



The Planning Inspectorate

Planning Act 2008 – Section 91

Application by National Highways for an Order granting Development Consent for the M60/M62/M66 Simister Island Interchange Project

Agenda for Issue Specific Hearing 1 dealing with the draft Development Consent Order

Hearing	Date and Time	Location
Issue Specific Hearing 1: The draft Development Consent Order	Thursday 12 September 2024 Registration and seating available at venue from: 09:30 Virtual Registration Process from: 09:30 Hearing starts: 10:00	Peel Meeting Room, Bury Town Hall, Knowsley Place, Knowsley Street, Bury, BL9 0ST and by virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

Hearings Guidance: Please see Annex A of this Agenda

Notification of the date, time and attendance instructions for ISH1 was provided in the Examining Authority’s (ExA’s) Rule 6 letter [PD-008, Annex F]. Interested Parties who wish to speak at this event were required to provide notification by Wednesday 28 August 2024. If you haven’t notified us that you wish to speak, you must contact the Case Team (M60SimisterIsland@planninginspectorate.gov.uk) as soon as possible.

Each Interested Party is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda detailed below is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of written questions.

Purpose of the hearing relating to the draft DCO:

The purpose of the hearing is to examine and gain an initial understanding of the drafting of the draft Development Consent Order (DCO) and the powers sought by the Applicant in the Articles and Schedules. In particular, it is to:

- clarify issues around how the draft DCO is intended to work – including the scope of what could be consented, the extent of the powers sought and what requirements, provisions and agreements are proposed;
- identify any possible issues of prevention, mitigation or compensation not covered by the DCO as currently drafted; and
- establish or confirm the views of Interested Parties as to the appropriateness, proportionality and efficacy of the proposals.

The DCO is the Order which the Secretary of State would make if they decided to grant consent for the application. Discussion during the hearing will be ‘without prejudice’ which means that parties may make contributions to improve the quality of the draft DCO without invalidating their own positions of support or opposition to the Proposed Development as a whole.

Irrespective of its recommendation, the ExA is required to present a draft DCO to the Secretary of State. Discussion about the specifics of the draft DCO does not indicate that the ExA has made up its mind about the application. The hearing into the draft DCO is likely to be of a technical nature and will be based on the specific wording of the Order.

An early hearing on the draft DCO is being held as the ExA considers that it would be expedient to examine some matters orally at the start of the Examination in order to ensure that technical and legal matters arising from the draft DCO are identified and considered as early as possible.

The agenda below has been drafted based on the draft DCO version P02 [PD1-005] dated 28 August 2024.

A supplementary agenda has also been published in addition to the main agenda which contains a table of questions. As these are likely to require relatively straightforward responses, clarification and/ or the submission of additional information/ evidence, the ExA has asked these questions in this format as it considers they can be sufficiently dealt with in writing rather than spending time within the Hearing to get this information verbally. The majority of the questions are directed to the Applicant, but some questions are directed to Bury Council, the Environment Agency, Natural England and relevant Statutory Bodies and other Interested Parties. However, responses will be welcomed from any Interested Party who wishes to raise comments to any of the questions. Responses should be submitted at **Deadline 1, Tuesday 24 September 2024.**

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land although initial queries on drafting in the draft DCO may be raised. The draft Examination Timetable in the Rule 6 letter [PD-008] proposes separate Compulsory Acquisition Hearing(s) (if required) during week commencing 25 November 2024.

Agenda

Title of meeting	M60/M62/M66 Simister Island Interchange Issue Specific Hearing 1 – the draft Development Consent Order
Date	Thursday 12 September 2024
Time	10.00
Venue	Blended event
Attendees	Invitees

1. Welcome, introductions, arrangements for the Hearing

2. Matters arising from the supplementary agenda

- Parties will be asked if there are any matters arising from the supplementary agenda that they wish to raise.

3. The draft DCO

- The Applicant will be asked to provide a general overview of each part of the draft DCO and the approach taken to its drafting.

4. Articles of the draft DCO

- The ExA will ask questions in respect of the following articles included in the draft DCO with a focus on the drafting of the powers sought within them and why they are required:
 - Use of ‘significant adverse’ within articles and requirements;
 - Article 10 (Street works);
 - Article 12 (Construction and maintenance of new, altered or diverted streets and other structures);
 - Article 13 (Classification of roads etc.) with reference to the Streets, Rights of Way and Access Plans [APP-008]
 - Article 16 (Access to works);
 - Article 20 (Authority to survey and investigate the land);
 - Article 36 (Felling or lopping of trees and removal of hedgerows) with reference to the Important Hedgerows Plans [APP-012];
 - Article 38 (Operational land for purposes of the 1990 Act) with reference to the Works Plans [AS-006];

Responses will be sought where appropriate from the Applicant, Bury Council and other Interested Parties.

- The ExA will ask Bury Council and other Interested Parties whether there are any other articles that should be included within the Order, seeking responses where appropriate from the Applicant.

5. Schedules 1 and 2 – Authorised Development and Requirements

- The Applicant will be asked to provide a very brief overview of the Proposed Development as set out in Schedule 1, if not covered in Item 3.
- The ExA will ask questions and seek clarifications in relation to the work numbers comprising the Authorised Development listed in Schedule 1, seeking responses where appropriate from the Applicant, Bury Council and other Interested Parties.
- The ExA will ask questions in relation to Schedule 2, including but not limited to:
 - Requirement 1 (Interpretation);
 - Requirement 3 (Detailed Design) with reference to the General Arrangement Plans [APP-005], Works Plans [AS-006] and Engineering Section Drawings [APP-011];
 - Requirement 4 (Environmental Management Plan);
 - Requirement 6 (Contaminated land and groundwater); and
 - Requirement 8 (Surface and foul water drainage)and will seek responses where appropriate from the Applicant, Bury Borough Council, and other Interested Parties.
- The ExA will ask Bury Council and other Interested Parties whether there are any other requirements that should be included in the Order, seeking responses to any requests from the Applicant.

6. Schedule 9 – Protective Provisions

- The Applicant will be asked to provide an update on the progress of any negotiations relating to the agreement of Protective Provisions with respect to the following bodies:
 - National Grid Electricity Transmission plc;
 - United Utilities Water Limited; and
 - Cadent Gas;
- The ExA will query whether any further Protective Provisions are likely to be required.

7. Consents, licences and other agreements

- The Applicant will be asked to provide an update of progress and timescales for completion of the consents, licences and agreements listed in the Consents and Agreements Position Statement [APP-016] and responses will be sought from Bury Council and other Statutory Parties present.

8. Any other business

9. Close of Hearing

Attendees:

All Interested Parties (IPs) are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicant;
- Bury Council in its role as the Local Planning Authority and Local Highways Authority;
- Any other public authority, body or organisation affected by the proposed development.
- Any other IPs with an interest in the drafting of the DCO, or the implementation or discharge of proposed articles, requirements, or other provisions.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the Examining Authority (ExA) will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the person giving evidence by another person will **only** be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website¹ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by **Deadline 1, 24 September 2024**.

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/north-west/m60-m62-m66-simister-island/>