

M60/M62/M66 Simister Island Interchange

TR010064

1.1 COVERING LETTER AND COMPLETED SECTION 55 CHECKLIST

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

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April 2024

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

M60/M62/M66 Simister Island Interchange
Development Consent Order 202[]

COVERING LETTER & COMPLETED SECTION 55 CHECKLIST

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Application Document Reference	TR010064/APP/1.1
Author	M60/M62/M66 Simister Island Interchange Project Team

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P01	April 2024	DCO APPLICATION ISSUE

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Dear Mr. Martin Almond

Planning Act 2008

Application for a Development Consent Order for the M60/M62/M66 Simister Island Interchange Scheme

National Highways

Application Reference TR010064

I am pleased to enclose an application on behalf of National Highways (the Applicant) under section 37 of the Planning Act 2008 (the 2008 Act) for an order granting development consent for the M60/M62/M66 Simister Island Interchange (the Scheme).

1 Subject of the Application

- 1.1.1 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(b) of the 2008 Act.
- 1.1.2 Further detail concerning the Scheme's qualification as a NSIP can be found in the prescribed form within the Application Form (TR010064/APP/1.3) and in the Explanatory Memorandum (TR010064/APP/3.2).

2 Application fee and documentation enclosed

- 2.1.1 A fee of £8,244 has been submitted by BACS transfer to the account of the Planning Inspectorate (the Inspectorate).
- 2.1.2 As agreed with the Inspectorate, the application will be submitted electronically. It will contain the full application as listed in Annex A as suggested in the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents (Version 11) and agreed with the Inspectorate.

- 2.1.3 In accordance with the Inspectorate's Advice Note Six, an electronic version of the application was provided today along with a GIS shape file provided on 12/02/2024. The Introduction to the Application (TR010064/APP/1.2) provides details of all application documents being submitted.
- 2.1.4 A schedule of compliance with section 55 of the 2008 Act accompanies this letter in Annex B. This has been included to demonstrate how the application meets the tests for acceptance by the Inspectorate and submitted with the compliance table in the Consultation Report (TR010064/APP/5.1).

3 Application formalities

- 3.1.1 This Application is made in the form required by Section 37(3)(b) of the 2008 Act and the application documents comply with the requirements under Section 37 of the 2008 Act and those set out in:
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
 - The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
 - The infrastructure Planning (Publications and Notifications of Applications etc.) (Amendment) Regulations 2020
 - The Department for Communities and Local Government's (DCLG) (now the Department for Levelling Up, Housing and Communities) 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013);
 - The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (Version 11).
- 3.1.2 The Applicant requests that the Inspectorate publish the application documents on the M60/M62/M66 Simister Island Interchange Scheme page of the National Infrastructure website from submission of the application. This is with the exception of Appendix 8.4 Badger Survey Report (including figure 8.4.1) [CONFIDENTIAL] of the Environmental Statement [TR010060/APP/6.3] and Appendix 8.5: Barn Owl Survey Report (including figure 8.5.1) [CONFIDENTIAL] and Appendix 8.14 Draft Badger Licence [CONFIDENTIAL] of the Environmental Statement [TR010060/APP/6.3], which should not be published as they contain confidential information pertaining to species protected under the Protection of Badgers Act 1992 and The Wildlife and Countryside Act 1981.

4 Description of the Scheme

- 4.1.1 A non-technical description of the Scheme is provided in the Introduction to the Application (TR010064/APP/1.2) A more detailed and technical description is provided in Chapter 2: The Scheme of the Environmental Statement (TR010064/APP/6.1).

5 Consent flexibility – Rochdale Envelope

- 5.1.1 The Applicant has considered the National Policy Statement for National Networks (NPS NN) and the Planning Inspectorate’s ‘Advice Note Nine: Rochdale Envelope’ together with pre-application advice provided by the Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) (TR010064/APP/3.1) is fundamental to whether the Scheme is deliverable.
- 5.1.2 Two important elements of the flexibility sought within the draft DCO (TR010064/APP/3.1) are the lateral and vertical limits of the Scheme. The limits of deviation have been defined using lateral and vertical limits of deviation for all works comprising the Scheme. Details of the limits of deviation applicable to the Scheme are contained in Article 6 ‘Limits of Deviation’ of the draft DCO (TR010064/APP/3.1) and shown on the Works Plans (TR010064/APP/2.4). The Explanatory Memorandum (TR010064/APP/3.2) sets out the justification for the limits of deviation requested.
- 5.1.3 The purpose of this provision is to provide the Applicant with a proportionate degree of flexibility when constructing the Scheme, reducing the risk that the Scheme as approved cannot later be implemented for unforeseen reasons but, at the same time, ensuring that any flexibility will not give rise to any materially new or materially different significant adverse environmental effects from those reported in the Environmental Statement (TR010064/APP/6.1).
- 5.1.4 These limits of deviation have been incorporated within the draft DCO (TR010064/APP/3.1) to allow modifications to be made to the design of the Scheme during the detailed design and construction stages. Such flexibility is required, for example, to enable Applicant to alter its working procedures or make adjustments to the position of certain infrastructure in response to, for example, unforeseen ground conditions.
- 5.1.5 The Environmental Impact Assessment (EIA) carried out for the Scheme has considered and assessed the flexibility sought in the draft DCO (TR010064/APP/3.1). The maximum design parameters referenced in the draft DCO have been assessed in the Environmental Statement (TR010064/APP/6.1). The application has been assessed and seeks permission for the worst-case scenario for implementing the Scheme.
- 5.1.6 Further detail on the Applicant’s approach to the Rochdale Envelope and flexibility within the draft DCO (TR010064/APP/3.1) is provided within

Chapter 2: The Scheme of the Environmental Statement (TR010064/APP/6.1).

6 Habitats Regulations Assessment

- 6.1.1 This Application includes a Habitats Regulation Assessment (HRA) as required by Regulation 5(2)(g) of the APFP Regulations, and this is provided within Appendix 8.13 of the Environmental Statement Appendices (TR010064/APP/6.3). The HRA identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Scheme is likely to have an adverse effect on the integrity of any European site, both alone, and in combination with other projects or plans.
- 6.1.2 The HRA reports the results of the Stage 1 Screening and the Stage 2 Statement to Inform an Appropriate Assessment. The HRA was prepared in consultation with the Inspectorate's 'Advice Note 10: Habitats Regulations Assessments relevant to Nationally Significant Infrastructure Projects (Version 9)'.
- 6.1.3 The Stage 1 Screening assesses whether the Scheme would or would not have a likely significant effects on the features of interest of the European sites, either alone or in combination with other plans or projects. The Stage 1 Screening concluded likely significant effects could not be discounted, as a result of the changes in air quality from operational vehicle emissions on the M62 and M60, for the Rochdale Canal SAC, when considered alone and in-combination with other plans and projects. Therefore, the HRA was progressed to Stage 2 Appropriate Assessment.
- 6.1.4 The purpose of the Stage 2 Appropriate Assessment is to assess the implications of the proposal for the qualifying features of the European site(s), in view of the site(s)' conservation objectives and identifies ways to avoid or minimise any effects. The Stage 2 Statement to Inform an Appropriate Assessment, concluded that, beyond reasonable scientific doubt, the Scheme would not adversely affect the integrity of the Rochdale Canal Special Area of Conservation during its construction or operational phases either alone or in combination with other plans and projects. The report HRA also explains why the Scheme does not engage the derogation provisions of the Conservation of Habitats and Species Regulations 2017 (as amended)).

7 Compulsory Acquisition

- 7.1.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the Scheme. Details on the powers sought and negotiations to date with relevant persons with an interest in the land are provided in the Book of Reference

(TR010064/APP/4.3) and the Statement of Reasons (TR010064/APP/4.1).

- 7.1.2 Adequacy of the funding for compensation is provided in the Funding Statement (TR010064/APP/4.2).

8 Other Consents

- 8.1.1 Details of other consents and licences not forming part of the DCO which the Applicant (or others) may be seeking in relation to the construction and operation of the Scheme and associated development, are set out in the Consents and Agreements Position Statement (TR010064/APP/3.3).

9 Pre-application consultation

- 9.1.1 As required by section 37(3)(c) of the 2008 Act, a Consultation Report (TR010064/APP/5.1) and Consultation Report Annexes (TR010064/APP/5.2) accompanies this application. The Consultation Report details compliance with sections 42, 47, 48 and 49 of the 2008 Act.

10 Other matters

- 10.1.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the Engineering Section Drawings (TR010064/APP/2.8).
- 10.1.2 Under Regulation 5(3) of the APFP Regulations, any plans, drawings or sections shall be scaled at (irrespective of the method of submission used) no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, shall show the direction of north.
- 10.1.3 Several plans are provided at a scale larger than 1:2500 as it is considered that the chosen scale is clearer and provides the information required. This includes the Location Plan and the Key Plans for each book of plans as set out below:
- Location Plan (TR010064/APP/2.1) 1:12500
 - General Arrangement Plans - Key Plan (TR010064/APP/2.2) 1:5000
 - Lands Plans – Key Plans (TR010064/APP/2.3) 1:5000
 - Works Plans – Key Plan (TR010064/APP/2.4) 1:5000
 - Streets, Rights of Way and Access Plans – Key Plan (TR010064/APP/2.5) 1:5000
 - Traffic Regulation Measures Plans (TR010064/APP/2.6) – Key Plan 1:5000

- Classification of Roads Plans – Key Plan (TR010064/APP/2.7) 1:5000
- Engineering Section Drawing: Section Location Plan (TR010064/APP/2.8)
- Important Hedgerow Plan – Key Plan (TR010064/APP/2.9) 1:5000
- Crown Land Plans – Key Plan (TR010064/APP/2.10)

Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. The following relevant Chapters and Figures of the Environmental Statement are compliant with APFP Regulations 5(2)(l) and 5(2)(m);

- Chapter 6 Cultural Heritage of the Environmental Statement (TR010064/APP/6.1) and accompanying Figures 6.1-6.3 (TR010064/APP/6.2)
- Chapter 7 Landscape and Visual of the Environmental Statement (TR010064/APP/6.1) and accompanying Figures 7.3-7.4 (TR010064/APP/6.2)
- Chapter 8 Biodiversity of the Environmental Statement (TR010064/APP/6.1) and accompanying Figures 8.1-8.2 (TR010064/APP/6.2)

- 10.1.4 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act and can make them available at the request of the Inspectorate.
- 10.1.5 The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application considering questions and comments received from the Examining Authority and interested parties.
- 10.1.6 We look forward to hearing from you in relation to a formal acceptance of this application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,

Nicola Eastwell
Project Manager
Highways England

Enclosures:

Annex A: Overview of the Application Documents

Table of Application Documents

Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)

ANNEX A: Overview of Application Documents

A.1.1 The reports, drawings and plans that make up the DCO application have been organised into 7 volumes as listed in the table below. The 7 volumes are explained in further detail in the Introduction to the Application (TR010064/APP/1.2) Table A.1 explains the Volumes of application. Table A.2 details the list of documents within each of the volumes of the application.

Table A.1 Volumes of the application

	Volume	Content
1	Application Form/Information/Background	The completed application form and an introduction to the Scheme.
2	Plans/Drawings/Sections	Plans that illustrate the location of the Scheme, the proposed works (engineering drawings), the land that will be acquired or used and local geographical information.
3	Draft Development Consent Order	The legal powers that the Applicant is seeking to enable it to build, operate and maintain the Scheme, together with the Explanatory Memorandum, explaining the provisions of the DCO, and the Consents and Agreement Position Statement which sets out the strategy for obtaining the consents and associated agreements needed to implement the Scheme.
4	Compulsory Acquisition Information	Documents setting out in tabular form the land to be acquired or used and affected persons with interests in that land, as well as evidence justifying the Applicant seeking compulsory acquisition powers over the land. Information is included on how the Scheme will be funded.
5	Consultation Report	Details of the pre-application consultation that the Applicant has undertaken on the Scheme and how consultation feedback has been taken into account
6	Environmental Impact Assessment (EIA) Information	An assessment of the likely significant effects (both positive and negative) of the Scheme on the environment and a description of mitigation measures proposed to reduce any negative impacts. Includes the Statutory and Non-Statutory Nature Conservation Sites Plan.
7	Other Documents	Additional documents that support the DCO application; these are not legally required but provide useful information on the case for the Scheme.

Table A.2 Table of application Documents

A.1.2 A list of documents within the application is set out below. If you require a copy of any of the application documents, or parts of them, please contact the M60/M62/M66 Simister Island Interchange Project Team.

Volume	Volume Title	Document Reference	Document Title	Folder Number
1	Application Form/Information/Background	1.1	Covering Letter and Completed Section 55 Checklist	Volume 1
		1.2	Application Form	
		1.3	Introduction to the Application	
2	Plans/Drawings/Sections	2.1	Location Plan	Volume 2
		2.2	General Arrangement Plans	
		2.3	Land Plans	
		2.4	Works Plans	
		2.5	Streets, Rights of Way and Access Plans	
		2.6	Traffic Regulations Measures Plans	
		2.7	Classification of Roads Plans	
		2.8	Engineering Section Drawings	
		2.9	Important Hedgerow Plans	
		2.10	Crown Lands Plans	
3	Draft Development Consent Order	3.1	Draft Development Consent Order	Volume 3
		3.2	Explanatory Memorandum	
		3.3	Consents and Agreements Position Statement	
		3.4	Validation Report	

Volume	Volume Title	Document Reference	Document Title	Folder Number
4	Compulsory Acquisition Information	4.1	Statement of Reasons	Volume 4
		4.2	Funding Statement	
		4.3	Book of Reference	
5	Consultation Report	5.1	Consultation Report	Volume 5
		5.2	Consultation Report Annexes	
6	Environmental Impact Assessment (EIA) Information	6.1	Environmental Statement	Volume 6
		6.2	Environmental Statement Figures	
		6.3	Environmental Statement Appendices	
		6.4	Environmental Statement Non-Technical Summary	
		6.5	First Iteration Environmental Management Plan including Register of Environmental Actions and Commitments	
		6.6	Environmental Scoping Report	
		6.7	Scoping Opinion	
		6.8	Statement Relating to Statutory Nuisance	
7	Other Documents	7.1	Case for the Scheme	Volume 7
		7.2	National Policy Statement for National Networks Accordance Tables	
		7.3	Draft National Policy Statement for National Networks Accordance Tables	

Volume	Volume Title	Document Reference	Document Title	Folder Number
		7.4	Transport Assessment	
		7.5	Outline Traffic Management Plan	
		7.6	Scheme Design Report	
		7.7	Equality Impact Assessment	

Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here:
<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
		26/02/24	25/03/24	
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				

2	<p>Is the development a Nationally Significant Infrastructure Project¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>Yes</p> <p>The Scheme as set out in Schedule 1 of the draft DCO (TR010064/APP/3.1) includes development falling within Sections 14(1)(h) and 22(1) of the 2008 Act.</p> <p>The Scheme is an alteration of a highway within the meaning of Section 22(1)(b). The area of the development at 85.69 hectares is greater than the relevant limit set out in Section 22(4)(a) of the 2008 Act being the alteration of a motorway over 15 hectares. The Scheme complies with the requirements of Section 22(3), Sections 22(7) and 22(8) of the 2008 Act.</p> <p>This is consistent with the summary provided in Section 4 of the Application Form (TR010064/APP/1.3) which states the application is an NSIP and as set out in Schedule 1 of the draft DCO (TR010064/APP/3.1) and within paragraph 2.3 and 2.4 in the Explanatory Memorandum (TR010064/APP/3.2) confirming that the application comprises development falling within categories within Section 14 of the 2008 Act.</p>
3	<p>Summary: Section 55(3)(a) and s55(3)(c)</p>	<p>The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the 2008 Act.</p>

Section 55(3)€: The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

4	<p>In accordance with the EIA Regulations³, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes</p> <p>On the 2 July 2021 the Applicant requested the Planning Inspectorate adopt a Scoping Opinion in respect of the Scheme in accordance with Regulation 8 (1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This was before statutory consultation commenced on the 15 February 2023 in accordance with Section 42 of the Planning Act 2008.</p> <p>The Scoping Opinion (TR010064/APP/6.7) was provided by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) on the 12 August 2021.</p> <p>A copy of the Environmental Scoping Report (TR010064/APP/6.6) and the Scoping Opinion (TR010064/APP/6.7) are provided as part of the application.</p>
5	<p>Have any Adequacy of Consultation Representations⁴ been received from 'A', 'B', 'C' and 'D' local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite the relevant local authority to provide a statement relating to the adequacy of the consultation.</p>

Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes</p> <p>Statutory Consultation was held from the 15 February 2023 to 28 March 2023. A letter and consultation materials were sent to section 42(1)(a) prescribed consultees on 13/02/23.</p> <p>A full list of the prescribed consultees consulted under section 42(1)(a) can be found at Annex K of the Consultation Report Annexes (TR010064/APP/5.2).</p> <p>Annex M of the Consultation Report Annexes (TR010064/APP/5.2) includes a copy of the section 42 letter (with date) and consultation materials.</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p>Not Applicable – The Marine Management Organisation is not a relevant consultee in respect of the Scheme.</p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p>Yes</p> <p>The Applicant consulted with each local authority identified under section 43 of the 2008 Act between 15 February 2023 and 28 March 2023. A letter and consultation material were sent on 13/02/23 to the following:</p> <ul style="list-style-type: none"> • Bury Metropolitan Borough Council • Bolton Council • Rochdale Borough Council • Salford City Council

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> • Manchester City Council • Blackburn with Darwen Borough Council • Rossendale Borough Council • Lancashire County Council <p>Paragraph 4.3.2 and table 4-3 of the Consultation Report (TR010064/APP/5.1) details how the Applicant Identified the relevant local authorities under section 43 of the 2008 Act.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	N/A – the Scheme does not fall within Greater London and as a result the Greater London Authority is not listed as a relevant consultee with respect to the Scheme.
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p>Yes</p> <p>The Applicant consulted each person in one or more of the categories under section 44 of the 2008 Act between 15 February 2023 and 28 March 2023. A letter and consultation material were sent to those identified under section 44 on 13 February 2023.</p> <p>A Book of Reference (TR010064/APP/4.3) of all the land interests is provided as part of the development consent application. All consultees under section 42(1)(d) are identified in this document.</p> <p>Chapter 5 of the Statement of Reasons (TR010064/APP/4.1) sets out the methodology and the diligent inquiry undertaken by the Applicant for identifying land interests affected by the Scheme, as defined in Section 42(1)(d) of the 2008 Act.</p> <p>Annex M of the Consultation Report Annexes (TR010064/APP/5.2) provides a copy of section 42(1)(d) letters and consultation materials.</p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

Section 45: Timetable for s42 consultation		
11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes</p> <p>A sample letters sent to section 42 consultees are provided in Annex M of the Consultation Report Annexes (TR010064/APP/5.2). The letters dated (and posted on the) 13 February 2023, confirmed that the consultation period ran from the 15 February to the 28 March, providing a period of 42 days for responses.</p> <p>The Applicant identified an error in the issue of the section 42(1)(d) letters, whereby landowners identified as having category 1 and 2 interests were issued with a category 3 interest letter and vice versa. This error was identified within the first week of the statutory consultation and a replacement letter including the above hard copy documents was reposted to all affected landowners on the 21 February 2023. The original deadline of the 28 March 2023 was given for responses allowing a total of 35 days in which to respond. A cover letter was inserted to explain the error with a request to discard the previous letter received.</p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes</p> <p>The Applicant gave notice under section 46 of the 2008 Act on the 13 February 2023 via email including a letter of notification and a file share of the consultation documents prior to the commencement of the statutory consultation on 15 February 2023.</p> <p>Section 4.4 of the Consultation Report (TR010064/APP/5.1) describes this process, Annex N of the Consultation Report Annexes (TR010064/APP/5.2) includes a copy of the section 46 notification letter and a copy of the section 46 acknowledgement from the Planning Inspectorate.</p>
Section 47: Duty to consult local community		
13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it	Yes

	intended to consult people living in the vicinity of the land?	A copy of the published SoCC is provided at Annex H of the Consultation Report Annexes (TR010064/APP/5.2).
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes</p> <p>The Applicant sent the draft SoCC to Bury Metropolitan Borough Council on the 15 December 2022 with a deadline of 12 January 2023 providing 28 days for responses to be received. On 11 January 2023 Bury Metropolitan Borough Council confirmed they had no comments to make on the draft SoCC.</p> <p>Annex G of the Consultation Report Annexes (TR010064/APP/5.2) includes a copy of the draft SoCC, and the email sent to Bury Metropolitan Borough Council on the 15 December 2022.</p> <p>There are no relevant 'C' authorities with respect to the Scheme. Table 4-3 of the Consultation Report (TR010064/APP/5.1) provides details on the classification of authorities.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes</p> <p>Section 4.2 of the Consultation Report (TR010064/APP/5.1) details the consultation of SoCC with Bury Metropolitan Borough Council regard had to the response received.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes</p> <p>Table 4-1 of the Consultation Report (TR010064/APP/5.1) details the dates and location for which the SoCC was made available in the vicinity of the Scheme.</p> <p>Table 4-2 of the Consultation Report (TR010064/APP/5.1) details the newspapers and the dates of the SoCC section 47 notice publication. This included the following local newspapers between the dates specified;</p> <ul style="list-style-type: none"> • The Bury Times: 2 February 2023 to 15 February 2023 • Jewish Telegraph: 3 February 2023 to 16 February 2023 <p>Copies of the published section 47 notice are provided within Annex I of the of the Consultation Report Annexes (TR010064/APP/5.2). This section 47 notice provided details</p>

		<p>of the website pages and the deposit location and the dates when the materials would be made available to view. Additionally, the section 47 notices provided details of how to request a hard copy of the SoCC free of charge.</p> <p>The Applicant also published the SoCC on the Applicant's Scheme webpage.</p>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes</p> <p>Paragraph 3.6 of the SoCC in Annex H of the Consultation Report Annexes (TR010064/APP/5.2) sets out that the development is EIA development and sets out how the Applicant intended to publicise the Environmental Preliminary Environmental Information Report.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes</p> <p>Table 4-6 of the Consultation Report (TR010064/APP/5.1) sets out how the commitments made in the SoCC provided at Annex H of the Consultation Report Annexes (TR010064/APP/5.2) have been complied with in the carrying out of the statutory consultation.</p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes</p> <p>Table 4-7 of the Consultation Report (TR010064/APP/5.1) describes the newspapers and dates of the section 48 publicity and asset out below. Copies of the newspaper notices are provided in Annex O of the Consultation Report Annexes (TR010064/APP/5.2)</p>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		Newspaper(s)	Date		
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	The Bury Times Jewish Telegraph	2 and 9 of February 2023 3 and 10 of February 2023		
b)	once in a national newspaper;	The Times	15 February 2023		
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The London Gazette	15 February 2023		
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	n/a	n/a		
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes The published section 48 notice in Annex J of the Consultation Report Annexes (TR010064/APP/5.2) contained the required information as set out below:			
Information	Paragraph	Information	Paragraph		
a)	the name and address of the Applicant.	1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State	1

c)	a statement as to whether the application is EIA development	4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2 and 3		
	e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps		7, bullet point 9	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	No end date specified for availability on website, documents remain accessible
	g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge		9	h)	details of how to respond to the publicity	10-11 and bullet points 12-14
	i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published		11			
21	Are there any observations in respect of the s48 notice provided above?						
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to	Yes A copy of the section 48 notice was sent to the EIA consultation bodies as part of the section 42(1)(a) consultation, as confirmed within Section 4.3 of the of the Consultation Report (TR010064/APP/5.1).					

	the Applicant in accordance with the EIA Regulations ¹⁰ ?	A sample of the section 42 consultation letter provided at Annex M of the of the Consultation Report Annexes (TR010064/APP/5.2) confirms a copy of the section 48 notice was enclosed.
s49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	Yes Section 5 of the Consultation Report (TR010064/APP/5.1) sets out how the Applicant had regard to the consultation responses received; including whether or not responses led to design changes to the application. Annex Q of the Consultation Report Annexes (TR010064/APP/5.2) sets out the responses to the consultation received and how the Applicant has had regard to those responses
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	Section 6 of the Consultation Report (TR010064/APP/5.1) explains how the Applicant has taken into consideration all relevant statutory and other guidance. Table 6-1 of the Consultation Report (TR010064/APP/5.1) specifically shows how the Applicant complied with 'Planning Act 2008: Guidance on the pre-application process'
25	Summary: Section 55(3)(e)	
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> a brief statement which explains why it falls within the remit of the Planning Inspectorate; and a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes</p> <p>Section 4 of the Application form (TR010064/APP/1.3) explains how the development has been defined as an NSIP and therefore falls under the remit of the Planning Inspectorate.</p> <p>Section 5 of the Application form (TR010064/APP/1.3) provides a brief non-technical description of the site and Section 6 of the Application Form provides the location of the development.</p> <p>A Location Plan (TR010064/APP/2.1) which shows the Scheme in its wider geographical context is provided with the application.</p>									
27	<p>Is it accompanied by a Consultation Report?</p>	<p>Yes</p> <p>The application is accompanied by a Consultation Report (TR010064/APP/5.1) and the Consultation Report Annexes (TR010064/APP/5.2).</p>									
28	<p>Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets?¹²</p>	<p>Yes</p> <p>Key Plans are provided for all plans submitted with the application which comprises three or more separate sheets and those Key Plans show the relationship between the different sheets.</p>									
29	<p>Is it accompanied by the documents and information set out in APFP Regulation 5(2)?</p>	<p>Yes</p> <p>The documents and information required by APFP Regulations 5(2) are set out in the documents and locations within the application as listed below:</p>									
<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>a) Where applicable, the Environmental Statement required under the EIA</td> <td>Environmental Statement (TR010064/APP/6.1).</td> </tr> </tbody> </table>		Information	Document	a) Where applicable, the Environmental Statement required under the EIA	Environmental Statement (TR010064/APP/6.1).	<table border="1"> <thead> <tr> <th>Information</th> <th>Document</th> </tr> </thead> <tbody> <tr> <td>b) The draft Development Consent Order (DCO)</td> <td>Draft Development Consent Order (TR010064/APP/3.1).</td> </tr> </tbody> </table>		Information	Document	b) The draft Development Consent Order (DCO)	Draft Development Consent Order (TR010064/APP/3.1).
Information	Document										
a) Where applicable, the Environmental Statement required under the EIA	Environmental Statement (TR010064/APP/6.1).										
Information	Document										
b) The draft Development Consent Order (DCO)	Draft Development Consent Order (TR010064/APP/3.1).										

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	Regulations ¹³ and any scoping or screening opinions or directions	Environmental Statement Figures (TR010064/APP/6.2). Environmental Statement Appendices (TR010064/APP/6.3) Appendix 4.1 Scoping Opinion Response Table of the Environmental Statement Appendices (TR010064/APP/6.3). The Applicant also provides copies of the Environmental Scoping Report (TR010064/APP/6.6) and Scoping Opinion (TR010064/APP/6.7).		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Explanatory Memorandum (TR010064/APP/3.2).	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)
	Is this of a satisfactory standard?			Book of Reference (TR010064/APP/4.3). Is this of a satisfactory standard?

¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

e)	A copy of any Flood Risk Assessment	Appendix 13.6 Flood Risk Assessment Report of the Environmental Statement Appendices (TR010064/APP/6.3).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Statement Relating to Statutory Nuisance (TR010064/APP/6.8).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Statement of Reasons (TR010064/APP/4.1). Funding Statement (TR010064/APP/4.2)	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	Lands Plans (TR010064/APP/2.3).

			(iv) any special category land and replacement land	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	Works Plans (TR010064/APP/2.4).	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p>Streets, Rights of Way and Access Plans (TR010064/APP/2.5)</p> <p>Traffic Regulation Measures Plans (TR010064/APP/2.6)</p> <p>Classification of Roads Plans (TR010064/APP/2.7)</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
l)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or</p>	Figure 7.3: Key Landscape Designations and Features of the Environmental Statement Figures (TR010064/APP/6.2)	m)	<p>Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g.</p> <p>Figure 6.1 Archaeology Assets, Figure 6.2 Built Heritage Assets and Figure 6.3 Historic Landscapes of the Environmental Statement Figures (TR010064/APP/6.2)</p>

<p>features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>Figure 7.4: Local Landscape and Townscape Character Areas of the Environmental Statement Figures (TR010064/APP/6.2)</p> <p>Figure 8.1: Designated Sites and Affected Road Network of the Environmental Statement Figures (TR010064/APP/6.2)</p> <p>Figure 8.2: Ancient Woodland and Priority Habitats of the Environmental Statement Figures (TR010064/APP/6.2)</p> <p>Figure 8.3: UK Habitats Map of the Environmental Statement Figures (TR010064/APP/6.2)</p> <p>Figure 13.1: Surface Water Receptors of the Environmental Statement Figures (TR010064/APP/6.2)</p> <p>The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Scheme is presented in Chapter 7 Landscape and Visual, Chapter 8 Biodiversity and Chapter 13 Road Drainage and the Water Environments of the Environmental Statement (TR010064/APP/6.1) together with their Appendices (TR010064/APP/6.3) and the figures contained within, with particular</p>	<p>scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>The assessment of any effects on such sites, features or structures likely to be caused by the Scheme is presented in Chapter 6 Cultural Heritage of the Environmental Statement (TR010064/APP/6.1) together with their Appendices (TR010064/APP/6.3) and the figures contained within.</p>
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		reference to Appendix 8.13: Habitat Regulations Assessment Report.		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
n)	Where applicable, a plan with any accompanying information identifying any Crown land	Crown Land Plans (TR010064/APP/2.10)	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping
	Is this of a satisfactory standard?			Are they of a satisfactory standard?
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Engineering Section Plans (TR010064/APP/2.8) General Arrangement Plans (TR010064/APP/2.10) Figure 13.2 Outfall Locations of the Environmental Statement Figures (TR010064/APP/2.2)	q)	Any other documents considered necessary to support the application
				Cover letter (TR010064/APP/1.1) Introduction to the Application (TR010064/APP/1.2) Consents and Agreements Position Statement (TR010064/APP/3.3) Draft DCO Validation Report (TR010064/APP/3.4)

		Appendix 13.7 Drainage Strategy Report of the Environmental Statement Appendices (TR010064/APP/6.3)			First Iteration Environmental Management Plan (TR010064/APP/6.5) The Case for the Scheme (TR010064/APP/7.1) National Policy Statement for National Networks Accordance Tables (TR010064/APP/7.2) Draft National Policy Statement for National Networks Accordance Tables (TR010064/APP/7.3) Transport Assessment (TR010064/APP/7.4) Outline Traffic Management Plan (TR010064/APP/7.5) Scheme Design Report (TR010064/APP/7.6) Equality Impact Assessment (TR010064/APP/7.7)
	Are they of a satisfactory standard?			Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any	Yes A Habitats Regulations Assessment Report is provided in Appendix 8.13 of the Environmental Statement Appendices (TR010064/APP/6.3). The HRA identified relevant			

	Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	European sites and the likely effects on those sites. The HRA concludes that there would be no adverse effects on the integrity of any European Site. Figure 8.13.1 Location of European Sites in relation to the Scheme of Appendix 8.13 Habitats Regulation Assessment Report of the Environmental Statement Appendices (TR010064/APP/6.3) identified the location of European sites in relation to the Scheme.
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	Yes The statutory guidance 'Planning Act 2008: Application form guidance' has been used to prepare the application form (TR010064/APP/1.3). The Applicant believes that the application has been prepared to the standards the Planning Inspectorate considers satisfactory.
34	Summary - s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

35	Was the fee paid at the same time that the application was made ¹⁶ ?	A fee of £8,244
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Role	Electronic signature	Date
Case Manager		
Acceptance Inspector		

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made