikely that there would be a serious detriment to National Grid Plc's or National Grid Electricity Transmission Plc's undertakings.

British Telecommunications Public Limited Company and Openreach Limited

- 8.10.48 We understand that Openreach Limited is a subsidiary of British Telecommunications Public Limited Company.
- 8.10.49 The Compulsory Acquisition Schedule [[REP12-011](#)] says that the Applicant continued to seek engagement with British Telecommunications Public Limited Company about the powers sought.
- 8.10.50 The Applicant [[REP8-021](#)] said that protective provisions had been agreed with Openreach Limited and there was no side agreement.
- 8.10.51 A signed SoCG between Openreach Limited and the Applicant [[REP9-016](#)] confirms that the protective provisions have been agreed.
- 8.10.52 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by British Telecommunications Public Limited Company. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.
- 8.10.53 We note that the protective provisions have been agreed between the Applicant and Openreach Limited. Based on the evidence before us, we consider it unlikely that there would be a serious detriment to British Telecommunications Public Limited Company's or Openreach Limited's undertakings.

United Utilities Plc

- 8.10.54 The Compulsory Acquisition Schedule [[REP12-011](#)] says that the Applicant continued to seek engagement with United Utilities Plc about the powers sought.
- 8.10.55 The Applicant [[REP8-021](#)] said that it had included protective provisions in the form approved by other sewerage undertakers and awaited approval on them. It advised that there was no side agreement.
- 8.10.56 A signed SoCG between United Utilities Plc and the Applicant [[REP12-016](#)] says that the protective provisions were yet to be agreed. It said that towards the end of the Examination both parties had agreed to enter into a side agreement, but it had not been possible to conclude it.
- 8.10.57 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by United Utilities Plc. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.
- 8.10.58 Subject to the protective provisions and side agreement being agreed between the Applicant and United Utilities Plc, and based on the evidence before us, we consider it unlikely that there would be a serious detriment to United Utilities Plc's undertakings.

Other Statutory Undertakers

- 8.10.59 We did not receive objections from the other SUs identified above. We see no evidence that concerns us in relation to the powers requested by the Applicant, the protective provisions, or any serious detriments to the undertakings of other SUs.
- 8.10.60 We are satisfied that s127 of the PA2008 is not engaged as no powers would be granted over land owned by other SUs. We consider that the powers sought by the Applicant are necessary for the Proposed Development and consistent with s138 of the PA2008.

8.11 CONCLUSIONS AND RECOMMENDATIONS

- 8.11.1 Our approach to the question of whether and what CA and TP powers we should recommend to the SoST to grant has been to seek to apply the relevant sections of the PA2008, notably s122 and s123, the DCLG CA Guidance, the Human Rights Act 1998 and, in the light of the representations received and the evidence submitted, to consider whether a compelling case has been made in the public interest, balancing the public interest against private loss.
- 8.11.2 The Applicant's final dDCO [[REP12-002](#)] deals with both the Proposed Development itself and CA and TP powers. The case for CA and TP powers could not properly be considered unless and until we had formed a view on the case for the development overall, and the consideration of the CA and TP issues must be consistent with that view.
- 8.11.3 We considered the case for development in the preceding chapters and in Chapter 7 concluded that the case has been made, subject to the provisions of the rDCO (Appendix D) and the SoST being satisfied about the

implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin).

- 8.11.4 In considering the question of whether there is a compelling case in the public interest to acquire the land (s122(3) of the PA2008), we have taken into account the Applicant's case for CA and TP, the individual issues and objections raised and all submissions made to the Examination.
- 8.11.5 The question that we address here is the extent to which, in the light of the factors set out above, the case is made for CA & TP powers necessary to enable the Proposed Development to proceed.
- 8.11.6 In this chapter we have considered:
- the need for CA and TP;
 - the purposes for which the powers are requested;
 - alternatives;
 - individual objections and issues;
 - special category land and Crown Land;
 - Statutory Undertakers and protective provisions;
 - availability and adequacy of funds and potential impediments; and
 - human rights and the compelling case in the public interest.
- 8.11.7 We consider other DCO provisions for the powers requested in Chapter 9.
- 8.11.8 Our recommendations on the granting of CA and TP powers are subject to the provisions of the rDCO (Appendix D) and to the Secretary of State for Transport being satisfied:
- about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin); and
 - that protective provisions in Schedule 9 of the DCO and side agreements are agreed between the Applicant and National Grid Electricity Transmission plc and between the Applicant and United Utilities plc.
- 8.11.9 Our recommendations are subject to no CA or TP powers being granted for plot 3/5 and are subject to the BoR [[REP12-006](#)] and Land Plans [[REP7-002](#)] being updated accordingly.
- 8.11.10 In relation to the application for CA powers, we conclude that:
- the land sought for the Proposed Development and subject to CA would be land required for the purposes of s122(2)(a) and (b) of the PA2008 and that it meets the tests set out in that section;
 - the Applicant has shown that all reasonable alternatives to CA have been explored and that there are no alternatives which ought to be preferred;

- the Applicant has demonstrated that the extent of land over which powers are sought would be no more than is reasonably required and it is proportionate to the needs of the Proposed Development;
- the private loss to those affected would be mitigated to a large degree by limiting the use of CA powers to land essential to deliver the Proposed Development and by the use of TP powers wherever possible to minimise both land-take and the extent of rights and interests to be acquired;
- s127 of the PA2008 is not engaged as no powers would be granted over land owned by a SU;
- the powers sought by the Applicant in relation to SUs are necessary for the Proposed Development and consistent with s138 of the PA2008;
- with reference to s131 and s132 of the PA2008, replacement land is not required, and special parliamentary procedures would not apply;
- the Crown does not need to provide consent under s135 of the PA2008;
- adequate and secure funding would be available for CA;
- we are satisfied that the Examination has ensured a fair and public hearing, that any interference with human rights arising from implementation of the Proposed Development would be for a legitimate purpose that would justify such interference in the public interest and to a proportionate extent;
- compensation would be available for quantifiable loss; and that
- there would be no disproportionate or unjustified interference with human rights that would conflict with the provisions of the Human Rights Act 1998.

8.11.11 We have had regard to the provisions of the Human Rights Act 1998. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998. In relation to Article 6 (entitlement to a fair and public hearing), the Examination has ensured a fair and public hearing. The weight of national policy in favour of the Proposed Development and the wider public interest justifies the interference with human rights. Subject to matters set out in paragraph 8.12.7 above, we conclude that any interference with human rights arising from implementation of the Proposed Development would be proportionate and would strike a fair balance between the rights of the individual and the public interest.

8.11.12 Taking the above factors together, we consider that the SoST can be satisfied that there is a compelling case in the public interest for CA and that the Proposed Development would comply with the PA2008.

8.11.13 We are satisfied with the application for TP powers because the rights sought are for identified legitimate purposes and are compatible with human rights tests.

9 DRAFT DEVELOPMENT CONSENT ORDER

9.1 INTRODUCTION

- 9.1.1 This chapter provides an overview of the Applicant's updates to the draft Development Consent Order (dDCO) during the Examination, and our changes to the Applicant's final dDCO [[REP12-002](#)] to arrive at our recommended Development Consent Order (rDCO) (Appendix D).
- 9.1.2 A dDCO [[APP-020](#)] and an Explanatory Memorandum (EM) [[APP-021](#)] were submitted by the Applicant as part of the application. The EM describes the purpose of the dDCO and its articles and schedules.
- 9.1.3 While the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, (the model provisions) has been repealed, the submission version of the dDCO drew on the model provisions as well as precedent set by made DCOs for highways development under the Planning Act 2008 (PA2008). There has been a change of approach to the use of model provisions since the Localism Act 2011, and although they provide a starting point for the consideration of the DCO, precedent cases are generally more appropriate. The application dDCO [[APP-020](#)] and subsequent iterations are in the form of a Statutory Instrument as required by s117(4) of the PA2008.
- 9.1.4 The following sections of this chapter:
- describe the structure and functions of the dDCO;
 - summarise the processes used to examine the dDCO and the iterations to the dDCO during the Examination;
 - report on our consideration of the dDCO and relevant submissions made by the Applicant and other parties;
 - set out the changes made to the dDCO;
 - provide our recommended changes leading to the rDCO (Appendix D); and
 - address the relationship between the DCO and other consents and legal agreements.

9.2 STRUCTURE AND FUNCTION OF THE DRAFT DCO

- 9.2.1 Each iteration of the Applicant's dDCOs contains articles and schedules including requirements and protective provisions. The articles are contained in seven parts, which are briefly described here and in more detail in the final EM [[REP12-003](#)] submitted to the Examination. Our rDCO (Appendix D) has the same structure as the dDCOs.
- 9.2.2 Part 1 contains the preliminary provisions providing for citation, commencement and terms used in the dDCO, including definitions from the model provisions and precedent DCOs with additions to add certainty.

- 9.2.3 Part 2 sets out the principal powers, provides for the grant of development consent for the Proposed Development and allows it to be constructed and operated. It includes provisions in relation to maintenance, and in relation to any potential conflict with planning permission obtained under the Town and Country Planning Act 1990. It sets out limits of deviation, who has the benefit of the Order and how those powers can be transferred.
- 9.2.4 Part 3 provides for the execution of works in or under the streets, matters relating to the application of the New Roads and Street Works Act 1991 as well as construction and maintenance, classification, stopping up and restrictions, access to works, clearways, traffic regulation and compensation provisions. Some provisions of the New Roads and Street Works Act 1991 would be disapplied.
- 9.2.5 Part 4 provides supplemental powers relating to the discharge of water, protective works to buildings and the authority to survey and investigate the Order land.
- 9.2.6 Part 5 contains powers in relation to the compulsory acquisition of land and rights and the temporary possession of land. It includes provisions for time limits, the right to impose restrictive covenants, private land, acquisition of subsoil or airspace only, rights under and over streets, statutory undertakers and their apparatus, and compensation provisions. Modifications would be made to the compulsory purchase and compensation provisions under general legislation, including the Compulsory Purchase Act 1965, the Compulsory Purchase (Vesting Declarations) Act 1981, the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017, the Town and Country Planning Act 1990, and the Neighbourhood Planning Act 2017.
- 9.2.7 Part 6 contains powers in relation to trees and hedgerows.
- 9.2.8 Part 7 contains several miscellaneous and general provisions in relation to landlord and tenant law, trees subject to preservation orders, operational land, statutory nuisance, protective provisions, certification, notices, and arbitration.
- 9.2.9 The schedules contain information referred to in the articles, including the description of the authorised development; requirements applying to the authorised development; classification of roads; permanent stopping up and alteration of highways, streets and private means of access; land in which only new rights may be acquired, modification of compensation and compulsory purchase enactments; land of which temporary possession may be taken, hedgerows and trees, protective provisions and documents to be certified.

9.3 DRAFT DCO EXAMINATION PROCESS AND ITERATIONS

Examination process

- 9.3.1 We examined the dDCOs through written questions and issue specific hearings (ISHs), including those set out below. In each case we provide references to the Applicant's main written responses.

- first written questions [[PD-009](#)]; responses [[REP2-021](#)];
- ISH1 [[EV-014](#), [EV-016](#)]; responses [[REP4-006](#)];
- second written questions [[PD-012](#)]; responses [[REP6-017](#)];
- ISH4 [[EV-040](#), [EV-060](#)]; responses [[REP8-021](#)]; and
- third written questions [[PD-017](#)]; responses [[REP11-010](#)].

9.3.2 Other parties also made written submissions on the dDCO, including:

- Tameside Metropolitan Borough Council (TMBC) [[REP2-056](#), [REP5-030](#), [REP6-037](#), [REP8-027](#), [REP9-037](#), [REP11-018](#)];
- High Peak Borough Council (HPBC) [[REP2-053](#), [REP5-035](#), [REP6-027](#), [REP11-014](#)];
- Derbyshire County Council (DCC) [[REP2-051](#), [REP4-010](#), [REP6-026](#), [REP8-024](#), [REP11-012](#)];
- Peak District National Park Authority (PDNPA) [[REP11-016](#)];
- Environment Agency (EA) [[REP2-052](#), [REP3-037](#), [REP6-039](#), [REP8-037](#), [REP9-046](#), [REP10-014](#), [REP11-023](#)];
- Natural England (NE) [[REP2-054](#), [REP6-029](#)];
- National Grid [[REP9-047](#)]; and
- Sharefirst My Journey to School [[REP2-085](#), [REP9-050](#)].

9.3.3 The Applicant [[REP4-006](#), [REP7-025](#), [REP7-026](#), [REP8-018](#), [REP8-021](#), [REP9-027](#), [REP10-010](#), [REP12-022](#)] responded to some of the dDCO submissions made by other parties.

Iterations

9.3.4 The dDCO was updated several times during the Examination, responding to issues raised by Interested Parties (IPs) and ourselves. The clean copy versions of the dDCO submitted by the Applicant and copies showing tracked changes from the previous clean copy version were:

- version 1.0 [[REP1-041](#)] (clean) and [[REP1-041](#)] (tracked);
- version 2.0 [[REP3-002](#)] (clean) and [[REP3-013](#)] (tracked);
- version 3.0 [[REP5-006](#)] (clean) and [[REP5-015](#)] (tracked);
- version 4.0 [[REP6-002](#)] (clean) and [[REP6-011](#)] (tracked);
- version 5.0 [[REP7-003](#)] (clean) and [[REP7-012](#)] (tracked);
- version 6.0 [[REP8-005](#)] (clean) and [[REP8-011](#)] (tracked);
- version 7.0 [[REP9-004](#)] (clean) and [[REP9-013](#)] (tracked); and
- version 8.0 [[REP12-002](#)] (clean) and [[REP12-012](#)] (tracked).

- 9.3.5 Most updates were helpfully accompanied by a Schedule of Changes [[REP3-016](#), [REP5-017](#), [REP6-012](#), [REP7-015](#), [REP8-013](#), [REP9-021](#), [REP12-017](#)] that set out the reasons for the changes at the update.
- 9.3.6 The Applicant provided updates to the EM [[REP3-003](#), [REP5-007](#), [REP6-003](#), [REP8-006](#), [REP9-005](#), [REP12-003](#)] during the Examination.
- 9.3.7 We issued our schedule of changes to the Applicant's dDCO [[PD-016](#)] and invited parties to comment on it. It was commented on by the Applicant [[REP9-028](#)], TMBC [[REP9-037](#)], the EA [[REP9-046](#)] and Sharefirst My Journey to School [[REP9-050](#)]. Some of those changes were also the subject of our third written questions [[PD-017](#)].
- 9.3.8 The Applicant's final dDCO [[REP12-012](#)] was accompanied by a copy [[REP12-013](#)] that showed tracked changes to the version submitted with the application [[APP-020](#)] and a validation report [[REP12-020](#)].
- 9.3.9 If the Secretary of State decides to make the Order, our rDCO is provided in Appendix D.

9.4 EXAMINATION OF THE DRAFT DCO

- 9.4.1 In this section we do not report on every change made to the dDCO as several were because of typographical errors, to resolve grammatical inconsistencies, or were revisions that we feel are not controversial. Also, we do not repeat here all queries that we consider have been adequately justified by the Applicant, thereby not necessitating change to the dDCO.
- 9.4.2 We do, however, comment on those changes that we consider to be significant because of their effect or because they gave rise to several submissions or questions.

Articles

Article 1 – definition of 'commence'

- 9.4.3 We [[PD-009](#), [EV-014](#)] noted that the effect of this definition is to permit certain pre-commencement activities to take place before the discharge of requirements, such as consultation and approval of mitigation proposals, before development commences. We asked questions to understand the nature and potential effects of these operations and to ensure that appropriate controls are in place.
- 9.4.4 The Applicant [[REP2-021](#)] provided more information on pre-commencement activities, said that some protection would be provided by the Wildlife and Countryside Act 1981 and Control of Pollution Act 1974, and considered the activities to be minor and are either de minimis or have minimal potential for adverse effects.
- 9.4.5 DCC [[REP4-010](#)] was generally satisfied, but raised concerns about the need to secure pre-commencement archaeological investigations and mitigation works, the need for a Written Scheme of Investigation, and for it to be consulted upon accordingly. The Applicant [[REP4-006](#)] added a definition of preliminary works to Requirement 1 to include archaeological

investigations and mitigation works. It also added Requirement 10(8) to establish that the Requirement 10 provisions for archaeological remains apply to preliminary works comprising intrusive ground works. DCC [[REP6-026](#)] was content with the additions and had no further concerns.

- 9.4.6 TMBC [[REP5-030](#)] considered that pre-commencement surveys / works were likely to be minor and should have minimal potential for adverse effects.
- 9.4.7 Noting the responses, we are content that the additional provisions are necessary, would ensure appropriate mitigation of archaeological investigations and mitigation works prior to commencement, and that no further measures are required.

Article 3 - Development consent etc. granted by the Order

- 9.4.8 We [[PD-009](#), [EV-014](#)] questioned Article 3(3) in the dDCO submitted with the application [[APP-020](#)], which provided that nothing in the Order prevented certain operations, including some prior to commencement. We asked the Applicant to set out whether anything in the dDCO would prevent the listed operations and explain why the provision was necessary. We questioned whether the provision would have the effect of no mitigation being secured for the listed activities and whether it should therefore be removed. The Applicant [[REP4-006](#)] subsequently deleted Article 3(3).
- 9.4.9 We consider that Article 3(3) is not necessary and would conflict with other mitigation measures. We are therefore content that it is not included.

Article 5 – Maintenance of drainage works

- 9.4.10 We [[PD-009](#), [EV-014](#)] asked who would have responsibility for maintaining the drainage of land while the Applicant held it in temporary possession. If it was to remain with the landowner, then we queried how the DCO would provide them with the necessary rights.
- 9.4.11 The Applicant [[REP2-021](#)] [[REP4-006](#)] initially said that the responsibility would lie with the landowner, before later accepting that if it is restricting access then it should have responsibility for maintaining drainage and added a provision to that effect to the end of Article 5(1).
- 9.4.12 Noting the likely periods that the Applicant will hold land in temporary possession and that some of that land is potentially subject to flooding, we consider it necessary to ensure that appropriate measures are in place to ensure that drainage would be maintained while the Applicant has it under temporary possession. We are therefore content that the addition to Article 5(1) is necessary and appropriate.

Article 7 – Limits of deviation

- 9.4.13 In Section 5.5 of this report, we set out our considerations of limits of deviation and consistency with the assumptions made for the assessment of effects in the Environmental Statement (ES), particularly in relation to the assessment of noise effects on residential properties and other sensitive receptors in close proximity to the main carriageway.

9.4.14 The Applicant provided related updates to the Works Plans [[REP11-002](#)] towards the end of the Examination. We considered those updates and how they would act with Article 7 after the Examination and are concerned that the proximity of the carriageway to receptors and the aggregate nature of the assessment, would leave the potential for increases in horizontal deviation to result in materially adverse changes in noise or vibration levels for individual receptors from those indicated in the ES. We have therefore adjusted the wording of Article 7 of the Applicant's final dDCO [[REP12-002](#)] to "... *no materially new or materially worse environmental effects at any receptor ...*" in the rDCO (Appendix D).

Article 11 - Application of the 1991 Act and the 2004 Act

9.4.15 Article 11(8) of the dDCO submitted with the application [[APP-020](#)] provided that no consent under Part 3 of the Traffic Management Act 2004 would be required for any works executed under the DCO. The effect would be to disapply relevant local highway authority (LHA) permit schemes.

9.4.16 We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] explored whether there was a potential conflict between the Applicant's ability to enter any street within the Order Limits with the ability of a LHA to perform its duties. The Applicant [[REP2-021](#), [REP4-006](#)] initially considered the disapplication to be reasonable and proportionate to the delivery of nationally significant infrastructure works and is consistent with other Orders.

9.4.17 DCC [[REP2-051](#), [REP4-010](#), [REP6-026](#)] raised concerns about the potential disapplication of its Street Works Permit Scheme and the need to avoid any conflicts. The Applicant [[REP6-017](#)] referred to meeting with the LHAs, said that it was agreed that the permit schemes would no longer be disapplied and deleted Article 11(8). DCC [[REP8-024](#)] welcomed the update.

9.4.18 Noting the submissions and the provisions for consultation and coordination between the Applicant and LHAs in the rDCO (Appendix D) and Environmental Management Plan (first iteration) (EMP1) [[REP12-007](#)], we are content that disapplication of the permit schemes is not appropriate due to a need to allow maintenance works by the LHAs and is not required. We are content with the deletion of Article 11(8).

Article 13 - Classification of roads etc.

9.4.19 Article 13(9) allows the locations of public rights of way (PRoWs) and their opening date to be changed if agreed with LHAs. We [[PD-009](#), [EV-014](#)] queried if this was consistent with the assumptions made in the ES.

9.4.20 The Applicant [[REP2-021](#), [REP4-006](#)] amended Article 13(9) to make the changes subject to there being no materially new or materially worse environmental effects in comparison with those reported in the ES. We are satisfied that would preserve the integrity of the assessment and therefore welcome the amendment.

Articles 14(6), 18(11), 19(9), 21(6) – deemed consent

9.4.21 These provisions confer deemed consent if the relevant authority does not respond within 28 days (a 'guillotine'). Noting that a response is required

within 28 days and it is beneficial for consents to be properly considered, we [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] explored the potential for a lack of awareness about a guillotine being in place when the consents would be applied for and whether highlighting the deemed consent in any application for consent would be helpful for ensuring that the timescale for dealing with consents is reasonable. DCC [[REP4-010](#), [REP6-026](#)] considered it important that in any consent application made to it by the Applicant, attention is clearly drawn to the 28 day guillotine provision so that it is absolutely clear on its obligations.

- 9.4.22 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#)] said that the provisions were standard for highways DCOs and referred to the context of the importance of not delaying the Proposed Development and other provisions for ongoing engagement with the relevant authorities during the construction phase. Following discussion with DCC and TMBC the Applicant added provisions for it to notify the relevant authority of the deemed consent when making a relevant application for consent. DCC [[REP8-024](#)] and TMBC [[REP8-027](#)] had no remaining concerns.
- 9.4.23 We consider that the additional provisions would help to ensure that consenting processes are undertaken properly without delaying the Proposed Development and have found no evidence that it would cause the Applicant any difficulty. We are therefore content with the additions.
- 9.4.24 Responding to our suggestion [[PD-016](#)] and for consistency, the Applicant [[REP9-028](#)] added a similar provision to Schedule 1 Part 2, in relation to the SoST's ability to make any requests for further information within 21 days of an application from the undertaker. We are content with that addition.

Article 15 - Permanent stopping up and restriction of use of highways, streets and private means of access

- 9.4.25 Article 15(3)(b) of the dDCO submitted with the application [[APP-020](#)] was clear that temporary alternative routes for streets would be maintained by the undertaker. We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] queried whether this should be clarified for private means of access.
- 9.4.26 The Applicant [[REP4-006](#), [REP6-017](#)] confirmed that private access would be maintained and revised the Article to clarify that temporary alternative routes would be maintained both for streets and private means of access. We are satisfied that the Applicant's revision would have that effect and that it is included.

Article 19 - Discharge of water

- 9.4.27 Responding to our suggestion [[PD-009](#)], the Applicant added a new provision for undertakers not to damage or interfere with the bed or banks of any watercourse forming part of a main river when carrying out or maintaining works under Article 19. We are content that the addition is appropriate given the protection afforded to main rivers by legislation.

Schedule 1 (Authorised Development)

'Further development'

- 9.4.28 A list of 'further development' is provided in Schedule 1, for which no location is identified. We [[PD-009](#), [EV-014](#)] queried if this was consistent with the assumptions made for the assessment of effects in the ES.
- 9.4.29 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#)] considered that the approach was standard practice and referred to other requirements in the dDCO [[REP12-002](#)], including the need to comply with the preliminary design, which was the basis of the assessment. The Applicant amended Schedule 1 to provide that 'further development' is not to give rise to any materially new or materially worse environmental effects in comparison with those reported in the ES. We are satisfied that this would preserve the integrity of the assessment and therefore welcome the amendment.

Schedule 2 Part 1 (Requirements)

Requirement 1 – Interpretation

- 9.4.30 The Applicant added definitions of 'PAS 2080' and 'the Design Council's Design Review panel' to its dDCO [[REP12-002](#)] following our suggestions [[PD-016](#)] and in line with our suggested addition of Requirement 12 Carbon Management. Requirement 12 is addressed below.
- 9.4.31 The Applicant added a definition of 'preliminary works' to its dDCO [[REP12-002](#)] to clarify activities that would be carried out before commencement and the necessary mitigation for archaeological investigations and mitigation works discussed above in relation to Article 1.
- 9.4.32 We comment on these additions elsewhere and are content with them.

Requirement 3 – Detailed design

- 9.4.33 In Section 5.6 of this report, we [[PD-016](#), [PD-017](#)] set out our considerations of the need for additional provisions to Requirement 3 of the dDCO for a design review by the Design Council, consultation with local authorities (LAs) and other parties, and for details of the Mottram Underpass, and Roe Cross Road Bridge, River Etherow Bridge to be approved by the SoST following consultation with the LAs. The Applicant incorporated our suggested provisions, with minor changes, into its revised dDCO [[REP9-004](#)].
- 9.4.34 The LAs were either supportive of the additions or did not comment. We note that similar provisions were included in The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016. We consider the additions to be necessary design mitigation, proportionate and reasonable, and are content that they are included.

Requirement 4 – Second Iteration EMP

- 9.4.35 The Applicant [[REP4-006](#)] added a provision to Requirement 4(1) for consultation on the second iteration EMP with the LHAs and the EA, as well as with the relevant planning authority. This was supported by the LAs and the EA [[REP2-051](#), [REP2-053](#), [REP2-056](#), [EV-016](#)]. We consider that the addition is necessary and appropriate given the relevance of the functions of those parties to matters in the EMP. We are happy that it is included.

- 9.4.36 We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] suggested that provisions be added for the second iteration EMP to be required to incorporate the measures for the construction phase 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, and to be kept up to date with any material changes during construction and for consultation to be required on those changes. Our suggestions were supported by the LAs [[REP2-051](#), [REP2-053](#), [REP2-056](#), [REP6-026](#), [REP6-027](#), [REP6-037](#)].
- 9.4.37 The Applicant [[REP2-021](#), [REP4-006](#), [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, before incorporating new provisions in Requirement 4(2)(f) to (h) in its dDCO the latest iteration of the dDCO [[REP12-002](#)]. We consider that the provisions are either necessary for us to be able to rely on the mitigation identified in the ES or for the proper implementation of the EMP during the construction phase. We are therefore content with their incorporation.
- 9.4.38 Outline versions of several the management plans are provided in the first iteration EMP, which also includes the Design Approach Document but does not include the Outline Landscape and Ecological Management and Monitoring Plan. Therefore, following the Examination, we have added references to the first iteration EMP, Design Approach Document and Outline Landscape and Ecological Management and Monitoring Plan to Requirement 4(2)(d).

Requirement 4 – Second Iteration EMP – working hours

- 9.4.39 Requirement 4(2)(c) sets out construction activities that do not need to be carried out during working hours of 07:30–18:00 Mondays to Fridays and 07:30–16:00 on Saturday. We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#), [PD-016](#)] asked a series of questions to understand whether this was consistent with the assumptions made for the assessment of effects in the ES and whether more controls would be required.
- 9.4.40 DCC [[REP2-051](#), [EV-016](#), [REP4-010](#)] said that members of the public were more than likely to contact them in the first instance to make their complaints. It asked for prior notification of any non-emergency works outside the hours set out in Requirement 4(2)(c) so that it is aware of the proposed works and can manage communication with the local community accordingly. HPBC [[REP2-053](#)] said that prior notification would be helpful. TMBC [[REP5-030](#)] said that it would support the addition of provisions for prior notification.
- 9.4.41 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#)] provided more detail of the potential activities outside the hours set out in Requirement 4(2)(c) and raised concerns about the potential to reduce flexibility during the construction phase. It added Requirement 4(2)(c)(x) to require written notification of activities outside the hours be given to relevant LAs in advance of any works, except for any emergency works, which are to be notified as soon as is practicable. It added Requirement 4(2)(c)(ix) to require that any other work carried out outside the specified working hours or any extension to the working hours will only be permitted if there has

been prior written agreement of the relevant environmental health officer of the relevant planning authority. It added provisions for night-time closures including for road crossings and final surfacing tie ins, removal of overhead power lines and any other work to not give rise to any materially new or materially worse environmental effects in comparison with those reported in the ES. DCC [[REP8-024](#)] considered that its concerns had been addressed and TMBC [[REP9-037](#)] has no comments.

- 9.4.42 We consider that the requirements for written notification to be provided of construction activities outside the specified hours to be necessary and proportionate mitigation for potential disruption from those activities and we see no compelling evidence that they would place any unreasonable restrictions on the Applicant. The additions allow us to conclude that there would be unlikely to be any material implications for the assessment of significant effects in the ES and we are therefore content with them.

Requirement 4 – Second Iteration EMP – Section 61 consent

- 9.4.43 We [[EV-039](#), [PD-017](#)] questioned whether the use of Control of Pollution Act 1974 s61 consents would be consistent with the assumptions made for the assessment of effects in the ES. The Applicant [[REP8-019](#), [REP11-010](#)] added Requirement 4(2)(e) to provide for it not to give rise to any materially new or materially worse environmental effects in comparison with those reported in the ES. TMBC [[REP11-018](#)] and HPBC [[REP11-014](#)] were both content with the wording, and so are we.

Requirement 4 – Third Iteration EMP

- 9.4.44 We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#), [PD-016](#)] raised concerns that the measures for the operational phase referred to in the ES and in the first iteration EMP should not be lost or watered down in the third iteration EMP. We queried whether the third iteration EMP should be submitted to and approved in writing by the SoST following consultation with the relevant planning authority, the LHA and the EA.
- 9.4.45 TMBC [[REP6-037](#)] as LHA expected to be consulted on and their views sought on the EMP at each stage given the likely significant impacts on the local communities and local highway network, while the local planning authority said that it would be helpful if the Applicant could share the third iteration of the EMP with them for comment prior to its publication.
- 9.4.46 DCC [[REP6-026](#)] said that consultation should also be carried out with the respective LAs on the third iteration to provide the opportunity for them to raise any issues or concerns if it is proposed that any part of the Proposed Development is to be delivered that is significantly different to that set out in the first and second iterations of the EMP and which may raise significant new or unforeseen environmental impacts.
- 9.4.47 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#), [REP7-026](#), [REP8-021](#), [REP9-028](#), [REP11-010](#)] initially considered that it would be sufficient for the second iteration EMP to set out procedures for consultation and approval of the third iteration EMP and that the inclusion of measures in the ES and first iteration was covered by the DMRB. It subsequently added Requirement 4(2)(i) for consultation, submission and approval of the third iteration,

added provisions in relation to measures in the first iteration and in the ES to Requirement 4(5), and clarified that operation and maintenance would be required to accord with the approved third iteration EMP.

9.4.48 Noting the submissions from TMBC and DCC, we consider that the Applicant's changes are necessary to ensure that the measures required to mitigate potential adverse effects during operation and maintenance are secured firmly and are therefore content that they are included.

9.4.49 In Section 5.3 of this report, and following our considerations after the Examination, we concluded that it is necessary to provide mitigation for air quality during the operational phase because of uncertainties in the traffic modelling in relation to air quality and the potential for materially new or materially different adverse effects from those identified in the ES. The provisions are for the third iteration EMP to include a requirement for monitoring of air quality in the Tintwistle and Dinting Value Air Quality Management Areas and mitigation measures for any adverse effects in relation to the ability to meet national air quality objectives that are reasonably attributed to the operation of the authorised development in those areas.

9.4.50 Subsequent paragraphs are renumbered accordingly.

Requirement 5 – Landscaping

9.4.51 We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] explored whether it should be required for the landscaping scheme to be approved before any part of the authorised development commences, and whether the reference to "*other recognised codes of good practice*" should be made more precise.

9.4.52 DCC [[REP2-051](#), [EV-016](#), [REP4-010](#)] referred to experience of dealing with large-scale developments where they consider that on too many occasions landscape proposals have had to be significantly amended after the construction phase because the site hasn't been left in an appropriate condition for the required landscaping or, on occasions, insufficient land had been left available post construction to accommodate all of the proposed landscaping. It said that the landscape scheme should be approved prior to commencement of the construction works to ensure that works make provision for the approved landscaping. TMBC [[REP5-030](#)] considered it reasonable for approval of the landscaping to be required to be approved before any construction works commence. Both DCC [[REP2-051](#)] and TMBC [[REP2-056](#)] considered that the references to "*other recognised codes of good practice*" should be made more precise.

9.4.53 The Applicant [[REP2-021](#), [REP4-006](#), [REP6-017](#)] explained that it needs to be able to deliver the Proposed Development and suggested that its' construction may need to guide the landscaping scheme. It updated Requirement 5(5) to provide for consultation, submission, and approval of a written landscaping scheme for any part before commencement of that part. Requirement 5(1) was updated to refer to standards and codes of good practice, as specified in the Landscape and Ecological Management and Monitoring Plan, which is secured under Requirement 4(2)(d)(xviii). DCC [[REP8-024](#)] were happy that the updates addressed their concerns and TMBC [[REP8-027](#)] had no comments.

- 9.4.54 We consider it reasonable for the construction works to be planned to enable the delivery of a landscape scheme that is submitted and approved in advance of commencement or that the updates would cause the Applicant any difficulty. The Applicant's changes are necessary to ensure that the landscape scheme measures required to mitigate potential adverse effects are secured firmly and we are content that they are included.

Requirement 6 – Contaminated land and groundwater

- 9.4.55 The EA [[REP2-052](#), [REP3-037](#), [REP6-039](#), [REP8-037](#), [REP9-046](#)] raised a series of concerns and made suggestions about provisions in relation to the remediation of any previously unidentified contaminated land that is found, the mitigation of hydrogeological risks and the protection of water quality. These matters are discussed further in Chapter 5 of this report.
- 9.4.56 We [[PD-016](#)] suggested updated wording for Requirement 6 to incorporate the EA's suggestions. The Applicant [[REP9-027](#), [REP9-028](#), [REP11-010](#), [REP12-022](#)] reported on direct discussions with EA to resolve their concerns, provided an Outline Dewatering Management Plan (DWP) [[REP12-007](#) Annex B.8] and proposed adjustments to our suggested wording in their dDCO [[REP12-002](#)]. The EA [[REP10-014](#), [REP11-023](#)] considered that the outline DWP, and the provisions in Requirement 6, including in relation to a hydrogeological risk assessment, addressed their concerns and supported the updates to Requirement 6.
- 9.4.57 We note the EA's submissions and consider that the changes to Requirement 6 are necessary to ensure that measures required to mitigate potential adverse effects in relation to contaminated land and water quality are secured and are therefore content that they are included.

Requirement 7 – Protected species

- 9.4.58 We [[PD-009](#), [EV-014](#), [PD-012](#)] queried the requirement for "*relevant parts of the relevant works must cease*" should be made more precise in relation to the extent of works that must cease. The Applicant [[REP4-006](#)] clarified its approach and amended the wording to "*relevant parts of the relevant works likely to affect the identified protected species*".
- 9.4.59 Natural England [[REP2-054](#)] [[REP6-029](#)] were satisfied with the clarity provided by the Applicant and have no further concerns regarding provisions in relation to protected species. We are also satisfied.

Requirement 8 - Surface and foul water drainage

- 9.4.60 Responding to our queries [[PD-009](#), [PD-012](#)] the Applicant [[REP4-006](#), [REP6-017](#)] added a provision for it to consult with the EA on details of the surface and foul water drainage system. Works would be carried out in proximity to a main river and the EA's responsibilities to safeguard main rivers. We content that this change is necessary and that it is included.

Requirement 9 – Flood risk assessment

- 9.4.61 In Section 5.10, and following our considerations after the Examination, we concluded that additional provisions are required to the dDCO [[REP12-002](#)]

to mitigate flood risk during construction activities in the River Etherow floodplain. This is for the authorised development not to commence until a programme outlining the intended schedule and phasing of works and mitigation of flood risk during construction has been submitted to and approved in writing by the SoST, following consultation with the relevant planning authority, relevant lead local flood authority and the Environment Agency on matters related to their functions. The EA [REP8-037] suggested some wording. We have included additional provisions in the rDCO (Appendix D) that are based on the EA's suggestions but more specific.

- 9.4.62 We [PD-009, EV-014] queried the provision at the end of Requirement 9(2) of the dDCO submitted with the application [APP-020], that permitted works could be carried out otherwise than in accordance with the flood risk assessment if it is demonstrated that all affected landowners accept the predicted exceedance of the flood levels shown in the flood risk assessment. The EA [REP2-052, REP3-037] were not satisfied with the provision and said that flood risk should not be increased as a result of any development and that all works should be carried out in accordance with an approved flood risk assessment. The Applicant [REP4-006] reviewed the wording and deleted it from the dDCO [REP12-002]. We consider that the deletion is required to ensure that necessary flood risk mitigation is secured and are therefore content with the deletion.

Requirement 10 – Archaeological remains

- 9.4.63 We [PD-009, EV-014, PD-012] suggested that requirements should be added for any matters to be consulted and/ or agreed in writing with the SoST or the County Archaeologist, for any programme of archaeological reporting, post excavation and publication to be consulted on and / or agreed in writing, and for suitable resources and provisions for long term storage of any archaeological archives to be consulted on and/ or agreed in writing. The suggestions were supported by TMBC [REP2-056], DCC [REP2-051] and HPBC [REP2-053] and the Applicant [REP4-006, REP6-017] added them to the dDCO [REP12-002]. We consider that the additions are necessary mitigation in relation to archaeological remains and welcome their addition.

Requirement 12 – Carbon management

- 9.4.64 In Section 5.4 of this report, we concluded that this new requirement is necessary to mitigate effects on climate change through a well-executed, transparent, and verified use of PAS 2080: 2016 Carbon management in infrastructure and a related Carbon Management Plan. We [PD-016] suggested wording that the Applicant [REP9-028] made a minor amendment to before adding to the dDCO [REP12-002]. HPBC [REP11-014] welcomed the additions, TMBC [REP9-037, REP11-018] said that it had no comments and DCC did not comment. We consider the addition to be essential mitigation and are content that it has been added.

New Requirement 13 - Piling

- 9.4.65 In Section 5.5 of this report, and following our considerations after the Examination, we concluded that to mitigate noise and vibration, percussive piling should only be used where rotary bored piling is not feasible. We

have therefore inserted a new Requirement 13 to require no piling to commence until a piling design statement has been submitted to and approved in writing by the SoST, following consultation with the relevant planning authority on matters related to their functions. The piling design statement must include details of options for the proposed piling method at each location where piling is proposed; for each piling method option at each location, noise and vibration mitigation measures and anticipated noise and vibration effects on identified receptors that are likely to be affected; the proposed piling method and noise and vibration mitigation measures at each location; and justification of why rotary bored piling is not feasible in any location where the use of percussive piling would lead to more adverse noise or vibration effects on the identified receptors that are likely to be affected. The authorised development must be carried out in accordance with the approved piling design statement.

9.4.66 Subsequent paragraphs are renumbered accordingly.

Requirement 14 – Details of consultation

9.4.67 The dDCO submitted with the application [[APP-020](#)] provided 14 days for parties to provide responses to consultation, which we [[PD-009](#)] queried.

9.4.68 The Applicant [[REP2-021](#)] and LAs [[REP2-051](#), [REP2-056](#)] initially suggested periods ranging from 14 days to 28 days, and subsequently reported [[REP4-006](#), [REP4-010](#), [REP5-030](#), [REP6-026](#)] [[REP6-037](#)] on discussions that led to a period of 21 days being agreed [[REP8-021](#), [REP8-024](#), [REP8-027](#)], and the Applicant updated Requirement 13(1) accordingly.

9.4.69 Noting the responses, we are content that 21 days strikes an appropriate balance between the need not to unnecessarily delay the Proposed Development whilst allowing parties enough time to properly bring together responses from the number of individuals and organisations likely to be involved. We consider that the change would help to ensure that consultation processes are undertaken properly without unnecessarily delaying the Proposed Development and we have found no evidence that the change would cause the Applicant difficulty and are content with it.

Other schedules

Schedule 3 – Classification of roads, etc. and Schedule 4 – Permanent stopping up and alteration of highways, streets and private means of access

9.4.70 We [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] invited the LAs to provide any comments on Schedule 3 and 4, including any matters on which they were awaiting a response from the Applicant or which had not yet been agreed. The local authorities [[REP2-051](#), [REP2-053](#), [REP2-056](#), [REP4-010](#), [REP5-030](#), [REP6-037](#)] reported on progress and did not raise any outstanding concerns [[REP8-024](#), [REP8-027](#)]. Based on the above we are satisfied with Schedule 4 and 5 in the dDCO [[REP12-002](#)].

Schedule 8 – Hedgerows and trees

9.4.71 We [[PD-009](#)] asked the local planning authorities if they were aware of any hedgerows or trees subject to a Tree Preservation Order (TPO) that are

missing or incorrectly referenced in Schedule 8 or on the TPO and Hedgerows Plans [APP-018]. HPBC [REP2-053] said that none were missing from the schedule or the plans and TMBC [REP2-056] said that none were missing from the plans. We are satisfied with Schedule 8 in the dDCO [REP12-002].

Schedule 9 – Protective Provisions

- 9.4.72 We address this schedule in Chapter 8, where we conclude that our recommendations are subject to the SoST being satisfied that Schedule 9 includes protective provisions that are agreed between the Applicant and National Grid Electricity Transmission plc and between the Applicant and United Utilities plc.

Schedule 10 – Documents to be certified

- 9.4.73 We [PD-009, EV-014, PD-012, EV-040, PD-016] invited the Applicant to update Schedule 10, including for any document updates or new documents provided during the Examination and to ensure that the correct versions of any documents, including any updates to the ES, are identified clearly and unambiguously. The Applicant provided updates and included a 'Register of Environmental Statement Changes' [REP10-008] as a certified document that recorded the latest version of documents included in the ES, which would also be certified.
- 9.4.74 As noted above, we have added the Outline Landscape and Ecological Management and Monitoring Plan to Schedule 10. Otherwise, we are satisfied with the Applicant's updates.

9.5 CHANGES TO THE APPLICANT'S FINAL DRAFT DCO

- 9.5.1 Our reasoning for recommending changes to the final version of the dDCO submitted by the Applicant to the Examination [REP12-002] is set out in the previous section. In this section we summarise the changes included in the rDCO (Appendix D).

Article 7 – Limits of deviation

- 9.5.2 Wording adjusted to "... *no materially new or materially worse environmental effects at any receptor ...*".

Requirement 4 – Second Iteration EMP

- 9.5.3 References to the first iteration EMP, Design Approach Document and Outline Landscape and Ecological Management and Monitoring Plan added to Requirement 4(2)(d).
- 9.5.4 Sub-paragraph 4(6) added for the third iteration EMP to include a requirement for monitoring of air quality in the Tintwistle and Dinting Value Air Quality Management Areas and mitigation measures for any adverse effects in relation to the ability to meet national air quality objectives that are reasonably attributed to the operation of the authorised development.

Requirement 9 – Flood risk assessment

- 9.5.5 New sub-paragraphs added for the authorised development not to commence until a programme outlining the intended schedule and phasing of works and mitigation of flood risk during construction has been submitted to and approved in writing by the SoST, following consultation with the relevant planning authority, relevant lead local flood authority and the Environment Agency on matters related to their functions. New sub-paragraph added for the authorised development to be carried out in accordance with the programme.

Requirement 13 – Piling

- 9.5.6 New Requirement to provide that no piling is to commence until a piling design statement of a specified form has been submitted to and approved in writing by the SoST, following consultation with the relevant planning authority on matters related to their functions. The authorised development must be carried out in accordance with the approved piling design statement. Subsequent paragraphs are renumbered accordingly.

Schedule 10 – Documents to be Certified

- 9.5.7 Outline Landscape and Ecological Management and Monitoring Plan added.

9.6 OTHER LEGAL AGREEMENTS AND CONSENTS

- 9.6.1 At no stage was it considered that a planning obligation directly related to the Proposed Development was necessary. We are content with that.
- 9.6.2 Several times we [[PD-009](#), [EV-014](#), [PD-012](#), [EV-040](#)] asked for updates in respect of obtaining other necessary consents, licences, and agreements. Other consents required to construct, operate and maintain the Proposed Development are set out in the Applicant’s Consents and Agreements Position Statement [[REP12-004](#)] and summarised in Section 1.8.
- 9.6.3 A Statement of Common Ground between the Applicant and the EA [[REP12-015](#)] submitted towards the end of the Examination records that discussions were ongoing regarding a number of consents and permits and would continue throughout detailed design.
- 9.6.4 A Statement of Common Ground between the Applicant and Natural England [[REP10-006](#)] records that bats could be affected by the development and that any licencing requirements under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 can be addressed by the DCO. The Consents and Agreements Position Statement [[REP12-004](#)] states that badger surveys continue to be undertaken to keep survey data updated and that a Draft Licence has been prepared and submitted to Natural England for review and comment. It also states that additional bat surveys would be undertaken between May and September 2022, that a Draft Licence had been prepared and will be updated with the new data and be ready for submitting to Natural England.
- 9.6.5 We have not received a ‘letter of no impediment’ from Natural England or from any other party. Given the final positions of the EA, Natural England and local authorities, and without prejudice to the exercise of discretion by

other decision makers, we find no obvious impediments to the delivery of the Proposed Development arising from these consents. If a DCO is made, we consider that there is a reasonable likelihood of outstanding consents being granted. However, noting the limited progress regarding a number of consents, we recommend that SoST to satisfy themselves of progress and give this relevant affect before giving it any weight in the final decision.

9.6.6 We conclude that there are no additional matters arising from or relating to other consents which indicate against the grant of the DCO or for which the DCO should additionally provide.

9.6.7 In Chapter 8 we referred to a series of side agreements between the Applicant and Statutory Undertakers. We conclude that our recommendations are subject to the SoST being satisfied that side agreements are agreed between the Applicant and National Grid Electricity Transmission plc and between the Applicant and United Utilities plc.

9.7 CONCLUSIONS

9.7.1 We have had regard to all matters forming the application and put before us at the Examination, including the iterations of the dDCO.

9.7.2 We have considered the Applicant's final draft dDCO [[REP12-002](#)] and have recommended several changes, which we have included in the rDCO (Appendix D).

9.7.3 We are satisfied that the rDCO (Appendix D) adequately defines the scope of the consent being granted and that it secures the necessary controls and mitigation measures that are consistent with the ES.

9.7.4 We consider that the rDCO (Appendix D) only includes requirements that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. On that basis we are of the view that paragraph 4.9 of the NPSNN is satisfied.

9.7.5 If the SoST is minded to make the DCO, it is recommended to be made in the form set out in Appendix D and, noting the conclusions of Chapters 7 to 9, subject to SoST being satisfied:

- about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin); and
- that protective provisions in Schedule 9 of the DCO and side agreements are agreed between the Applicant and National Grid Electricity Transmission plc and between the Applicant and United Utilities plc.

10 SUMMARY OF CONCLUSIONS AND RECOMMENDATION

10.1 INTRODUCTION

10.1.1 This chapter summarises our conclusions arising from the report as a whole and sets out our recommendation to the Secretary of State for Transport.

10.2 SUMMARY AND CONCLUSIONS

- 10.2.1 Our conclusions are subject to the provisions of the recommended Development Consent Order in Appendix D of this report and, in relation to s104(4), s104(5) and s104(6) of the Planning Act 2008, subject to the Secretary of State for Transport satisfying itself on the matters identified in Section 10.3.1, below.
- 10.2.2 In relation to s104(2) and s104(3) of the Planning Act 2008, we conclude that making the recommended Development Consent Order would be in accordance with the National Policy Statement for National Networks, relevant development plans and other relevant policy, all of which have been considered in this report. Furthermore, we have had regard to matters arising from the Local Impact Reports from Tameside Metropolitan Borough Council, Derbyshire County Council, High Peak Borough Council and Peak District National Park Authority and to all matters that we consider to be both important and relevant in reaching our conclusions. We have considered relevant legislation.
- 10.2.3 We have had regard to the findings of the Applicant's Habitats Regulations Assessment Screening Report and the comments of Natural England. Whilst the Secretary of State for Transport is the competent authority under the Habitats Regulations¹¹ and will make the definitive assessment, we conclude that the Proposed Development would not be likely to have significant effects on the UK national site network and European sites, species or habitats and we have taken this finding into account in reaching our recommendation. We consider that it is not necessary to undertake an Appropriate Assessment for the Proposed Development. We are also satisfied that the Secretary of State for Transport has sufficient information available to discharge their obligations on this matter under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). We see no reason for Habitats Regulation Assessment matters to prevent the making of the Development Consent Order.
- 10.2.4 We have considered the case for compulsory acquisition and temporary possession of land and rights required to implement the Proposed Development. We conclude that the powers sought are necessary to enable the Applicant to complete the Proposed Development. We find that there is a compelling case in the public interest, that the Applicant has a clear idea of how it intends to use the land, and that funds are available for the implementation. We are satisfied that the compulsory acquisition and temporary possession powers sought by the Applicant are justified, comply with the Planning Act 2008, and should be granted.

¹¹ The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

- 10.2.5 We have also had regard to the provisions of the Human Rights Act 1998. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998. In relation to Article 6 (entitlement to a fair and public hearing), the Examination has ensured a fair and public hearing. The weight of national policy in favour of the Proposed Development and the wider public interest qualifies any interference with the human rights affected. We conclude that any interference with human rights arising from implementation of the Proposed Development would be proportionate and strike a fair balance between the rights of the individual and the public interest.
- 10.2.6 We have had regard to the Public Sector Equality Duty. We find no harm to the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. We have found no breach of the Public Sector Equality Duty.
- 10.2.7 As required by Regulation 3 of The Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the desirability of preserving listed buildings or their setting and any features of special architectural or historic interest which they possess, preserving or enhancing the character or appearance of conservation areas, and preserving scheduled monuments or their setting. We are satisfied with how they have been addressed.
- 10.2.8 We find that the public benefits of the Proposed Development outweigh the less than substantial permanent and irreversible harm to the settings of thirteen designated heritage assets and less than substantial temporary, short term and reversible harm to designated heritage assets. We are satisfied that paragraphs 5.132, 5.134 and 5.135 of the National Policy Statement for National Networks and paragraph 202 of the National Planning Policy Framework are complied with.
- 10.2.9 As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, we have had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. We are content that the Proposed Development accords with those aims.
- 10.2.10 We have no concerns in relation to compliance with the Natural Environment and Rural Communities Act 2006 and we have fulfilled our biodiversity duty.
- 10.2.11 We consider that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and therefore 'very special circumstances' exist for the Proposed Development to be approved in accordance with paragraphs 5.170 and 5.178 of the National Policy Statement for National Networks.
- 10.2.12 We are satisfied that sustainability benefits to the community outweigh flood risk and, having earlier concluded that we are satisfied that the project would be safe for its lifetime without increasing flood risk elsewhere. We therefore conclude that the Exception Test has been met in accordance

with paragraph 5.108 of the National Policy Statement for National Networks.

10.2.13 Regarding all other matters and representations received, we have found no important and relevant matters that would individually or collectively lead to a different recommendation to that set out below.

10.2.14 In relation to s104(7) of the Planning Act 2008, and with the mitigation proposed through the recommended Development Consent Order in Appendix D to this report, we consider that adverse impacts arising from the Proposed Development would not outweigh its benefits.

10.3 RECOMMENDATION

10.3.1 Our findings and conclusions on important and relevant matters are set out in this report. Our recommendations are subject to the Secretary of State for Transport being satisfied:

- about the implications of R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841(Admin); and
- that protective provisions in Schedule 9 of the Development Consent Order and side agreements are agreed between the Applicant and National Grid Electricity Transmission plc and between the Applicant and United Utilities plc.

10.3.2 Subject to the above, we consider that the Proposed Development meets the tests in s104 of the Planning Act 2008. On that basis, we recommend that the Secretary of State for Transport makes the A57 Link Roads Development Consent Order in the form attached at Appendix D to this report.

APPENDICES

APPENDIX A: THE EXAMINATION

APPENDIX B: EXAMINATION LIBRARY

APPENDIX C: LIST OF ABBREVIATIONS

APPENDIX D: THE RECOMMENDED DCO

APPENDIX A: THE EXAMINATION

Appendix A: Events in the Examination

A57 Link Roads Project TR010034
Report to the Secretary of State

Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Date
1	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • written submissions about how the application should be examined, including the draft Examination Timetable and the use of virtual methods at the Preliminary Meeting and Open Floor Hearing 1; • requests to make oral submissions at the Preliminary Meeting; • requests to make oral submissions at Open Floor Hearing 1. 	<p>Monday 1 November 2021</p>
2	<p>Preliminary Meeting</p>	<p>Tuesday 16 November 2021</p>
3	<p>Open Floor Hearing 1</p>	<p>Thursday 18 November 2021</p>
4	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • the Examination Timetable 	<p>Friday 19 November 2021</p>
5.	<p>Deadline 1 (D1)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • written summaries of oral submissions at hearings; • post-hearing submissions requested by the ExA; • comments on Relevant Representations and other written submissions received after the registration of Interested Parties closed on 16 September 2021; 	<p>Wednesday 01 December 2021</p>

	<ul style="list-style-type: none"> • notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held; • the Applicant's updated: <ul style="list-style-type: none"> - draft Development Consent Order; - Explanatory Memorandum; - Book of Reference; - Statement of Reasons; - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections; - Summary of progress in securing other consents; - Tracker identifying the latest versions of the Applicant's submission documents. 	
6.	Publication in draft form by the ExA of the ExA's First Written Questions	Friday 10 December 2021 Tuesday 6 July 2021
7	Publication by the ExA of: <ul style="list-style-type: none"> • the ExA's First Written Questions; • notification of the date, time and place of hearings in February 2022 	Friday 17 December 2021 Tuesday 6 July 2021
8	Deadline 2 (D2) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Responses to the ExA's First Written Questions; • Written Representations; • Local Impact Reports from local authorities; • Statements of Common Ground; • the Applicant's proposed itinerary for an Accompanied Site Inspection (if required) • comments on submissions for Deadline 1 	Friday 14 January 2022
9	Deadline 3 (D3) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • requests to be make oral submissions at hearing(s) in February 2022; • comments on submissions for Deadline 2 • the Applicant's updated: <ul style="list-style-type: none"> - draft Development Consent Order - Explanatory Memorandum - Book of Reference 	Wednesday 26 January 2022

	<ul style="list-style-type: none"> - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other consents - Tracker identifying the latest versions of the Applicant's submission documents. 	
10	Publication by the ExA of agendas for hearings in February 2022	Monday 31 January 2022
11	Compulsory Acquisition Hearing 1	Tuesday 8 February 2022
12	Issue Specific Hearing 1	Tuesday 8 February 2022
13	Issue Specific Hearing 2 Part 1	Wednesday 9 February 2022
14	Issue Specific Hearing 2 Part 2	Thursday 10 February 2022
15	<p>Deadline 4 (D4)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • written summaries of oral submissions at hearings; • post-hearing submissions requested by the ExA 	Wednesday 16 February 2022
16	<p>Deadline 5 (D5)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • the Applicant's updated: <ul style="list-style-type: none"> - draft Development Consent Order; - Explanatory Memorandum; - Book of Reference; - Statement of Reasons; - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections; - Summary of progress in securing other consents; 	Wednesday 23 February 2022

	<ul style="list-style-type: none"> - Tracker identifying the latest versions of the Applicant's submission documents. • comments on submissions for Deadlines 3 and 4. 	
17	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • the ExA's Second Written Questions; • notification of the date, time and place of hearings in April 2022 	Wednesday 2 March 2022
18	<p>Deadline 6 (D6)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • responses to the ExA's Second Written Questions; • The Applicant's final: <ul style="list-style-type: none"> - Draft Development Consent Order; - Explanatory Memorandum. 	Wednesday 16 March 2022
19	<p>Deadline 7 (D7)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • requests to make oral submissions at hearings in April 2022; • comments on submissions for Deadlines 5 and 6 • the Applicant's updated: <ul style="list-style-type: none"> - Book of Reference; - Statement of Reasons; - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections; - Summary of progress in securing other consents; - Tracker identifying the latest versions of the Applicant's submission documents. 	Wednesday 23 March 2022
19	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • agendas for hearings in April 2022; • the Report on Implications for European Sites. 	Monday 28 March 2022
20	Issue Specific Hearing 3 Part 1	Tuesday 5 April 2022
21	Issue Specific Hearing 3 Part 2	Wednesday 6 April 2022

22	Compulsory Acquisition Hearing 2	Wednesday 6 April 2022
23	Issue Specific Hearing 4	Wednesday 6 April 2022
24	Publication by the ExA of: Variation of Examination timetable.	Monday 11 April 2022
25	Deadline 8 (D8) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • written summaries of oral submissions at hearings; • post-hearing submissions requested by the ExA; • comments on submissions for Deadline 7. 	Wednesday 13 April 2022
26	Publication by the ExA of: <ul style="list-style-type: none"> • ExA's preferred DCO / proposed schedule of changes to the dDCO (if required) 	Tuesday 20 April 2022
27	Deadline 9 (D9) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • comments on the ExA's schedule of changes to the draft Development Consent Order; • comments on the Report on Implications for European Sites; • comments on submissions for Deadline 8; • the Applicant's final: <ul style="list-style-type: none"> - Book of Reference - Statement of Reasons - -Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections; - Summary of progress in securing other consents; - Tracker identifying the latest versions of the Applicant's submission documents. • final updates to Statements of Common Ground requested by the ExA. 	Friday 29 April 2022
28	Deadline 10 (D10) Deadline for receipt by the ExA of:	Thursday 5 May 2022

	<ul style="list-style-type: none"> • Comments on submissions for Deadline 9. 	
29	Publication by the ExA of: <ul style="list-style-type: none"> • the ExA's Third Written Questions. 	Friday 6 May 2022
30	Deadline 11 (D11) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • responses to the ExA's Third Written Questions. 	Wednesday 11 May 2022
31	Deadline 12 (D12) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • comments on submissions for Deadline 11. 	Monday 16 May 2022
32	Close of Examination	Monday 16 May 2022

APPENDIX B: EXAMINATION LIBRARY

APPENDIX B: EXAMINATION LIBRARY

Examination Library - Index	
Category	Reference
<p>Application Documents</p> <p>As submitted and amended version received before the PM. Any amended version received during the Examination stage to be saved under the Deadline received</p>	APP-xxx
<p>Adequacy of Consultation responses</p>	AoC-xxx
<p>Relevant Representations</p>	RR-xxx
<p>Procedural Decisions and Notifications from the Examining Authority</p> <p>Includes Examining Authority's questions, s55, and post acceptance s51</p>	PD-xxx
<p>Additional Submissions</p> <p>Includes anything accepted at the Preliminary Meeting and correspondence that is either relevant to a procedural decision or contains factual information pertaining to the examination including responses to Rule 6 and Rule 8 letters</p>	AS-xxx
<p>Events and Hearings</p> <p>Includes agendas for hearings and site inspections, audio recordings, responses to notifications and applicant's hearing notices</p>	EV-xxx
<p>Representations – by Deadline</p>	
<p>Procedural Deadline:</p>	PDL-xxx
<p>Deadline 1:</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> - written summaries of oral submissions at hearings; - post-hearing submissions requested by the ExA; 	REP1-xxx

APPENDIX B: EXAMINATION LIBRARY

<ul style="list-style-type: none"> - comments on Relevant Representations and other written submissions received after the registration of Interested Parties closed on 16 September 2021; - notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held; - the Applicant's updated: <ul style="list-style-type: none"> - draft Development Consent Order - Explanatory Memorandum - Book of Reference - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other consents - Tracker identifying the latest versions of the Applicant's submission documents includes R17 responses 	
<p>Deadline 2:</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> - responses to the ExA's First Written Questions - Written Representations - Local Impact Reports from local authorities - Statements of Common Ground - the Applicant's proposed itinerary for an Accompanied Site Inspection (if required) - comments on submissions for Deadline 1 <p>Includes R17 responses</p>	REP2-xxx
<p>Deadline 3:</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> - requests to be make oral submissions at hearing(s) in February 2022 - comments on submissions for Deadline 2 - the Applicant's updated: <ul style="list-style-type: none"> - draft Development Consent Order - Explanatory Memorandum - Book of Reference - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other consents 	REP3-xxx

APPENDIX B: EXAMINATION LIBRARY

<ul style="list-style-type: none"> - Tracker identifying the latest versions of the Applicant’s submission documents 	
<p>Deadline 4:</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> - any outstanding comments on Written Representations received for Deadline 2 - written summaries of oral submissions at hearing(s) - post-hearing submissions requested by the ExA 	<p>REP4-xxx</p>
<p>Deadline 5:</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> - the Applicant’s updated: <ul style="list-style-type: none"> - draft Development Consent Order - Explanatory Memorandum - Book of Reference - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other consents - Tracker identifying the latest versions of the Applicant’s submission documents - comments on submissions for Deadlines 3 and 4 	<p>REP5-xxx</p>
<p>Deadline 6:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - responses to the ExA’s Second Written Questions - The Applicant’s final: <ul style="list-style-type: none"> - Draft Development Consent Order - Explanatory Memorandum 	<p>REP6-xxx</p>
<p>Deadline 7:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - requests to make oral submissions at hearing(s) in April 2022 - comments on submissions for Deadlines 5 and 6 - the Applicant’s updated: <ul style="list-style-type: none"> - Book of Reference - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other 	<p>REP7-xxx</p>

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<p>consents</p> <ul style="list-style-type: none"> - Tracker identifying the latest versions of the Applicant's submission documents 	
<p>Deadline 8:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - written summaries of oral submissions at hearings - post-hearing submissions requested by the ExA - comments on submissions for Deadline 7 	REP8-xxx
<p>Deadline 9:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - comments on the ExA's schedule of changes to the draft Development Consent Order - comments on the Report on Implications for European Sites (if required) - comments on submissions for Deadline 8 - the Applicant's final: <ul style="list-style-type: none"> - Book of Reference - Statement of Reasons - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections - Summary of progress in securing other consents - Tracker identifying the latest versions of the Applicant's submission documents - final updates to Statements of Common Ground requested by the ExA 	REP9-xxx
<p>Deadline 10:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - comments on submissions for Deadline 9 	REP10-xxx
<p>Deadline 11:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - responses to the ExA's Third Written Questions 	REP11-xxx
<p>Deadline 12:</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> - comments on submissions for Deadline 11 	REP12-xxx
<p>Other Documents</p>	OD-xxx

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Includes s127/131/138 information, s56, s58 and s59 certificates, and transboundary documents	
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Relevant Representations	
RR-0001	Abigail Roberts
RR-0002	Adam Frith
RR-0003	Adam Rodgers
RR-0004	Adam Rossi
RR-0005	Adele Platt
RR-0006	Adrian Hopkinson
RR-0007	Adrian Lyne
RR-0008	Alan Bradley

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RR-0010	Alan Jackson
RR-0011	Alan McGovern
RR-0012	Alan Moxon
RR-0013	Alan Richard Hardy
RR-0014	Alan Scapens
RR-0015	Alan Seel
RR-0016	Alastair Knox
RR-0017	Albert Slater
RR-0018	Alex Gradwell-Spencer
RR-0019	Alex Henderson
RR-0020	Alexander Grey
RR-0021	Alice Song
RR-0022	Alicia Harris
RR-0023	Alison Evans
RR-0024	Alison O'Brien
RR-0025	Alison Roberts
RR-0026	Allan Dyer
RR-0027	Allan Greenwood
RR-0028	Allan Harrison
RR-0029	Allan Kerrigan
RR-0030	Allen Cooke
RR-0031	Allen Critchlow Allsop
RR-0032	Amanda Linfoot
RR-0033	Amanda Wiseman
RR-0034	Amber Thompson
RR-0035	Amy Butler
RR-0036	Andrea Lomax
RR-0037	Andrew Barker
RR-0038	Andrew Byford
RR-0039	Andrew Eyre
RR-0040	Andrew Gillooly
RR-0041	Andrew Hamilton
RR-0042	Andrew Harrison
RR-0043	Andrew Lee
RR-0044	Andrew Mannix
RR-0045	Andrew McCallum
RR-0046	Andrew Nichols
RR-0047	Andrew Payne
RR-0048	Andrew Tickle
RR-0049	Andrew Webber
RR-0050	Andy Booth
RR-0051	Andy Howell
RR-0052	Andy Mannix
RR-0053	Andy Wallace
RR-0054	Angela Dale
RR-0055	Angela Griffiths
RR-0056	Anita Byrne
RR-0057	Anita Carr
RR-0058	Anita Moss

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RR-0060	Ann Lucas
RR-0061	Ann Oliver
RR-0062	Anna Girolami
RR-0063	Anna Smith
RR-0064	Anne Blears
RR-0065	Anne Cawthorn
RR-0066	Anne Coackley
RR-0067	Anne Lomax
RR-0068	Anne Parkin
RR-0069	Anne Robinson
RR-0070	Anne Worrall
RR-0071	Annette Scullion
RR-0072	Anthony Brocklebank
RR-0073	Anthony Coar
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RR-0077	Anthony Hannan
RR-0078	Anthony Holt
RR-0079	Anthony Patrick Roper
RR-0080	Anthony Rae
RR-0081	Anthony Rodrigues
RR-0082	Antony Bruce
RR-0083	Antony Mckeown
RR-0084	Arran Burgreave
RR-0085	Arthur Stanway
RR-0086	Ashley Hannay
RR-0087	Austin Milner
RR-0088	B.Tynan
RR-0089	Bamford with Thornhill Parish Council
RR-0090	Barbara Helm
RR-0091	Barry Burney
RR-0092	Barry Cargill
RR-0093	Barry Ward
RR-0094	Bartek Verde
RR-0095	Ben Hodgkinson
RR-0096	Benjamin Powell
RR-0097	Bernadette Barlow
RR-0098	Beverley Conway
RR-0099	Beverley Vernon
RR-0100	Bill Jubb
RR-0101	Brenda Cooke
RR-0102	Brian Boakes
RR-0103	Brian Johnson
RR-0104	Brian Mallalieu
RR-0105	Brian Moorhouse
RR-0106	British Mountaineering Council
RR-0107	Bryan McGee
RR-0108	Bryan Michael Nield

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RR-0112	Cameron Walker
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RR-0115	Carina Humberstone
RR-0116	Carl Askham
RR-0117	Carl Scrimshaw
RR-0118	Carol Beckett
RR-0119	Carol Ripley
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RR-0122	Cassandra Anderson
RR-0123	Catherine Coombes
RR-0124	Charles Copestake
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RR-0126	Charlotte Farrell
RR-0127	Charlotte George
RR-0128	Charlotte Greenough
RR-0129	Cherryl Forbes
RR-0130	Cheryl Morrell
RR-0131	Chris Bangs
RR-0132	Chris Cuff
RR-0133	Chris Hallam
RR-0134	Chris Hazelhurst
RR-0135	Chris Howarth
RR-0136	Chris Lomas
RR-0137	Chris Naughton
RR-0138	Chris Naughton
RR-0139	Chris Nelson
RR-0140	Chris nelstrop
RR-0141	Chris Sizeland
RR-0142	Chris Wilding
RR-0143	Chris Wood
RR-0144	Christine Abrams
RR-0145	Christine Brandreth
RR-0146	Christine Hazlehurst
RR-0147	Christine Holden
RR-0148	Christine Johnson
RR-0149	Christine Jolly
RR-0150	Christine Ord
RR-0151	Christine Osborne
RR-0152	Christine Tootell
RR-0153	Christopher Bolton
RR-0154	Christopher Carre
RR-0155	Christopher Davis
RR-0156	Christopher Halpin
RR-0157	Christopher Vincent Halpin
RR-0158	Christopher Webster

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RR-0159	Claire Rimmer
RR-0160	Clare Hughes
RR-0161	Climate Emergency Planning and Policy
RR-0162	Clive Easteal
RR-0163	Colin Ball
RR-0164	Colin Cram
RR-0165	Colin Iddles
RR-0166	Colin Morris
RR-0167	Colin O'Flaherty
RR-0168	Coral Crossley
RR-0169	CPRE Lancashire, Liverpool City Region and Greater Manchester
RR-0170	CPRE Peak District and South Yorkshire
RR-0171	Craig Herbert
RR-0172	Craig Johnson
RR-0173	CS, JJ & WE Bower on behalf of CS,JJ & WE Bower
RR-0174	CS,JJ & WE Bower on behalf of C Bower & Sons Ltd
RR-0175	Joy Overall on behalf of D & J Overall
RR-0176	D Mills
RR-0177	Dan Reeds
RR-0178	Daniel Cornwell
RR-0179	Daniel Johnson
RR-0180	Daniel Michael Bowdren
RR-0181	Daniel Trimmer
RR-0182	Daniel Wimberley
RR-0183	Daniel Wood
RR-0184	Darrell Massey
RR-0185	Darren Brocklehurst
RR-0186	Darren Jones
RR-0187	Daryl Mullett
RR-0188	Dave Brock
RR-0189	Dave Burton
RR-0190	David Andrew Ritchie
RR-0191	David Ashworth
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RR-0198	David Clegg
RR-0199	David Eglin
RR-0200	David F May
RR-0201	David Flavell
RR-0202	David Franklin
RR-0203	David Hogg
RR-0204	David John Ninnis
RR-0205	David Jones
RR-0206	David Kirkwood
RR-0207	David Lenehan

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RR-0208	David Morgan
RR-0209	David Morton
RR-0210	David O N James
RR-0211	David O'Brien
RR-0212	David O'Connell
RR-0213	David Ormrod
RR-0214	David Pegg
RR-0215	David Ripley
RR-0216	David Roberts
RR-0217	David Scott
RR-0218	David Sheppard
RR-0219	David Spiers
RR-0220	David Stirk
RR-0221	David Townsley
RR-0222	David Wade
RR-0223	David Walker
RR-0224	David Wetters
RR-0225	David Willis
RR-0226	Dean Grantham
RR-0227	Dean Owen
RR-0228	Dean Wilson
RR-0229	Debbie Seel
RR-0230	Deborah J Apperley
RR-0231	Deborah Pitman
RR-0232	Della Fahy
RR-0233	Della Leddy
RR-0234	Denise Gregg-Smythe
RR-0235	Dennis Smith
RR-0236	Dennis Wilkinson
RR-0237	Denys G Froehlich
RR-0238	Denys G Froehlich
RR-0239	Derbyshire Climate Coalition
RR-0240	Derbyshire County Council
RR-0241	Derek Baxter
RR-0242	Derek James Dyson
RR-0243	Derek O'Brien
RR-0244	Derwent & Hope Woodlands Parish Council
RR-0245	Diane Allcock
RR-0246	Diane Kelly
RR-0247	Diane Wilson
RR-0248	Dianne Travis
RR-0249	Dino Hudson
RR-0250	Dominic O'Grady
RR-0251	Don Capstick
RR-0252	Donna Williams
RR-0253	Doug Stott
RR-0254	Douglas Pickford
RR-0255	Dr L Edwards
RR-0256	Dr Michael Morris
RR-0257	Dr Nicholas Stevens

APPENDIX B: EXAMINATION LIBRARY

RR-0258	Dr Peter Spencer
RR-0259	Dr. Jeffery Brown
RR-0260	Duncan Adam Rimmer
RR-0261	Duncan Brierley
RR-0262	E J Donbaavnd
RR-0263	E Naden
RR-0264	Edward Hazelwood
RR-0265	Edward Ridgley
RR-0266	Elaine Dunkerley
RR-0267	Elaine Ellingham
RR-0268	Elaine Hall
RR-0269	Elizabeth Hughes
RR-0270	Elsie Gleadhill
RR-0271	Emma Dixon
RR-0272	Emma Kane
RR-0273	Eric Eaton
RR-0274	Eric G D Parker
RR-0275	Eric Hilton
RR-0276	Ernestine Marsden
RR-0277	Felicity Leigh
RR-0278	Fountain Bathrooms
RR-0279	Francis Paul Brown
RR-0280	Fred Waining
RR-0281	Friends of the Earth England, Wales and Northern Ireland
RR-0282	Friends of the Trans Pennine Trail
RR-0283	G R Booth
RR-0284	Gail Jeanette Haycock
RR-0285	Gale Blackburn
RR-0286	Gareth Simpson
RR-0287	Gareth Vaughan
RR-0288	Garry Bagguley
RR-0289	Gary Hammond
RR-0290	Gavin Parkin
RR-0291	Gayle Roberts
RR-0292	Gemma Jones
RR-0293	George Peck
RR-0294	George Tidmarsh
RR-0295	Georgina Barber
RR-0296	Gerald Tootell
RR-0297	Giles Burton
RR-0298	Gillian Mellor
RR-0299	Gillian Shaw
RR-0300	Glen Curtis
RR-0301	Glenn Byrne
RR-0302	Glenn Woods
RR-0303	Glossopdale Branch Labour Party
RR-0304	Gordon John Gange
RR-0305	Gordon Phillips
RR-0306	Gordon Wellens

APPENDIX B: EXAMINATION LIBRARY

RR-0307	Graeme Shackleton
RR-0308	Graham Beaumont
RR-0309	Graham Cox
RR-0310	Graham Hadfield
RR-0311	Graham L Harris
RR-0312	Graham Preston
RR-0313	Graham Wolstenholme
RR-0314	Grahame Parsons
RR-0315	Gregory V Windows
RR-0316	Gwyn Pritchard-Williams
RR-0317	Hague Electrical Services Limited
RR-0318	Halina Billingham
RR-0319	Hannah Laxton
RR-0320	Hardip Hazelwood
RR-0321	Harold Balentine
RR-0322	Harrison Elliott on behalf of Robert Largan MP
RR-0323	Hayley Simpson
RR-0324	Hazel Jones
RR-0325	Heather Gibb
RR-0326	Heather Rodrigues
RR-0327	Heather Sheridan
RR-0328	Helen Bowdur
RR-0329	Helen Nield
RR-0330	High Peak Borough Council
RR-0331	High Peak Green New Deal
RR-0332	High Peak Steels Ltd
RR-0333	Hilary Collard
RR-0334	Hilary Hebron
RR-0335	Holly McBride
RR-0336	Holme Valley Vision Network
RR-0337	Howard Carter
RR-0338	Ian Beckett
RR-0339	Ian Juby
RR-0340	Ian Reed
RR-0341	Ian Rigg
RR-0342	Ian Snelling
RR-0343	Ian Whitehouse
RR-0344	Ian Wilson
RR-0345	Ingrid Lewis
RR-0346	Iram Younis
RR-0347	Ivan Taylor
RR-0348	Ivona Meigh
RR-0349	Ivor Bryan Tynan
RR-0350	J Falconer
RR-0351	J H Harrison
RR-0352	J S Mills
RR-0353	Jackie Kilkenny
RR-0354	Jacqueline Corrigan
RR-0355	Jacque Grace
RR-0356	Jade Jackson

APPENDIX B: EXAMINATION LIBRARY

RR-0357	James Barnes
RR-0358	James Birnie
RR-0359	James Constantine
RR-0360	James Croly
RR-0361	James Croly on behalf of Michelle Croly
RR-0362	James Drakeford
RR-0363	James Grant
RR-0364	James Hawthorn Wylie
RR-0365	James Heatlie
RR-0366	James Michael Ward
RR-0367	James Paul Street
RR-0368	James Phillips
RR-0369	James Stead
RR-0370	James W Milner
RR-0371	Jane Kelly
RR-0372	Jane Reynolds
RR-0373	Jane Scott
RR-0374	Jane Waterhouse
RR-0375	Janet Bingham
RR-0376	Janet England
RR-0377	Janet Hargreaves
RR-0378	Janet Lockett
RR-0379	Janet Mills
RR-0380	Janice Margaret Zielinski
RR-0381	Janice Wilson
RR-0382	Jason Egerton
RR-0383	Jason Farrow
RR-0384	Jason Lester
RR-0385	Jay Richards
RR-0386	Jean Astill
RR-0387	Jean Kitching
RR-0388	Jean Kitching on behalf of John Kitching
RR-0389	Jean Simcock
RR-0390	Jeannette Thompson
RR-0391	Jeffrey White
RR-0392	Jenni Carruthers
RR-0393	Jennifer Brook
RR-0394	Jennifer Horrocks
RR-0395	Jennifer Littlewood
RR-0396	Jennifer Nelstrop
RR-0397	Jennifer Powell
RR-0398	Jennifer Richards
RR-0399	Jennifer Wellens
RR-0400	Jennifer Willis
RR-0401	Jenny Morris
RR-0402	Jeremy Fewster
RR-0403	Jeremy Tarr
RR-0404	Jeroen Peters
RR-0405	Jessica Mooney
RR-0406	Jill Crossland

APPENDIX B: EXAMINATION LIBRARY

RR-0407	Jill Kirk
RR-0408	Jimmy Mcgrane
RR-0409	Jo Dagustun
RR-0410	Jo Galvin
RR-0411	Joan Carr
RR-0412	Joan Joyce
RR-0413	Joan Newton
RR-0414	Joan Rutherford
RR-0415	Joanna Collins
RR-0416	Joanna Lyon
RR-0417	Joanne Zabel
RR-0418	Jocelyn Street
RR-0419	Jocelyn Thornton
RR-0420	Joe Cuddy
RR-0421	John Morgan
RR-0422	John Acton
RR-0423	John Bottomley
RR-0424	John Bradley
RR-0425	John Brandreth
RR-0426	John Brennand
RR-0427	John Cassidy
RR-0428	John Devlin
RR-0429	John Gilman
RR-0430	John Haigh
RR-0431	John Haydn Jones
RR-0432	John Hewitt
RR-0433	John Howe
RR-0434	John J. Bower
RR-0435	John Kappes
RR-0436	John Pasiecznik
RR-0437	John Powell
RR-0438	John Rawicz-Szczerbo
RR-0439	John Rourke
RR-0440	John Scampion
RR-0441	John Scarry
RR-0442	John Stubbs
RR-0443	John White
RR-0444	John Williams
RR-0445	John Wrigh
RR-0446	John Youatt
RR-0447	Jon Whitley
RR-0448	Jonathan Atkinson
RR-0449	Jonathan Cantrill
RR-0450	Jonathan Crunkhorn
RR-0451	Joseph Poore
RR-0452	Josephine Smith
RR-0453	Josh Pugh
RR-0454	Joyce Linaker
RR-0455	Joyce Pegg
RR-0456	Julia Kelly

APPENDIX B: EXAMINATION LIBRARY

RR-0457	Julian Bartolomeo
RR-0458	Julian Graves
RR-0459	Julie Cross
RR-0460	Julie Haigh
RR-0461	Julie Jerram
RR-0462	Julie Kelly
RR-0463	Julie Soboljew
RR-0464	Juliet Hardy-Wilson
RR-0465	Justin Beevor
RR-0466	Justin Coyne
RR-0467	Kalah Ashdown
RR-0468	Karel Krommendijk
RR-0469	Karen Burgess on behalf of Skin Solutions Clinic
RR-0470	Karen Parker
RR-0471	Karen Rigg
RR-0472	Karen Smith
RR-0473	Karen Woodward
RR-0474	Karl Wheeler
RR-0475	Kathleen Waterhouse
RR-0476	Kathryn Barnes
RR-0477	Kathy Ford
RR-0478	Katie Fielding
RR-0479	Katie Javanaud
RR-0480	Kay Hearsum
RR-0481	Kay Taylor
RR-0482	Kay Worthington
RR-0483	Keiran Jones
RR-0484	Keith Bolton
RR-0485	Keith Buchan
RR-0486	Keith Buckley
RR-0487	Keith Povey
RR-0488	Keith R Smart
RR-0489	Keith Walker
RR-0490	Ken Thompson
RR-0491	Kenneth Hardman
RR-0492	Kerry Morris
RR-0493	Kerry-Anne Berry
RR-0494	Kevin Hughes
RR-0495	Kevin Jackson
RR-0496	Kevin James
RR-0497	Kevin Knott
RR-0498	Kevin Ogden
RR-0499	Kieran Marshall
RR-0500	Kim Clarke
RR-0501	Kim Price
RR-0502	Kimberley Jordan
RR-0503	Knut Hultmann
RR-0504	Kris Clayton
RR-0505	Kryssie Tedde
RR-0506	Laura Blake

APPENDIX B: EXAMINATION LIBRARY

RR-0507	Lawrence Flanagan
RR-0508	Lee Coffey
RR-0509	Lee Guard
RR-0510	Leigh Hughes
RR-0511	Leigh Vincent
RR-0512	Leona Cassell
RR-0513	Leonard Watson
RR-0514	Lesley Hoban on behalf of Rebecca Perry
RR-0515	Lesley Perry
RR-0516	Lesley Ward
RR-0517	Leslie Culshaw
RR-0518	Levi Haden-Lubeck
RR-0519	Linda Parker
RR-0520	Linda Timperley
RR-0521	Linda Walker
RR-0522	Linda Wood
RR-0523	Lindsay Allott
RR-0524	Lindsay Gilbert
RR-0525	Lisa Barber
RR-0526	Lisa Hopkinson
RR-0527	Lisa Stansfield
RR-0528	Liz Wood
RR-0529	Liz Young
RR-0530	Lorraine Parnell
RR-0531	Lorraine Stellings
RR-0532	Louisa Wilson
RR-0533	Louise Isherwood
RR-0534	Louise Keogh
RR-0535	Lyn Francis-Dean
RR-0536	Lynda Harper
RR-0537	Lynn Barber
RR-0538	Lynn Cawley
RR-0539	Lynn Scarry
RR-0540	Lynn Winspear
RR-0541	Lynne Taylor
RR-0542	M Ashley
RR-0543	Maggie Deakin
RR-0544	Maggie Fennell
RR-0545	Mags Baron
RR-0546	Malcolm Hodkinson
RR-0547	Malcolm Taylor
RR-0548	Mandy Bailey
RR-0549	Margaret Barton
RR-0550	Margaret Clare
RR-0551	Margaret Dillon
RR-0552	Margaret Hopkinson
RR-0553	Margaret Mulheran
RR-0554	Margaret Nield
RR-0555	Margaret Overson
RR-0556	Margaret Spaven

APPENDIX B: EXAMINATION LIBRARY

RR-0557	Margaret Thompson
RR-0558	Marianne Stevenson
RR-0559	Marilyn James
RR-0560	Marj Hayes
RR-0561	Marjorie Saggerson
RR-0562	Mark
RR-0563	Mark Baron
RR-0564	Mark Claydon
RR-0565	Mark Flowers
RR-0566	Mark Kassar
RR-0567	Mark Longden
RR-0568	Mark McDonough
RR-0569	Mark Norcross
RR-0570	Mark Owen
RR-0571	Mark Pugh
RR-0572	Mark Roy Priestley
RR-0573	Marnie Richardson
RR-0574	Martin Galvin
RR-0575	Martin Hill
RR-0576	Martin Jolly
RR-0577	Martin Mowatt
RR-0578	Martyn Lloyd
RR-0579	Mary Fitton
RR-0580	Mary Moss
RR-0581	Mary Rhodes
RR-0582	Matt Capstick
RR-0583	Matt Dinnery
RR-0584	Matt Hankins
RR-0585	Matthew Laxton
RR-0586	Maxine Pigram
RR-0587	May Powell
RR-0588	Mel Hammond
RR-0589	Melvyn Matthews
RR-0590	Meriel Lindsay Boyd
RR-0591	Michael Bowman
RR-0592	Michael Brown
RR-0593	Michael Colin Hampson
RR-0594	Michael Dennett
RR-0595	Michael Hall
RR-0596	Michael Harrison
RR-0597	Michael Hopkinson
RR-0598	Michael J Brown
RR-0599	Michael Jones
RR-0600	Michael Madner
RR-0601	Michael Millward
RR-0602	Michael Watts
RR-0603	Michael Wood
RR-0604	Michaela Bromley
RR-0605	Michele Costa
RR-0606	Mike Chetham

APPENDIX B: EXAMINATION LIBRARY

RR-0607	Mike Hunter
RR-0608	Mike Leigh
RR-0609	Mike Madner
RR-0610	Mike Reape
RR-0611	Mike Schofield
RR-0612	Moemen Metwally
RR-0613	Molwyn V Ashley
RR-0614	Mr Lloyd
RR-0615	Mrs Varnouse
RR-0616	N Varnouse
RR-0617	Naomi Beaman
RR-0618	Natasha Manson
RR-0619	National Grid Electricity Transmission plc
RR-0620	National Trust
RR-0621	Natural England
RR-0622	Neal Linsky
RR-0623	Neil Best
RR-0624	Neil Oldham
RR-0625	Neil Redmond
RR-0626	Neil Wheatley
RR-0627	Neil Wildey
RR-0628	Neil Yoxall
RR-0629	Nicholas jenkinson
RR-0630	Nicola Kassar
RR-0631	Nicola Raine
RR-0632	Nigel Godding on behalf of Nigel & Elizabeth Godding
RR-0633	Nigel Attwood
RR-0634	Nigel Hollingworth
RR-0635	Nigel Mason
RR-0636	Nigel Woods
RR-0637	Nina Beard
RR-0638	Noelle Arnfield
RR-0639	Norma Westwell
RR-0640	Norwich & Norfolk Friends of the Earth
RR-0641	Oliver Gunnell
RR-0642	Oliver Wilson
RR-0643	Pamela Bartolomeo
RR-0644	Pamela Broadhurst
RR-0645	Patricia Gyongyosi
RR-0646	Patricia Lyne
RR-0647	Patricia Mary Gray
RR-0648	Patricia Milner
RR-0649	Patricia Pasiecznik
RR-0650	Patrick Adair
RR-0651	Paul Bedwell
RR-0652	Paul Bruce
RR-0653	Paul Campbell
RR-0654	Paul Child
RR-0655	Paul Cliffe
RR-0656	Paul Coverley

APPENDIX B: EXAMINATION LIBRARY

RR-0657	Paul Egan
RR-0658	Paul Gregory
RR-0659	Paul Hitchen
RR-0660	Paul Holmes
RR-0661	Paul Kelly
RR-0662	Paul Newberry
RR-0663	Paul Noble
RR-0664	Paul Osborne
RR-0665	Paul Parkins
RR-0666	Paul Rockett
RR-0667	Paul Saunders
RR-0668	Paul Scullion
RR-0669	Paul Spooner
RR-0670	Paul Tighe
RR-0671	Paul Waring
RR-0672	Paul Wild
RR-0673	Paula de Felipe Martinez
RR-0674	Pauline Bell
RR-0675	Pauline Gill
RR-0676	Pauline Mary Wallis
RR-0677	Peak District National Park Authority
RR-0678	Penny Wardale
RR-0679	Pete Dawson
RR-0680	Pete Gaskell
RR-0681	Peter Allen
RR-0682	Peter Anderson
RR-0683	Peter Beard
RR-0684	Peter Collard
RR-0685	Peter Creighton
RR-0686	Peter Easter
RR-0687	Peter Haigh
RR-0688	Peter Hughes
RR-0689	Peter Jarvis
RR-0690	Peter Kay
RR-0691	Peter Kelsey
RR-0692	Peter Knowles
RR-0693	Peter Lea
RR-0694	Peter Marriott
RR-0695	Peter Morgan
RR-0696	Peter Owens
RR-0697	Peter Robinson
RR-0698	Peter Simon
RR-0699	Peter Smith
RR-0700	Phil Duckworth
RR-0701	Phil Hesketh
RR-0702	Phil Ransom
RR-0703	Philip Anderson
RR-0704	Philip Beh-Mycock
RR-0705	Philip Bennett
RR-0706	Philip Haley

APPENDIX B: EXAMINATION LIBRARY

RR-0707	Philip Hinchliff
RR-0708	Philip Norman Barton
RR-0709	Philip Walthall
RR-0710	Phillip Sargeant
RR-0711	Phillip Wilson
RR-0712	Phoebe Campbell
RR-0713	Poppy Simon
RR-0714	Prof. Antony D'Emanuele
RR-0715	Professor Michael Corcoran
RR-0716	Professor Wesley Vernon
RR-0717	Public Health England
RR-0718	R Blair
RR-0719	Rachael Chard
RR-0720	Rachael Fullard
RR-0721	Rachel Croft
RR-0722	Rachel Downham
RR-0723	Rachel Vernon
RR-0724	Raimond Burgess
RR-0725	Ray Collins
RR-0726	Ray Metcalfe-Smith
RR-0727	Raymond Barker
RR-0728	Rebecca Orchard
RR-0729	Richard Boffey
RR-0730	Richard D Wilson
RR-0731	Richard Dean
RR-0732	Richard Gibson
RR-0733	Richard Hallows
RR-0734	Richard Hawker
RR-0735	Richard Holland
RR-0736	Richard Jones
RR-0737	Richard Leyshon
RR-0738	Richard Malkin
RR-0739	Richard Moss
RR-0740	Richard Parker
RR-0741	Richard Streck
RR-0742	Richard Stubbs
RR-0743	Richard W J Tonkin
RR-0744	Richard Wilson
RR-0745	Richard Wood
RR-0746	Rick Wood
RR-0747	Rob Haycock
RR-0748	Robert Blair
RR-0749	Robert Coggin
RR-0750	Robert Faulkner
RR-0751	Robert Hodgetts Haley on behalf of High Peak Green Party
RR-0752	Robert Kenworthy
RR-0753	Robert Montgomery
RR-0754	Robert Naylor
RR-0755	Robert Peter Rickards

APPENDIX B: EXAMINATION LIBRARY

RR-0756	Robert Quarmby
RR-0757	Robin Baldry
RR-0758	Robin Barker
RR-0759	Rod Martin
RR-0760	Roderick Lloyd Gray
RR-0761	Rodney B Gilmour
RR-0762	Roger Barrett
RR-0763	Roger Gladwell
RR-0764	Roger Horne
RR-0765	Roger Wilkinson
RR-0766	Roger Womack
RR-0767	Rosalind Hardy
RR-0768	Roy Barton
RR-0769	Roy Calder
RR-0770	Roy Ibbotson
RR-0771	Roy Ladyko
RR-0772	Russell Baker
RR-0773	Russell Gard
RR-0774	Ruth George
RR-0775	Ruth Pothecary
RR-0776	Ruth Terry
RR-0777	Ryan Mountford
RR-0778	S J Hunter
RR-0779	S J Hunter
RR-0780	S M Hardy
RR-0781	S Stott
RR-0782	S Walsh
RR-0783	Sam Hardy
RR-0784	Samantha Bennett
RR-0785	Samantha Ratcliff
RR-0786	Samuel McNeice
RR-0787	Sandra Weedon
RR-0788	Sandra Wray
RR-0789	Sarah Beard
RR-0790	Sarah Broadbent
RR-0791	Sarah Carter
RR-0792	Savills (UK) Ltd (Savills (UK) Ltd) on behalf of Crossways Commercial Estates Ltd
RR-0793	Savills (UK) Ltd (Savills (UK) Ltd) on behalf of Mr D Radford
RR-0794	Savills on behalf of Trustees of Mrs E Bissill's Marriage Settlement
RR-0795	Shabnam Rani
RR-0796	Sharefirst My Journey to School
RR-0797	Sharon Coombs
RR-0798	Sharon Jones
RR-0799	Sharon Nichols
RR-0800	Sheffield Climate Alliance
RR-0801	Sheffield Green Party
RR-0802	Sheila Bailey

APPENDIX B: EXAMINATION LIBRARY

RR-0803	Sheila Saunders
RR-0804	Shirley Brown
RR-0805	Simon Bellis
RR-0806	Simon Cadogan
RR-0807	Simon Hollinghurst
RR-0808	Simon Hunt
RR-0809	Simon Hurrell
RR-0810	Simon Turner
RR-0811	Simon Unwin
RR-0812	Sonia Tarr
RR-0813	Sophie Leech
RR-0814	Sport England
RR-0815	Stacey Martin
RR-0816	Stephanie Haley
RR-0817	Stephanie Tierney
RR-0818	Stephen Bagshaw
RR-0819	Stephen Christie
RR-0820	Stephen Darragh
RR-0821	Stephen Ellingham
RR-0822	Stephen Ellingham
RR-0823	Stephen Hague
RR-0824	Stephen Ian Blakemore
RR-0825	Stephen Marsden
RR-0826	Stephen Mason
RR-0827	Stephen Oswald
RR-0828	Stephen Robinson
RR-0829	Stephen Webster
RR-0830	Stephen Yorke
RR-0831	Steve Casey
RR-0832	Steve Curtis
RR-0833	Steve Foote
RR-0834	Steve Hitchmough
RR-0835	Steve Lomas
RR-0836	Steven Ellis
RR-0837	Steven H Tinsley
RR-0838	Steven Hall
RR-0839	Steven Howarth
RR-0840	Steven Leahy
RR-0841	Stewart Taylor
RR-0842	Stewart Winterbottom
RR-0843	Stuart Braddock
RR-0844	Stuart Broadhurst
RR-0845	Stuart Clarke
RR-0846	Stuart Daly
RR-0847	Stuart Elliott
RR-0848	Stuart Goussetis
RR-0849	Stuart O'Connor
RR-0850	Stuart Roberts
RR-0851	Sue Dow
RR-0852	Sue Moyes

APPENDIX B: EXAMINATION LIBRARY

RR-0853	Susan Bennett
RR-0854	Susan fridlington
RR-0855	Susan Hall
RR-0856	Susan Jones
RR-0857	Susan Leeson
RR-0858	Susan Parkes
RR-0859	Susan Stott
RR-0860	Suzanne Kidd
RR-0861	Tameside Metropolitan Borough Council
RR-0862	Terence Cross
RR-0863	Terence Newman
RR-0864	Terry Barber
RR-0865	Terry Collins
RR-0866	Terry Hermitage
RR-0867	Thomas Hopkins
RR-0868	Thomas Kassar
RR-0869	Thomas Power
RR-0870	Thomas Wheeler
RR-0871	Tim Hoggard
RR-0872	Tim Ibbotson
RR-0873	Tom Choularton
RR-0874	Tom Hodgson
RR-0875	Tom Hughes
RR-0876	Tom Miller
RR-0877	Tony England
RR-0878	Tracy Welford
RR-0879	Trans Pennine Trail
RR-0880	Transport Action Network
RR-0881	Trevor Birchall
RR-0882	Trevor Cooke
RR-0883	Trevor Hoyland
RR-0884	Trevor Hoyland
RR-0885	Trevor Williams
RR-0886	Trudy Phillips
RR-0887	Udo Pope on behalf of Peak and Northern Footpaths Society
RR-0888	Val Trivett
RR-0889	Valerie Wolstenholme
RR-0890	Vanessa Mccallum
RR-0891	Vera Linda Mellor
RR-0892	Victoria Gaffney
RR-0893	Vincent Dineen
RR-0894	Wanda Power
RR-0895	Wayne Latham
RR-0896	Wayne Latham
RR-0897	Wendy Willoughby
RR-0898	William Adair
RR-0899	William George Joseph Owen Russell
RR-0900	William Martin
RR-0901	William Mather

APPENDIX B: EXAMINATION LIBRARY

RR-0902	William Owen Russell
RR-0903	William Pickup
RR-0904	William Taylor
RR-0905	Yasir Hayat
RR-0906	Zakida Bi
RR-0907	Zara Fernley
RR-0908	Zhiyuan Shao
RR-0909	Zoë Walker
Procedural Decisions and Notifications from the Examining Authority	
PD-001	Notification of Decision to Accept Application
PD-002	Section 55 Checklist
PD-003	Section 51 advice to the Applicant
PD-004	Notification of the appointment of the Examining Authority
PD-005	Initial Assessment of the Principal Issues prepared under section 88(1) of the Planning Act 2008
PD-006	Rule 6 letter - Notification of the Preliminary Meeting and matters to be discussed
PD-007	Rule 8 – Notification of timetable for the Examination
PD-008	Examining Authority's draft Written Questions (dWQ1)
PD-009	The Examining Authority's First Written Questions and requests for information - Issued on 16 December 2021
PD-010	Rules 13, 16 and 17 - Notification of February Hearings
PD-011	Rules 13 and 16 - Notification of April Hearings and other Procedural Decisions
PD-012	The Examining Authority's Second Written Questions and requests for information - Issued on 2 March 2022
PD-013	Rules 13 and 14 - Notification of April Hearings and other Procedural Decisions
PD-014	Report on the Implications for European Sites (RIES) Issued by the Examining Authority – 28 March 2022
PD-015	Rule 8 (3)– Variation to Examination Timetable
PD-016	The Examining Authority's schedule of changes to the Applicant's draft Development Consent Order
PD-017	The Examining Authority's Third Written Questions and requests for information - Issued on Friday 6 May 2022
PD-018	Notification of completion of Examination
Additional Submissions	
AS-001	Historic England Additional Submission accepted at the discretion of the Examining Authority
AS-002	Christopher Hill Additional Submission accepted at the discretion of the Examining Authority
AS-003	Hayley Simpson Late Procedural Deadline submission that also addresses merits of the application - Additional Submission accepted at the discretion of the Examining Authority

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AS-004	Peter Simon Procedural Deadline submission addressing merits of the application - Additional Submission accepted at the discretion of the Examining Authority
AS-005	National Highways (formerly Highways England) Additional Submission accepted at the discretion of the Examining Authority – Buildings for which rights are to be acquired plan
AS-006	National Highways (formerly Highways England) Additional Submission accepted at the discretion of the Examining Authority - Our Site and Landscape patterns from Design Review Panel July 2020
AS-007	CPRE Peak District and South Yorkshire Branch Additional Submission accepted at the discretion of the Examining Authority
AS-008	Climate Emergency Policy and Planning (CEPP) Additional Submission accepted at the discretion of the Examining Authority
AS-009	National Highways (formerly Highways England) Additional Submission accepted at the discretion of the Examining Authority - Cover Letter dated 13 May 2022
AS-010	National Highways (formerly Highways England) Additional Submission accepted at the discretion of the Examining Authority - 8.4 Draft Statement of Common Ground with Transport for Greater Manchester - Revision 3.0
AS-011	National Highways (formerly Highways England) Additional Submission accepted at the discretion of the Examining Authority - 9.91 Applicant's response to the letter to the Examining Authority from Interested Parties submitted at Deadline 10 - Revision 1.0
AS-012	G R Hollins Additional Submission – Non-Interested Party Submission accepted at the discretion of the Examining Authority
Events and Hearings	
Accompanied and Unaccompanied Site Inspections, the Preliminary Meeting and Hearings	
EV-001	Note of Unaccompanied Site Inspection – 21 and 22 September 2021
EV-002	Preliminary Meeting and Open Floor Hearing Updated Agendas - 9 November 2021
EV-003	Recording of Preliminary Meeting 1 - Session 1 - 16 November 2021
EV-004	Preliminary Meeting 1 - Session 1 - Transcript - 16 November 2021 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-005	Recording of Preliminary Meeting 1 - Session 2 - 16 November 2021

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EV-006	Preliminary Meeting 1 - Session 2 - Transcript - 16 November 2021 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-007	Recording of Preliminary Meeting 1 - Session 3 - 16 November 2021
EV-008	Preliminary Meeting 1 - Session 3 - Transcript - 16 November 2021 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-009	Recording of Open Floor Hearing 1 - Session 1 - 18 November 2021
EV-010	Open Floor Hearing 1 - Session 1 - Transcript - 18 November 2021 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-011	Preliminary Meeting Note
EV-012	Note of Unaccompanied Site Inspection - 12 to 14 January 2022
EV-013	Agenda for Compulsory Acquisition Hearing 1 (CAH1) - February 2022
EV-014	Agenda for Issue Specific Hearing 1 (ISH1) - February 2022
EV-015	Agenda for Issue Specific Hearing 2 (ISH2) - February 2022
EV-016	Recording of Issue Specific Hearing 1 - Session 1 - 8 February 2022
EV-017	Issue Specific Hearing 1 (Session 1) - Transcript - 8 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-018	Recording of Issue Specific Hearing 1 - Session 2 - 8 February 2022
EV-019	Issue Specific Hearing 1 (Session 2) - Transcript - 8 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-020	Recording of Compulsory Acquisition Hearing 1 - Session 1 - 8 February 2022
EV-021	Compulsory Acquisition Hearing 1 (Session 1) - Transcript - 8 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-022	Recording of Issue Specific Hearing 2 - Session 1 - 9 February 2022

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EV-023	Issue Specific Hearing 2 (Session 1) - Transcript - 9 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-024	Recording of Issue Specific Hearing 2 - Session 2 - 9 February 2022
EV-025	Issue Specific Hearing 2 (Session 2) - Transcript - 9 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-026	Recording of Issue Specific Hearing 2 - Session 3 - 9 February 2022
EV-027	Issue Specific Hearing 2 (Session 3) - Transcript - 9 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-028	Recording of Issue Specific Hearing 2 - Session 4 - 9 February 2022
EV-029	Issue Specific Hearing 2 (Session 4) - Transcript - 9 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-030	Recording of Issue Specific Hearing 2 - Session 5 - 9 February 2022
EV-031	Issue Specific Hearing 2 (Session 5) - Transcript - 9 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-032	Recording of Issue Specific Hearing 2 - Day 2 - Session 1 - 10 February 2022
EV-033	Issue Specific Hearing 2 - Day 2 (Session 1) - Transcript - 10 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-034	Recording of Issue Specific Hearing 2 - Day 2 (Session 2) - Audio - 10 February 2022
EV-035	Issue Specific Hearing 2 - Day 2 (Session 2) - Transcript - 10 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-036	Recording of Issue Specific Hearing 2 - Day 2 - Session 3 - 10 February 2022

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EV-037	Issue Specific Hearing 2 - Day 2 (Session 3) - Transcript - 10 February 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-038	Agenda for Compulsory Acquisition Hearing 2 (CAH2) - April 2022
EV-039	Agenda for Issue Specific Hearing 3 (ISH3) - April 2022
EV-040	Agenda for Issue Specific Hearing 4 (ISH4) - April 2022
EV-041	Issue Specific Hearing 3 (Session 1) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-042	Issue Specific Hearing 3 (Session 2) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-043	Issue Specific Hearing 3 (Session 3) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-044	Issue Specific Hearing 3 (Session 4) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-045	Issue Specific Hearing 3 (Session 5) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-046	Issue Specific Hearing 3 (Session 6) - Transcript - 5 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-047	Issue Specific Hearing 3 - Day 2 (Session 1) - Transcript - 6 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-048	Issue Specific Hearing 3 - Day 2 (Session 2) - Transcript - 6 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-049	Compulsory Acquisition Hearing 2 (Session 1) - Transcript - 6 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.

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EV-050	Issue Specific Hearing 4 (Session 1) - Transcript - 6 April 2022 This document is intended to assist Interested Parties, it is not verbatim. The content is produced using artificial intelligence voice to text and is unedited.
EV-051	Recording of Issue Specific Hearing 3 - Session 1 - 5 April 2022
EV-052	Recording of Issue Specific Hearing 3 - Session 2 - 5 April 2022
EV-053	Recording of Issue Specific Hearing 3 - Session 3 - 5 April 2022
EV-054	Recording of Issue Specific Hearing 3 - Session 4 - 5 April 2022
EV-055	Recording of Issue Specific Hearing 3 - Session 5 - 5 April 2022
EV-056	Recording of Issue Specific Hearing 3 - Session 6 - 5 April 2022
EV-057	Recording of Issue Specific Hearing 3 - Day 2 - Session 1 - 6 April 2022
EV-058	Recording of Issue Specific Hearing 3 - Day 2 - Session 2 - 6 April 2022
EV-059	Recording of Compulsory Acquisition Hearing 2 - Session 1 - 6 April 2022
EV-060	Recording of Issue Specific Hearing 4 - Session 1 - 6 April 2022
EV-061	Note of Unaccompanied Site Inspection - 3 to 4 April 2022
Representations	
Procedural Deadline - 1 November 2021	
Deadline for receipt by the ExA of:	
<ul style="list-style-type: none"> • Written submissions about how the application should be examined, including the draft Examination Timetable and the use of virtual methods at the Preliminary Meeting and Open Floor Hearing 1; • Requests to make oral submissions at the Preliminary Meeting; • Requests to make oral submissions at Open Floor Hearing 1 	
PDL-001	National Highways (formerly Highways England) Procedural Deadline - Written submission about how the application should be examined
PDL-002	CPRE Peak District and South Yorkshire Branch Procedural Deadline - Written submission about how the application should be examined
PDL-003	Derbyshire County Council Procedural Deadline - Written submission about how the application should be examined
PDL-004	Peak District National Park Authority Procedural Deadline - Written submission about how the application should be examined
PDL-005	Savills on behalf of Crossways Commercial Estates Ltd and David Radford Procedural Deadline - Request to attend the Preliminary Meeting and Open Floor Hearing 1

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PDL-006	Daniel Wimberley Procedural Deadline - Written submission about how the application should be examined
PDL-007	Hayley Simpson Procedural Deadline - Written submission about how the application should be examined
PDL-008	Hayley Simpson Procedural Deadline - Request to make oral submissions at Open Floor Hearing 1
PDL-009	Michaela Bromley Procedural Deadline - Written submission about how the application should be examined and request for Compulsory Acquisition Hearing
PDL-010	Michaela Bromley Procedural Deadline - Request to make oral submissions at Open Floor Hearing 1
PDL-011	Peter Simon Procedural Deadline - Written submission about how the application should be examined
PDL-012	High Peak Green New Deal Procedural Deadline - Request to make oral submissions at Open Floor Hearing 1 - Accepted as a late submission at the discretion of the Examining Authority
<p>Deadline 1 – 1 December 2021</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • written summaries of oral submissions at hearings; • post-hearing submissions requested by the ExA; • comments on Relevant Representations and other written submissions received after the registration of Interested Parties closed on 16 September 2021; • notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held; • the Applicant's updated: <ul style="list-style-type: none"> o draft Development Consent Order o Explanatory Memorandum o Book of Reference o Statement of Reasons o Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections o Summary of progress in securing other consents o Tracker identifying the latest versions of the Applicant's submission documents 	
REP1-001	National Highways (formerly Highways England) Deadline 1 Submission - Cover Letter
REP1-002	National Highways (formerly Highways England) Deadline 1 Submission - 2.3 Work Plans

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REP1-003	National Highways (formerly Highways England) Deadline 1 Submission - 2.4 Streets, Rights of Way and Access Plans
REP1-004	National Highways (formerly Highways England) Deadline 1 Submission - 2.5 Speed Limits and Traffic Regulations Plans
REP1-005	National Highways (formerly Highways England) Deadline 1 Submission - 2.7 Engineering Drawings and Sections Plans
REP1-006	National Highways (formerly Highways England) Deadline 1 Submission - 2.8 Temporary Works Plans
REP1-007	National Highways (formerly Highways England) Deadline 1 Submission - 2.11 Classifications of Road Plans
REP1-008	National Highways (formerly Highways England) Deadline 1 Submission - 2.12 Culvert and Drainage Plans
REP1-009	National Highways (formerly Highways England) Deadline 1 Submission - 3.3 Consents and Agreements Position Statement
REP1-010	National Highways (formerly Highways England) Deadline 1 Submission - 4.1 Statement of Reasons
REP1-011	National Highways (formerly Highways England) Deadline 1 Submission - 4.3 Book of Reference
REP1-012	National Highways (formerly Highways England) Deadline 1 Submission - 5.1 Consultation Report - Appendix B The Infrastructure Planning (EIA Regulations) 2017: Regulation 8(1) Letter to the Inspectorate & Acknowledgement
REP1-013	National Highways (formerly Highways England) Deadline 1 Submission - 5.5 Flood Risk Assessment
REP1-014	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapters 1-4: Introductory Chapters
REP1-015	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 6: Cultural Heritage
REP1-016	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 8: Biodiversity
REP1-017	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 11: Noise and Vibration
REP1-018	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 12: Population and Human Health
REP1-019	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 14: Climate
REP1-020	National Highways (formerly Highways England) Deadline 1 Submission - 6.3 Environmental Statement - Chapter 15: Cumulative Effects

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REP1-021	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 5.5: Air Quality Results – Human Health and Ecological Receptors
REP1-022	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.7: Operation Phase Do Minimum Opening Year Daytime Noise Levels
REP1-023	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.8: Operation Phase Do Something Opening Year Daytime Noise Levels
REP1-024	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.9: Operation Phase Do Minimum Future Year Daytime Noise Levels
REP1-025	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.10: Operation Phase Do Something Future Year Daytime Noise Levels
REP1-026	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement Figure 11.11 - Operation Phase Short Term Change (DSOY-DMOY)
REP1-027	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement Figure 11.12 - Operation Phase Long Term Change with Scheme (DMFY-DMOY)
REP1-028	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement Figure 11.13 - Operation Phase Long Term Change without Scheme (DSFY-DMOY)
REP1-029	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement Figure 11.14 - Operation Phase Do Minimum Opening Year Night Noise Level
REP1-030	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.15: Operation Phase Do Something Opening Year Night Noise Levels
REP1-031	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.16: Operation Phase Do Minimum Future Year Night Noise Levels
REP1-032	National Highways (formerly Highways England) Deadline 1 Submission - 6.4 Environmental Statement - Figure 11.17: Operation Phase Do Something Future Year Night Noise Levels
REP1-033	National Highways (formerly Highways England) Deadline 1 Submission - 6.5 Environmental Assessment - Appendix 6.1: Cultural Heritage Desk Based Assessment

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REP1-034	National Highways (formerly Highways England) Deadline 1 Submission - 6.5 Environmental Statement - Appendix 6.2: Archaeology Scope of Works and Written Scheme of Assessment
REP1-035	National Highways (formerly Highways England) Deadline 1 Submission - 6.5 Environmental Statement - Appendix 11.4: Predicted Road Traffic Noise Levels at Selected Representative Locations
REP1-036	National Highways (formerly Highways England) Deadline 1 Submission - 7.1 Case for the Scheme
REP1-037	National Highways (formerly Highways England) Deadline 1 Submission - 7.3 Register of Environmental Actions and Commitments
REP1-038	National Highways (formerly Highways England) Deadline 1 Submission - 7.5 Outline Traffic Management Plan
REP1-039	National Highways (formerly Highways England) Deadline 1 Submission - 9.1 Guide to the Application
REP1-040	National Highways (formerly Highways England) Deadline 1 Submission - 9.2 Compulsory Acquisition Schedule
REP1-041	National Highways (formerly Highways England) Deadline 1 Submission - 9.3 Updated draft Development Consent Order (tracked)
REP1-042	National Highways (formerly Highways England) Deadline 1 Submission - 9.5 Comments on Relevant Representations
REP1-043	National Highways (formerly Highways England) Deadline 1 Submission - 9.6 Comments on other written submissions received after the registration of Interested Parties closed on 16 September 2021
REP1-044	Campaign for National Parks Deadline 1 Submission - Response to Procedural Deadline submissions
REP1-045	Daniel Wimberley Deadline 1 Submission - Post-hearing submission requested by the Examining Authority
REP1-046	Derbyshire Climate Coalition Deadline 1 Submission - Response to Procedural Deadline submissions
REP1-047	Gareth Simpson Deadline 1 Submission - Comments on the Proposed Development
REP1-048	Hayley Simpson Deadline 1 Submission - Post-hearing submission requested by the Examining Authority and request for Compulsory Acquisition Hearing
REP1-049	High Peak Green New Deal Deadline 1 Submission - Post-hearing submission requested by the Examining Authority

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REP1-050	John J. Bower Deadline 1 Submission - Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held and comments on the Proposed Development
REP1-051	Hayley Simpson on behalf of Michaela Bromley Deadline 1 Submission - Post-hearing submission requested by the Examining Authority and comments on the Proposed Development
REP1-052	Sharon Jones Deadline 1 Submission - Post-hearing submission requested by the Examining Authority and comments on the Proposed Development
REP1-053	Stephen Bagshaw Deadline 1 Submission - Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held
REP1-054	Warner E Bower Deadline 1 Submission - Notification of wish to speak at a Compulsory Acquisition Hearing or an Open Floor Hearing, or for an Accompanied Site Inspection to be held
<p>Deadline 2 – 14 January 2022</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • responses to the ExA’s First Written Questions; • Written Representations; • Local Impact Reports from local authorities; • Statements of Common Ground; • the Applicant’s proposed itinerary for an Accompanied Site Inspection (if required); • comments on submissions for Deadline 1 	
REP2-001	National Highways (formerly Highways England) Deadline 2 Submission - Cover Letter
REP2-002	National Highways (formerly Highways England) Deadline 2 Submission - 2.6 Scheme Layout Plans
REP2-003	National Highways (formerly Highways England) Deadline 2 Submission - 4.1 Statement of Reasons
REP2-004	National Highways (formerly Highways England) Deadline 2 Submission - 5.3 Habitats Regulations Assessment Screening Report
REP2-005	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapters 1-4: Introductory Chapters
REP2-006	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapter 5: Air Quality

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REP2-007	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapter 7: Landscape and Visual Effects
REP2-008	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapter 8: Biodiversity
REP2-009	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapter 12: Population and Human Health
REP2-010	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Chapter 16: Summary
REP2-011	National Highways (formerly Highways England) Deadline 2 Submission - 6.3 Environmental Statement - Figure 7.2: Local Landscape Character
REP2-012	National Highways (formerly Highways England) Deadline 2 Submission - 6.4 Environmental Statement - Figure 7.9x: Photomontages
REP2-013	National Highways (formerly Highways England) Deadline 2 Submission - 6.4 Environmental Statement - Figure 7.9xi: Photomontages
REP2-014	National Highways (formerly Highways England) Deadline 2 Submission - 6.5 Environmental Statement - Appendix 7.1: Visual Effects Schedule
REP2-015	National Highways (formerly Highways England) Deadline 2 Submission - 6.5 Environmental Statement - Appendix 8.3: Aquatic Ecology
REP2-016	National Highways (formerly Highways England) Deadline 2 Submission - 7.1 Case for the Scheme
REP2-017	National Highways (formerly Highways England) Deadline 2 Submission - 8.2 Draft Statement of Common Ground with Tameside MBC
REP2-018	National Highways (formerly Highways England) Deadline 2 Submission - 8.3 Draft Statement of Common Ground with High Peak Borough Council
REP2-019	National Highways (formerly Highways England) Deadline 2 Submission - 8.4 Draft Statement of Common Ground with Transport for Greater Manchester
REP2-020	National Highways (formerly Highways England) Deadline 2 Submission - 9.1 Guide to the Application
REP2-021	National Highways (formerly Highways England) Deadline 2 Submission - 9.7 Applicant's response to Examining Authority's First Written Questions
REP2-022	National Highways (formerly Highways England) Deadline 2 Submission - 9.9 Applicant's comments on Deadline 1 Submissions First Written Questions
REP2-023	National Highways (formerly Highways England) Deadline 2 Submission - 9.10 Habitats Regulations Assessment Screening Report (Tracked)

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REP2-024	National Highways (formerly Highways England) Deadline 2 Submission - 9.13 Draft Statement of Common Ground with Peak District National Park Authority
REP2-025	National Highways (formerly Highways England) Deadline 2 Submission - 9.14 Draft Statement of Common Ground with Greater Manchester Archaeological Advisory Service
REP2-026	National Highways (formerly Highways England) Deadline 2 Submission - 9.16 Draft Statement of Common Ground with Environment Agency
REP2-027	National Highways (formerly Highways England) Deadline 2 Submission - 9.17 Draft Statement of Common Ground with United Utilities
REP2-028	National Highways (formerly Highways England) Deadline 2 Submission - 9.18 Draft Statement of Common Ground with Natural England
REP2-029	National Highways (formerly Highways England) Deadline 2 Submission - 9.19 Statement of Common Ground with Historic England
REP2-030	National Highways (formerly Highways England) Deadline 2 Submission - 9.20 Draft Statement of Common Ground with Openreach
REP2-031	National Highways (formerly Highways England) Deadline 2 Submission - 9.21 Draft Statement of Common Ground with Cornerstone Telecommunications Infrastructure Limited
REP2-032	National Highways (formerly Highways England) Deadline 2 Submission - 9.22 Draft Statement of Common Ground with Cadent Gas
REP2-033	National Highways (formerly Highways England) Deadline 2 Submission - 9.23 Draft Statement of Common Ground with Electricity North West
REP2-034	National Highways (formerly Highways England) Deadline 2 Submission - 9.24 Draft Statement of Common Ground with National Grid
REP2-035	National Highways (formerly Highways England) Deadline 2 Submission - 9.25 Draft Statement of Common Ground with Derbyshire County Council
REP2-036	National Highways (formerly Highways England) Deadline 2 Submission - 9.26 Environmental Statement - Chapters 1-4: Introductory Chapters (Tracked)
REP2-037	National Highways (formerly Highways England) Deadline 2 Submission - 9.27 Environmental Statement - Chapter 5: Air Quality (Tracked)
REP2-038	National Highways (formerly Highways England) Deadline 2 Submission - 9.28 Environmental Statement - Chapter 7: Landscape and Visual Effects (Tracked)
REP2-039	National Highways (formerly Highways England) Deadline 2 Submission - 9.29 Environmental Statement - Chapter 8: Biodiversity (Tracked)

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REP2-040	National Highways (formerly Highways England) Deadline 2 Submission - 9.30 Environmental Statement - Chapter 12: Population and Human Health (Tracked)
REP2-041	National Highways (formerly Highways England) Deadline 2 Submission - 9.31 Environmental Statement - Chapter 16: Summary (Tracked)
REP2-042	National Highways (formerly Highways England) Deadline 2 Submission - 9.32 Environmental Statement - Appendix 7.1: Visual Effects Schedule (Tracked)
REP2-043	National Highways (formerly Highways England) Deadline 2 Submission - 9.33 Environmental Statement - Appendix 8.3: Aquatic Ecology (Tracked)
REP2-044	National Highways (formerly Highways England) Deadline 2 Submission - Habitats Regulations Assessment Screening Report - Appendix B PINS Screening Matrices
REP2-045	Derbyshire County Council Deadline 2 Submission - Local Impact Report from Derbyshire County Council
REP2-046	High Peak Borough Council Deadline 2 Submission - Local Impact Report from High Peak Borough Council
REP2-047	Tameside Metropolitan Borough Council Deadline 2 Submission - Local Impact Report from Tameside Metropolitan Borough Council
REP2-048	Peak District National Park Authority Deadline 2 Submission - Local Impact Report from The Peak District National Park Authority
REP2-049	Campaign for National Parks Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-050	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-051	Derbyshire County Council Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-052	Environment Agency Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-053	High Peak Borough Council Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-054	Natural England Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-055	Peak District National Park Authority Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)
REP2-056	Tameside Metropolitan Borough Council Deadline 2 Submission - Response to the Examining Authority's First Written Questions (WQ1)

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REP2-057	Derbyshire County Council Deadline 2 Submission - Draft Statement of Common Ground
REP2-058	High Peak Borough Council Deadline 2 Submission - Draft Statement of Common Ground
REP2-059	Anthony Rae Deadline 2 Submission - Written Representation
REP2-060	Bamford with Thornhill Parish Council Deadline 2 Submission - Written Representation
REP2-061	British Mountaineering Council Deadline 2 Submission - Written Representation
REP2-062	Carol Beckett Deadline 2 Submission - Written Representation
REP2-063	Charlotte Farrell Deadline 2 Submission - Written Representation
REP2-064	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representation
REP2-065	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representation Appendix A
REP2-066	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representation Appendix B
REP2-067	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representation Appendix C
REP2-068	Climate Emergency Policy and Planning (CEPP) Deadline 2 Submission - Written Representation Appendix D
REP2-069	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission - Written Representation
REP2-070	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission - Written Representation Appendix A - Car Free Low Carbon Travel for Longdendale and Glossopdale
REP2-071	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission - Written Representation Appendix B - Car Free Low Carbon Travel for Longdendale and Glossopdale: The Green Travel Challenge - A Local Conversation
REP2-072	Daniel Wimberley Deadline 2 Submission - Written Representation
REP2-073	Emeritus Professor Michael Corcoran Deadline 2 Submission - Written Representation
REP2-074	Environment Agency Deadline 2 Submission - Written Representation
REP2-075	High Peak Green New Deal Deadline 2 Submission - Written Representation
REP2-076	High Peak Green Party Deadline 2 Submission - Written Representation
REP2-077	John Pasiiecznik Deadline 2 Submission - Written Representation
REP2-078	National Grid Deadline 2 Submission - Written Representation
REP2-079	National Trust Deadline 2 Submission - Written Representation
REP2-080	Natural England Deadline 2 Submission - Written Representation

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REP2-081	Paul Saunders Deadline 2 Submission - Written Representation
REP2-082	Peter Simon Deadline 2 Submission - Written Representations and Appendices
REP2-083	Poppy Simon Deadline 2 Submission - Written Representation
REP2-084	Savills (UK) Ltd on behalf of Crossways Commercial Estates LTD Deadline 2 Submission - Written Representation
REP2-085	Sharefirst My Journey to School Deadline 2 Submission - Written Representation
REP2-086	Sheila Saunders Deadline 2 Submission - Written Representation
REP2-087	South Yorkshire Climate Alliance (formerly Sheffield Climate Alliance) Deadline 2 Submission - Written Representation
REP2-088	Stephen Bagshaw Deadline 2 Submission - Written Representations and Appendices
REP2-089	Stephen Bagshaw Deadline 2 Submission - Comments on the Proposed Development
REP2-090	CPRE Peak District and South Yorkshire Branch Deadline 2 Submission - Cover Letter, Trans-Pennine Upgrade Stage 3 combined modelling and appraisal report, A57 Economic appraisal package, A57 Transport modelling package and A57 Transport forecasting Package reports
REP2-091	Chris Oldham Deadline 2 Submission – Non-Interested Party submission accepted at the discretion of the Examining Authority
<p>Deadline 3 – 26 January 2022</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • requests to be make oral submissions at hearing(s) in February 2022; • comments on submissions for Deadline 2 • the Applicant’s updated: • draft Development Consent Order • Explanatory Memorandum • Book of Reference • Statement of Reasons • Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections • Summary of progress in securing other consents • Tracker identifying the latest versions of the Applicant’s submission documents 	
REP3-001	National Highways (formerly Highways England) Deadline 3 Submission - Cover Letter
REP3-002	National Highways (formerly Highways England) Deadline 3 Submission - 3.1 Draft Development Consent Order
REP3-003	National Highways (formerly Highways England) Deadline 3 Submission - 3.2 Explanatory Memorandum

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REP3-004	National Highways (formerly Highways England) Deadline 3 Submission - 5.4 Water Framework Directive
REP3-005	National Highways (formerly Highways England) Deadline 3 Submission - 5.5 Flood Risk Assessment
REP3-006	National Highways (formerly Highways England) Deadline 3 Submission - 6.3 Environmental Statement - Chapter 5: Air Quality
REP3-007	National Highways (formerly Highways England) Deadline 3 Submission - 6.3 Environmental Statement - Chapter 11: Noise and Vibration
REP3-008	National Highways (formerly Highways England) Deadline 3 Submission - 6.3 Environmental Statement - Chapter 13: Road Drainage and the Water Environment
REP3-009	National Highways (formerly Highways England) Deadline 3 Submission - 6.4 Environmental Statement - Figure 7.9x: Photomontages
REP3-010	National Highways (formerly Highways England) Deadline 3 Submission - 7.2 Environmental Management Plan and Annexes
REP3-011	National Highways (formerly Highways England) Deadline 3 Submission - 9.1 Guide to the Application
REP3-012	National Highways (formerly Highways England) Deadline 3 Submission - 9.2 Compulsory Acquisition Schedule
REP3-013	National Highways (formerly Highways England) Deadline 3 Submission - 9.3 Draft DCO showing all changes since the previous submitted version (tracked)
REP3-014	National Highways (formerly Highways England) Deadline 3 Submission - 9.8 Draft DCO showing all changes since the Application version (tracked) First Written Questions
REP3-015	National Highways (formerly Highways England) Deadline 3 Submission - 9.27 Environmental Statement Chapter 5 Air Quality (Tracked)
REP3-016	National Highways (formerly Highways England) Deadline 3 Submission - 9.34 Schedule of changes to Draft Development Consent Order
REP3-017	National Highways (formerly Highways England) Deadline 3 Submission - 9.35 Schedule of Progress in relation to S127 and S138 (In response to Written Question 15.2)
REP3-018	National Highways (formerly Highways England) Deadline 3 Submission - 9.36 Comments on Local Impact Report submitted by Derbyshire County Council and High Peak Borough Council
REP3-019	National Highways (formerly Highways England) Deadline 3 Submission - 9.37 Comments on Local Impact Report Submitted by Tameside Metropolitan Borough Council
REP3-020	National Highways (formerly Highways England) Deadline 3 Submission - 9.38 Applicants comments on Written Representations
REP3-021	National Highways (formerly Highways England) Deadline 3 Submission - 9.39 Applicants comments on Written Questions Responses

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REP3-022	National Highways (formerly Highways England) Deadline 3 Submission - 9.40 Outline Landscape and Ecological Management and Monitoring Plan
REP3-023	National Highways (formerly Highways England) Deadline 3 Submission - 9.41 Water Framework Directive (Tracked)
REP3-024	National Highways (formerly Highways England) Deadline 3 Submission - 9.42 Flood Risk Assessment (Tracked)
REP3-025	National Highways (formerly Highways England) Deadline 3 Submission - 9.43 Environmental Statement - Appendix 13.2: Hydrogeology Risk Assessment
REP3-026	National Highways (formerly Highways England) Deadline 3 Submission - 9.44 Environmental Statement - Chapter 11: Noise and Vibration (Tracked)
REP3-027	National Highways (formerly Highways England) Deadline 3 Submission - 9.45 Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked)
REP3-028	National Highways (formerly Highways England) Deadline 3 Submission - 9.46 Comments on Local Impact Report submitted by Peak District National Park Authority
REP3-029	National Highways (formerly Highways England) Deadline 3 Submission - 9.47 Environmental Management Plan (First Iteration) (Tracked)
REP3-030	Anthony Rae Deadline 3 Submission - Comments on Submissions for Deadline 2
REP3-031	CPRE Peak District and South Yorkshire Branch Deadline 3 Submission - Comments on Submissions for Deadline 2
REP3-032	Daniel Wimberley Deadline 3 Submission - Comments on Submissions for Deadline 2 and request to attend Issue Specific Hearing
REP3-033	CPRE Peak District and South Yorkshire Branch Deadline 3 Submission - Request for an Accompanied Site Inspection
REP3-034	High Peak Green New Deal Deadline 3 Submission - Endorsement of submission from CPRE Peak District and South Yorkshire Branch
REP3-035	High Peak Green Party Deadline 3 Submission - Endorsement of submission from CPRE Peak District and South Yorkshire Branch
REP3-036	Peak District National Park Authority Deadline 3 Submission - Request to attend Issue Specific Hearing or Open Floor Hearing and comments on the Proposed Development
REP3-037	Environment Agency Deadline 3 Submission - Late submission accepted at the discretion of the Examining Authority - Comments on the Applicant's Deadline 2 response to Examining Authority's First Written Questions (WQ1)

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Deadline 4 – 16 February 2022	
For receipt by the ExA of:	
<ul style="list-style-type: none"> • any outstanding comments on Written Representations received for Deadline 2; • written summaries of oral submissions at hearing(s); • post-hearing submissions requested by the ExA 	
REP4-001	National Highways (formerly Highways England) Deadline 4 Submission - Cover Letter
REP4-002	National Highways (formerly Highways England) Deadline 4 Submission - Noise map with Footpath Locations
REP4-003	National Highways (formerly Highways England) Deadline 4 Submission - 9.1 Guide to the Application
REP4-004	National Highways (formerly Highways England) Deadline 4 Submission - 9.19 Statement of Common Ground with Historic England
REP4-005	National Highways (formerly Highways England) Deadline 4 Submission - 9.48 Outstanding comments on Written Representations
REP4-006	National Highways (formerly Highways England) Deadline 4 Submission - 9.49 Written submission of Applicant's case at Issue Specific Hearing 1
REP4-007	National Highways (formerly Highways England) Deadline 4 Submission - 9.50 Written summary of Applicant's case at Compulsory Acquisition Hearing 1
REP4-008	National Highways (formerly Highways England) Deadline 4 Submission - 9.51 Written summary of Applicant's case at Issue Specific Hearing 2
REP4-009	National Highways (formerly Highways England) Deadline 4 Submission - 9.52 Applicants comments on CPRE Peak District and South Yorkshire Written Representations
REP4-010	Derbyshire County Council Deadline 4 Submission - Written Summary of oral submissions at hearings and post-hearing written submissions requested by the Examining Authority
REP4-011	High Peak Borough Council Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority
REP4-012	Peak District National Park Authority Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority
REP4-013	Anthony Rae Deadline 4 Submission - Written summaries of oral submissions at hearings
REP4-014	Carole Hallam on behalf of Sharefirst My Journey to School Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority

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REP4-015	CPRE Peak District and South Yorkshire Branch Deadline 4 Submission - Written Summary of oral submissions at hearings and post-hearing written submissions requested by the Examining Authority
REP4-016	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 4 Submission - Comments on CPRE Peak District and South Yorkshire's Deadline 2 submission
REP4-017	Derbyshire Climate Coalition Deadline 4 Submission - Response to submissions made at Deadline 2
REP4-018	Emma Kane Deadline 4 Submission - Comments on the Proposed Development
REP4-019	Environment Agency Deadline 4 Submission - Comments on Deadline 3 submissions
REP4-020	Environment Agency Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority
REP4-021	Hayley Simpson on behalf of Michaela Bromley Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority in lieu of attendance
REP4-022	Jamie Douglas on behalf of Robert Largan MP Deadline 4 Submission - Request to speak at Open Floor Hearing
REP4-023	John Pasiiecznik Deadline 4 Submission - Written summaries of oral submissions at hearings
REP4-024	National Trust Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority in lieu of attendance
REP4-025	Natural England Deadline 4 Submission - Post-hearing submissions requested by the Examining Authority in lieu of attendance
REP4-026	Peter Simon Deadline 4 Submission - Comments on the Applicant responses to Deadline 2 submission and comments on the proposed development
REP4-027	Stephen Bagshaw Deadline 4 Submission - Comments on Deadline 3 submissions and post hearing submission requested by the Examining Authority
REP4-028	Warner E Bower Deadline 4 Submission - Written Summary of oral submissions at hearings and post-hearing written submissions requested by the Examining Authority
REP4-029	Stephen Bagshaw Deadline 4 Submission - Late submission accepted at the discretion of the Examining Authority - Further comments on the Proposed Development in relation to previous Deadline submissions

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REP4-030	High Peak Green New Deal Deadline 4 Submission - Late submission accepted at the discretion of the Examining Authority - Comments on the proposed Development
REP4-031	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 4 Submission - Written Summary of oral submissions at hearings and post-hearing written submissions requested by the Examining Authority
<p>Deadline 5 – 23 February 2022</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • the Applicant’s updated: • draft Development Consent Order • Explanatory Memorandum • Book of Reference • Statement of Reasons • Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections • Summary of progress in securing other consents • Tracker identifying the latest versions of the Applicant’s submission documents • comments on submissions for Deadlines 3 and 4 	
REP5-001	National Highways (formerly Highways England) Deadline 5 Submission - Cover Letter
REP5-002	National Highways (formerly Highways England) Deadline 5 Submission - 2.3 Work Plans
REP5-003	National Highways (formerly Highways England) Deadline 5 Submission - 2.4 Streets, Rights of Way and Access Plans
REP5-004	National Highways (formerly Highways England) Deadline 5 Submission - 2.6 Scheme Layout Plans
REP5-005	National Highways (formerly Highways England) Deadline 5 Submission - 2.7 Engineering Drawings and Sections Plans
REP5-006	National Highways (formerly Highways England) Deadline 5 Submission - 3.1 Draft Development Consent Order
REP5-007	National Highways (formerly Highways England) Deadline 5 Submission - 3.2 Explanatory Memorandum
REP5-008	National Highways (formerly Highways England) Deadline 5 Submission - 4.1 Statement of Reasons
REP5-009	National Highways (formerly Highways England) Deadline 5 Submission - 4.3 Book of Reference
REP5-010	National Highways (formerly Highways England) Deadline 5 Submission - 5.5 Flood Risk Assessment
REP5-011	National Highways (formerly Highways England) Deadline 5 Submission - 6.3 Environmental Statement - Chapter 13: Road Drainage and the Water Environment
REP5-012	National Highways (formerly Highways England) Deadline 5 Submission - 7.3 Register of Environmental Actions and Commitments

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REP5-013	National Highways (formerly Highways England) Deadline 5 Submission - 9.1 Guide to the Application
REP5-014	National Highways (formerly Highways England) Deadline 5 Submission - 9.2 Compulsory Acquisition Schedule
REP5-015	National Highways (formerly Highways England) Deadline 5 Submission - 9.3 Draft Development Consent Order showing all changes since the previous submitted version (tracked)
REP5-016	National Highways (formerly Highways England) Deadline 5 Submission - 9.8 draft Development Consent Order showing all changes since the Application version (Tracked)
REP5-017	National Highways (formerly Highways England) Deadline 5 Submission - 9.34 Schedule of changes to draft Development Consent Order
REP5-018	National Highways (formerly Highways England) Deadline 5 Submission - 9.40 Outline Landscape and Ecological Management and Monitoring Plan
REP5-019	National Highways (formerly Highways England) Deadline 5 Submission - 9.42 Flood Risk Assessment (Tracked)
REP5-020	National Highways (formerly Highways England) Deadline 5 Submission - 9.45 Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked)
REP5-021	National Highways (formerly Highways England) Deadline 5 Submission - 9.53 Applicants comments on Deadline 3 submissions
REP5-022	National Highways (formerly Highways England) Deadline 5 Submission - 9.54 Applicants comments on Deadline 4 submissions
REP5-023	National Highways (formerly Highways England) Deadline 5 Submission - 9.56 Outline Carbon Management Plan
REP5-024	National Highways (formerly Highways England) Deadline 5 Submission - 9.57 Book of Reference (Tracked)
REP5-025	National Highways (formerly Highways England) Deadline 5 Submission - 9.58 Schedule of Change to the Book of Reference
REP5-026	National Highways (formerly Highways England) Deadline 5 Submission - 9.59 Applicant's response to Issue Specific Hearing 2 Item 6 c) and d) Cumulative Carbon Assessment
REP5-027	Charlotte Farrell Deadline 5 Submission - Comments on submissions for Deadlines 3 and 4
REP5-028	CPRE Peak District and South Yorkshire Branch Deadline 5 Submission - Response to National Highways comments on CPRE Peak District and South Yorkshire Branch's Written Representation
REP5-029	CPRE Peak District and South Yorkshire Branch Deadline 5 Submission - Responses to Deadline 4 submissions and comments on Issue Specific Hearing 2

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REP5-030	Tameside Metropolitan Borough Council Deadline 5 Submission - Post-hearing submission requested by the Examining Authority - Comments on Issue Specific Hearing 1 Items
REP5-031	Tameside Metropolitan Borough Council Deadline 5 Submission - Post-hearing submission requested by the Examining Authority - Comments on Issue Specific Hearing 2 Items
REP5-032	Tameside Metropolitan Borough Council Deadline 5 Submission - Post-hearing submission requested by the Examining Authority - Comments on Compulsory Acquisition Hearing 1 Items
REP5-033	Tameside Metropolitan Borough Council Deadline 5 Submission - Comments on submissions for Deadlines 3 and 4
REP5-034	Derbyshire County Council Deadline 5 Submission - Post-hearing written submissions requested by the Examining Authority
REP5-035	High Peak Borough Council Deadline 5 Submission - Post-hearing written submissions requested by the Examining Authority and comments on the Proposed Development
REP5-036	National Trust Deadline 5 Submission - Supplementary information regarding National Trust's Deadline 4 submission
REP5-037	Peter Simon Deadline 5 Submission - Supplementary information regarding Peter Simon's Deadline 4 submission
REP5-038	CPRE Peak District and South Yorkshire Branch Deadline 5 Submission - Late Submission Accepted at the discretion of the Examining Authority - Correspondence regarding CPRE Peak District and South Yorkshires Deadline 5 submission
REP5-039	Daniel Wimberley Deadline 5 Submission - Late Submission Accepted at the discretion of the Examining Authority - Comparisons of Traffic Flows. Actual and Predicted
REP5-040	Daniel Wimberley Deadline 5 Submission - Late Submission Accepted at the discretion of the Examining Authority - Post-hearing written submission requested by the Examining Authority
<p>Deadline 6 - 16 March 2022</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • responses to the ExA's Second Written Questions • The Applicant's final: <ul style="list-style-type: none"> ○ draft Development Consent Order ○ Explanatory Memorandum 	
REP6-001	National Highways (formerly Highways England) Deadline 6 Submission – Deadline 6 Cover Letter

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REP6-002	National Highways (formerly Highways England) Deadline 6 Submission – 3.1 draft Development Consent Order
REP6-003	National Highways (formerly Highways England) Deadline 6 Submission – 3.2 Explanatory Memorandum
REP6-004	National Highways (formerly Highways England) Deadline 6 Submission – 3.3 Consents and Agreements Position Statement
REP6-005	National Highways (formerly Highways England) Deadline 6 Submission – 6.3 Environmental Statement Chapter 6 Cultural Heritage
REP6-006	National Highways (formerly Highways England) Deadline 6 Submission – 6.3 Environmental Statement Chapter 7 Landscape and Visual Effects
REP6-007	National Highways (formerly Highways England) Deadline 6 Submission – 7.2 Environmental Management Plan - First Iteration
REP6-008	National Highways (formerly Highways England) Deadline 6 Submission – 7.3 Register of environmental actions and commitments
REP6-009	National Highways (formerly Highways England) Deadline 6 Submission – 9.1 Guide to the Application
REP6-010	National Highways (formerly Highways England) Deadline 6 Submission – 9.28 Environmental Statement Chapter 7 Landscape and Visual Effects - tracked
REP6-011	National Highways (formerly Highways England) Deadline 6 Submission – 9.3 draft DCO showing all changes since the previous submitted version - tracked
REP6-012	National Highways (formerly Highways England) Deadline 6 Submission – 9.34 Schedule of changes to the dDCO
REP6-013	National Highways (formerly Highways England) Deadline 6 Submission – 9.40 Outline landscape and ecological management and monitoring plan
REP6-014	National Highways (formerly Highways England) Deadline 6 Submission – 9.42 Flood Risk Assessment - tracked
REP6-015	National Highways (formerly Highways England) Deadline 6 Submission – 9.47 Environmental Management Plan
REP6-016	National Highways (formerly Highways England) Deadline 6 Submission – 9.55 Justification for the Proposed Compulsory Purchase of 21a Old Road
REP6-017	National Highways (formerly Highways England) Deadline 6 Submission – 9.60 Applicant's response to Second Written Questions
REP6-018	National Highways (formerly Highways England) Deadline 6 Submission – 9.62 Environmental Statement Chapter 6 Cultural Heritage
REP6-019	National Highways (formerly Highways England) Deadline 6 Submission – 9.63 Comments on Keith Buchan's submission REP4-031
REP6-020	National Highways (formerly Highways England) Deadline 6 Submission – 9.64 Environmental masterplan overview

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REP6-021	National Highways (formerly Highways England) Deadline 6 Submission – 9.65 Validation report
REP6-022	National Highways (formerly Highways England) Deadline 6 Submission – 9.66 Register of Environmental Actions and Commitments - Tracked
REP6-023	National Highways (formerly Highways England) Deadline 6 Submission – 9.8 draft DCO showing all changes since the Application version - Tracked
REP6-024	CPRE Peak District and South Yorkshire Branch Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-025	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
REP6-026	Derbyshire County Council Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-027	High Peak Borough Council Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-028	National Trust Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-029	Natural England Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-030	Sharefirst My Journey To School Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-031	Steve Williams Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-032	CPRE Peak District and South Yorkshire Branch Deadline 6 Submission - Comments on Deadline 5 submissions
REP6-033	CPRE Peak District and South Yorkshire Branch Deadline 6 Submission - Response the Applicant's Issue Specific Hearing 2 post-hearing submission submitted at Deadline 5 and response to the Examining Authority's Second Written Questions (WQ2)
REP6-034	Daniel Wimberley Deadline 6 Submission - Comments on Deadline 5 submissions
REP6-035	Jeff Brown Deadline 6 Submission - Comments on the Proposed Development
REP6-036	Keith and Jane Bassham Deadline 6 Submission - Comments in support of submissions from Sharefirst My Journey to School and on the Proposed Development

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REP6-037	Tameside Metropolitan Borough Council Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-038	Peak District National Park Authority Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
REP6-039	Environment Agency Deadline 6 Submission – Response to the Examining Authority’s Second Written Questions (WQ2)
<p>Deadline 7 – 23 March 2022</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • requests to make oral submissions at hearing(s) in April 2022 • comments on submissions for Deadlines 5 and 6 • the Applicant’s updated: <ul style="list-style-type: none"> • Book of Reference • Statement of Reasons • Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections • Summary of progress in securing other consents • Tracker identifying the latest versions of the Applicant’s submission documents 	
REP7-001	National Highways (formerly Highways England) Deadline 7 Submission - Cover Letter
REP7-002	National Highways (formerly Highways England) Deadline 7 Submission - 2.2 Land Plans
REP7-003	National Highways (formerly Highways England) Deadline 7 Submission - 3.1 Draft Development Consent Order
REP7-004	National Highways (formerly Highways England) Deadline 7 Submission - 3.3 Consents and Agreements Position Statement
REP7-005	National Highways (formerly Highways England) Deadline 7 Submission - 4.1 Statement of Reasons
REP7-006	National Highways (formerly Highways England) Deadline 7 Submission - 4.3 Book of Reference
REP7-007	National Highways (formerly Highways England) Deadline 7 Submission - 6.3 Environmental Statement - Chapter 9: Geology and Soils
REP7-008	National Highways (formerly Highways England) Deadline 7 Submission - 6.3 Environmental Statement - Chapter 10: Material Assets and Waste
REP7-009	National Highways (formerly Highways England) Deadline 7 Submission - 6.3 Environmental Statement - Chapter 13: Road Drainage and Water Environment
REP7-010	National Highways (formerly Highways England) Deadline 7 Submission - 9.1 Guide to the Application
REP7-011	National Highways (formerly Highways England) Deadline 7 Submission - 9.2 Compulsory Acquisition Schedule

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REP7-012	National Highways (formerly Highways England) Deadline 7 Submission - 9.3 Draft DCO showing all changes since the previous submitted version (Tracked)
REP7-013	National Highways (formerly Highways England) Deadline 7 Submission - 9.8 Draft DCO showing all changes since the Application version (Tracked)
REP7-014	National Highways (formerly Highways England) Deadline 7 Submission - 9.16 Draft Statement of Common Ground with Environment Agency
REP7-015	National Highways (formerly Highways England) Deadline 7 Submission - 9.34 Schedule of changes to draft Development Consent Order
REP7-016	National Highways (formerly Highways England) Deadline 7 Submission - 9.35 Schedule of Progress in relation to S127 and S138
REP7-017	National Highways (formerly Highways England) Deadline 7 Submission - 9.45 Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked)
REP7-018	National Highways (formerly Highways England) Deadline 7 Submission - 9.57 Book of Reference (Tracked)
REP7-019	National Highways (formerly Highways England) Deadline 7 Submission - 9.58 Schedule of Change to the Book of Reference
REP7-020	National Highways (formerly Highways England) Deadline 7 Submission - 9.60 Applicant's responses to Examining Authority's Second Written Questions - Amendment to National Highway's response to question 15.2 (Tracked)
REP7-021	National Highways (formerly Highways England) Deadline 7 Submission - 9.61 Register of Environmental Statement Changes
REP7-022	National Highways (formerly Highways England) Deadline 7 Submission - 9.65 Validation Report
REP7-023	National Highways (formerly Highways England) Deadline 7 Submission - 9.67 Environmental Statement - Chapter 9: Geology and Soils (Tracked)
REP7-024	National Highways (formerly Highways England) Deadline 7 Submission - 9.68 Environmental Statement - Chapter 10: Material Assets and Waste (Tracked)
REP7-025	National Highways (formerly Highways England) Deadline 7 Submission - 9.69 Comments on Deadline 5 responses
REP7-026	National Highways (formerly Highways England) Deadline 7 Submission - 9.70 Comments on Deadline 6 Responses
REP7-027	National Highways (formerly Highways England) Deadline 7 Submission - 9.71 Supplementary Ground Investigation Report
REP7-028	National Highways (formerly Highways England) Deadline 7 Submission - 9.72 Addendum to the Statement of Common Ground with High Peak

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REP7-029	National Highways (formerly Highways England) Deadline 7 Submission - 9.73 Environmental Management Plan (First Iteration) - Annex C.1: Design Approach Document
REP7-030	High Peak Borough Council Deadline 7 Submission - draft Meeting Note between the Council and the Applicant regarding outstanding air quality matters and related concerns
REP7-031	High Peak Borough Council Deadline 7 Submission - Updated Response to Examining Authority's Second Written Questions
REP7-032	Bamford with Thornhill Parish Council Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-033	CPRE Peak District and South Yorkshire Branch Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-034	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 7 Submission - Comments on submissions for Deadline 5 and 6
REP7-035	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 7 Submission - Comments on Deadline 6 Submission (REP6-033)
REP7-036	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 7 Submission - Response to the Applicant's Deadline 6 submission (REP6-017) and comments on Examining Authority's Second Written Questions (WQ2)
REP7-037	Carole Hallam on behalf of Sharefirst My Journey to School Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-038	Anthony Rae Deadline 7 Submission - Comments on submissions for Deadlines 5 and 6
REP7-039	Anthony Rae Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-040	Charlotte Farrell Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-041	Daniel Wimberley Deadline 7 Submission - Request to make oral submissions at hearings in April 2022
REP7-042	Peter Simon Deadline 7 Submission - Comments on submissions for Deadlines 5 and 6
REP7-043	Jonathan Reynolds MP Deadline 7 Submission - Request to make oral submission at hearings in April 2022 - Non-Interested Party Submission accepted at the discretion of the Examining Authority

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Deadline 8 – 13 April 2022	
For receipt by the ExA of:	
<ul style="list-style-type: none"> • Written summaries of oral submissions at hearings • Post-hearing submissions requested by the ExA • Comments on submissions for Deadline 7 	
REP8-001	National Highways (formerly Highways England) Deadline 8 Submission - Cover Letter
REP8-002	National Highways (formerly Highways England) Deadline 8 Submission - 2.3 Works Plans
REP8-003	National Highways (formerly Highways England) Deadline 8 Submission - 2.4 Streets, Rights of Way and Access Plans
REP8-004	National Highways (formerly Highways England) Deadline 8 Submission - 2.6 Scheme Layout Plans
REP8-005	National Highways (formerly Highways England) Deadline 8 Submission - 3.1 Draft Development Consent Order
REP8-006	National Highways (formerly Highways England) Deadline 8 Submission - 3.2 Explanatory Memorandum
REP8-007	National Highways (formerly Highways England) Deadline 8 Submission - 5.5 Flood Risk Assessment
REP8-008	National Highways (formerly Highways England) Deadline 8 Submission - 6.3 Environmental Statement - Chapter 11: Noise and Vibration
REP8-009	National Highways (formerly Highways England) Deadline 8 Submission - 9.42 Flood Risk Assessment (Tracked)
REP8-010	National Highways (formerly Highways England) Deadline 8 Submission - 9.1 Guide to the Application
REP8-011	National Highways (formerly Highways England) Deadline 8 Submission - 9.3 Draft DCO showing all changes since the previous submitted version (tracked)
REP8-012	National Highways (formerly Highways England) Deadline 8 Submission - 9.8 draft DCO showing all changes since the Application version (tracked)
REP8-013	National Highways (formerly Highways England) Deadline 8 Submission - 9.34 Schedule of changes to dDCO
REP8-014	National Highways (formerly Highways England) Deadline 8 Submission - 9.40 Outline Landscape and Ecological Management and Monitoring Plan
REP8-015	National Highways (formerly Highways England) Deadline 8 Submission - 9.44 Environmental Statement - Chapter 11: Noise and Vibration (Tracked)
REP8-016	National Highways (formerly Highways England) Deadline 8 Submission - 9.65 Validation Report
REP8-017	National Highways (formerly Highways England) Deadline 8 Submission - 9.72 Addendum to the Statement of Common Ground with High Peak Borough Council

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REP8-018	National Highways (formerly Highways England) Deadline 8 Submission - 9.74 Comments on Deadline 7 submissions
REP8-019	National Highways (formerly Highways England) Deadline 8 Submission - 9.75 Applicant's written Summary of Issue Specific Hearing 3
REP8-020	National Highways (formerly Highways England) Deadline 8 Submission - 9.76 Applicant's Written Summary of Compulsory Acquisition Hearing 2
REP8-021	National Highways (formerly Highways England) Deadline 8 Submission - 9.77 Applicant's written Summary of Issue Specific Hearing 4
REP8-022	National Highways (formerly Highways England) Deadline 8 Submission - 9.78 Noise and Vibration Management Plan
REP8-023	Derbyshire County Council Deadline 8 Submission - written summary of oral submissions at Issue Specific Hearing 3
REP8-024	Derbyshire County Council Deadline 8 Submission - written summary of oral submission at Issue Specific Hearing 4
REP8-025	High Peak Borough Council Deadline 8 Submission - post-hearing submissions requested by the Examining Authority
REP8-026	Peak District National Park Authority Deadline 8 Submission - written summary of oral submission at Issue Specific Hearing 3
REP8-027	Tameside Metropolitan Borough Council Deadline 8 Submission - post-hearing submissions requested by the Examining Authority
REP8-028	Anthony Rae Deadline 8 Submission - Written summaries of oral submissions at hearings in lieu of attendance and comments on the Proposed Development
REP8-029	Climate Emergency Policy and Planning (CEPP) Deadline 8 Submission - Written summary of oral submissions at Issue Specific Hearing 3
REP8-030	Climate Emergency Policy and Planning (CEPP) Deadline 8 Submission - written summaries of oral submissions at hearings - Appendix 1 - 8.122 Applicant's Responses to the Secretary of State's Consultation letter issued 7th January 2022
REP8-031	Climate Emergency Policy and Planning (CEPP) Deadline 8 Submission - written summaries of oral submissions at hearings - Appendix 2 - Pearce v Secretary of State for Business, Energy and Industrial Strategy
REP8-032	Climate Emergency Policy and Planning (CEPP) Deadline 8 Submission - Written summaries of oral submissions at hearings - Appendix 3 - Institute of Environmental Management & Assessment (IEMA) Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance

APPENDIX B: EXAMINATION LIBRARY

REP8-033	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 8 Submission - Written summaries of oral submissions at hearings
REP8-034	CPRE Peak District and South Yorkshire Branch Deadline 8 Submission - comments on submissions for Deadline 7
REP8-035	Daniel Wimberley Deadline 8 Submission - Comments on the Proposed Development
REP8-036	Daniel Wimberley Deadline 8 Submission - Comments on Deadline 5 Submission and comments on the Proposed Development
REP8-037	Environment Agency Deadline 8 Submission - Post-hearing submission requested by the Examining Authority and response to relevant submissions made by the Applicant
REP8-038	Jeff Brown Deadline 8 Submission - Comments on responses by the Applicant made at Deadline 7
REP8-039	Peter Simon Deadline 8 Submission - Comments on Issue Specific Hearing 3 and comments on the Proposed Development
REP8-040	Carole Hallam on behalf of Sharefirst My Journey to School Deadline 8 Submission - comments on submissions for Deadline 7
REP8-041	Carole Hallam on behalf of Sharefirst My Journey to School Deadline 8 Submission - written summary of oral submission at Issue Specific Hearing 3
REP8-042	Stephen Bagshaw Deadline 8 Submission - Written summary of oral submissions and comments from Deadline 7 submissions
REP8-043	Stephen Bagshaw Deadline 8 Submission - Appendix 1 - Trans-Pennine Routes Feasibility Study Summary
REP8-044	Stephen Bagshaw Deadline 8 Submission - Appendix 2 - Trans-Pennine Routes Feasibility Study Stage 2 Report – Annexes
REP8-045	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 8 Submission - Submission for clarification following Issue Specific Hearing 3

APPENDIX B: EXAMINATION LIBRARY

Deadline 9 – 27 April 2022

For receipt by the ExA of:

- Comments on the ExA’s schedule of changes to the draft Development Consent Order
- Comments on the Report on Implications for European Sites (if required)
- Comments on submissions for Deadline 8
- The Applicant’s final:
 - Book of Reference
 - Statement of Reasons
 - Schedule of progress regarding Compulsory Acquisition and Temporary Possession, voluntary agreements, and objections
 - Summary of progress in securing other consents
 - Tracker identifying the latest versions of the Applicant’s submission documents
 - Final updates to Statements of Common Ground requested by the ExA

REP9-001	National Highways (formerly Highways England) Deadline 9 Submission - Cover letter
REP9-002	National Highways (formerly Highways England) Deadline 9 Submission - 2.3 Works plans
REP9-003	National Highways (formerly Highways England) Deadline 9 Submission - 2.4 Streets, Rights of Way and Access Plans
REP9-004	National Highways (formerly Highways England) Deadline 9 Submission - 3.1 draft Development Consent Order
REP9-005	National Highways (formerly Highways England) Deadline 9 Submission - 3.2 Explanatory Memorandum
REP9-006	National Highways (formerly Highways England) Deadline 9 Submission - 3.3 Consents and Agreements Position Statement
REP9-007	National Highways (formerly Highways England) Deadline 9 Submission - 4.3 Book of Reference
REP9-008	National Highways (formerly Highways England) Deadline 9 Submission - 7.2 Environmental Management Plan
REP9-009	National Highways (formerly Highways England) Deadline 9 Submission - 7.3 Register of Environmental Actions and Commitments
REP9-010	National Highways (formerly Highways England) Deadline 9 Submission - 8.2 Statement of Common Ground with Tameside Metropolitan Borough Council
REP9-011	National Highways (formerly Highways England) Deadline 9 Submissions - 9.1 Guide to the Application
REP9-012	National Highways (formerly Highways England) Deadline 9 Submission - 9.2 Compulsory Acquisition Schedule
REP9-013	National Highways (formerly Highways England) Deadline 9 Submission - 9.3 draft DCO showing all changes since the previous submitted version (tracked)
REP9-014	National Highways (formerly Highways England) Deadline 9 Submission - 9.8 draft DCO showing all changes since the Application version (tracked)

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REP9-015	National Highways (formerly Highways England) Deadline 9 Submission - 9.16 Statement of Common Ground with Environment Agency
REP9-016	National Highways (formerly Highways England) Deadline 9 Submission - 9.20 Statement of Common Ground with Openreach
REP9-017	National Highways (formerly Highways England) Deadline 9 Submission - 9.22 Statement of Common Ground with Cadent Gas
REP9-018	National Highways (formerly Highways England) Deadline 9 Submission - 9.23 Statement of Common Ground with Electricity North West
REP9-019	National Highways (formerly Highways England) Deadline 9 Submission - 9.24 Statement of Common Ground with National Grid
REP9-020	National Highways (formerly Highways England) Deadline 9 Submission - 9.25 Statement of Common Ground with Derbyshire County Council
REP9-021	National Highways (formerly Highways England) Deadline 9 Submission - 9.34 Schedule of changes to the dDCO
REP9-022	National Highways (formerly Highways England) Deadline 9 Submissions - 9.35 Schedule of Progress in relation to S127 and S138
REP9-023	National Highways (formerly Highways England) Deadline 9 Submission - 9.47 Environmental Management Plan (First Iteration) (Tracked)
REP9-024	National Highways (formerly Highways England) Deadline 9 Submission - 9.57 Book of Reference (Tracked)
REP9-025	National Highways (formerly Highways England) Deadline 9 Submission - 9.58 Schedule of change to the Book of Reference
REP9-026	National Highways (formerly Highways England) Deadline 9 Submission - 9.66 Register of Environmental Actions and Commitments (Tracked)
REP9-027	National Highways (formerly Highways England) Deadline 9 Submission - 9.79 Applicants comments on Deadline 8 submissions
REP9-028	National Highways (formerly Highways England) Deadline 9 Submission - 9.80 Applicants comments on the ExA's Schedule of changes to the dDCO
REP9-029	National Highways (formerly Highways England) Deadline 9 Submission - 9.81 Select Link Analysis of Dinting Road
REP9-030	National Highways (formerly Highways England) Deadline 9 Submission - 9.82 River Etherow Outfall Technical Note
REP9-031	National Highways (formerly Highways England) Deadline 9 Submission - 9.83 draft DCO showing all changes since the Examining Authority's version (tracked)

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REP9-032	Derbyshire County Council Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-033	High Peak Borough Council Deadline 9 Submission - Response to outstanding matters from April hearings
REP9-034	Peak District National Park Authority Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-035	Peak District National Park Authority Deadline 9 Submission - Comments on the Report on Implications for European Sites
REP9-036	Tameside Metropolitan Borough Council Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-037	Tameside Metropolitan Borough Council Deadline 9 Submission – Comments on the Examining Authority’s schedule of changes to the draft Development Consent Order
REP9-038	Climate Emergency Policy and Planning (CEPP) Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-039	CPRE Peak District and South Yorkshire Branch Deadline 9 Submission - Comments on submissions for Deadline 8 - Email correspondence between Transport for Greater Manchester and National Highways
REP9-040	CPRE Peak District and South Yorkshire Branch Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-041	CPRE Peak District and South Yorkshire Branch Deadline 9 Submission - Comments on submissions for Deadline 8 - Supplementary CPRE Technical Note: BCRS with new carbon values
REP9-042	CPRE Peak District and South Yorkshire Branch Deadline 9 Submission - Comments on submissions for Deadline 8 - Response to the Applicant's Issue Specific Hearing 3 post hearing submission
REP9-043	CPRE Peak District and South Yorkshire Branch Deadline 9 Submission - Comments on the Report on Implications for European Sites
REP9-044	Daniel Wimberley Deadline 9 Submission – Comments on the Applicant’s response to Deadline 5 submissions
REP9-045	Daniel Wimberley Deadline 9 Submission – Comments on the Applicant’s response to Deadline 6 submissions
REP9-046	Environment Agency Deadline 9 Submission - 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

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REP9-047	National Grid Electricity Transmission Plc Deadline 9 Submission - Update on engagement with the Applicant
REP9-048	National Trust Deadline 9 Submission - Comments on the Report on Implications for European Sites
REP9-049	Peter Simon Deadline 9 Submission - Comments on submissions for Deadline 8
REP9-050	Sharefirst My Journey to School Deadline 9 Submission - Comments on the ExA's schedule of changes to the draft Development Consent Order
REP9-051	Stephen Bagshaw Deadline 9 Submission - comments on submissions for Deadline 8
REP9-052	Roy Hollins Deadline 9 Submission - Comments on the Proposed Development - Non-Interested Party submission accepted at the discretion of the Examining Authority
Deadline 10 - 6 May 2022	
For receipt by the ExA of: - comments on submissions for Deadline 9	
REP10-001	National Highways (formerly Highways England) Deadline 10 Submission - National Highways Deadline 10 submission cover letter
REP10-002	National Highways (formerly Highways England) Deadline 10 Submission - 5.5 Flood Risk Assessment (clean)
REP10-003	National Highways (formerly Highways England) Deadline 10 Submission - 7.3 Register of Environmental Actions and Commitments
REP10-004	National Highways (formerly Highways England) Deadline 10 Submission - 9.1 Guide to the Application
REP10-005	National Highways (formerly Highways England) Deadline 10 Submission - 9.16 Statement of Common Ground with Environment Agency
REP10-006	National Highways (formerly Highways England) Deadline 10 Submission - 9.18 Statement of Common Ground with Natural England
REP10-007	National Highways (formerly Highways England) Deadline 10 Submission - 9.42 Flood Risk Assessment (tracked)
REP10-008	National Highways (formerly Highways England) Deadline 10 Submission - 9.61 Register of Environmental Statement Changes
REP10-009	National Highways (formerly Highways England) Deadline 10 Submission - 9.66 Register of Environmental Actions and Commitments (Tracked)
REP10-010	National Highways (formerly Highways England) Deadline 10 Submission - 9.84 Applicant's Comments on Deadline 9 Responses

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REP10-011	Climate Emergency Policy and Planning (CEPP) Deadline 10 Submission - Comments on submissions for Deadline 9 - Response to the Applicant's comments on Deadline 8 submissions and appendices
REP10-012	CPRE Peak District and South Yorkshire Branch Deadline 10 Submission - Comments on submissions for Deadline 9
REP10-013	CPRE Peak District and South Yorkshire Branch Deadline 10 Submission - Comments on submissions for Deadline 9 – Response to the Applicant's comments on Deadline 9 submissions
REP10-014	Environment Agency Deadline 10 Submission - Comments on submissions for Deadline 9
REP10-015	Peter Robinson Deadline 10 Submission - Comments on the Proposed Development
REP10-016	Peter Simon Deadline 10 Submission - Comments on submissions for Deadline 9
REP10-017	CPRE Peak District and South Yorkshire Branch on behalf of Andrew Boswell, Anne Robinson, Anthony Rae, Chris Broome, Daniel Wimberley, Helen Rimmer, Linda Walker, Peter Simon, Richard Dyer, Laura Stevens Deadline 10 Submission - Late submission accepted at the discretion of the Examining Authority - Letter to the Examining Authority from Interested Parties
Deadline 11 – 11 May 2022	
For receipt by the ExA of: - responses to the ExA's Third Written Questions	
REP11-001	National Highways (formerly Highways England) Deadline 11 Submission - Cover Letter
REP11-002	National Highways (formerly Highways England) Deadline 11 Submission - 2.3 Works Plans
REP11-003	National Highways (formerly Highways England) Deadline 11 Submission - 2.4 Streets, Rights of Way and Access Plans
REP11-004	National Highways (formerly Highways England) Deadline 11 Submission - 2.6 Scheme Layout Plans
REP11-005	National Highways (formerly Highways England) Deadline 11 Submission - 7.3 Register of Environmental Actions and Commitments
REP11-006	National Highways (formerly Highways England) Deadline 11 Submission - 7.5 Outline Traffic Management Plan
REP11-007	National Highways (formerly Highways England) Deadline 11 Submission - 9.1 Guide to the Application
REP11-008	National Highways (formerly Highways England) Deadline 11 Submission - 9.66 Register of Environmental Actions and Commitments (Tracked)

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REP11-009	National Highways (formerly Highways England) Deadline 11 Submission - 9.78 Noise and Vibration Management Plan
REP11-010	National Highways (formerly Highways England) Deadline 11 Submission - 9.85 Applicant's responses to Examining Authority's Third Written Questions (ExQ3)
REP11-011	National Highways (formerly Highways England) Deadline 11 Submission - 9.86 Supplementary Air Quality Assessment for Brookfield
REP11-012	Derbyshire County Council Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-013	High Peak Borough Council Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions - Annex
REP11-014	High Peak Borough Council Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-015	Jeff Brown Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-016	Peak District National Park Authority Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-017	Stephen Bagshaw Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-018	Tameside Metropolitan Borough Council Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions
REP11-019	CMS Cameron McKenna Nabarro Olswang LLP on behalf of Cadent Gas Deadline 11 Submission - Withdrawal of Objection Letter
REP11-020	Climate Emergency Policy and Planning (CEPP) Deadline 11 Submission - Response to Applicants Submission at Deadline 10
REP11-021	Climate Emergency Policy and Planning (CEPP) Deadline 11 Submission - Amended version of Deadline 10 Submission
REP11-022	CPRE Peak District and South Yorkshire Branch Deadline 11 Submission - Response to Applicants Submission at Deadline 10
REP11-023	Environment Agency Deadline 11 Submission - Responses to the Examining Authority's Third Written Questions (ExQ3) and response to Applicants submission at Deadline 10
REP11-024	Peter Simon Deadline 11 Submission - Response to the Applicant's comments at Deadline 10 (REP10-010)

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REP11-025	Sharefirst My Journey to School Deadline 11 Submission - Comments on Response to Written Submissions at Deadline 10
Deadline 12 – 16 May 2022	
For receipt by the ExA of: - comments on submissions for Deadline 11	
REP12-001	National Highways (formerly Highways England) Deadline 12 Submission - Cover Letter
REP12-002	National Highways (formerly Highways England) Deadline 12 Submission - 3.1 Draft Development Consent Order
REP12-003	National Highways (formerly Highways England) Deadline 12 Submission - 3.2 Explanatory Memorandum
REP12-004	National Highways (formerly Highways England) Deadline 12 Submission - 3.3 Consents and Agreements Position Statement
REP12-005	National Highways (formerly Highways England) Deadline 12 Submission - 4.1 Statement of Reasons
REP12-006	National Highways (formerly Highways England) Deadline 12 Submission - 4.3 Book of Reference
REP12-007	National Highways (formerly Highways England) Deadline 12 Submission - 7.2 Environmental Management Plan (First Iteration)
REP12-008	National Highways (formerly Highways England) Deadline 12 Submission - 8.3 Statement of Common Ground with High Peak Borough Council
REP12-009	National Highways (formerly Highways England) Deadline 12 Submission - 8.4 Statement of Common Ground with Transport for Greater Manchester
REP12-010	National Highways (formerly Highways England) Deadline 12 Submission - 9.1 Guide to the Application
REP12-011	National Highways (formerly Highways England) Deadline 12 Submission - 9.2 Compulsory Acquisition Schedule
REP12-012	National Highways (formerly Highways England) Deadline 12 Submission - 9.3 Draft DCO showing all changes since the previous submitted version (Tracked)
REP12-013	National Highways (formerly Highways England) Deadline 12 Submission - 9.8 draft Development Consent Order showing all changes since the Application version (Tracked)
REP12-014	National Highways (formerly Highways England) Deadline 12 Submission - 9.13 Statement of Common Ground with Peak District National Park Authority
REP12-015	National Highways (formerly Highways England) Deadline 12 Submission - 9.16 Statement of Common Ground with Environment Agency
REP12-016	National Highways (formerly Highways England) Deadline 12 Submission - 9.17 Draft Statement of Common Ground with United Utilities

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REP12-017	National Highways (formerly Highways England) Deadline 12 Submission - 9.34 Schedule of changes to draft Development Consent Order
REP12-018	National Highways (formerly Highways England) Deadline 12 Submission - 9.57 Book of Reference (Tracked)
REP12-019	National Highways (formerly Highways England) Deadline 12 Submission - 9.58 Schedule of Changes to the Book of Reference
REP12-020	National Highways (formerly Highways England) Deadline 12 Submission - 9.65 Validation Report
REP12-021	National Highways (formerly Highways England) Deadline 12 Submission - 9.73 Environmental Management Plan (First Iteration) - Annex C.1: Design Approach Document
REP12-022	National Highways (formerly Highways England) Deadline 12 Submission - 9.87 Applicant's Comments on Deadline 10 submissions
REP12-023	National Highways (formerly Highways England) Deadline 12 Submission - 9.88 Applicant's comments on Deadline 11 submissions
REP12-024	National Highways (formerly Highways England) Deadline 12 Submission - 9.89 Guide to Schedule 10 Documents
REP12-025	High Peak Borough Council Deadline 12 Submission - Statement of Common Ground between High Peak Borough Council and National Highways
REP12-026	Climate Emergency Policy and Planning (CEPP) Deadline 12 Submission - Comments on Submissions for Deadline 11
REP12-027	Climate Emergency Policy and Planning (CEPP), CPRE Peak District and South Yorkshire Branch and Daniel Wimberley Deadline 12 Submission - Deadline 12 Letter to the Examining Authority dated 16 May 2022
REP12-028	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Appendix to comments on Statement of Common Ground between Transport for Greater Manchester and National Highways
REP12-029	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Covering Email
REP12-030	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Comments on submissions for Deadline 11 - Comments on the Applicant's responses to the Examining Authority's Third Written Questions
REP12-031	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Comments on the draft Statement of Common Ground between the Applicant and Transport for Greater Manchester
REP12-032	Keith Buchan on behalf of CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Amendment to Deadline 2 submission (REP2-070)

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REP12-033	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Final position statement
REP12-034	CPRE Peak District and South Yorkshire Branch Deadline 12 Submission - Record of engagement between National Highways and CPRE Peak District and South Yorkshire Branch in preparation for a Statement of Common Ground
REP12-035	Daniel Wimberley Deadline 12 Submission - Comments on submissions for Deadline 11 - Comments on policy change, statutory duties of ExA and NH, traffic growth, Manchester, Tintwistle bypass
REP12-036	Daniel Wimberley Deadline 12 Submission - Two competing views of transport provision
REP12-037	Daniel Wimberley Deadline 12 Submission - Government Policy and implications for the Examination in Public (EIP)
REP12-038	Keith Buchan Deadline 12 Submission - Open letter to the Examination
REP12-039	Natural England Deadline 12 Submission - Covering Letter to Natural England's Hearing Addendum to Question 12.8
REP12-040	Natural England Deadline 12 Submission - Covering Letter to Natural England's responses to Examining Authority's 3rd round of questions
REP12-041	Peter Simon Deadline 12 Submission - Comments on Submissions for Deadline 11
REP12-042	Peter Simon Deadline 12 Submission - Comments on the Proposed Development, Deadline 11 submissions and Additional Submissions
REP12-043	Peter Simon Deadline 12 Submission - Appendix to Submission at Deadline 12
REP12-044	Carole Hallam on behalf of Sharefirst My Journey to School Deadline 12 Submission - Comments on Submissions for Deadline 11
Other Documents	
OD-001	Regulation 32 Transboundary Screening
OD-002	Section 56 Notice
OD-003	Applicant's s56 notice of accepted application
OD-004	Section 59 Certificate and Regulation 16 Notice
OD-005	Applicant's Preliminary Meeting and Open Floor Hearing Notice
OD-006	National Highways (formerly Highways England) February 2022 Hearings Notice
OD-007	National Highways (formerly Highways England) Notice of Hearings - 5 to 7 April 2022
OD-008	National Highways (formerly Highways England) Revised Notice for Virtual Hearings - 5 to 7 April 2022

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APPENDIX C: LIST OF ABBREVIATIONS

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

Abbreviation or usage	Reference
$\mu\text{g}/\text{m}^3$	Micrograms per cubic metre air
AA	Appropriate Assessment
AADT	annual average daily traffic
ADM	Area of Detailed Modelling
ALC	Agricultural Land Classification
ANCB	Appropriate Nature Conservation Body
AP	Affected Person
APFP	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
APIS	Air Pollution Information System
AQD	Air Quality Directive
AQMA	Air Quality Management Area
AQS	Air Quality Strategy
ARN	Affected Road Network
ASI	Accompanied Site Inspection
ATC	Automatic Traffic Counter
BAP	Biodiversity Action Plan
BCR	benefit cost ratio
BEIS	Department for Business, Energy and Industrial Strategy
BMV	Best Most Versatile
BNG	Biodiversity Net Gain
BoR	Book of Reference
BPM	Best Practicable Means
BS	British Standard
CA	Compulsory Acquisition
CAH	Compulsory Acquisition Hearing
CAZ	Clean Air Zone
CEPP	Climate Emergency Policy and Planning
CHD	Coronary Heart Disease
CIEEM	Chartered Institute of Ecology and Environmental Management
CIEEM guidelines	Chartered Institute of Ecology and Environmental Management Guidelines of Ecological Impact Assessment in the UK and Ireland
CO ₂	Carbon Dioxide
CO _{2e}	Carbon Dioxide equivalent
COBALT	Cost and Benefit to Accidents – Light Touch
COPA	Control of Pollution Act 1974
CPNI	Centre for the Protection of National Infrastructure
CPO	Compulsory Purchase Order

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

CPRE PDSY	CPRE Peak District and South Yorkshire Branch
CVD	Cardiovascular disease
CWMP	Construction Water Management Plan
D	Deadline
dB	Decibel
DCC	Derbyshire County Council
DCO	Development Consent Order
dDCO	draft Development Consent Order
DEFRA	Department for the Environment, Food and Rural Affairs
DfT	Department for Transport
DLUHC	Department for Levelling Up, Housing & Communities
DM	Do Minimum
DMRB	Design Manual for Roads and Bridges
DQRA	Detailed Quantitative Risk Assessment
DS	Do Something
DWP	Dewatering Management Plan
EA	Environment Agency
EAST	Early Assessment Sifting Tool
EEA	European Economic Area
EFT	DEFRA Emission Factors Toolkit
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
EMP	Environmental Management Plan
EMP1	Environmental Management Plan (first iteration)
EMP2	Environmental Management Plan (second iteration)
EMP3	Environmental Management Plan (third iteration)
EPA	Environmental Protection Act 1990
EPR	Infrastructure Planning (Examination Procedure) Rules 2010
EPSM	European Protected Species Mitigation
ES	Environmental Statement
EU	European Union
ExA	Examining Authority
FRA	Flood Risk Assessment
FRAP	Flood Risk Activity Permit
FZ	Flood Zone
GAC	Generic Assessment Criteria
GHG	Greenhouse gas
GI	Ground investigation
GIR	Ground Investigation Report
GMAAS	Greater Manchester Archaeological Advisory Service
GMBAP	Greater Manchester Biodiversity Action Plan (2009)

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

GMCA	Greater Manchester Combined Authority
GM CAZ	Greater Manchester Clean Air Zone
GMSF	Greater Manchester Spatial Framework
GMTS	Greater Manchester Transport Strategy 2040
ha	hectare
HABAP	Highways Agency Biodiversity Action Plan 2002
HE	Historic England
HEWRAT	Highways England Water Risk Assessment Tool
HEWRAT	Highways England Water Risk Assessment Tool
HGV	Heavy goods vehicle
HPBC	High Peak Borough Council
HPLP	High Peak Borough Council Local Plan
HRA	Habitats Regulations Assessment
HRSA	Habitats Regulation Assessment Screening Report
IAPI	Initial Assessment of Principal Issues
IAQM	Institute of Air Quality Management
IEMA	Institute of Environmental Management and Assessment
INNS	Invasive non-native species
IP	Interested Party
IPCC	Intergovernmental Panel on Climate Change
ISH	Issue Specific Hearing
Kg	kilogram
km	kilometre
LA	local authority
LCA	Landscape Character Area
LCT	Landscape Character Type
LEMMP	Landscape and Ecological Management and Monitoring Plan
LHA	Local Highways Authority
LIR	Local Impact Report
LITS	Longdendale Integrated Transport Strategy
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LoD	Limits of deviation
LPA	Local planning authority
LSE	Likely Significant Effects
LTP	Local Transport Plan
LV	Limit value
LWS	Local Wildlife Site
m	metre

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

M-BAT	Metal Bioavailability Assessment Tool
MCC	Manual Classified Count
MDL	Method detection limit
MHCLG	Ministry of Housing, Communities and Local Government
MMP	Materials Management Plan
MoRPh	Modular River Physical
mph	Miles per hour
MSA	Mineral Safeguarding Areas
MtCO ₂ e	million tonnes of CO ₂ equivalent
N	Nitrogen
NCN	National Cycle Network
NDC	UK's Nationally Determined Contribution to reduce carbon emissions
NE	Natural England
NERCA	Natural Environment and Rural Communities Act 2006
NH	National Highways
N/ha/yr	Nitrogen hectare per year
NIA	Noise Important Area
NNL	no net loss (of biodiversity)
NO ₂	nitrogen dioxide
NO _x	mono-nitrogen oxides
NPACA	National Parks and Access to the Countryside Act 1949
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NPSNN	National Policy Statement for National Networks
NSER	No Significant Effects Report
NSIP	Nationally Significant Infrastructure Project
NT	National Trust
NTEM	National Trip End Model
NTS	Northern Transport Strategy
NZS	Net Zero Strategy: Build Back Greener, October 2021
OFH	Open Floor Hearing
OLEMMP	Outline Landscape and Ecological Management and Monitoring Plan
PA2008	Planning Act 2008
PAS 2080	PAS 2080: 2016 Carbon management in infrastructure
PCM	Pollution Climate Mapping
PDBAP	Peak District Biodiversity Action Plan

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

PDCS	The Peak District National Park Core Strategy Development Plan Document (2011)
PDDMP	The Peak District National Park Development Management Policies (2019)
PDMP	The Peak District National Park Management Plan 2018-23
PDNP	Peak District National Park
PDNPA	Peak District National Park Authority
PfE	Places for Everybody produced by the Greater Manchester Combined Authority
PIA	personal injury accidents
PINS	Planning Inspectorate
PM	Preliminary Meeting
PM ₁₀	Particulate Matter 10
PM _{2.5}	Particulate Matter 2.5
POPE	Post Opening Project Evaluation
PP	Protective Provision
ppm	Parts per million
PRA	Preferred Route Announcement
PRO	Preferred Route Option
PRoW	Public Right of Way
PSED	Public Sector Equality Duty
Q	Question
RBD	River Basin District
RBMP	River Basin Management Plan
RCS	River Corridor Survey
rDCO	recommended Development Consent Order
REAC	Record of Environmental Actions and Commitments
RIES	Report on the Implications for European Sites
RIS	Road Investment Strategy
RIS2	Second Road Investment Strategy
RR	Relevant Representation
SAC	Special Area of Conservation
SATURN	Simulation and Assignment of Traffic to Urban Road Networks
SBI	Site of Biological Importance
SMJTS	Sharefirst My Journey to School
SGIR	Supplementary Ground Investigation Report
SO ₂	sulphur dioxide
SOAEL	Significant Observed Adverse Effect Levels
SoCG	Statement of Common Ground
SoR	Statement of Reasons

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

SoS	Secretary of State
SoSDEFRA	Secretary of State for Environment, Food and Rural Affairs
SoSHCLG	Secretary of State for Housing, Communities and Local Government
SoST	Secretary of State for Transport
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPI	Species of Principal Importance
SPZ	Source Protection Zone
SRN	Strategic Road Network
SRP	Soil Resource Plan
SSSI	Site of Special Scientific Interest
STATS19	Statement of Administrative Sources
SU	Statutory Undertaker
SuDS	Sustainable urban drainage system
SWMP	Site Waste Management Plan
SWQ	second written questions
TAG	Transport Analysis Guidance
'TAN case'	R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited (2021) EWHC 2095 (Admin)
TAR	Transport Assessment Report
tCO ₂ e	tonnes of carbon dioxide equivalent
TDP	Decarbonising Transport, A Better, Greener Britain, also known as the Transport Decarbonisation Plan
TfGM	Transport for Greater Manchester
TLIP	Tameside Local Implementation Plan
TMBC	Tameside Metropolitan Borough Council
TMP	Traffic Management Plan
TP	Temporary Possession
TPI	Targeted Programme of Improvements
TPO	Tree Preservation Order
TPU	Trans-Pennine Upgrade
TUBA	Transport User Benefit Appraisal
UDP	Unitary Development Plan
UK	United Kingdom
UKTAG	United Kingdom Technical Advisory Group
USI	Unaccompanied Site Inspection
UXO	Unexploded ordnance
UNFCCC	United Nations Framework Convention on Climate Change
VDM	Variable Demand Model
v/v	Volume per volume
WAC	Waste Acceptance Criteria

APPENDIX C: ABBREVIATIONS AND DEFINITIONS

WCH	Walkers, cyclists, and horse riders
WebTAG	Department for Transport Web Transport Appraisal Guidance
WFD	Water Framework Directive
WQ1	First written question
WQ2	Second written questions
WQ3	Third written questions
WR	Written Representation
WSI	Written Scheme of Investigation
Yr	Year
ZOI	Zone of Influence

APPENDIX D: THE RECOMMENDED DCO

202[] No.

INFRASTRUCTURE PLANNING

The A57 Link Roads Development Consent Order 202[]

Made

Coming into force

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An application has been made to the Secretary of State, in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(a) for an Order under section 37 of the Planning Act 2008 (“the 2008 Act”) (b).

The application was examined by a panel (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The panel, having considered the representations made and not withdrawn and having examined the application together with the accompanying documents, in accordance with section 74(2) of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the panel, has decided to make an Order granting development consent for the development described in the application [with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application].

The Secretary of State is satisfied that the land plots identified in the special category land plans and the book of reference as open space authorised to be permanently compulsorily acquired under this Order are required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public and that, accordingly, section 131(5) of the 2008 Act applies.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, 122 and 123 of, and paragraphs 1 to 3, 10 to 15, 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A57 Link Roads Development Consent Order 202[] and comes into force on [] 202[].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(d)

“the 1965 Act” means the Compulsory Purchase Act 1965(e);

“the 1980 Act” means the Highways Act 1980(f);

(a) c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20).

(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524 and S.I. 2017/572, S.I. 2018/378 and S.I. 2019/7342008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20).

(c) S.I. 2010/103, amended by S.I. 2012/635.

(d) 1961 c. 33.

(e) 1965 c. 56.

(f) 1980 c. 66.

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(a);

“the 1984 Act” means the Road Traffic Regulation Act 1984(b);

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“the 2004 Act” means the Traffic Management Act 2004(e);

“the 2008 Act” means the Planning Act 2008(f);

“the 2017 Regulations” means the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017(g);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“British Telecommunications PLC” means the company registered in England and Wales, company number 01800000, whose registered address is 81 Newgate Street, London EC1A 7AJ;

“building” includes any structure or erection or any part of a building, structure or erection;

“bridleway” has the same meaning as in the 1980 Act and includes a right of way on pedal cycles and on foot;

“Cadent Gas Limited” means the Company registered in England and Wales, company number 10080864, whose registered address is Ashbrook Court, Prologis Park, Central Boulevard, Coventry, CV7 8PE;

“carriageway” has the same meaning as in the 1980 Act;

“the classification of roads plans” means the plans certified by the Secretary of State as the classification of road plans for the purposes of this Order and set out in Schedule 10 (documents to be certified);

“commence” means beginning to carry out any material operation (as defined in section 56(4) (time when development begun) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and mitigation works, environmental surveys and monitoring, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, establishment of work areas and compounds, receipt of construction plant and equipment, erection of construction plant and equipment for the preliminary works, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or information and “commencement” and “commencing” is to be construed accordingly;

“cycle track” has the same meaning as in the 1980 Act and includes part of a cycle track(h);

(a) 1981 c. 66.

(b) 1984 c. 27.

(c) 1990 c. 8.

(d) 1991 c. 22.

(e) 2004 c.18.

(f) 2008 c.29

(g) S.I. 2017/3.

(h) The definition of “cycle track” (in section 329(1) of the 1980 Act) was amended by section 1 of the Cycle Tracks Act 1984 (c.38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54)

“cycleway” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot and or a right of way on horseback or leading a horse;

“Electricity North West Limited” means the company registered in England and Wales, company number 02366949, whose registered address is 304 Bridgewater Place, Birchwood Park, Warrington, WA3 6XG;

“electronic transmission” means a communication transmitted—

- (i) by means of an electronic communications network; or
- (ii) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003(a);

“the engineering drawings and sections” means the drawings and sections listed in Schedule 10 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“Environment Agency” means the body of that name created by the Environment Act 1995(b) or any successor in function to it;

“environmental statement” means the document of that description submitted with the application for this Order and certified as the environmental statement by the Secretary of State for the purposes of this Order;

“footway” and “footpath” have the same meaning as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“the land plans” means the plans listed in Schedule 10 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

“local highway authority” has the same meaning as in section 329(1) of the 1980 Act;

“maintain” in relation to the authorised development includes, to the extent that is unlikely to give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement, inspect, repair, adjust, alter, remove or reconstruct in relation to the authorised development and any derivative of “maintain” is to be construed accordingly;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(c) or any successor in function to it;

“the Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily, and described in the book of reference;

“the Order limits” means the limits of lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(d);

“relevant planning authority” has the same meaning as in section 173 (the relevant local planning authority) of the 2008 Act;

(a) Section 32(1) was amended by S.I. 2011/1210.

(b) 1995 c.25.

(c) 2006 c.16.

(d) 1981 c.67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c.34). There are other amendments to section 7 which are not relevant to the Order.

“special road” means a highway which is a special road in accordance with section 16 (general provisions as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“the speed limits and traffic regulations plans” means the plans certified by the Secretary of State as the speed limits and traffic regulations plans for the purposes of this Order set out in Schedule 10 (documents to be certified);

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land), of the 2008 Act;

“street” means a street within the meaning of section 48(a) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways;

“street authority” has the same meaning as in Part 3(b) of the 1991 Act;

“streets, rights of way and access plans” means the plans listed in Schedule 10 (documents to be certified) and certified as the streets, rights of way and access plans by the Secretary of State for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A(c) (traffic authorities) of the 1984 Act;

“TPO and hedgerow plans” means the tree preservation order (TPO) and hedgerow drawings referenced in Schedule 10 (documents to be certified) and certified as the TPO and hedgerow plans by the Secretary of State for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (b) section 10(d) (general provisions as to trunk roads) or 19(1)(e) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (c) an order made or direction given under section 10 of that Act; or
- (d) an order granting development consent; or
- (e) any other enactment;

“undertaker” means National Highways Limited (Company No. 09346363) whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“United Utilities Group PLC” means the Company registered in England and Wales, company number 06559020, whose registered office is at Haweswater House, Lingley Mere Business Park, Lingley, Green Avenue, Great Sankey, Warrington WA5 3LP;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans listed in Schedule 10 (documents to be certified) and certified as works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

-
- (a) Section 48 was amended by section 124 of the Local Transport Act 2008 (c.26).
 - (b) See section 49, as amended by section 1(6) of, and paragraphs 113 and 117(a) of Part 2 of Schedule 1 to the Infrastructure Act 2015.
 - (c) Section 121A was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8, to the 1991 Act; and amended by section 271 of the Greater London Authority Act 1999 (c.29), section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to, the Infrastructure Act 2015, and S.I. 1999/1920 and S.I. 2001/1400.
 - (d) Section 10 was amended by section 22(2) of the 1991 Act; paragraph 22 of Schedule 2 to the 2008 Act; and by section 1(6) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.
 - (e) Section 19(1) was amended by section 1(6) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

(3) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the discretion of the undertaker, either—

(a) to an affected person directly, whether that person's land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or

(b) to any statutory undertaker for the purposes of their undertaking.

(4) All distances, directions, areas and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(5) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(7) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

4. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Maintenance of drainage works

5.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible and save in circumstances where access to works connected with the drainage of land is restricted by the undertaker. Where access is restricted the undertaker shall be responsible for the maintenance of any works connected with the drainage of land during any period that access is restricted.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(a).

(a) 1991 c.59. The definition of “drainage” was substituted by paragraphs 191 and 194 of Schedule 22 to the Environment Act 1995 (c.25).

Planning Permission

6. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Limits of deviation

7. In carrying out the authorised development the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.5 metres upwards or 0.5 metres downwards with the exception of the following—
 - (i) to a maximum of 1.0 metres upwards or downwards at Carrhouse Lane as defined by Work No. 23;
 - (ii) to a maximum of 1.0 metres upwards or downwards at Old Mill Underpass as defined by Work No. 31;
 - (iii) to a maximum of 1.0 metres upwards or downwards at Roe Cross Bridge as defined by Work No. 32;
 - (iv) to a maximum of 1.0 metres upwards or downwards at Mottram Moor Underpass as defined by Work No. 33;
 - (v) to a maximum of 1.0 metres upwards or downwards at Carrhouse Lane Underpass as defined by Work No. 34; and
 - (vi) to a maximum of 1.0 metres upwards or downwards at River Etherow Bridge/Underpass as defined by Work No. 35;

except that these maximum limits of horizontal and vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse environmental effects at any receptor in comparison with those reported in the environmental statement.

Benefit of Order

8.—(1) Subject to paragraph (2) and article 9 (consent to transfer benefit of Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

9.—(1) Subject to paragraph (4), the undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) Electricity North West Limited for the purposes of undertaking Work No. 61, 62, and 64;
- (b) United Utilities Group PLC Electricity North West Limited for the purposes of undertaking Work No. 58, 59 60, 62 and 65;
- (c) Cadent Gas Limited for the purposes of undertaking Work No. 62 and 63; and
- (d) British Telecommunications PLC for the purposes of undertaking Work No. 62.

provided that any transfer or grant under this paragraph (4) must not include the transfer or grant of any benefit of the provisions of Part 5 (powers of acquisition and possession) of this Order without the consent of the Secretary of State.

PART 3 STREETS

Street Works

10.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for, or incidental to, any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) Subject to article 11 (application of the 1991 Act), the provisions of section 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Application of the 1991 Act and the 2004 Act

11.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or

- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(a) (dual carriageways and roundabouts) of the 1980 Act or section 184(b) (vehicle crossings over footways and verges) of that Act.

(2) In Part 3 of the 1991 Act, references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of Part 3 the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- section 56(c) (power to give directions as to timing);
- section 56A(d) (power to give directions as to placing of apparatus);
- section 58(e) (restrictions on works following substantial road works);
- section 58A(f) (restriction on works following substantial street works);
- Schedule 3A(g) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act referred to in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 14 (temporary alteration, diversion, prohibition and restriction of the use of streets), whether or not the alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(h) referred to in paragraph (4) are—

- section 54(i) (advance notice of certain works), subject to paragraph (6);
- section 55(j) (notice of starting date of works), subject to paragraph (6);
- section 57(k) (notice of emergency works);
- section 59(l) (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 75 (inspection fees);
- section 76 (liability for cost of temporary traffic regulation); and
- section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 12 (construction and maintenance of new, altered or diverted streets)—

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- (a) Section 64 was amended by Section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and Schedule 168(2) of, and Schedule 9 to, the 1991 Act.
 - (b) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11); and section 168 of, and paragraph 9 of Part 1 of Schedule 8 and Schedule 9 to, the 1991 Act.
 - (c) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the 2004 Act (c.18).
 - (d) Section 56A was inserted by section 44 of the 2004 Act.
 - (e) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the 2004 Act.
 - (f) Section 58A was inserted by section 52(1) of the 2004 Act.
 - (g) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the 2004 Act.
 - (h) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the 2004 Act.
 - (i) Section 54 was also amended by section 49(1) of the 2004 Act.
 - (j) Section 55 was also amended by sections 49(2) and 51(9) of the 2004 Act.
 - (k) Section 57 was also amended by section 52(3) of the 2004 Act.
 - (l) Section 59 was also amended by section 42 of the 2004 Act.

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and the undertaker is not by reason of any duty under that article to maintain a street, to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to maintenance works which are street works within the meaning of the 1991 Act, as respects which the provisions of Part 3 of the 1991 Act apply.

Construction and maintenance of new, altered or diverted streets and other structures

12.—(1) Any highway (other than a trunk road or special road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than a trunk road or a special road) is altered or diverted under this Order, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the highway authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the highway authority from its completion.

(3) Where a street which is not and is not intended to be a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority and unless otherwise agreed in writing with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(4) Where a highway described in Part 5 (roads to be detrunked) of Schedule 3 (classification of roads, etc.) is detrunked under this Order—

- (a) section 265(a) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that detrunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of detrunking.

(5) In the case of—

- (a) the ‘Carrhouse Lane Underpass’ to be constructed pursuant to Work No. 34, and the ‘River Etherow Bridge’ to be constructed pursuant to Work No. 35, must be maintained by and at the expense of the local highway authority, unless otherwise agreed in writing with the local highway authority;
- (b) works above the structure of the ‘Mottram Underpass’ and ‘Roe Cross Road Bridge’ to be constructed pursuant to Work No. 32 and Work No.33 must be maintained by and at the expense of the local highway authority and the structure of the underpass and the Mottram Moor Link Road to be constructed pursuant to Work No. 5 and 6 must be maintained by and at the expense of the undertaker, unless otherwise agreed in writing with the local highway authority;

(6) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street or other structure under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street or other structure to which the action relates was not dangerous to traffic.

(a) Section 265 was amended by section 146 of, and paragraph 45 of Schedule 13 to, the 1984 Act and section 1(6) of, and paragraph 52 of Schedule 1 to, the Infrastructure Act 2015.

(7) For the purposes of a defence under paragraph (7), the court must in particular have regard to the following matters—

- (a) the character of the street or other structure and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street or other structure of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street or other structure;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street or other structure to which the action relates was likely to cause danger to users of the street or other structure; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street or structure to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street or structure and that the competent person had carried out those instructions.

Classification of roads etc.

13.—(1) The roads described in Part 1 (special roads) of Schedule 3 (classification of roads, etc.) are to be—

- (a) classified as special roads for the purposes of any enactment or instrument which refers to highways classified as special roads; and
- (b) provided for the use of traffic of Classes I and II of the classes of traffic set out in Schedule 4 of the 1980 Act.

(2) From the date on which the undertaker notifies the Secretary of State that the roads described in Part 1 (special roads) of Schedule 3 have been completed and are open for traffic—

- (a) the undertaker is the highway authority for those roads; and
- (b) they are classified as trunk roads for the purposes of any enactment or instrument which refers to highways classified as special roads.

(3) From the date on which the authorised development is open for traffic the roads described in Part 2 (trunk roads) of Schedule 3 (classification of roads, etc.) are to become trunk roads as if they had become so by virtue of an order under section 10(2) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(4) From the date on which the authorised development is open for traffic the roads described in Part 3 (classified roads) of Schedule 3 are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(5) On a date to be determined by the undertaker, the roads described in Part 4 (roads to be detrunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(6) On the date on which the roads specified in Part 5 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of Part 5 of Schedule 3 along the lengths of road identified in the corresponding row of column (1) of that Part to the extent described in column (2) of that Part.

(7) On such a day as the undertaker may determine, the orders specified in column (3) of Part 6 (new traffic regulation orders sought) of Schedule 3 are to be made in respect of the roads specified in the corresponding row of column (2) of that Part.

(8) On such a day as the undertaker may determine, the orders specified in column (3) of Part 7 (revocations and variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(9) The public rights of way described in Part 8 (public rights of way) of Schedule 3 and identified in the streets, rights of way and access plans will be of the type described in column (1) of that Part to the extent described in column (2) and, unless otherwise agreed with the local highway authority and provided there are no materially new or materially worse environmental effects in comparison with those reported in the environmental statement, are to be constructed by the undertaker in the specified locations and open for use no later than the date on which the authorised development is open for traffic.

(10) Unless otherwise agreed with the relevant land owner, the private means of access specified in column (2) of Part 9 (private means of access) of Schedule 3 and as identified on the rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use no later than the date of the on which the authorised development is open for traffic.

(11) The application of paragraphs (1) to (10) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters, including by an instrument made under the 1984 Act where the matter in question could have been included in an order made under that Act.

Temporary alteration, diversion, prohibition and restriction of the use of streets

14.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit or restrict the use of any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street where the use has been temporarily prohibited or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary alteration, diversion, prohibition or restriction of a street under this article if there would otherwise be no such access.

(4) Save as to streets in respect of which the undertaker is the street authority, the undertaker must not temporarily alter, divert, prohibit or restrict the use of any street without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

(5) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Subject to the undertaker complying with paragraph (7), if a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(7) The undertaker when making an application for consent under paragraph (4) shall notify the street authority of the content of paragraph (6) and the fact that, if the street authority fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

Permanent stopping up and restriction of use of highways, streets and private means of access

15.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in column (1) of Parts 1 and 2, of Schedule 4 (permanent stopping up and alteration of highways, streets and private means of access) to the extent specified and described in column (2) of that Schedule.

(2) No street, public rights of way or private means of access specified in column (1) of Parts 1 and 2 of Schedule 4 is to be wholly or partly stopped up under this article unless—

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (3) of those Parts of that Schedule, is open for use and, in the case of a street has been completed to the reasonable satisfaction of the street authority; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access and subsequently maintained, until the completion and opening of the new street, public right of way or private means of access in accordance with sub-paragraph (a) to the reasonable satisfaction of the street authority.

(3) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(4) The undertaker may, in connection with the carrying out of the authorised development alter the private means of access specified in column (1) of Part 3 (alterations to private means of access) of Schedule 4 as specified in column (2) of that Part.

(5) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article is subject to article 34 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

16. The undertaker may, for the purposes of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Clearways

17.—(1) From the date on which the roads described in Part 1 of Schedule 3 (classification of roads, etc.) and in Part 6 of Schedule 3 (new traffic regulation orders) are open to traffic, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of those roads, other than a lay-by, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the road;

- (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(a); or
- (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes;
 - (ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(b); or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Services Act 2000(c); or
- (c) in relation to a vehicle waiting when the person in control of it is—
 - (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person’s control.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

Traffic regulation

18.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

(a) 2003 c. 21. Schedule 3A was inserted by section 4(2) of, and Schedule 1 to, the Digital Economy Act 2017 (c. 30).
 (b) 1991 c. 56.
 (c) 2000 c. 26.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless it has—

(a) given not less than—

(i) 12 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or

(ii) 4 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the road is situated; and

(b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—

(a) has effect as if duly made by, as the case may be—

(i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or

(ii) the local authority in whose area the road is situated, as an order under section 32(a) (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act.

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(11) Subject to the undertaker complying with paragraph (12), if the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

(12) The undertaker when making an application for consent under paragraph (2) shall notify the traffic authority of the content of paragraph (11) and the fact that if the traffic authority fails to notify the undertaker of its decision within 28 days of receiving the application for consent, it is deemed to have granted consent.

(a) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

19.—(1) Subject to paragraphs (3) and (4), the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106(a) (right to communicate with public sewers) of the Water Industry Act 1991.

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(b).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation; and

(b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(c) have the same meaning as in that Act.

(9) Subject to the undertaker complying with paragraph (10) if a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application that person will be deemed to have granted consent or given approval, as the case may be.

(10) The undertaker when making an application for consent under paragraph (3) or approval under paragraph (4)(a) shall notify the person receiving the application of the content of paragraph (9) and the fact that, if the person fails to notify the undertaker of its decision within 28 days of receiving the application, the person will be deemed to have granted consent.

(a) 1991 c. 56. Section 106 was amended by sections 35(1) and (8) and 43(2) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43) and sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

(b) S.I. 2016/1154. Regulation 12 was amended by 2018/110.

(c) 1991 c. 57.

Protective work to buildings

20.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works to a building under this article the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter and survey any building and any land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and any land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 45 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

21.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land (including any watercourses, ground water, static water bodies or vegetation on the land);
- (b) without limitation on the scope of sub-paragraph (a), make any excavations, trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water samples on to the land;
- (c) without limitation to the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes or boreholes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes or boreholes.

(4) No trial holes or boreholes are to be made under this article—

- (a) in land located within a highway boundary for which the local highway authority is the highway authority without the consent of the local highway authority; or
- (b) in a private street without the consent of the street authority, but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Subject to the undertaker complying with paragraph (7), if either a local highway authority or a street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of the local highway authority; or
- (b) under paragraph (4)(b) in the case of a street authority,

that authority will be deemed to have granted consent.

(7) The undertaker when making an application for consent under paragraph (4)(a) or 4(b) shall notify the local highway authority or the street authority of the content of paragraph (6) and the fact that, if the local highway authority or the street authority fails to notify the undertaker of its decision within 28 days of receiving the application for consent, it is deemed to have granted consent.

PART 5

POWERS OF ACQUISITION AND POSSESSION

Compulsory acquisition of land

22.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it.

(2) This article is subject to paragraph (2) of article 25 (compulsory acquisition of rights and restrictive covenants) and paragraph (9) of article 32 (temporary use of land for carrying out the authorised development).

Compulsory acquisition of land – incorporation of the mineral code

23. Part 2 of Schedule 2 (minerals) to the Acquisition of Land Act 1981(a) is incorporated in this Order subject to the modification that for “the acquiring authority” substitute “the undertaker”.

Time limit for exercise of authority to acquire land compulsorily

24.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as modified by article 27 (modification of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 28 (application of the 1981 Act).

(2) The authority conferred by article 32 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights and restrictive covenants

25.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire such rights over the Order land, or impose restrictive covenants affecting the Order land, as may be required for any purpose for which that land may be acquired under article 22 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 5 (land in which only new rights etc. may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule and relating to that part of the authorised development specified in column (3) of that Schedule.

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of the plots specified in column (1) of Schedule 5.

(4) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act, (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)), where the undertaker acquires a right over land or the benefit of a restrictive covenant under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 6 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition

(a) 1981 c. 67.

under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(6) The undertaker's powers to create rights under paragraph (1) includes the power to create rights for the benefit of third parties. Where a right is for the benefit of a third party that right shall on the exercise of the power of compulsory acquisition have effect for that party's benefit and be treated for all purposes as though it was vested in the third party directly.

Private rights over land

26.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1)(a) (powers of entry) of the 1965 Act,

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker that are within the Order limits which are required to be interfered with or breached for the purposes of this Order are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152(b) (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138(c) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 33 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;
 - (ii) the undertaker's appropriation of it;
 - (iii) the undertaker's entry onto it; or
 - (iv) the undertaker's taking temporary possession of it,

(a) Section 11(1) was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1), and sections 186 (1) and (2), 187 and 188 of the Housing and Planning Act 2016 (c. 22).

(b) Section 152 was amended by S.I. 2009/1307.

(c) Section 138 was amended by section 23(1) and (4) of the Growth and Infrastructure Act 2013 (c. 27) and S.I. 2017/1285.

that any or all of those paragraphs do not apply to any right specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(8) If any such agreement as is referred to in paragraph (7)(b)—

(a) is made with a person in or to whom the right is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

Modification of Part 1 of the 1965 Act

27.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125(a) (application of compulsory acquisition provisions) of the 2008 Act is modified as follows—

(2) In section 4A(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4” substitute “section 118(c) (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the five year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the A57 Link Roads Development Consent Order 20[]”.

(3) In section 11A(d) (powers of entry: further notices of entry)—

(a) in subsection 1(a), after “land” insert “under that provision”;

(b) in subsection (2), after “land” insert “under that provision”.

(4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 24 (time limit for exercise of authority to acquire land compulsorily) of the A57 Link Roads Development Consent Order 20[]”.

(5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—

(a) for paragraphs 1(2) and 14(2) substitute—

(b) “(2) But see article 30(3) (acquisition of subsoil or airspace only) of the A57 Link Roads Development Consent Order 20[], which excludes the acquisition of subsoil or airspace only from this Schedule.”; and

(c) after paragraph 29, insert—

“PART 4

INTERPRETATION

In this Schedule, references to entering on and taking possession of land do not include doing so under article 20 (protective work to buildings), 32 (temporary use of land for

(a) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).

(b) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016.

(c) Section 118 was amended by paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c.2).

(d) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

carrying out the authorised development) or 33 (temporary use of land for maintaining the authorised development) of the A57 Link Roads Development Consent Order 20[.]”

Application of the 1981 Act

- 28.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 1 (application of the Act), in subsection (1), omit the words “in themselves”
- (4) In section 1 (application of Act) for subsection 2 substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”
- (5) In section 4 (execution of declaration), for subsection (1) substitute—
- “(1) The acquiring authority may execute in respect of any of the land which they are authorised to acquire by the compulsory purchase order a declaration in the prescribed form vesting the land in themselves, or in the case of land or a right that they are expressly authorised to acquire for the benefit of a third party in the third party in question, from the end of such period as may be specified in the declaration (not being less than 3 months from the date on which the service of notices required by section 6 below is completed)”.
- (6) In section 5(a) (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (7) Omit section 5A(b) (time limit for general vesting declaration).
- (8) In section 5B(1)(c) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008 the five year period mentioned in article 24 (time limit for exercise of authority to acquire land compulsorily) of the A57 Link Roads Development Consent Order 20[.]”.
- (9) In section 6 (notices after execution of declaration) in subsection (1)(b)(d) for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134(e) (notice of authorisation of compulsory acquisition of the Planning Act 2008”.
- (10) In section 7(f) (constructive notice to treat) in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (11) In section 8 (vesting, and right to enter and take possession), after subsection (3), insert—
- “(4) In this section references to the acquiring authority include any third party referred to in section 4(1).”
- (12) In section 10 (acquiring authority’s liability arising on vesting of the land), in subsection (1), after “vested in an acquiring authority” insert “or a third party”.
- (13) In section 11 (recovery of compensation overpaid), for subsection (1) substitute—
- “(1) This section applies where after the execution of a general vesting declaration a person (“the claimant”) claims compensation in respect of the acquisition of an interest in land by virtue of the declaration, and the acquiring authority pay compensation in respect of that interest.”
- (14) In Schedule A1(a) (counter-notice requiring purchase of land not in general vesting declaration) omit paragraph 1(2).

(a) Section 5 was amended by paragraphs 4 and 6 of Schedule 15 to the Housing and Planning Act 2016.

(b) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(c) Section 5B was inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016.

(d) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(e) Section 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 and S.I. 2012/16.

(f) Section 7 was substituted by Schedule 18 to the Housing and Planning Act 2016.

(15) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 27 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Modification of the 2017 Regulations

29.—(1) Schedule 1 to the 2017 Regulations is modified as follows.

(2) In paragraph (3) of form 1, after “from the date on which the service of notices required by section 6 of the Act is completed”, insert—

“(1A) The [insert land or rights or both] described in Part [] of the Schedule hereto as being for the benefit of third parties and more particularly delineated on the plan annexed hereto shall vest in the third parties in question as from the end of the period of [insert period of 3 months or longer] from the date on which the service of notices required by section 6 of the Act is completed.”.

(3) In paragraph (b) of the notes on use of form 2—

(a) after “Insert the name of the authority” insert “and, where the context so requires, a reference to third parties”; and

(4) omit “Thereafter rely on that definition wherever “(b)” appears in the text.”.

Acquisition of subsoil or airspace only

30.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in paragraph (1) of article 22 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over the land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 27 (modification of Part 1 of the 1965 Act));

(b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and

(c) Section 153(4A)(b) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

31.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(a) Schedule A1 was inserted by paragraph 6 of Part 1 of Schedule 18 to the Housing and Planning Act 2016.

(b) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is a statutory undertaker to whom section 85 (sharing cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

32.—(1) The undertaker may, in connection with the carrying out of the authorised development, and subject to article 24 (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take temporary possession of—
 - (i) the land specified in column (1) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11(a) (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any works on that land as are mentioned in Schedule 1 (authorised development).

(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii)

(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 7; or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section (4) of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the condition

(a) Section 11 was amended by section 34(1) of, and paragraph 14(3) of Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act (c. 71) section 14 of, paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1), sections 186, 187 and 188 of, and paragraph 3 of Schedule 16 to, the housing and Planning Act 2016 and S.I. 2009/1307.

it was in on the date on which possession of the land was first taken by the undertaker or such other condition as may be agreed with the owners of the land; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d);
- (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or
- (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development;

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.

(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from—

- (a) acquiring new rights over any part of that land under article 25 (compulsory acquisition of rights and restrictive covenants); or
- (b) acquiring any part of the subsoil (or rights in the subsoil of or airspace over) that land under article 30 (acquisition of subsoil or airspace only).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(12) The provisions of the Neighbourhood Planning Act 2017(b) do not apply insofar as they relate to temporary possession of land under this article in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development.

Temporary use of land for maintaining the authorised development

33.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and
- (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and

(a) Section 13 was amended by sections 62(3) and 139 of, and paragraph 27 and 28 of Schedule 13, and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

(b) 2017 c.20

- (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.
- (2) Paragraph (1) does not authorise the undertaker to take temporary possession of—
- (a) any house or garden belonging to a house; or
 - (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken.
- (4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.
- (5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the condition it was in on the date on which possession of the land was first taken by the undertaker or such other condition as may be agreed with the owners of the land.
- (6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.
- (7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.
- (8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).
- (9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.
- (10) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.
- (11) In this article “the maintenance period”, in relation to any part of the authorised development means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.
- (12) The provisions of the Neighbourhood Planning Act 2017 do not apply insofar as they relate to the temporary possession of land under this article in relation to the maintenance of any part of the authorised development within the maintenance period.

Statutory undertakers

- 34.**—(1) Subject to the provisions of Schedule 9 (protective provisions), article 25 (compulsory acquisition of rights and restrictive covenants) and paragraph (2), the undertaker may—
- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over any Order land belonging to statutory undertakers; and
 - (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.
- (2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—
- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
 - (b) article 35 (apparatus and rights of statutory undertakers in stopped up streets) of this Order.

Apparatus and rights of statutory undertakers in stopped up streets

35.—(1) Where a street is stopped up under article 15 (permanent stopping up and restriction of use of highways, streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 15 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(a).

Recovery of costs of new connections

36.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 34 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 34, any person who is—

(a) the owner or occupier of premises the drains of which communicated with that sewer; or

(b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 35 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003; and

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

PART 6 OPERATIONS

Felling or lopping of trees and removal of hedgerows

37.—(1) The undertaker may fell or lop any tree or shrub within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or

(b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must—

(a) do no unnecessary damage to any tree or shrub;

(b) not fell or lop any tree or shrub within or overhanging land within the Order limits or cut back its roots if the tree or shrub is identified as being retained in the environmental statement unless the undertaker reasonably believes it to be necessary to do so for the

(a) 2003 c. 21. There are amendments to section 151 which are not relevant to this Order.

purposes of the construction or operation of the authorised development and provided that the Secretary of State is satisfied that the felling, lopping or cutting back of roots would not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement; and

(c) pay compensation to any person for any loss or damage arising from such activity.

(3) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow described in Part 1 (hedgerows) of Schedule 8 (hedgerows and trees).

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow which is not described in Part 1 of Schedule 8 (hedgerows and trees) with the prior consent of the relevant planning authority.

(5) In carrying out any activity authorised by paragraph (4) and (5), the undertaker must pay compensation to any person for any loss or damage arising from such activity.

(6) Any dispute as to a person's entitlement to compensation under paragraph (2) (or (5)), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

(7) In this article "hedgerow" has the same meaning as in the Hedgerow Regulations 1997(a) and includes important hedgerows for the purposes of those regulations.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

38.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it
- (c) so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Trees subject to tree preservation orders

39.—(1) The undertaker may fell or lop any tree described in Part 2 (trees subject to tree preservation orders) of Schedule 8 (hedgerows and trees) or cut back its roots or undertake such other works described in column (2) of Part 2 of that Schedule relating to the relevant part of

(a) S.I. 1997/1160.

the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to passengers or other persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1)(a) (replacement of trees) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed;

(3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

Operational land for purposes of the 1990 Act

40. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as not being operational land for the purposes of that Act) of the 1990 Act.

Defence to proceedings in respect of statutory nuisance

41.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990(b) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act no order is to be made, and no fine may be imposed, under section 82(2)(c) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(d); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9)(e) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of

(a) Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act.

(b) 1990 c. 43. There are amendments to this subsection which are not relevant to this Order.

(c) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40); there are other amendments to this subsection which are not relevant to this Order.

(d) 1974 c. 40.

(e) Sections 61(9) was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 3 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to this subsection which are not relevant to this Order.

premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Protection of interests

42. Schedule 9 (protective provisions) has effect.

Certification of documents, etc.

43.—(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 10 (documents to be certified) to the Secretary of State for certification that they are true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 10 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

(3) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

44.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of "owner", or as the case may be "occupier", of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement will be taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;

- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation will be final and will take effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

45. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Date

Signed
Title
Department

SCHEDULES

SCHEDULE 1

AUTHORISED DEVELOPMENT

In the administrative area of Tameside Metropolitan Borough Council and High Peak Borough Council

A nationally significant infrastructure project as defined in sections 14 and 22(a) of the 2008 Act, and associated development as defined in section 115(2)(b) of the 2008 Act, comprising:

Work No. 1 - Shown on sheet 1 of the works plans is the construction of a new eastbound lane approximately 350 metres in length on the M67 approaching the roundabout at Junction 4. To include upgraded lighting, new signs and new traffic signals plus signal controlled cyclist/pedestrian crossings.

Work No. 2 - Shown on sheet 1 of the works plans is the widening of the entry, for a length of approximately 370 metres, from the Junction 4 roundabout on to the M67 westbound. Works will include the addition of low noise surfacing, controlled pedestrian/cyclist crossing and upgraded lighting.

Work No. 3 - Shown on sheet 1 of the works plans is the works to improve the M67 Junction 4 (Hattersley) roundabout including:

- (i) widening of the circulatory carriageway, upgrading lighting and installation of traffic signals and signal controlled cyclist/pedestrian crossings;
- (ii) realignment of spur to Edge Lane for a length of approximately 42 metres and upgraded pedestrian/cyclist crossing facility;
- (iii) upgrade to Stockport Road for a length of approximately 145 metres, installation of new signs, upgraded lighting, resurfacing and addition of traffic signals including signal controlled pedestrian/cyclist crossings at junction;
- (iv) upgrade to Mottram Road for a length of approximately 160 metres, installation of new signs, upgraded lighting, resurfacing and addition of traffic signals including signal controlled pedestrian/cyclist crossings at junction;
- (v) new westbound throughabout at M67 Junction 4 roundabout, which consists of a new, two lane carriageway through the centre of the existing roundabout, of length approximately 100 metres, including new lighting, signs and traffic signals; and
- (vi) upgraded entry to M67 Westbound from M67 Junction 4 roundabout, comprising new traffic signals, signal controlled pedestrian/cyclist crossing, upgraded lighting and resurfacing.

Work No. 4 - Shown on sheet 1 of the works plans is the works to improve the non-motorised user provision at the roundabout including:

- (i) existing footway upgraded to a combined footway/cycleway on the northern side of M67 Junction 4 roundabout;
- (ii) creation of new signal controlled pedestrian/cycle crossings across the M67 and roundabout circulatory carriageway on the west side of M67 Junction 4 roundabout;

(a) Section 22 was substituted by article 3 of S.I. 2013/1883 and amended by section 1(6) of, and paragraph 153 of Schedule 1 to, the Infrastructure Act 2015.

(b) Section 115(2) was amended by section 160(1) and (3) of the Housing and Planning Act 2016 (c. 22).

- (iii) creation of signal controlled pedestrian/cycle crossings across Mottram Road at M67 Junction 4 roundabout including crossing of roundabout circulatory carriageway;
- (iv) creation of pedestrian/cyclist routes through centre of M67 Junction 4 Roundabout;
- (v) creation of signal controlled pedestrian/cycle crossings across Hyde Road at M67 Junction 4 roundabout including crossing of roundabout circulatory carriageway;
- (vi) creation of signal controlled pedestrian/cycle crossings across Stockport Road at M67 Junction 4 roundabout;
- (vii) existing footway upgraded to a combined footway/cycleway for approximately 80 metres between Mottram Road and the M67 at M67 Junction 4 roundabout;
- (viii) creation of an equestrian route through the centre of M67 Junction 4 roundabout including crossing of the circulatory carriageway; and
- (ix) existing footway/cycleway upgraded to a combined footway/cycleway with equestrian use for approximately 140 metres to the north of the A57 Hyde Road.

Work No. 5 - Shown on sheets 1, 2, 3 and 4 of the works plans is the construction of a new section of the eastbound A57 dual carriageway, known as Mottram Moor Link Road, approximately 1,640m in length, including earthworks, new drainage, signs, lighting and traffic signals at each end.

Work No. 6 - Shown on sheets 1, 2, 3 and 4 of the works plans is the construction of a new section of the westbound A57 dual carriageway, known as Mottram Moor Link Road, approximately 1,720m in length, including earthworks, new drainage, signs, lighting and traffic signals at each end.

Work No. 7 - Shown on sheets 1 and 2 of the works plans is the creation of new public rights of way, north and south of the proposed new dual carriageway including:

- (i) a proposed combined footway/cycleway with equestrian use (approximately 230 metres in length) including access to culverts, and new private access to overhead electric line/pylon, plus connections to existing footpaths and field accesses;
- (ii) a proposed combined footway/cycleway with equestrian use (approximately 935 metres in length) including access to culverts, Pond 1, plus connections to existing footpaths and field accesses;
- (iii) a footpath connection north of proposed combined footway/cycleway with equestrian use (approximately 20 metres in length);
- (iv) a footpath connection north of proposed combined footway/cycleway with equestrian use (approximately 10 metres in length); and
- (v) a footpath connection and field access south of proposed combined footway/cycleway with equestrian use (approximately 20 metres in length).

Work No. 8 - Shown on sheet 1 of the works plans is the construction of a private access track to support the maintenance of Pond 1 approximately 70 metres in length.

Work No. 9 - Shown on sheet 2 of the works plans is the creation of a means of access and egress points serving land situated south of Edge Lane including:

- (i) a proposed footpath connection approximately 125 metres in length linking the proposed combined footway/cycleway with equestrian use with the existing public footpath LON 52/10 and providing field access to Old Mill Farm to the north of the proposed combined footway/cycleway with equestrian use; and
- (ii) a proposed field access north of the proposed footpath approximately 50 metres in length, providing access to Old Mill Farm.

Work No. 10 - Shown on sheet 3 of the works plans is the realignment of Old Hall Lane for a length of 110 metres.

Work No. 11 - Shown on sheets 3 and 4 of the works plans is the creation of means of access and egress to the south of the land currently known as the Showground, including:

- (i) creation of a combined footway/cycleway with equestrian use of approximately 720 metres in length, providing access to land south of the Showground and a connection between Old Hall Lane and the west side of Mottram Moor Junction;
- (ii) creation of a field access approximately 10 metres in length;
- (iii) creation of a signal controlled equestrian crossing; and
- (iv) creation of an equestrian holding pen and combined footway/cycleway with equestrian use diversion, on the approach to the equestrian crossing approximately 35 metres in length.

Work No. 12 - Shown on sheet 4 of the works plans and is the construction of the following works at Mottram Moor Junction and including traffic signals, signs and lighting:

- (i) A57 northbound approach approximately 165 metres in length to Mottram Moor Junction;
- (ii) A57 southbound exit from Mottram Moor Junction approximately 20 metres in length;
- (iii) westbound approach from Back Moor Junction to Mottram Moor Junction approximately 165 metres in length;
- (iv) eastbound exit from Mottram Moor Junction towards Tintwistle approximately 140 metres in length;
- (v) eastbound approach from Tintwistle to Mottram Moor Junction approximately 140 metres in length;
- (vi) westbound exit from Mottram Moor Junction approximately 175 metres in length towards Back Moor;
- (vii) southbound approach to Mottram Moor Junction from A57 Link Road approximately 150 metres in length; and
- (viii) southbound exit from Mottram Moor Junction to A57 Link Road approximately 145 metres in length.

Work No. 13 - Shown on sheets 4 of the works plans is the creation of new non-motorised user provision associated with Mottram Moor Junction, including the creation of a:

- (i) footway on the westbound carriageway opposite Back Moor Junction, approximately 100 metres in length;
- (ii) combined footway/cycleway on the westbound approach to Mottram Moor Junction, approximately 100 metres in length;
- (iii) signal controlled pedestrian/cycle crossing across the northern arm of Mottram Moor Junction, approximately 55 metres in length;
- (iv) signal controlled pedestrian/cycle crossing across the eastern arm of Mottram Moor Junction, approximately 40 metres in length;
- (v) signal controlled pedestrian/cycle crossing across the southern arm of Mottram Moor Junction, approximately 50 metres in length;
- (vi) signal controlled pedestrian/cycle crossing across the western arm of Mottram Moor Junction, approximately 35 metres in length;
- (vii) combined footway/cycleway including signal controlled pedestrian/cycle crossing on the eastern arm of Mottram Moor Junction, approximately 123 metres in length;
- (viii) segregated cycle track on the eastern arm of Mottram Moor Junction approximately 97 metres in length;
- (ix) combined footway/cycleway including signal controlled pedestrian/cycle crossing on the eastbound approach from the eastern arm of Mottram Moor Junction, approximately 140 metres in length; and

- (x) footway between the existing footway on the north side of the Mottram Moor and the westbound approach to Mottram Moor Junction, approximately 20 metres in length.

Work No. 14 - Shown on sheets 4, 5, 6 and 8 of the works plans is the creation of a new combined footway/cycleway with equestrian use along the south side of the A57 Link Road, approximately 985 metres in length.

Work No. 15 - Shown on sheet 4 and 8 of the works plans, the realignment of the (A6018) Back Moor approximately 125 metres in length to link with Mottram Moor Junction, including new lighting and traffic signs.

Work No. 16 - Shown on sheet 8 of the works plans is the realignment of Hyde Road (A57) including construction of new lighting and signs on its approach to Back Moor Junction, for approximately 50 metres in length.

Work No. 17 - Shown on sheet 4 of the works plans is the retention of the existing carriageway, reduced to two single lanes, ending in a turning head. This short section of road to the west of Mottram Moor Junction will be approximately 95 metres in length between the junction with the realigned (A6018) Back Moor and the turning head.

Work No. 18 - Shown on sheet 4 of the works plans is the retention of the existing carriageway, reduced to two single lanes, ending in a turning head. This short section of road to the east of Mottram Moor Junction will be approximately 90 metres in length between the junction with the realigned Mottram Moor and the turning head.

Work No. 19 - Shown on sheet 4 of the works plans is the alignment and surface improvement of Mottram Moor Junction and the existing A57 (T) Mottram Moor, for approximately 90 metres in length and including new lighting and signs.

Work No. 20 - Shown on sheet 4 of the works plans is the creation of a private access track, approximately 75 metres in length to accommodate the maintenance of Pond 2.

Work No. 21 - Shown on sheet 4 and 8 of the works plans is the creation of a public footpath approximately 82 metres in length, located between the new Mottram Moor Junction and the existing public footpath LON 87/10 to the west of Mottram Moor Junction.

Work No. 22 - Shown on sheets 4, 5 and 6 of the works plans is the A57 Link Road (being a new section of single carriageway approximately 1,090m in length between the proposed Mottram Moor Junction and Woolley Bridge Junction), including earthworks, new drainage, signs, lighting and traffic signals at each end.

Work No. 23 - Shown on sheets 5 and 9 of the works plans is the realignment of Carrhouse Lane approximately 310 metres in length; together with a new access track and public footpath, including associated earthworks and drainage.

Work No. 24 - Shown on sheet 5 of the works plans is the creation of a private, field access track, approximately 76 metres in length from Carrhouse Lane to a field east of Carrhouse Lane.

Work No. 25 - Shown on Sheet 6 of the works plans is the:

- (i) diversion of public footpath LON 90/10 for approximately 200 metres in length between work number 25 (ii) and an access on the south side of the A57 Link Road facilitating a private access track to Pond 3 and access to an existing maintenance track;
- (ii) creation of an access track to Pond 3, located between work number 25 (i) and Pond 3, approximately 10 metres in length;
- (iii) diversion of public footpath LON 90/10 and creation of a new access track to Tara Brook Farm for approximately 210 metres in length between work number 25 (i) and Tara Brook Farm; and
- (iv) creation of private access to Hope Farm for approximately 10 metres in length.

Work No. 26 - Shown on sheet 6 of the works plans is the creation of a combined footway/cycleway with equestrian use of approximately 520 metres in length along south side of A57 Link Road, between the access off the south side of the proposed A57 Link Road and Woolley Bridge Junction.

Work No. 27 - Shown on sheet 6 of the works plans is the construction of an at grade signal controlled T-Junction between the new A57 Link Road and Woolley Bridge including new traffic signals, signs, drainage, lighting and associated earthworks, and the construction of a new:

- (i) eastbound approach to Woolley Bridge Junction from A57 Link Road, approximately 95 metres in length;
- (ii) westbound exit from Woolley Bridge Junction to A57 Link Road, approximately 95 metres in length;
- (iii) westbound approach to Woolley Bridge Junction, a short length of road to facilitate a proposed housing development, approximately 15 metres in length;
- (iv) southbound approach to Woolley Bridge Junction from Woolley Bridge, approximately 65 metres in length;
- (v) northbound exit from Woolley Bridge Junction to Woolley Bridge, approximately 70 metres in length;
- (vi) southbound exit from Woolley Bridge Junction to Woolley Bridge approximately 100 metres in length; and
- (vii) northbound approach to Woolley Bridge Junction from Woolley Bridge approximately 100 metres in length.

Work No. 28 - Shown on sheet 6 of the works plans road widening and resurfacing between Woolley Bridge Junction and A57 Brookfield, approximately 55 metres in length.

Work No. 29 - Shown on sheet 6 of the works plans being the creation of:

- (i) signal controlled pedestrian/cycle crossing across the eastern arm of Woolley Bridge Junction, approximately 10 metres in length
- (ii) signal controlled pedestrian/cycle crossing across the southern arm of Woolley Bridge Junction, approximately 30 metres in length.

Work No. 30 - Shown on sheet 6 of the works plans is the creation of:

- (i) a new private access to the field on the east of River Etherow, approximately 15 metres in length
- (ii) creation of a highway layby, approximately 15 metres in length, to the south west of Woolley Bridge Junction.

Work No. 31 – Shown on sheet 2 of the works plans is the construction of the proposed Old Mill Farm underpass, approximately 35 metres in length to carry work number 7 (ii) and farm access tracks facilitating various farm access points (work numbers 7 (iii), 7 (iv), 7(v), 9(i) and 9 (ii)).

Work No. 32 – Shown on sheet 2 of the works plans is the construction of the proposed Roe Cross Road Bridge and retaining walls to Mottram Underpass, carrying Roe Cross Road over works number 5 and 6 on the existing alignment for approximately 60 metres in length, and space for traffic diversions during construction.

Work No. 33 – shown on sheet 3 of the works plans is the construction of the proposed Mottram Underpass of approximately 130 metres in length, carrying both Old Road and Old Hall Lane above work numbers 5 and 6, including reinstatement and landscaping on land above and between the roads, and space for traffic diversions during construction.

Work No. 34 - Shown on sheet 5 of the works plans is the construction of the proposed Carrhouse Lane underpass at Carrhouse Lane, approximately 30 metres in length to accommodate work number 23, below the proposed A57 Link Road.

Work No. 35 - Shown on sheet 6 of the works plans is the construction of the proposed River Etherow bridge over the River Etherow, approximately 45 metres in length, including all associated bridge foundations, carriageway, parapets and other associated structures.

Work No. 36 – Shown on sheets 1, 2, 4, 5 and 6 of the works plans and comprising the following works to the culverted watercourses:

- (i) creation of a culvert to carry an unnamed ordinary watercourse below work numbers 5 and 6 for a length of approximately 85 metres (Sheet 1);
- (ii) creation of a culvert to carry an unnamed ordinary watercourse below work numbers 5 and 6 for a length of approximately 80 metres (Sheet 1);
- (iii) creation of a culvert to carry drainage outfall below work number 7 (ii) for a length of approximately 20 metres (Sheet 1);
- (iv) creation of a culvert to carry an unnamed ordinary watercourse below an existing public right of way LON/50/10 for a length of approximately 15 metres (Sheet 1);
- (v) creation of a culvert to carry an unnamed ordinary watercourse below an existing public right of way LON/51/20 for a length of approximately 15 metres (Sheet 2);
- (vi) creation of a culvert to carry a drainage ditch below farmland for a length of approximately 35 metres (Sheet 2);
- (vii) creation of a culvert to carry Hurstclough Brook below works 5 and 6 for a length of approximately 55 metres (Sheet 2);
- (viii) creation of a culvert to support a drainage ditch below farmland for a length of approximately 50 metres (Sheet 2);
- (ix) creation of a culvert to carry unnamed watercourse below work numbers 5 and 6 for a length of approximately 119 metres (Sheet 4);
- (x) creation of a culvert to carry Tara Brook below work number 21, for a length of approximately 35 metres (Sheet 4);
- (xi) creation of a culvert to carry Tara Brook below work number 22, for a length of approximately 73 metres (Sheet 4);
- (xii) creation of a culvert to carry a drainage ditch below work number 56 for a length of approximately 15 metres (Sheet 5 and 6); and
- (xiii) creation of a culvert to carry drainage ditch below work number 25 (iii) for a length of approximately 15 metres (Sheet 6).

Work No. 37 - Shown on sheet 1 of the works plans is the construction of a drainage attenuation pond (Pond 1) approximately 3430 square metres in size, with sediment forebay for attenuation, prior to outfall, including associated earthworks and drainage connections.

Work No. 38 - Shown on sheet 4 of the works plans is the construction of a drainage attenuation pond (Pond 2) approximately 6440 square metres in size with sediment forebay for attenuation, prior to outfall, including associated earthworks and drainage connections.

Work No. 39 – Shown on sheet 6 of the works plans is the construction of a drainage attenuation pond (Pond 3) approximately 3305 square metres in size for attenuation, prior to outfall, including associated earthworks and drainage connections.

Work No. 40 – Shown on sheets 1 and 2 of the works plans is the construction of new drainage ditches to the north of the A57 link between M67 and Roe Cross Road.

Work No. 41 – Shown on sheets 1 and 2 of the works plan is the construction of new watercourses to north of work number 5 between M67 and Roe Cross Road.

Work No. 42 - Shown on sheets 1 and 2 of the works plans is the construction of a highway drainage ditch to south of work number 6, for approximately 265 metres.

Work No. 43 – Shown on sheet 2 of the works plans is the diversion of Hurstclough Brook along a length of approximately 220 metres, south of work number 6.

Work No. 44 - Shown on sheets 3 and 4 of the works plans are new watercourses to manage local drainage; a proposed watercourse to the east of Old Hall Lane and on the north side of the proposed cutting to the east of the proposed underpass.

Work No. 45 – Shown on sheet numbers 4 and 8 of the works plans is the diversion of Tara Brook either side of work number 22 linked through the culvert constructed pursuant to work number 36(xi).

Work No. 46 - Shown on sheet numbers 4, 5, 6 and 9 of the works plans is the construction of various drainage ditches relating to A57 Link Road (work number 22).

Work No. 47 - Shown on sheets 1 and 2 of the works plans is the construction of:

- (i) an earthwork screening bund along the north side of work number 5, approximately 145 metres in length as shown on sheet 1 of the works plans;
- (ii) an earthwork screening bund along the north side of work number 5, approximately 180 metres in length (Sheet 2); and
- (iii) an earthwork screening bund along the south side of work number 6, approximately 165 metres in length (Sheet 2).

Work No. 48 – Shown on sheets 4, 5 and 6 of the works plans is the construction of:

- (i) an earthwork screening bund to the south west of work number 14, approximately 135 metres in length as shown on sheet 4 of the works plans;
- (ii) an earthwork screening bund to the south west of work number 22, approximately 280 metres in length as shown on sheet 4 of the works plans;
- (iii) an earthwork screening bund to the south of work number 22, approximately 55 metres in length as shown on sheet 5 of the works plans;
- (iv) an earthwork screening bund to the south of work number 22, approximately 260 metres in length, as shown on sheets 5 and 6 of the works plans; and
- (v) an earthwork screening bund to the north side of work number 22, west of Carrhouse Lane, approximately 330 metres in length, as shown on sheets 4 and 5 of the works plans.

Work No. 49 – shown on sheet numbers 2 and 8 of the works plans, indicates specific environmental mitigation works:

- (i) New ecological mitigation area on land situated to the north of work number 5 (Sheet 2); and
- (ii) New ecological mitigation works on land situated to the south of work number 14 (Sheet 8).

Work No. 50 - shown on sheet number 2, 3, 4, 5, 6 and 8 of the works plans to indicate the location of bat boxes installed on existing trees.

Work No. 51 - Shown on sheet numbers 1, 7 and 8 of the works plans is the detrunking of the existing A57 (T) between the M67 Junction 4 and Mottram Moor Junction for a length of approximately 1587 metres, including associated traffic calming measures and signage.

Work No. 52 - Shown on sheets 4 and 9 of the works plans is the improvement of the existing A57 (T) for a length of approximately 360 metres from Mottram Moor Junction to Gun Inn Junction, including improvements to pedestrian and cycle facilities.

Work No. 53 - Shown on sheet 9 of the works plans:

- (i) the installation of new traffic signals, signs and pedestrian facilities at the existing Gun Inn Junction western arm (approximately 20 metres in length);
- (ii) the installation of new traffic signals, signs and pedestrian facilities at the existing Gun Inn Junction northern arm (approximately 20 metres in length);

- (iii) the installation of new traffic signals, signs and pedestrian facilities at the existing Gun Inn Junction eastern arm (approximately 30 metres in length); and
- (iv) the installation of new traffic signals, signs and pedestrian facilities at the existing Gun Inn Junction southern arm (approximately 25 metres in length).

Work No. 54 - Shown on sheet 6, 9 and 10 of the works plans, improvements to Woolley Lane for approximately 810 metres to include improved facilities for non-motorised users, signage and traffic calming measures.

Work No. 55 - Shown on sheet 6 of the works plans, the construction of the River Etherow flood compensation area, with an area of approximately 5595 square metres.

Work No. 56 - Shown on sheet number 5 and 6 of the works plans, the creation of a new access track to Carrhouse Lane Farm of approximately 380 metres in length.

Work No. 57 - Shown on sheet 3 of the works plans, a new ecological mitigation area, including an ecological mitigation (bat) structure.

Work No. 58 – Shown on sheets 3 and 4 of the works plans diversion of United Utilities Group PLC water sewerage pipes for approximately 735 metres.

Work No. 59 - Shown on sheet 4 of the works plans, the diversion of United Utilities Group PLC water main for approximately 420 metres.

Work No. 60 - Shown on sheets 1 and 2 of the works:

- (i) diversion of United Utilities Group PLC water distribution main for approximately 135 metres;
- (ii) diversion of United Utilities Group PLC water distribution main for approximately 205 metres;
- (iii) diversion of United Utilities Group PLC water distribution main for approximately 215 metres.

Work No. 61 - Shown on sheets 3 and 4 of the works plans, diversion of existing 33kv, 415V and 11kV Electricity North West buried power cables, for approximately 465 metres, to the east of work number 5, crossing the eastern and southern arms of Mottram Moor Junction.

Work No. 62 – Shown on sheet 4 of the works plans, diversion of a various utilities for approximately 400 metres north and south of Mottram Moor Junction, including:

- (i) the diversion of existing Electricity North West Limited buried power cables;
- (ii) the diversion or protection works to existing British Telecommunications PLC buried communications cables;
- (iii) diversion of existing Cadent Gas Limited gas main pipes; and
- (iv) diversion of United Utilities Group PLC clean water mains and protection of existing sewerage pipes.

Work No. 63 – Shown on sheet 5 of the works plans, diversion of an existing Cadent Gas Limited gas main pipe, for approximately 70 metres.

Work No. 64 - Shown on sheet 5 and 6 of the works plans, diversion of existing Electricity North West Limited buried power cables, for approximately 100 metres.

Work No. 65 - Shown on sheet 6 of the works plans, diversion of existing United Utilities PLC water main, for approximately 210 metres.

Work No. 66 – Shown on sheet 2, 3, 4, 5, 6 of the works plans:

- (i) a noise barrier to the north side of work number 5, approximately 180 metres in length as shown on sheet 2 of the works plans;

- (ii) a noise barrier to the south side of work number 6, approximately 307 metres in length as shown on sheet 2 of the works plans;
- (iii) a noise barrier curving from the north west to the east on the south side of work number 6, approximately 133 metres in length as shown on sheet 3 of the works plans;
- (iv) a noise barrier to the north side of work number 5, approximately 173 metres in length as shown on sheet 3 of the works plans
- (v) a noise barrier to the south side of work number 6, approximately 125 metres in length as shown on sheet 4 of the works plans;
- (vi) a noise barrier to the north side of work number 12 (i), approximately 128 metres in length as shown on sheet 4 of the works plans;
- (vii) a noise barrier to the south side of work number 14, approximately 333 metres in length as shown on sheet 5 of the works plans;
- (viii) a noise barrier to the north side of work number 22, approximately 330 metres in length as shown on sheets 5 and 6 of the works plans.

Work No. 67 - Shown on sheets 4 and 8 of the works plans, creation of a combined footway/cycleway approximately 150 metres in length on the eastbound approach to Mottram Moor Junction.

Work No. 68 - Shown on sheet 8 of the works plans, diversion of a footway approximately 50 metres in length on the south side of Mottram Moor.

Work No. 69 - Shown on sheet 8 of the works plans, diversion of a footway approximately 60 metres in length between Mottram Moor and Back Moor.

In connection with the construction of any of those works, further development within the Order limits provided that it does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement, consisting of—

- (a) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, cycleway or verge within the street; altering the level or increasing the width of any such kerb, footpath, footway, cycle track, cycleway or verge; and reducing the width of the carriageway of the street;
- (b) works required for the strengthening, improvement, maintenance, or reconstruction of any street;
- (c) works for the strengthening, alteration or demolition of any building;
- (d) ramps, means of access, non-motorised links, footpaths, footways, bridleways, cycle tracks, cycleways and crossing facilities;
- (e) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, outfalls, ditches, pollution control devices, wing walls, highway lighting, fencing and culverts;
- (f) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (g) works to place, alter, divert, relocate, remove or maintain the position of apparatus, services, plant and other equipment in a street, or in other land, including mains, sewers, drains, pipes, lights and cables;
- (h) works to alter the course of, or otherwise interfere with a watercourse;
- (i) landscaping, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (j) works for the benefit or protection of land affected by the authorised development;
- (k) works to place, alter, remove or maintain road furniture;

- (l) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soils stripping and storage, site levelling);
- (m) the felling of trees and hedgerows;
- (n) establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences;
- (o) the provisions of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development; and
- (p) such other works, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development.

SCHEDULE 2 REQUIREMENTS

Article 3

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990(a);

“European protected species” has the same meaning as in regulation 42 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(b);

“flood risk assessment” means the document of that description set out in Schedule 10 certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

“the Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authority for England or any equivalent replacement published for that document;

“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981(c);

“PAS 2080” means PAS 2080: 2016 Carbon management in infrastructure, a specification published by the British Standards Institution;

“preliminary works” means archaeological investigations and mitigation works, ecological surveys and mitigation works, environmental surveys and monitoring, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, establishment of work areas and compounds, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or information and the receipt of construction plant and equipment, erection of construction plant and equipment for the preliminary works;

“REAC” means the register of environmental actions and commitments contained in the first iteration EMP;

“the Design Council’s Design Review panel” means the group of independent professionals assembled by the Design Council (registered charity number 272099) to undertake reviews of the design of infrastructure projects in accordance with guidance published by the Design Council from time to time;

“the first iteration EMP” means the document described as the first iteration environmental management plan set out in Schedule 10 submitted with the application for this Order and certified as the first iteration environmental management plan by the Secretary of State for the purposes of this Order;

“the second iteration EMP” means the second revision of the first iteration EMP which is refined during the construction stage for the consented project, in advance of construction;

(a) 1990 c. 43. Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and amended by section 86(2) of the Water Act 2003 c. 37.

(b) S.I. 2017/1012.

(c) 1981 c. 69.

“the third iteration EMP” means the third revision of the first iteration EMP, which builds upon the second iteration EMP refined at the end of the construction stage to support future management and operation.

Time limits

2. The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.

Detailed design

3.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the engineering drawings and sections, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the engineering drawings and sections showing departures from the preliminary scheme design would not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

(3) No part of the authorised development is to commence until options for the detailed design of that part of the authorised development have been submitted to the Design Council’s Design Review panel and the undertaker has received and considered the advice of the Design Council’s Design Review panel in respect of the detailed design of that part of the authorised development.

(4) The undertaker must, in the course of developing the detailed design of the authorised development consult with the relevant planning authority, local highway authority and other parties identified in the Community Engagement Plan.

(5) No part of the authorised development is to commence until details of the external appearance of the ‘Mottram Underpass’ and ‘Roe Cross Road Bridge’ to be constructed pursuant to Work No. 32 and Work No. 33, the ‘River Etherow Bridge’ to be constructed pursuant to Work No. 35, and the noise barriers to be constructed pursuant to Work No. 66 have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and local highway authority on matters related to their functions.

(6) The authorised development must be carried out in accordance with the approved details referred to in sub-paragraph (5).

Second Iteration EMP

4.—(1) No part of the authorised development is to commence until a second iteration EMP, substantially in accordance with the first iteration EMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the local highway authority and the Environment Agency on matters related to their functions.

(2) The second iteration EMP must be written in accordance with ISO14001 and must—

- (a) be in accordance with the mitigation measures set out in the REAC;
- (b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) require adherence to working hours of 07:30–18:00 Mondays to Fridays and 07:30–16:00 on Saturday except for—
 - (i) movements to work, maintenance and general preparation works but not including running plant and machinery for a period of one hour either side of the above times;

- (ii) night-time closures including for road crossings and final surfacing tie ins provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement;
 - (iii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;
 - (iv) junction tie-in works;
 - (v) repair or maintenance of construction equipment;
 - (vi) removal of overhead power lines provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement;
 - (vii) overnight traffic management measures;
 - (viii) cases of emergency; and
 - (ix) as otherwise agreed by the relevant planning authority in advance provided that any other work carried out outside the specified working hours or any extension to the working hours will only be permitted if there has been prior written agreement of the relevant environmental health officer of the relevant planning authority and provided that the activity does not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement; and
 - (x) provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of the specified hours, except in cases of emergency or for the repair or maintenance of construction equipment, which are to be notified to the relevant local authorities as soon as is practicable;
- (d) include the Design Approach Document which must be in accordance with the first iteration EMP and the following management plans which must be in accordance with the first iteration EMP, the REAC and the Outline Landscape and Ecological Management and Monitoring Plan —
- (i) Soil Resource Plan;
 - (ii) Noise and Vibration Management Plan;
 - (iii) Pollution Prevention Plan;
 - (iv) Emergency Spillage Response Plan;
 - (v) Emergency Flood Response Plan;
 - (vi) Dewatering Management Plan;
 - (vii) Construction Water Management Plan;
 - (viii) Site Waste Management Plan;
 - (ix) Materials Management Plan;
 - (x) Asbestos Management Plan;
 - (xi) Arboricultural Method Statement;
 - (xii) Community Engagement Plan;
 - (xiii) Nuisance Management Plan;
 - (xiv) Ecological Management Plan;
 - (xv) Traffic Management Plan;
 - (xvi) Biosecurity Management Plan;
 - (xvii) Invasive Non Native Management Plan;
 - (xviii) Landscape and Ecological Management and Monitoring Plan;
 - (xix) Archaeological Fieldwork Strategy; and

(xx) Carbon Management Plan;

- (e) contain a record of all applications made pursuant to section 61 of the Control of Pollution Act 1974 to demonstrate that 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 has included particulars in the application 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 materially worse environmental effects in comparison with those reported in the environment statement;
- (f) contain a record of the consents, commitments and permissions resulting from liaison with statutory bodies;
- (g) incorporate the measures for the construction stage identified in the environmental statement;
- (h) be kept up to date with any material changes during construction and include a mechanism for consultation on such material changes with the relevant planning authority, the local highway authority and the Environment Agency on matters related to their functions;
- (i) include details of the process for the preparation of the third iteration EMP, which must include for the third iteration EMP to be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, the local highway authority and the Environment Agency on matters related to their functions.

(3) The construction of the authorised development must be carried out in accordance with the approved second iteration EMP.

(4) A third iteration EMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved second iteration EMP.

(5) The third iteration EMP must substantially accord with the measures for the management and operation of the authorised development included in the first iteration EMP and address the matters set out in the environmental statement and the approved second iteration EMP that are relevant to the operation and maintenance of the authorised development, and must contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

(6) The third iteration EMP must require monitoring of air quality in the Tintwistle and Dinting Value Air Quality Management Areas and mitigation measures for any adverse effects in relation to the ability to meet national air quality objectives that are reasonably attributed to the operation of the authorised development in those areas.

(7) The authorised development must be operated and maintained in accordance with the approved third iteration EMP.

Landscaping

5.—(1) No part of the authorised development is to commence unless a written landscaping scheme which sets out details of all proposed hard and soft landscaping works for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) The authorised development must be landscaped in accordance with the landscaping scheme approved under sub-paragraph (1).

(3) The landscaping scheme prepared under sub-paragraph (1) must reflect the mitigation measures set out in the REAC and must be based on the illustrative environmental masterplan annexed to the environmental statement.

(4) The landscaping scheme prepared under sub-paragraph (1) must include details of—

- (a) location, number, species mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained, with measures for their protection during the construction period;
- (d) proposed finished ground levels; and
- (e) implementation timetables for all landscaping works.

(5) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised standards and codes of good practice, as specified in the Landscape and Ecological Management and Monitoring Plan for the authorised development.

(6) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.

Contaminated land and groundwater

6.—(1) No part of the authorised development is to commence until for that part a remediation strategy or design statement, if remediation is not required, to deal with the risks associated with contamination of the site in respect of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.

(2) The remediation strategy or design statement, if remediation is not required, prepared under sub-paragraph (1) must include details of—

- (a) a site investigation, based on the preliminary risk assessment bearing reference HE551473-ARC-TPU-RP-CE-3199 reported in chapter 9 (geology and soils) of the environmental statement, to provide information for a relevant risk assessment of the risk to the identified receptors that may be affected, including those outside the Order limits;
- (b) the results of the site investigation and the relevant risk assessment referred to in sub-paragraph (a) and, based on these, an options appraisal and remediation strategy, where necessary, giving full details of the remediation measures required to render the land fit for its intended purpose and how they are to be undertaken; and
- (c) a verification plan, where necessary, providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy under sub-paragraph (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(3) In the event that soil or water contamination, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified and accounted for within the approved remediation strategy, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must update the remediation strategy in consultation with the relevant planning authority and the Environment Agency on matters related to their functions.

(4) Remediation, where necessary, must be carried out in accordance with the approved remediation strategy unless otherwise agreed in writing by the Secretary of State following

consultation with the relevant planning authority and the Environment Agency on matters related to their functions.

(5) Where remediation is necessary, no part of the authorised development is to be brought into use until for that part a verification report demonstrating the completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions. The verification report shall include results of sampling and monitoring carried out in accordance with the approved details.

(6) The authorised development is not to commence until an updated hydrogeological risk assessment report that addressed the risks to the groundwater resources, that may be impacted by the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the Environment Agency on matters related to their functions.

(7) The report prepared under sub-paragraph (6) must include details of—

- (a) the pre-construction baseline conditions of all features identified during a comprehensive water features survey;
- (b) an updated hydrogeological model for the area that has been identified as being affected by the construction of all elements of the authorised development;
- (c) suitable monitoring locations and parameters to be used for the duration of the construction of the authorised development and will serve as monitoring points for the verification of a successful scheme; and
- (d) a dewatering management plan containing a groundwater monitoring programme that shall be implemented to ensure the continued safeguards of abstractions identified by the water features survey.

(8) The authorised development must be carried out in accordance with the approved dewatering management plan as informed by the updated hydrogeological risk assessment.

Protected species

7.—(1) No part of the authorised development is to commence until for that part final pre-construction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by any part of the authorised development, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Following pre-construction survey work or at any time when carrying out the authorised development, where—

- (a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present;
- (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and
- (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph,

the relevant parts of the relevant works likely to affect the identified protected species must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.

(3) The undertaker must consult with Natural England on the scheme referred to in sub-paragraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.

(4) The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after the Secretary of State has consulted with Natural England, and under any necessary licences.

Surface and foul water drainage

8.—(1) No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation with the relevant lead local flood authority and the Environment Agency on matters related to their functions.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant lead local flood authority on matters related to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement.

Flood risk assessment

9.—(1) Subject to sub-paragraph (2), the authorised development must be carried out in accordance with the flood risk assessment or any update thereof approved by the Environment Agency, including the mitigation measures detailed in it, so that no part of the authorised development is predicted to result in any exceedance of the flood levels to properties and land shown in the flood risk assessment.

(2) Sub-paragraph (1) does not apply in any circumstance where the undertaker proposes to carry out a part of the authorised development otherwise than in accordance with the flood risk assessment or demonstrates to the Environment Agency's satisfaction, in consultation with the relevant lead local flood authority, that the part of the authorised development concerned would not result in an exceedance of the flood levels shown in the flood risk assessment.

(3) The authorised development is not to commence until a programme outlining the intended schedule and phasing of works and mitigation of flood risk during construction has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, relevant lead local flood authority and the Environment Agency on matters related to their functions.

(4) The authorised development must be carried out in accordance with the programme approved under sub-paragraph (3).

Archaeological remains

10.—(1) No part of the authorised development is to commence until for that part a written scheme for the investigation of areas of archaeological interest including a programme for post excavation analysis, reporting, publication or archiving, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority, Greater Manchester Archaeological Advisory Service (GMAAS) and the county archaeologist at Derbyshire County Council on matters related to their functions.

(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).

(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme referred to in sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme referred to in sub-paragraph (1).

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date of any notice served under sub-paragraph (4) unless otherwise agreed in writing by the relevant planning authority.

(6) If the relevant planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the relevant planning authority.

(7) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the county archaeologist.

(8) For the purposes of this paragraph 10 reference to part shall include the preliminary works where the preliminary works comprise intrusive ground works.

Fencing

11. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Volume 1, Series 0300 of the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

Carbon management

12.—(1) No part of the authorised development is to commence until for that part a Carbon Management Plan has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority on matters related to their functions.

(2) The authorised development must be carried out in accordance with the Carbon Management Plan approved under sub-paragraph (1).

(3) The Carbon Management Plan prepared under sub-paragraph (1) must adhere to the principles of PAS 2080 and must—

- (a) quantify the construction stage carbon emissions that are identified at the preliminary scheme design stage;
- (b) set out the consideration given to the use of construction methods, materials and other means to reduce carbon emissions and identify a target for a reduction in construction stage carbon emissions from the preliminary scheme design stage to the completion of the authorised development; and
- (c) provide a comparison of the construction stage carbon emissions, use of construction methods, materials and other means to reduce carbon emissions for the authorised development with other projects identified in consultation with the relevant planning authority and local highway authority.

(4) The undertaker must maintain up to date reports of the construction stage carbon emissions, use of construction methods and materials to reduce carbon emissions; and how those compare with the Carbon Management Plan, until the date of completion of the authorised development.

(5) The adherence of the Carbon Management Plan with the principles of PAS 2080, the construction stage carbon emissions in the Carbon Management Plan, and the up to date reports referred to in paragraph (3), must be verified by an independent body approved by the Secretary of State.

(6) The Carbon Management Plan and the up to date reports referred to in paragraph (3), as verified in accordance with paragraph (4), must be available in electronic form for inspection by members of the public until the date of completion of the authorised development.

Piling

- 13.**—(1) No part of the authorised development is to commence until for that part a Piling Design Statement has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to their functions.
- (2) The authorised development must be carried out in accordance with the Piling Design Statement approved under sub-paragraph (1).
- (3) The Piling Design Statement prepared under sub-paragraph (1) must include details of—
- (a) options for the proposed piling method at each location where piling is proposed;
 - (b) for each piling method option at each location, noise and vibration mitigation measures and anticipated noise and vibration effects on identified receptors that are likely to be affected;
 - (c) the proposed piling method and noise and vibration mitigation measures at each location; and
 - (d) justification of why rotary bored piling is not feasible in any location where the use of percussive piling would lead to more adverse noise or vibration effects on the identified receptors that are likely to be affected.

Details of consultation

- 14.**—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the undertaker must provide such other party with not less than 21 days for any response to the consultation and thereafter the details submitted to the Secretary of State for approval must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.
- (2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.
- (3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.
- (4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Amendments to approved details

15. With respect to any requirement which requires the authorised development to be carried out in accordance with the details or schemes approved under this Schedule, the approved details or schemes or plans are taken to include any amendments that may subsequently be approved in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

16.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) included in this Order the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 16 (further information); or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification at the end of that period).

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report from a body required to be consulted by the undertaker under the requirement that considers it likely that the subject matter of the application would give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement,

the application is taken to have been refused by the Secretary of State at the end of that period.

Further information

17.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within that 21 business day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 15 (applications made under requirements) and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a).

(5) The undertaker when making an application for consent under paragraph (1) shall notify the Secretary of State of the content of paragraph (2) and the fact that, if the Secretary of State fails to notify the undertaker within 21 days of receiving the application for consent, it is deemed to have

(a) 1971 c. 80.

sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

Register of requirements

18.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

19. If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

SCHEDULE 3

Article 13

CLASSIFICATION OF ROADS, ETC.

PART 1

SPECIAL ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
Existing M67 roundabout approach	Between points C1/1 and C1/2 or C1/5 on Sheet 1 of the classification of roads plans

PART 2

TRUNK ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
Existing M67 Junction 4 roundabout	Between points C1/2 and C1/5 passing around the circulatory carriageway in a clockwise direction (north, east, south and west) on Sheet 1 of the classification of roads plans
Proposed M67 Junction 4 throughabout link	Between points C1/5 and C1/6 on Sheet 1 of the classification of roads plans
Proposed A57(T) Dual Carriageway	Between points C1/6 or C1/9 on Sheet 1 and C2/2 on Sheet 2 of the classification of roads plans
Proposed Mottram Moor Junction	Between points C2/2 and C2/9, C2/10 and C2/11 on Sheet 2 of the classification of roads plans
Improvements to existing A57 carriageway between Mottram Moor to Gun Inn	Between Mottram Moor Junction (point C2/11) and the existing Gun Inn Junction (Wednesough/Market Street /Woolley Lane and A57 (T) Mottram Moor) on Sheet 2 of the classification of roads plans
Improvements to existing A628 (T) Market St	Improvements to Market Street within the DCO limits. As shown on Sheet 2 of the classification of roads plans

PART 3

CLASSIFIED ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
A57 Link (single carriageway) (A Road)	Between points C2/9 and C2/4 on Sheet 1 and Sheet 2 of the classification of roads plans
Hyde Rd (A57) (B Road)	Between points C1/7 or C1/8 and C2/3 Sheet 1 and Sheet 2 on the classification of road plans
Mottram Moor Junction local roads exits (A and B Roads)	Between points C2/10 and C2/1 on Sheet 2 on the classification of road plans

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
Mottram Moor Junction short road to the east of the Junction	Short, classified road between points C2/7 and C2/8 with an entrance to the east of the proposed Mottram Moor Junction (C2/7), serving local residents and providing access to nearby houses.
Mottram Moor Junction short road to the west of the Junction	Short, classified road between points C2/5 and C2/6 with an entrance to the west of the proposed Mottram Moor Junction (C2/5), serving local residents and providing access to nearby houses.

PART 4

ROADS TO BE DETRUNKED

A length of 1587 metres of the existing A57(T) Hyde Road from points 1/3 on Sheet 1 of the speed limits and traffic regulations plans, being the junction of the M67 Junction 4 Roundabout in an easterly direction to the junction with Back Moor and then following the A57 Mottram Moor to the tie in at point 2.8, as shown on Sheet 2 of the speed limits and traffic regulations plans.

PART 5

SPEED LIMITS

<i>(1)</i> <i>Road name and number</i>	<i>(2)</i> <i>Extent</i>	<i>(3)</i> <i>Speed Limit</i>
Proposed Throughabout link at M67 Junction 4	From point 1/2 on the eastern side of the M67 Junction 4 roundabout, crossing the roundabout to point 1/5 at the western exit from the roundabout to the M67 for a distance of 160 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	40 miles per hour
Proposed A57(T) Dual Carriageway (both directions)	From points A and B, 70 metres north east of its junction with the M67 Junction 4 roundabout circulatory carriageway along its length to within 110 metres of Mottram Moor Junction (points L, M and N) for a total distance of 1650 metres as shown on Sheets 1 and 2 of the speed limits and traffic regulations plans.	50 miles per hour
Proposed A57(T) Dual Carriageway (both directions)	From its junction with the M67 Junction 4 roundabout (points 1/1 and 1/2) along its length for a total distance of 70 metres to points A and B, as shown on Sheet 1 of the speed limits and traffic regulations plans.	40 miles per hour
Proposed Mottram Moor Junction (all four directions)	The cross road identified as Mottram Moor Junction, from its tie in with the proposed A57(T) Dual Carriageway (points L, M and N), its tie in with Mottram Moor (points 2/8), its tie in with Back Moor (point 2/7), its tie in with Hyde Road (point 2/6) and its linkage with the Proposed A57 Link Road (Single Carriageway) as shown on Sheet 2 of the speed limits and traffic regulations plans. (This includes the	30 miles per hour

	short stretches of retained existing highway, either side of Mottram Moor Junction.)	
Proposed A57 Link Road (Single Carriageway) (both directions)	From the Mottram Moor Junction (points L, M and N) along its length to the Woolley Bridge Junction (point 2/9) for a total distance of 1250 metres as shown on Sheet 2 of the speed limits and traffic regulations plans.	30 miles per hour
A57 (T) (Hyde Road) from the M67 Junction 4 to the tie in at the junction with A6018 Back Moor (both directions)	From a point 23 metres east of its junction with the M67 Junction 4 roundabout (points C and D) to its tie in with the realigned junction with A6018 Back Moor (points P and O) for a total distance of 1100metres, as shown on Sheets 1 and 2 of the speed limits and traffic regulations plans.	20 miles per hour
Junction between Hyde Rd and Stalybridge Road (all directions)	From Stalybridge Road points (K and H) 20 metres north of the Junction with A57 (T) Hyde Road to A57(T) Hyde Road as shown on Sheet 1 of the speed limits and traffic regulations plans.	20 miles per hour
Junction between Hyde Rd and Broadbottom Road (all directions)	From Broadbottom Road points (J and I) 20 metres south of the its junction with A57 (T) Hyde Road to A57(T) Hyde Road as shown on Sheet 1 of the speed limits and traffic regulations plans.	20 miles per hour
A57 Woolley Lane (both directions)	From the Junction between A57 (T) Mottram Moor, Wednesough and Market Street (points Q, R, S and T) for a total of 665 metres, to its junction with Woolley Bridge Road (points U and V), as shown on Sheet 2 of the speed limits and traffic regulations plans.	20 miles per hour
Existing M67 Junction 4	The whole length of the improved M67 Junction 4 circulatory carriageway, for a distance of 422 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	40 miles per hour, as existing limit
Existing M67 (both directions)	Along the length of the improved M67 carriageway, for a total distance of 330 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	70 miles per hour, as existing limit
Existing A6018 Roe Cross Road (both directions)	Along the length of the existing Roe Cross Road within the DCO boundary, for a distance of 295 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	40 miles per hour and 30 miles per hour, as existing limits
Existing Old Hall Lane (both directions)	Along the length of the existing Old Road within the DCO boundary, for a distance of 133 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing Market Street (leading into Broadbottom Road)	Along the length of the existing Market Street, (leading into Broadbottom Road) within the DCO boundary, for a distance of 50 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing B6174 Stalybridge Road	Along the length of the existing Stalybridge Road within the DCO boundary, for a distance of 50 metres and a further section of 20 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit

Existing Old Road (both directions)	Along the length of the existing Old Road within the DCO boundary, for a distance of 185 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing Mottram Road (both directions)	Along the length of the existing Mottram Road within the DCO boundary, for a distance of 200 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	40 miles per hour, as existing limit
Existing Stockport Road (both directions)	Along the length of the existing Stockport Road within the DCO boundary, for a distance of 223 metres, as shown on Sheet 1 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing Market St (both directions)	Along the length of the existing Market Street within the DCO boundary, for a distance of 173 metres, as shown on Sheet 2 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing A57 Woolley Bridge (both directions)	Along the length of the existing A57 Woolley Bridge within the DCO boundary, for a distance of 370 metres, north and south of proposed Wooley Bridge Junction, as shown on Sheet 2 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing A6018 Back Moor (both directions)	Along the length of the existing A6018 Back Moor within the DCO boundary, for a distance of 18 metres and 69 metres, as shown on Sheet 1 and 2 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing A57 (T) Mottram Moor	Along the length of the existing A57 Mottram Moor within the DCO boundary, for a distance of 390 metres, as shown on Sheet 2 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit
Existing Wedneshough	Along the length of the existing Wedneshough within the DCO boundary, for a distance of 53 metres, as shown on Sheet 2 of the speed limits and traffic regulations plans.	30 miles per hour, as existing limit

PART 6

NEW TRAFFIC REGULATION ORDERS SOUGHT

<i>(1)</i> Area	<i>(2)</i> Road name and number and length	<i>(3)</i> Traffic Regulation Sought
Longdendale Ward, Tameside	Proposed A57(T) dual carriageway (both directions from its junction with the M67 Junction 4 roundabout (points 1/1 and 1/2) to Mottram Moor Junction (points 2/1, 2/2, 2/3, 2/4, and 2/5) a total distance of 2980 metres as shown on Sheet 1 and Sheet 2 of the speed limits and traffic regulations plans.	Clearway (to include verges) Prohibition of pedestrians. Prohibition of cyclists. Prohibition of ridden or accompanied horses

PART 7

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or Variations</i>
Longdendale Ward, Tameside	Hyde Road (A57 (T)) and Mottram Moor (A57 (T)) as shown on Sheet 1 of the speed limits and traffic regulations plans between points 1/3 and 2/8	The A57 Trunk Road (Hyde Road and Mottram Roundabout) (30 Miles Per Hour and 40 Miles Per Hour Speed Restriction) Order 2013	To be revoked in so far as it is in force and within the Order Limits

PART 8

PUBLIC RIGHTS OF WAY

<i>(1)</i> <i>Public right of way</i>	<i>(2)</i> <i>Extent</i>
Proposed combined footway/cycleway with equestrian use	1566 metres of combined footway/cycleway with equestrian use connecting point 6/9 and point 4/16, as shown on Sheets 4, 5 and 6 of the streets, rights of way and access plans.
Proposed footpath	249 metres of footpath connecting point 5/2 on Sheet 5 and point 9/2 on Sheet 9 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	1170 metres of new combined footway/cycleway with equestrian use as shown between point 1/7 on Sheet 1, points 2/8 and 2/6 on Sheet 2 and point 1/8 on Sheet 1 of the streets, rights of way and access plans.
Proposed footpath	124 metres of new footpath running in a north eastern direction as shown between points 2/8 and 2/5 on Sheet 2 of the streets, rights of way and access plans.
Proposed footpath	15 metres of new footpath between points 1/42 and 1/43 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	65 metres of combined footway/cycleway as shown between points 1/4 and 1/1 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	50 metres of combined footway/cycleway as shown between point 1/1 and 1/37 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	40m of combined footway/cycleway as shown between points 1/27 and 1/37 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	15 metres of combined footway/cycleway as shown between points 1/25 and 1/26 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	55 metres of combined footway/cycleway as shown between points 1/25 and 1/22 on Sheet 1 of the streets, rights of way and access plans.

Proposed combined footway/cycleway	20 metres of combined footway/cycleway as shown between points 1/22 and 1/29 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	20 metres of combined footway/cycleway as shown between points 1/29 and 1/28 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	15 metres of combined footway/cycleway as shown between points 1/29 and 1/30 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	105 metres of combined footway/cycleway with equestrian use as shown between points 1/22 and 1/21 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	15 metres of combined footway/cycleway as shown between points 1/21 and 1/20 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	35 metres of combined footway/cycleway with equestrian use as shown between points 1/21 and 1/19 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	35 metres of combined footway/cycleway with equestrian use as shown between points 1/23 and 1/27 of Sheet 1 of the streets, rights of way and access plans.
Proposed segregated equestrian route	15 metres of segregated equestrian route as shown between points 1/27 and 1/22 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	140m of combined footway/cycleway with equestrian use as shown between points 1/19 and 1/24 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	50 metres of combined footway/cycleway as shown between points 1/15 to 1/16 on Sheet 1 of the streets, rights of way and access plans.
Proposed combined footway/cycleway with equestrian use	736 metres of new combined footway/cycleway with equestrian use as shown between Point 3/3 and Point 4/10 on Sheet 3 and 4 of the Streets, Rights of Way and Access Plan.
Proposed combined footway/cycleway	205 metres of combined footway/cycleway (comprising crossing points at Mottram Moor Junction) as shown between points 4/9 to point 4/19, point 4/19 to point 4/3, point 4/3 to point 4/22, point 4/22 to point 4/4, point 4/4 to point 4/23 and point 4/23 to point 4/5, point 4/5 to point 4/9 on Sheet 4 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	100 metres of combined footway/cycleway, as shown between points 4/8 and 4/9 on Sheet 4 of the streets, rights of way and access plans.
Proposed footway	20 metres of footway as shown between points 4/28 and 4/29 on Sheet 4 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	200 metres of combined footway/cycleway, as shown between points 4/19 and 4/20 on Sheet 4 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	150 metres of combined footway/cycleway, as shown between points 4/21 and 4/22 on Sheet 4 of the streets, rights of way and access plans.
Proposed combined footway/cycleway	150 metres of combined footway/cycleway as shown between point 4/17 on Sheet 4 and point 8/10 on Sheet 8 of the streets, rights of way and access plans.

Proposed footway	15 metres of footway/crossing as shown between points 6/14 and 6/15 on Sheet 6 of the streets, rights of way and access plans.
Proposed footway	7.5 metres of footway as shown between points 6/16 and 6/17 on Sheet 6 of the streets, rights of way and access plans.
Proposed footpath	425 metres of footpath as shown between points 6/3 and 6/5 on Sheet 6 of the streets, rights of way and access plans.
Proposed footpath	85 metres of footpath as shown between point 4/18 on Sheet 4 and point 8/11 on Sheet 8 of the streets, rights of way and access plans.
Proposed footway	60 metres of footway as shown between points 8/9 and 8/10 on Sheet 8 of the streets, rights of way and access plans.
Proposed/diverted footway	100 metres of proposed/diverted footway as shown between points 8/4 and 4/7 on Sheets 4 and 8 of the streets, rights of way and access plans.
Proposed footway	60 metres of footway as shown between points 8/5 and 8/6 on Sheet 8 of the streets, rights of way and access plans.
Proposed footpath	10 metres of footpath as shown between points 2/1 and 2/2 on Sheet 2 of the streets, rights of way and access plans.
Proposed footpath	20 metres of footpath as shown between points 2/6 and 2/7 on Sheet 2 on the streets, rights of way and access plans.

PART 9

PRIVATE MEANS OF ACCESS

(1) Road	(2) Extent
New private maintenance track to be created to maintain Old Mill Farm underpass	As shown on Sheets 1 and 2 of the works plans, the extent of Work No. 7(i) and 7(ii)
New private maintenance track to be created to maintain the new Pond 1	As shown on Sheet 1 of the works plans, the extent of Work No. 8
New private access track providing access to farms and for maintenance of Electricity pylon and overhead lines	As shown on Sheet 3 and 4 of the works plans, the extent of Work No. 11(i)
New private maintenance track to be created to maintain the new Pond 2	As shown on Sheet 4 of the works plans, the extent of Work No. 20(i) and 20(ii)

SCHEDULE 4

Article 15

PERMANENT STOPPING UP AND ALTERATION OF HIGHWAYS, STREETS AND PRIVATE MEANS OF ACCESS

PART 1

PUBLIC RIGHTS OF WAY OR HIGHWAY TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Public right of way or highway to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted/provided</i>
Footpath LON/90/100	For a distance of 60 metres between points 6/4 and 6/5 as shown on Sheet 6 of the streets, rights of way and access plans	New footpath heading south east from point 6/3 to point 6/1 on Sheet 6 of the streets, rights of way and access plans.
Footpath LON/88/60	For a distance of 210 metres between point 9/2 on Sheet 9 and point 5/2 on Sheet 5 of the streets, rights of way and access plans	New footpath from point 9/2 on Sheet 9 to point 5/2 on Sheet 5 of the streets, rights of way and access plans.
Footpath LON/87/10	For a distance of 160 metres between points 4/14 on Sheet 4 and point 8/11 on Sheet 8 of the streets, rights of way and access plans	Proposed footpath will connect directly onto the new A57 Link Roads 'Mottram Moor Junctions' footway (south west corner) via points 4/19, 4/a and 4/18 to point 8/11.
Footpath LON/52/10	For a distance of 230 metres between points 2/5 and 2/4 on Sheet 2 of the streets, rights of way and access plans	New footpath connection point 2/5 to point 2/8, new combined footway/cycleway with equestrian use between point 2/8 and point 2/6 and new footpath between 2/6 and 2/4 on Sheet 2 of the streets, rights of way and access plans.
Footpath LON/51/20	For a distance of 100 metres between points 2/3 and 2/4 on Sheet 2 of the streets, rights of way and access plans	New combined footway/cycleway with equestrian use connecting point 2/3 to point 2/6 and new footpath between 2/6 and 2/4 on Sheet 2 of the streets, rights of way and access plans.
Footpath LON/50/10	For a distance of 160 metres between points 1/42 and 1/44 on Sheet 1 of the streets, rights of way and access plans	New footpath link provided to new combined footway/cycleway with equestrian use between points 1/42 and 1/43.

<i>(1) Public right of way or highway to be stopped up</i>	<i>(2) Extent of stopping up</i>	<i>(3) New highway to be substituted/provided</i>
		<p>The new combined footway/cycleway with equestrian use will connect 1/43 and 1/7, a diversion will then use the new combined footway/cycleway provision at the M67 Junction 4, leaving at point 1/19 and then using the existing footway to reach point 1/8 of the new combined footway/cycleway with equestrian use, which then links back to point 1/44. An alternative is to travel along the new bridleway between points 1/43 and 2/8 using the proposed Old Mill underpass and travelling past point 2/6 to 1/44.</p>
Footpath LON/52/20	For a distance of 380 metres between points 1/45 on Sheet 1 and point 2/4 on Sheet 2 of the streets, rights of way and access plans	New footpath link provided between 2/7 and 2/6 with the new combined footway/cycleway with equestrian use connecting point 2/6 on Sheet 2, point 1/44 on Sheet 1 and point 1/8 on Sheet 1 of the streets, rights of way and access plans.
Footway along north eastern corner of the M67 Junction 4 roundabout	For a distance of 135 metres between points 1/4 and 1/19 on Sheet 1 of the streets, rights of way and access plans	New combined footway/cycleway from point 1/4 to 1/1 to 1/26 to 1/25 to 1/24 to 1/23 to 1/21 and 1/19 on Sheet 1 of the streets, rights of way and access plans.
Footway/Shared User Path/crossing along the southern edge of the M67 Junction 4 roundabout	For a distance of 49 metres between points 1/17 and 1/16 on Sheet 1 of the streets, rights of way and access plans	New combined footway/cycleway from points 1/15 to 1/14 on Sheet 1 of the streets, rights of way and access plans.
Footway/Shared User Path/crossing along the western edge of the M67 Junction 4 roundabout	For a distance of 52 metres between points 1/38 and 1/37 on Sheet 1 of the streets, rights of way and access plans	New combined footway/cycleway from point 1/1 to 1/27 on Sheet 1 of the streets, rights of way and access plans
Footway/crossing	For a distance of 25 metres between points 1/6 and 1/19 on Sheet 1 of the Street, Rights of Way and Access Plans	New combined footway/cycleway from point 1/20 to 1/21 to 1/19 on Sheet 1 of the streets, rights of way and access plans

<i>(1)</i> <i>Public right of way or highway to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted/provided</i>
Footway/crossing	For a distance of 340 metres between point 4/15 on Sheet 4 and point 8/10 on Sheet 8 of the streets, rights of way and access plans	New combined footway/cycleway from point 4/21 to 4/22 to 4/23 on Sheet 4 of the streets, rights of way and access plans and new combined footway/cycleway with equestrian use from point 4/23 to 4/17 and then on combined footway cycleway from point 4/17 to point 8/10 on Sheet 8 of the streets, rights of way and access plans
Footway/crossing	For a distance of 45 metres between points 4/13 to 4/12 on Sheet 4 of the streets, rights of way and access plans	New combined footway/cycleway from point 4/19 to point 4/9 on the streets, rights of way and access plans.

PART 2

PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New private means of access to be substituted</i>
Carrhouse Lane	For a distance of approximately 70 metres shown between points 5/3 and 5/4 on Sheet 5 on the Streets, Rights of Way and Access Plan	Work No. 23
Informal field access off Edge Lane	Vehicular access point 2/4 on Sheet 2 on the Streets, Rights of Way and Access Plan	Work No. 7(v)
Existing maintenance track (multi user)	For a distance of approximately 60 metres shown between points 6/4 and 6/5 on Sheet 6 on the Streets, Rights of Way and Access Plan.	Work No. 25(i), 25(iii)
Field access	Vehicular track access point close to point 1/9 on Sheet 1 on the Streets, Rights of Way and Access Plan	Work number 7(i)

PART 3

ALTERATIONS TO PRIVATE MEANS OF ACCESS

<i>(1)</i> <i>Private Means of Access to be altered</i>	<i>(2)</i> <i>Extent of Alteration</i>
Realignment of existing private maintenance	As shown on Sheet 1 of the works plans, the

<i>(1)</i> <i>Private Means of Access to be altered</i>	<i>(2)</i> <i>Extent of Alteration</i>
access to an electricity pylon from southern point of Edge Lane/ northern access of the M67 Junction 4	extent of Work No. 7(i)
Realignment of existing private means of access into agricultural fields.	As shown on Sheet 1 and 2 of the works plans, the extent of Work No. 7(i), 7(ii), 7(iii), 7(iv), 7(v), 9(i) and 9(ii)
Realignment of existing private means of access into agricultural fields and current Showground	As shown on Sheet 3 of the works plans, the extent of Work No. 11(i) and 11(ii)
Realignment of existing private means of access into agricultural fields	As shown on Sheet 5 of the works plans, the extent of Work No. 24
Realignment of existing private means of access to Tara Brook Farm	As shown on Sheet 6 of the works plans, the extent of Work No. 25(iii)
Realignment of existing private means of access to Hope Farm to be created within farmer's own land.	As shown on the Sheet 6 of the works plans, the extent of Work No. 25(iv).
Provision of gated field access to land west of the River Etherow	As shown on Sheet 6 of the works plans the extent of Work No. 30(i)
Realignment of private means of access to Carrhouse Farm to be created.	As shown on Sheet 5 and 6 of the works plans the extent of Work No.56

SCHEDULE 5

Article 25(2)

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

(1) <i>Plot Reference Number shown on Land Plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
Land Plans – Sheet 1		
1/6c	Required for access to culvert for structural inspections and maintenance	Work No. 36
1/9a	Required for access to culvert for structural inspections and maintenance	Work No. 36
1/9b	Required for maintenance and access to existing water distribution main and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 60
Land Plans – Sheet 2		
2/1a	Required for maintenance and access to existing water distribution main and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 60
2/1g	Required to create access and egress points serving land situated south of Edge Lane, access to culvert for structural inspections and maintenance, and the establishment of environmental mitigation and enhancement	Work No. 9, 36, 49
2/1i	Required for access to culvert for structural inspections and maintenance, and the establishment of environmental mitigation and enhancement	Work No. 36, 50
Land Plans – Sheet 3		
3/3c	Required for the establishment of environmental mitigation and enhancement	Work No. 50
Land Plans – Sheet 4		
4/3b	Required for the establishment of environmental mitigation and enhancement	Work No. 50
4/4m	Required to allow access for maintenance of pond	Work No. 20
4/12a	Required for access to culvert for structural inspections and maintenance	Work No. 36
4/13b	Required for access to culvert for structural inspections and maintenance	Work No. 36
4/13g	Required for maintenance and access to utilities and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 59
4/13j	Required for the establishment of environmental mitigation and enhancement	Work No. 50
4/21	Required to allow access for maintenance of pond	Work No. 20
4/22a	Required for maintenance and access to utilities	Work No. 59

	equipment and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	
Land Plans – Sheet 5		
5/1b	Required for maintenance and access to utilities and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 63
5/1f	Required for construction of realigned Carrhouse Lane and for maintenance and access to utilities and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 34, 63
5/1i	Required for maintenance and access to utilities and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 63
5/1j	Required for use of the realigned Carrhouse Lane	Work No. 23
5/4	Required for maintenance and access to utilities and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 63
5/7d	Required for use of the realigned Carrhouse Lane	Work No. 23
5/7f	Required for the establishment of environmental mitigation and enhancement	Work No. 50
5/9d	Required for the establishment of environmental mitigation and enhancement and for maintenance and access to utilities equipment and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 50, 64
Land Plans – Sheet 6		
6/1b	Required for the establishment of environmental mitigation and enhancement and for maintenance and access to utilities equipment and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 50, 64
6/1d	Required for maintenance and access to utilities equipment and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 65
6/1f	Required for the establishment of environmental mitigation and enhancement including for flood storage	Work No. 50, 55
6/2a	Required for the establishment of environmental mitigation and enhancement including for flood storage, plus maintenance and access to utilities equipment and to include restrictive covenants for	Work No. 50, 55, 65

	protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	
6/2d	Required to facilitate a new access to Tara Brook Farm	Work No. 25
6/2i	Required for the establishment of flood storage	Work No. 55
6/2j	Required for structures to facilitate the proposed River Etherow Bridge	Work No. 35, 50
6/2l	Required for the establishment of environmental mitigation and enhancement	Work No. 50
6/2n	Required for the establishment of flood storage	Work No. 55
6/3b	Required for maintenance and access to utilities equipment and to include restrictive covenants for protecting the installed apparatus from excavation and to prevent access to the installed apparatus being made materially more difficult	Work No. 65
Land Plans – Sheet 7		
7/1d	Required for the establishment of environmental mitigation and enhancement	Work No. 50
Land Plans – Sheet 8		
8/6	Rights required to undertake and maintain works associated with the detruking of the existing A57 (T) between the M67 Junction 4 and Mottram Moor Junction including associated traffic calming measures and signage	Work No. 51
8/8c	Required for the establishment of environmental mitigation and enhancement and a new footpath between Mottram Moor Junction and existing LON 87/10	Work No. 21, 49, 50
Land Plans – Sheet 9		
9/3	Rights are required for Tameside MBC for maintenance and structural inspections of the underpass at Carrhouse Lane	Work No. 34
9/5	Rights are required for Tameside MBC for maintenance and structural inspections of the underpass at Carrhouse Lane	Work No. 34
9/7c	Rights are required for Tameside MBC for maintenance and structural inspections of the underpass at Carrhouse Lane	Work No. 34
9/9c	Rights are required for Tameside MBC for maintenance and structural inspections of the underpass at Carrhouse Lane	Work No. 34
Land Plans – Sheet 10		
none		

**MODIFICATION OF COMPENSATION AND COMPULSORY
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS
AND IMPOSITION OF RESTRICTIVE COVENANTS**

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply in respect of compensation for the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modifications set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act, after “if” substitute—

- “(a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 6 to the A57 Link Roads Development Consent Order 202[] (“the A57 Link Roads Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 to the A57 Link Roads Order) to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- “(a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

Application of Part 1 of the 1965 Act

4.—(1) Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 27 (modification of part 1 the 1965 Act)) to the acquisition of land under article 22 (compulsory acquisition of land), applies to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 25 (compulsory acquisition of rights and restrictive covenants)—

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

(a) 1973 c. 26.

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restrictive covenant imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restrictive covenant is or is to be enforced.

(3) For section 7 (measure of compensation in the case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(5) Section 11(a) (powers of entry) of the 1965 Act is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(b) (powers of entry; further notices of entry), 11B(c) (counter-notice requiring possession to be taken on specified date), 12(d) (unauthorised entry) and 13(e) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(f) (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

-
- (a) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.
 - (b) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
 - (c) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016.
 - (d) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraphs 2 and 4 of Schedule 16 to the Housing and Planning Act 2016.
 - (e) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
 - (f) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 27(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

“SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND

Introduction

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 28 (application of the 1981 Act) of the A57 Link Roads Development Consent Order 2022 in respect of the land to which the notice to treat relates.

(2) But see article 30 (acquisition of subsoil and airspace only) of the A57 Link Roads Development Consent Order 2022 which excludes the acquisition of subsoil or airspace only from this Schedule.

2. In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the acquiring authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the acquiring authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

Determination by the Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 7

Article 32

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Plot Reference Number shown on Land Plans</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>
Land Plans – Sheet 1		
1/1h	Required for works to improve the M67 Junction 4 roundabout, the construction of a drainage ditch, and the creation of a new public right of way.	Work No. 3, 7, 40
1/6a	Required for works to improve the M67 Junction 4 roundabout, the construction of a drainage ditch, and the creation of a new public right of way.	Work No. 3, 7, 40
1/9c	Required for access to and creation of new culverts for structural inspections and maintenance and the construction of new drainage ditches to the north of the A57 link between M67 and Roe Cross Road.	Work No. 36, 40
Land Plans – Sheet 2		
2/1c	Required for works to culverted watercourses and to create new watercourse	Work No. 36, 41
2/1d	Required for the creation of access and egress points serving land situated south of Edge Lane and for works to culverted watercourses and to create new watercourse	Work No. 9, 36, 41
2/1e	Required for the creation of new public rights of way, north and south of the proposed new dual carriageway	Work No. 7
2/1h	Required for the creation of new public rights of way, north and south of the proposed new dual carriageway and for the diversion of Hurstclough Brook	Work No. 7, 43
2/1j	Required for the construction of new drainage ditches	Work No. 40
2/2a	Required for the construction of the proposed Roe Cross Road Bridge and retaining walls to Mottram Underpass and for the creation of drainage ditches	Work No. 32, 40
2/2d	Required for the construction of the proposed Roe Cross Road Bridge and retaining walls to Mottram Underpass	Work No. 32
2/2f	Required for the construction of the proposed Roe Cross Road Bridge and retaining walls to Mottram Underpass	Work No. 32
Land Plans – Sheet 3		
3/2x	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
3/2aa	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/2bb	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/2cc	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/3e	Required for the construction of a new section of the eastbound A57 dual carriageway, new watercourses and utility diversions.	Work No. 5, 44, 58
3/3f	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/3h	Required for the construction of a new section of the eastbound A57 dual carriageway, new watercourse and the diversion of buried power cables	Work No. 5, 44, 61
3/14	Required for the realignment of Old Hall Lane and the creation of a means of access and egress to the south of land currently known as the Showground	Work No. 10, 11
3/15b	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/16b	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/17a	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/18	Required for the realignment of Old Hall Lane	Work No. 10
3/20a	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/22b	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11, 66
3/22c	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/22d	Required for the construction of new watercourses to manage local drainage	Work No. 44
3/22e	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11, 66
3/24	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
3/25	Required for the construction of new watercourses to manage local drainage	Work No. 44
3/27b	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/27c	Required for the construction of a new section of the eastbound A57 dual carriageway, the diversion of a water sewerage pipe, the construction of new watercourses to manage local drainage and	Work No. 5, 44, 58
3/27d	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/28a	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/28b	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
3/29	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
Land Plans – Sheet 4		
4/3a	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
4/8b	Required for the construction of an earthworks screening bund	Work No. 48
4/9	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
4/10a	Required for the creation of means of access and egress to the south of the land currently known as the Showground	Work No. 11
4/10c	Required for the diversion of buried power cables	Work No. 61
4/12c	Required for the creation of means of access and egress to the south of the land currently known as the Showground and the development of a short cul de sac to the west of the proposed Mottram Moor Junction	Work No. 11, 17, 66
4/12d	Required for the diversion of buried power cables	Work No. 61
4/13a	Required for the creation of a footpath between the Mottram Moor Junction and the existing footpath, the creation of a culvert to carry an unnamed watercourse and a diversion of Tara Brook south	Work No. 21, 36, 45
4/13c	Required for the creation of a footpath between the Mottram Moor Junction and the existing footpath the creation of a culvert to	Work No. 21, 36, 45, 48

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	carry Tara Brook, a diversion of Tara Brook and the construction of an earthworks screening bund	
4/13f	Required for the creation of a private access track for the maintenance of a pond	Work No. 20
4/13h	Required for the creation of a culvert to carry Tara Brook, a diversion of Tara Brook and the construction of various drainage ditches	Work No. 36, 45, 46
4/13i	Required for the construction of a drainage retention pond, the diversion of Tara Brook and the diversion of existing water main	Work No. 38, 45, 59
4/13k	Required for the construction of various drainage ditches and the construction of an earthworks screening bund	Work No. 46, 48
4/14b	Required for the diversion of buried power cables	Work No. 61
4/20	Required for the creation of a private access track for the maintenance of a pond	Work No. 20
4/22b	Required for the diversion of existing water main and the diversion of Tara Brook.	Work No. 59, 45
Land Plans – Sheet 5		
5/1a	Required for the construction of various drainage ditches and the construction of an earthworks screening bund	Work No. 46, 48
5/1c	Required for the realignment of Carrhouse Lane and the construction of various drainage ditches	Work No. 23, 46
5/1e	Required for the creation of a new bridleway, the construction of the A57 Link Road and the realignment of Carrhouse Lane,	Work No. 14, 22, 23
5/1g	Required for the construction of the A57 Link Road and the realignment of Carrhouse Lane,	Work No. 22, 23
5/1h	Required for the realignment of Carrhouse Lane,	Work No. 23
5/1k	Required for the realignment of Carrhouse Lane and the construction of various drainage ditches	Work No. 23, 46
5/2	Required for the construction of the A57 Link Road and the creation of a private, field access track from Carrhouse Lane to a field east of Carrhouse Lane	Work No. 22, 24
5/3	Required for the realignment of Carrhouse Lane, together with a new access track and public footpath, including associated earthworks and drainage	Work No. 23
5/6a	Required for the creation of a private, field access track from Carrhouse Lane to a field east of Carrhouse Lane	Work No. 24
5/6d	Required for the realignment of Carrhouse Lane, together with a new access track and public footpath, including associated	Work No. 23

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	earthworks and drainage	
5/7b	Required for the construction of various drainage ditches	Work No. 46
5/7c	Required for the realignment of Carrhouse Lane, together with a new access track and public footpath, including associated earthworks and drainage	Work No. 23
5/7e	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/7g	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/7h	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/8	Required for the construction of various drainage ditches	Work No. 46
5/9a	Required for the creation of a private, field access track from Carrhouse Lane to a field east of Carrhouse Lane and the construction of various drainage ditches	Work No. 24, 46, 66
5/9c	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/9e	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/9f	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
5/9g	Required for the creation of a new access track to Carrhouse Lane Farm	Work No. 56
Land Plans – Sheet 6		
6/1a	Required for the diversion of a footpath facilitating a private access track to Pond 3 and access to an existing maintenance track, the creation of a culvert to carry a drainage ditch and the construction of various drainage ditches	Work No. 25, 36, 46
6/1c	Required for the construction of various drainage ditches	Work No. 46, 66
6/2c	Required for the diversion of a footpath facilitating a private access track to Pond 3 and access to an existing maintenance track, plus the construction of various drainage ditches	Work No. 25, 46, 66
6/2e	Required for the diversion of a footpath and the creation of new access tracks, the construction of the proposed River Etherow bridge, the creation of a culvert to carry drainage ditch and the construction of various drainage ditches	Work No. 25, 35, 36, 46,
6/2f	Required for the construction of the proposed River Etherow bridge, the construction of various drainage ditches and the establishment of environmental mitigation	Work No. 35, 46, 50

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	and enhancement	
6/2h	Required for the construction of various drainage ditches	Work No. 46
6/2k	Required for the construction of the proposed River Etherow bridge and the construction of various drainage ditches	Work No. 35, 46
6/2m	Required for the construction of various drainage ditches	Work No. 46
6/2p	Required for the construction of an at grade signalised T-Junction	Work No. 27
6/2q	Required for the creation of a bridleway along the south side of A57 Link Road and road widening and resurfacing	Work No. 26, 28
6/2r	The creation of a bridleway along the south side of A57 Link Road, the construction of an at grade signalised T-Junction and the construction of a new private access	Work No. 26, 27, 30
6/3a	Required for the construction of various drainage ditches	Work No. 46, 66
6/3d	Required for the diversion of a footpath and creation of an access track	Work No. 25
6/5	Required for the construction of an at grade signalised T-Junction and the creation of controlled pedestrian/cycle crossing	Work No. 27, 29
6/6	Required for the construction of an at grade signalised T-Junction and the creation of controlled pedestrian/cycle crossing	Work No. 27, 29
Land Plans – Sheet 7		
7/1a	Required for the establishment of a construction compound and the undertaking of associated construction activities	All works
7/1c	Required for the establishment of a construction compound and the undertaking of associated construction activities	All works
Land Plans – Sheet 8		
8/7a	Required for the creation of an earthwork screening bund	Work No. 48
8/8a	Required for the creation of a footpath between the new Mottram Moor Junction and existing footpath, creation of a culvert to carry Tara Brook, the diversion of Tara Brook and the location of bat boxes installed on existing trees.	Work No. 21, 36, 45, 50
8/8d	Required for the creation of a footpath between the new Mottram Moor Junction and existing footpath and the diversion of Tara Brook	Work No. 21, 45
Land Plans – Sheet 9		
9/7a	Required for the realignment of Carrhouse Lane and the construction of various drainage	Work No. 23, 46

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>
	ditches.	
9/7e	Required for the realignment of Carrhouse Lane, together with a new access track and public footpath, including associated earthworks and drainage	Work No.23
9/9a	Required for the realignment of Carrhouse Lane and the construction of various drainage ditches.	Work No. 23, 46
9/16	Required for the realignment of Carrhouse Lane, together with a new access track and public footpath, including associated earthworks and drainage	Work No. 23
Land Plans – Sheet 10		
None		

SCHEDULE 8
HEDGEROWS AND TREES

Articles 36 and 38

PART 1
HEDGEROWS

<i>(1)</i> <i>Hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Important Hedgerow</i>
H1 – Defunct – Species Poor – 93 metres	Partial removal	Works no. 7(i) & 40	No
H3 – Defunct – Species Poor – 87 metres	Full removal	Works no. 5 & 6	No
H5 – Defunct – Species Poor – 310 metres	Partial removal	Works no. 5 & 6	No
H7 – Intact – Species Poor – 104 metres	Full removal	Works no. 15 & 16	No
H8 – Defunct – Species Poor – 119 metres	Full removal	Work no. 6	No
H9 – Hedgerows with Trees – Species Poor – 64 metres	Full removal	Work no. 6	No
H10 – Hedgerow with tree species – Species Poor – 66 metres	Full removal	Works no. 5 & 6	No
H11 – Defunct – Species Poor – 66 metres	Full removal	Work no. 6	No
H12 – Intact – Species Poor – 247 metres	Partial removal	Works no. 5 & 6	No
H13 – Intact – Species Poor – 93 metres	Full removal	Work no. 12	No
H14 – Intact – Species Poor – 173 metres	Full removal	Work no. 12	No
H15 – Defunct – Species Poor – 56 metres	Full removal	Work no. 5	No
H16 – Hedgerow with tree species – Species Poor –	Partial removal	Works no. 44 & 58	No

145 metres			
H17 – Intact – Species Poor – 119 metres	Partial removal	Works no. 61 & 44	No
H24 – Hedgerow with tree species – Species Rich – 131 metres	Partial removal	Works no. 61 & 5	Yes
H28 – Defunct – Species Poor – 159 metres	Partial removal	Work no. 56	No
H29 – Hedgerows with Trees – Species Poor – 252 metres	Partial removal	Work no. 22	No
H31 – Intact – Species Poor – 183 metres	Full removal	Work no. 27	No
H32 – Intact – Species Rich – 140 metres	Partial removal	Work no. 22	No
H33 – Defunct – Species Poor – 371 metres	Partial removal	Work no. 22	No
H36 – Intact – Species Poor – 67 metres	Full removal	Work no. 22	No
H37 – Hedgerows with Trees – Species Poor – 157 metres	Partial removal	Work no. 22	No
H39 – Hedgerows with Trees – Species Poor – 101 metres	Partial removal	Work no. 22 & 23	No
H42 – Hedgerows with Trees – Species Poor – 42 metres	Full removal	Work no. 35	No
H43 – Line of Trees – 326 metres	Partial removal	Works no. 47(iii) & 6	No
H45 – Intact Species Rich – 192 metres	Full removal	Works no. 5 & 6	No
H46 – Line of Trees – 115 metres	Full removal	Works no. 5 & 6	No
H47 – Line of Trees – 146 metres	Partial removal	Work no. 56	No
H48 – Hedgerow	Partial removal	Work no. 35	No

Species Poor – 29 metres			
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PART 2

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1) Type of tree</i>	<i>(2) Work to be carried out</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Tree Preservation Order (TPO) reference</i>
W042 – Beech (Fagus sylvatica) , Sycamore (Acer pseudoplatanus), Elm (Ulmus spp.), Horse Chestnut (Aesculus hippocastanum), Ash (Fraxinus excelsior)	Felling (part of Group)	Work no. 33	L13-W2
W042 – Beech (Fagus sylvatica) , Sycamore (Acer pseudoplatanus), Elm (Ulmus spp.), Horse Chestnut (Aesculus hippocastanum), Ash (Fraxinus excelsior)	Partial felling (part of Group that sits within the Red Line Boundary)	Works no. 5 & 6	L15-W1

SCHEDULE 9

Articles 34 and 42

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE UNDERTAKERS

1.—(1) For the protection of the utility undertakers referred to in this Part of this Schedule the following provisions have effect, unless otherwise identified in another Part of this Schedule or agreed in writing between the undertaker and the utility undertaker concerned.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and the utility undertaker concerned, where the benefit of this Order is transferred or granted to another person under article 9 (consent to transfer benefit of Order), any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between the utility undertaker concerned and the transferee or grantee (as the case may be).

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to the utility undertaker concerned (but see paragraph 11(3)(b)).

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that utility undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986(b) for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(c); and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(d) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104(e) (agreement to adopt sewers, drains or sewage disposal works at a future date) of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any

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- (a) 1989 c. 29. The definition of “electrical plant” (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c. 27)
 - (b) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Schedule 6 and Schedule 8 to, the Utilities Act 2000.
 - (c) 1991 c. 56.
 - (d) Section 102 was amended by sections 96(1)(c) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003 (c. 37) and section 56 of, and paragraph 90 of Schedule 7 to the Water Act 2014 (c. 21).
 - (e) Section 104 was amended by sections 96(4) of the Water Act 2003, section 42(3) of the Flood and Water Management Act 2010 (c. 29) and section 11(2) of the Water Act 2014.

structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in”, in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

(e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;

(f) a gas transporter within the meaning of Part 1 of the Gas Act 1986;

(g) a water undertaker within the meaning of the Water Industry Act 1991; and

(h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 15 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary alteration, diversion prohibition, or restriction of the use of any highway under the powers conferred by article 14 (temporary alteration, diversion, prohibition and restriction of the use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the temporary alteration, diversion, prohibition or restriction of the use of any highway was in that highway.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 20 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

6. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (6).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 45 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 45 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 45 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as

appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

Expenses and costs

10.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deduced from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 45 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount

which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2), or by reason of any subsidence resulting from such development or works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,
- (c) by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to—

- (a) any damage or interruption to the extent that it is attributable to the act, neglect or default of a utility undertaker, its officers, servants, contractors or agents, or
- (b) any part of the authorised development carried out by a utility undertaker in the exercise of any functions conferred by this Order pursuant to a transfer or grant under article 9 (consent to transfer benefit of Order).

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

15. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(a);

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in section 106(b) (application of the electronic communications code) of the 2003 Act;

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the undertaker is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and reference to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and

“operator” means the operator of an electronic communications code network.

16. The exercise of the powers conferred by article 33 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

17.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(a) 2003 c. 21.

(b) Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30).

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 45 (arbitration).

(5) This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(6) Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

PART 3

FOR THE PROTECTION OF DRAINAGE AUTHORITIES

18. The provisions of this Part have effect for the protection of the drainage authority unless otherwise agreed in writing between the undertaker and the drainage authority.

19. In this Part of this Schedule—

“construction” includes execution, placing, altering, replacing, relaying and removal, and “construct” is to be construed accordingly;

“drainage authority” means—

- (a) the drainage board concerned within the meaning of section 23(a) (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991; or
- (b) in the case of any area for which there is no such drainage board, the lead local flood authority within the meaning of section 6 (other definitions) of the Flood and Water Management Act 2010(b);

“drainage work” means any watercourse and includes any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage or flood defence which is the responsibility of the drainage authority subject to such changes as notified to the undertaker;

“ordinary watercourse” has the meaning given by section 72 (interpretation) of the Land Drainage Act 1991;

“plans” includes any information reasonably required by the drainage authority including location details, grid references, sections, drawings, specifications, assessments and method statements;

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 9 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse; or
- (c) affect the conservation, distribution or use of water resources.

(a) 1991 c. 59. The definition of “drainage board” is in section 23(8), which was amended by paragraph 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29)

(b) 2010 c. 29.

20.—(1) Not less than 2 months before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require.

(2) The undertaker must not commence construction of the specified work until 2 months' notice of the commencement of the specified work has been given to the drainage authority and approval, unconditionally or conditionally, has been given as provided in this paragraph.

(3) A specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority or determined under paragraph 28.

(4) Any approval of the drainage authority required under this paragraph—

(a) must not be unreasonably withheld or delayed;

(b) is deemed to have been given if it is neither given nor refused within 2 months of the submission of the plans for approval, or submission of further particulars (where required by the drainage authority under sub-paragraph (1)) whichever is the later, and may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, for the protection of any navigation work, for the protection of water resources, for the prevention of pollution or in the discharge of its environmental functions.

(5) Any refusal under this paragraph must be accompanied by a statement of the reasons for refusal.

21. Without limiting the scope of paragraph 20, the requirements which the drainage authority may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

(a) to safeguard any drainage work against damage by reason of any specified work; or

(b) to secure that the efficiency of any drainage work for flood defence and land drainage purposes is not impaired, and that the risk of flooding is not otherwise increased, by reason of any specified work.

22.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 21, must be constructed—

(a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule; and

(b) to the reasonable satisfaction of the drainage authority, and an officer of the drainage authority is entitled to watch and inspect the construction of such works.

(2) The undertaker must give to the drainage authority—

(a) not less than 14 days' notice in writing of its intention to commence construction of any specified work; and

(b) notice in writing of its completion not later than 7 days after the date of completion.

(3) If the drainage authority reasonably requires, the undertaker must construct all or part of the protective works so that they are in place before the construction of the specified work.

(4) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the drainage authority may by notice in writing require the undertaker at the undertaker's expense to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is agreed, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.

(5) Subject to sub-paragraph (6), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (4) is served on the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from the undertaker.

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in an emergency exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined.

23.—(1) Subject to sub-paragraph (5), the undertaker must from the commencement of the construction of the specified work maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require the undertaker to repair and restore the work, or any part of the work, or (if the undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the specified work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is liable to maintain and is not prevented by this Order from so doing; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule, provided that any obstruction is removed as soon as reasonably practicable.

24. If by reason of the construction of a specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes or land drainage is impaired, or that drainage work is otherwise damaged, the impairment or damage must be made good by the undertaker as soon as reasonably practicable to the reasonable satisfaction of the drainage authority and, if the undertaker fails to do so, the drainage authority may make good the impairment or damage and recover from the undertaker the expense reasonably incurred by it in doing so.

25. The undertaker must indemnify the drainage authority in respect of all costs, charges and expenses which the drainage authority may reasonably incur, have to pay or sustain—

- (a) in the examination or approval of plans under this Part of this Schedule;
- (b) in inspecting the construction of the specified work or any protective works required by the drainage authority under this Part of this Schedule; and

- (c) in carrying out any surveys or tests by the drainage authority which are reasonably required in connection with the construction of the specified work.

26.—(1) Without limiting the other provisions of this Part of this Schedule, the undertaker must indemnify the drainage authority from all claims, demands, proceedings, costs, damages, expenses or loss, which may be made or taken against, recovered from, or incurred by, the drainage authority by reason of—

- (a) any damage to any drainage work;
- (b) any raising or lowering of the water table in land adjoining the authorised project or in any sewers, drains and watercourses; or
- (c) any flooding or increased flooding of any such lands,

caused by the construction of any specified work or any act or omission of the undertaker, its contractors, agents or employees whilst engaged on the work.

(2) The drainage authority must give to the undertaker reasonable notice of any such claim or demand, and no settlement or compromise may be made without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

27. The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the undertaker from any liability under this Part of this Schedule.

28. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 45 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Business, Energy and Industrial Strategy acting jointly on a reference to them by the undertaker or the drainage authority, after notice in writing by one to the other.

PART 4

FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY UNDERTAKER

Application

29.—(1) For the protection of National Grid as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Grid.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Grid, where the benefit of this Order is transferred or granted to another person under article 9 (consent to transfer benefit of Order)—

- (a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Grid and the transferee or grantee (as the case may be); and
- (b) written notice of the transfer or grant must be given to National Grid on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Grid (but see paragraph 39(3)(b)).

Interpretation

30. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of National Grid to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by National Grid together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Grid for the purposes of transmission, distribution or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in paragraph 38, 39 and 41 of this Part of this Schedule includes any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment,

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid including construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Grid” means National Grid Electricity Transmission Plc or any successor as a licence holder within the meaning of Part 1 of the Electricity Act 1989;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which:

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 35(2) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 35(2) or otherwise.

31. Except for paragraphs 32 (*apparatus in stopped up streets*), 37 (*retained apparatus: protection*) and 39 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Grid, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Grid in stopped up streets

32.—(1) Where any street is stopped up under article 15 (*permanent stopping up, restriction of use of highways, streets and private means of access*), if National Grid has any apparatus in

the street or accessed via that street National Grid has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Grid, or procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph affects any right of the undertaker or National Grid to require the removal of that apparatus under paragraph 35 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 37.

(2) Notwithstanding the temporary alteration, diversion, prohibition or restriction of the use of any highway under the powers of article 14 (*temporary alteration, diversion prohibition and restriction of the use of streets*), National Grid is at liberty at all times to take all necessary access across any such altered, diverted, prohibited or restricted highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the alteration, diversion, prohibition or restriction of the use was in that highway.

Protective works to buildings

33.—(1) The undertaker must exercise the powers conferred by article 20 (*protective work to buildings*) so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Grid (such consent not to be unreasonably withheld)

Acquisition of land

34.—(1) Regardless of any provision in this Order or anything shown on the land plans, the undertaker may not acquire any interest in land or apparatus or override any easement or other interest of National Grid otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Grid and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affect the provisions of any enactment or agreement regulating the relations between National Grid and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Grid reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Grid and the undertaker acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it will be the responsibility of the undertaker to procure and secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The undertaker and National Grid agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid or other enactments relied upon by National Grid as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by National Grid under paragraph 37 or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

35.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain

that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Grid advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Grid reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to National Grid to its reasonable satisfaction (taking into account paragraph 36(1)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus in other land of, or secured by, the undertaker; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Grid must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid and the undertaker.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to National Grid of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

36.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Grid facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Grid.

(2) If the facilities and rights to be afforded by the undertaker under paragraph 36(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the matter may be referred to arbitration in accordance with paragraph 15 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

37.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Grid a plan of the works to be executed and seek from National Grid details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) involve embankment works within 15 metres of any apparatus, the plan to be submitted to National Grid under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;
- (f) any intended maintenance regimes; and
- (g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing—

- (a) details of any cable trench design including route, dimensions, clearance to pylon foundations;
- (b) demonstration that pylon foundations will not be affected prior to, during and post construction;
- (c) details of load bearing capacities of trenches;
- (d) details of any cable installation methodology including access arrangements, jointing bays and backfill methodology;
- (e) a written management plan for high voltage hazard during construction and ongoing maintenance of any cable route;
- (f) written details of the operations and maintenance regime for any cable, including frequency and method of access;
- (g) assessment of earth rise potential if reasonably required by National Grid's engineers; and
- (h) evidence that trench bearing capacity is to be designed to support overhead line construction traffic of up to 26 tonnes in weight.

(4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required under sub-paragraphs (4)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,
- (b) must not be unreasonably withheld.

(6) In relation to any work to which sub-paragraphs (2) or (3) apply, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage, for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(7) Works executed under sub-paragraphs (2) or (3) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (6), as approved or as amended from time to time by agreement between the undertaker and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid will be entitled to watch and inspect the execution of those works.

(8) Where under sub-paragraph (6) National Grid requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid's satisfaction prior to the commencement of any specified works for which protective works are required and National Grid must give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(9) If National Grid in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 35(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances.

(12) In sub-paragraph (11) "emergency works" means works whose execution at the time when they are executed is required in order to put an end to or to prevent the occurrence of circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

38.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to National Grid within 30 days of receipt of an itemised invoice or claim from National Grid all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Grid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Grid as a consequence of National Grid;
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 35(3); or
 - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Grid;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 43 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Grid by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Grid in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Grid any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

39.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from National Grid the cost reasonably and properly incurred by National Grid in making good such damage or restoring the supply; and
- (b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party as aforesaid other than arising from any default of National Grid.

(2) The fact that any act or thing may have been done by National Grid on behalf of the undertaker or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of-

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents;
- (b) any part of the authorised works carried out by National Grid in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 9 (consent to transfer benefit of Order).

(4) National Grid must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Grid must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Grid must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Grid's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Grid's control and if reasonably requested to do so by the undertaker National Grid must provide an explanation of how the claim has been minimised, where relevant.

Enactments and agreements

40. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Grid in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

41.—(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Grid requires the removal of apparatus under paragraph 35(2) or National Grid makes requirements for the protection or alteration of apparatus under paragraph 37, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Grid's undertaking and National Grid must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever the undertaker's or National Grid's consent, agreement or approval is required in relation to plans, documents or other information submitted under this schedule, or agreement is required to be reached between the parties under this schedule, it must not be unreasonably withheld or delayed.

Access

42. If in consequence of the agreement reached in accordance with paragraph 34(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

43. Save for differences or disputes arising under paragraph 35(2), 35(4) and 36(1), any difference or dispute arising between the undertaker and National Grid under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Grid, be determined by arbitration in accordance with article 45 (*arbitration*).

Notices

44. Notwithstanding article 44 (service of notices), any plans submitted to National Grid by the undertaker pursuant to paragraph 37 must be sent to National Grid Plant Protection at plantprotection@nationalgrid.com or such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 5

FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS UNDERTAKER

Application

45. For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.

Interpretation

46. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by Cadent for the purposes of Cadent’s undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent’s undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“Cadent” means Cadent Gas Limited and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Cadent’s undertaking” means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 of the Gas Act 1986 (as amended by the Gas Act 1995);

“commence” has the same meaning as in article 2(1) of the Order and commencement shall be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms commence and commencement include any below ground surveys, monitoring, work operations, remedial work in respect of any contamination or other adverse ground conditions, the receipt and erection of construction plant and equipment, and non-intrusive investigations for the purpose of assessing ground conditions,;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for Cadent’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” for the purposes of this Part of the Schedule shall have effect as if Cadent’s existing apparatus was authorised development and as if the term maintain includes protect and use, improve, landscape, preserve, decommission, refurbish or replace;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“rights” includes restrictive covenants and, in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus;

“specified works” means any of the authorised development or activities (including maintenance) undertaken in association with the authorised development which:

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 51(2) (removal of apparatus) or otherwise;
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 51(2) (removal of apparatus) or otherwise; or

On Street Apparatus

47.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act except for

- (a) paragraphs 48 (apparatus of Cadent in stopped up streets), 53 (retained apparatus: protection of Cadent), 54 (expenses) and 55 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraphs 51 (removal of apparatus) and 52 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

(3) Paragraph 54 (expenses) does not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and Cadent in such proportions as may be prescribed by any such regulations.

Apparatus of Cadent in stopped up streets

48.—(1) Where any street is stopped up under article 15 (*permanent stopping up and restriction of use of highways, streets, and private means of access*), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway, but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 51 (removal of apparatus).

(2) Notwithstanding the temporary alteration, diversion prohibition or restriction of the use of any street under the powers of article 14 (*temporary alteration, diversion, prohibition and restriction of the use of streets*), Cadent will be at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as it would have been entitled to do immediately before such temporary alteration, diversion prohibition or restriction of use of any such street in respect of any apparatus which at the time of the alteration, diversion prohibition or restriction of the use of any street was in that street.

Protective works to buildings

49.—(1) The undertaker, must exercise the powers conferred by article 20 (*protective work to buildings*) so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent such consent not to be unreasonably withheld or delayed.

Acquisition of land

50.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish, interfere with or override any easement or other interest in land of Cadent otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out or maintenance of any part of the authorised development (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development or maintenance thereof.

(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus, including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule prevail.

(4) Any agreement or consent granted by Cadent under paragraph 53 (retained apparatus: protection of Cadent) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or

other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.

(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 51 (removal of apparatus) do not apply, the undertaker must, unless Cadent agrees otherwise:

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.

Removal of apparatus

51.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with article 22 (acquisition of land), the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the facilities and rights referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account sub-paragraph 52(1) (facilities and rights for alternative apparatus) below) the necessary facilities and rights:

- (a) for the construction of alternative apparatus; and
- (b) subsequently for the maintenance of that apparatus.
- (c) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(3) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(4) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

52.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 59 (*arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of Cadent

53.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted (and the ground monitoring scheme if required).

(4) Any approval of Cadent given under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5) ; and
- (b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).

(5) Cadent may require such modifications to be made to the plan as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

- (a) the plan submitted under sub-paragraph (1) (and ground monitoring scheme if required), as approved or as amended from time to time by agreement between the undertaker and Cadent; and
- (b) all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.

(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 45 to 47 and 50 to 52 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 51(2) (removal of apparatus).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan (and ground monitoring scheme if required), instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan (and ground monitoring scheme if required).

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development (including such an event attributable to its maintenance)—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and
- (b) Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 54 (expenses).

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.

(12) In this paragraph, "emergency works" means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

54.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand all charges, costs and expenses reasonably anticipated or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised development including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent;
 - (i) using its own compulsory purchase powers to acquire any necessary rights under sub-paragraph 51(3) (removal of apparatus) if it elects to do so; or
 - (ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;

- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;
- (g) any watching brief pursuant to sub-paragraph 53(6) (retained apparatus: protection of Cadent).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 45 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

55.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised development (including works carried out under article 18 (protective work to buildings)) by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—

(2) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and

- (a) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty, compensation or costs properly incurred by, paid by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(3) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(4) Nothing in sub-paragraph (1) shall impose any liability on the undertaker in respect of-

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents;
- (b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 8; and
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable at the commencement of the relevant works referred to in sub-paragraph (1).

(5) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

Enactments and agreements

56. Except where in this Part of this Schedule provides otherwise or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

57.—(1) Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Cadent requires the removal of apparatus under sub-paragraph 51(2) (removal of apparatus) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 53 (retained apparatus: protection of Cadent), the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Cadent's undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted by Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.

Access

58. If in consequence of any agreement reached in accordance with sub-paragraph 50(1) (acquisition of land) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

59. Save for differences or disputes arising under sub-paragraphs 51(2) 51(4) (removal of apparatus) and 53(11) (retained apparatus protection of Cadent) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 45 (*arbitration*).

Notices

60. Notwithstanding article 44 (service of notices) the plans submitted to Cadent by the undertaker pursuant to sub-paragraph 53(1) (retained apparatus protection of Cadent) must be sent to Cadent Gas Limited Plant Protection via email to **plantprotection@cadentgas.com** as well as by post to Plant Protection Limited, Cadent Gas limited, Brick Kiln Street, Hinckley, Leicestershire, LE10 0NA or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.

PART 6

ENVIRONMENT AGENCY

61.—(1) The following provisions will apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this part of this Schedule—

“the Agency” means the Environment Agency;

“emergency” means a situation which—

- (a) is unexpected, in that there is little or no warning, or aspects of the event could not have reasonably been predicted in advance;
- (b) is a serious event presenting a risk of harm or damage to people, property or the environment; and
- (c) requires a need for urgent action, in that immediate action is required to address the risk of harm, repair or prevent a worsening of the situation;

“relevant watercourse” means so much of the River Etherow as the context requires.

62.—(1) Where in the exercise of the powers conferred by this Order, the undertaker proposes to interfere with or obstruct access by the Agency to a relevant watercourse, it must give the Agency 56 days’ written notice of that requirement.

(2) Except in cases of emergency where the undertaker interferes with or obstructs access by the Agency to a relevant watercourse and it is not possible for the undertaker to give the Agency the notice required under sub-paragraph (1), a suitable alternative access must be provided prior to and for the duration of any such interference.

63. If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest of the Agency in any land or proposes to interfere with, or remove, any of the Agency’s apparatus it must give the Agency 56 days’ written notice before any such interest is acquired or any apparatus is interfered with or removed.

64. The undertaker must indemnify the Agency in respect of all costs, charges and expenses which it may reasonably incur or which it may sustain in the examination of approval of plans or other matters under this Part of this Schedule.

65. Any dispute arising between the undertaker and the Agency under this Part of this Schedule is to be determined in accordance with Article 45 (*arbitration*) of this Order.

SCHEDULE 10

Article 43

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Book of reference – Regulation 5(2)(d)	TR010034/APP/4.3	6
Classification of roads plans – Regulation 5(2)(o)	TR010034/APP/2.11	2
Engineering drawings and sections – Regulations 5(2)(o), 5(4) and 6(2)	TR010034/APP/2.7	3
Environmental statement (including the Register of Environmental Statement Changes) – Regulation 5(2)(a)	TR010034/APP/6.1 – 6.3	Chapter and figure revisions are detailed in the Register of Environmental Statement Changes (reference TR010034/9.61/REP10-008)
First iteration environmental management plan (including the Register of Environmental Actions and Commitments) – Regulation 5(2)(q)	TR010034/APP/7.2 – TR010034/APP/7.3	5 7
Flood risk assessment – Regulation 5(2)(e)	TR010034/APP/5.5	6
Habitat regulation assessment – Regulation 5(2)(g)	TR010034/APP/5.3	2
Land plans – Regulation 5(2)(i)	TR010034/APP/2.2	2
Location plan – Regulation 5(2)(o)	TR010034/APP/2.1	1
Outline Landscape and Ecological Management and Monitoring Plan	TR010034/EXAM/9.40	4
Scheme layout plan – Regulation 5(2)(o)	TR010034/APP/2.6	5
Speed limits and traffic regulations plans - Regulation 5(2)(o)	TR010034/APP/2.5	2
Streets, rights of way and access plans	TR010034/APP/2.4	6
Temporary works plan Regulation 5(2)(o)	TR010034/APP/2.8	2
TPO and hedgerow plans – Regulation 5(2)(o)	TR010034/APP/2.13	1
Water framework directive assessment – Regulation 5(2)(a)	TR010034/APP/5.4	2
Works plans – Regulation 5(2)(j)	TR010034/APP/2.3	6

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises National Highways to undertake works to construct the A57 Link Roads scheme and carry out all associated works.

The Order permits National Highways to acquire, compulsorily or by agreement, land and rights in land and to use the land for this purpose.

The Order also makes provision in connection with the maintenance of the authorised development.

A copy of the book of reference, plans, engineering drawings and sections, the environmental statement, the habitat regulation assessment report, the register of environmental actions and commitments, the first iteration EMP, and the Water framework directive assessment mentioned in this Order and certified in accordance with article 42 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at National Highways, Piccadilly Gate Store Street, Manchester, M1 2WD.