



M60/M62/M66 Simister Island Interchange Project – PINS Ref: TR010064

Written Representation on behalf of the Hillary
Family

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1. **INTRODUCTION**

- 1.1. Ward Hadaway LLP is instructed to act on behalf of John Hillary and David Hillary (**the Hillarys**), who are the joint owners of the freehold title to land at Egypt Lane, Whitefield under title number GM706922 (**the Hillary Land**).
- 1.2. This Written Representation expands upon the Hillarys' Relevant Representation dated 5 July 2024 by enclosing full copies of the Hillarys' two written responses to the Applicant's Section 42 & Section 44 consultations.
- 1.3. This Written Representation also provides an update on the preparation of the development framework for the Northern Gateway allocation within the adopted Places for Everyone Joint Development Plan.

2. **SUMMARY OF REPRESENTATIONS**

- 2.1. The Places for Everyone Plan Joint Development Plan 2022 to 2039 (**PfE**) was adopted on 21 March 2024. Policy JPA 1.1 of PfE allocates the Hillary Land (and other land) as a large, nationally significant location for new employment-led development within what is known as the Northern Gateway opportunity area, between Bury and Rochdale. Policy JPA 1.1 recognises that the scale of the opportunity will help to deliver a significant jobs boost to wider northern and eastern parts of the conurbation, increasing the economic output from this area and helping to rebalance the Greater Manchester economy.
- 2.2. The Northern Gateway opportunity area also includes the potential to deliver a significant amount of new housing as well as an appropriate range of supporting and ancillary services and facilities. Bury Council has commenced the production of a development framework in the form of a Masterplan and SPD, as required by Requirement 1 of Policy JPA 1.1 (see Section 4 below).
- 2.3. The adopted JPA 1.1 allocation also sits within the wider North-East Growth Corridor (PfE Policy JP-Strat 7), which "extends eastwards from Junction 18 of the M62 and incorporates the Atom Valley Mayoral Development Zone to deliver a nationally significant area of economic activity", which "will be supported by a significant increase in the residential offer, thereby delivering truly inclusive growth over the lifetime of the Plan". The Atom Valley MDZ was formally designated by the Greater Manchester Combined Authority on 29 July 2022, and is one of six 'Growth Locations' across Greater Manchester that is designed to deliver new development, create and retain jobs, offer better job opportunities, and enable training and skills development to increase the number of residents in employment. The purpose of the Atom Valley MDZ is to provide a clear mechanism to align public and private sector investment and ensure that there is commitment to the principle of delivering inclusive and sustainable growth.
- 2.4. The Hillarys maintain and reiterate the following concerns in respect of the Applicant's proposed scheme insofar as it relates to the Hillary Land:
 - 2.4.1. The Hillarys fundamentally reject any compelling need for environmental mitigation (in the form of biodiversity net gain) to be located on Plot 2/16b (Work 36) and/or Plot 2/16d (Work 38). The proposed land-takes equate to approximately 5.4ha and 5.3ha respectively. Environmental mitigation remains an element of the scheme which can be provided elsewhere within the current or an extended project boundary, or located off-site. The Applicant's Case for the Scheme itself acknowledges that there is no

requirement for the scheme to provide biodiversity net gain (APP-147 at paragraph 6.11.32. It is plain therefore that the test in Section 122 PA 2008 is not made out in respect of such parts of Plot 2/16b or Plot 2/16d as are proposed for environmental mitigation.

2.4.2. The Hillarys consider that the locations of the attenuation pond and drain immediately to the east of the Northern Loop (Work 37) can be drawn tighter to the Northern Loop itself, with temporary haul routes and temporary footpath diversions routed outside of these and within Plot 2/16d (with temporary possession of part of Plot 2/16d for that purpose).

2.4.3. As above, the Hillarys fundamentally reject any compelling need for environmental mitigation to be located on Plot 2/16b (Work 36) and/or Plot 2/16d (Work 38). It follows that the acquisition of permanent rights over Plot 2/16c and/or Plot 2/16c continues to risk sterilising the balance of Plot 2/16b (insofar as it is not required for the formation of the Northern Loop itself).

2.5. The Hillarys' concerns are set out more fully in their two written responses to the Applicant's Sections 42/44 consultation (see Section 3 below).

3. SECTION 42 & SECTION 44 CONSULTATION RESPONSES

3.1. As noted in the Hillarys' Relevant Representation, enclosed with this Written Representation are full copies of the Hillarys' two written responses to the Applicant's Sections 42/44 consultation.

3.2. The Hillarys' first Section 42(1)(d) response is enclosed at Appendix A (the First Response). The First Response in turn appended a plan showing the extent of the Hillary Land ('Appendix 1' to the S42 Response) and an indicative overlay showing the overlay between the Hillary Land and the Project's Statutory Consultation Brochure Provisional Order Limits ('Appendix 2' to the First Response).

3.3. The Hillarys' second Section 42(1)(d) response (**the Second Response**) responded to the Applicant's revised consultation and specifically to the Map Book Land Use Plans v2 (July & August 2023). The Second Response is enclosed at Appendix B. The Second Response appended a revised overlay showing the overlay between the Hillary Land and the Map Book Land Use Plan ('Appendix 2' to the Second Response).

3.4. The Hillarys request that the First Response and Second Response are read together with this Written Representation.

4. THE NORTHERN GATEWAY ALLOCATION

4.1. Subsequent to the submission of the Hillarys' Relevant Representation, Bury Council has confirmed that the Hillary Land is located in the area being taken forward under the Northern Gateway adopted allocation, and that it is currently in the process of preparing a development framework. A copy of such confirmation is enclosed at Appendix C.

5. SUMMARY OF THE HILLARYS' POSITION

5.1. The Hillarys intend to rely on the Hillary Land's adopted allocation for development within PfE and its designation within the Atom Valley MDZ (as well as any actual additional planning permissions / development orders (or the likelihood of obtaining

the same)) in any calculation or assessment of the value of any land acquired or possessed pursuant to the Project.

- 5.2. The Hillarys are continuing to review the Applicant's plans, draft Order and Application documents, and are prepared to enter into negotiations with the Applicant in respect of a voluntary agreement for the disposal of such land and rights as is necessary for the construction of the Northern Loop itself (excluding land sought for environmental mitigation and for the attenuation pond and drain).
- 5.3. The Examining Authority and the Secretary of State will otherwise need to be satisfied that the land and rights proposed to be acquired from the Hillarys is truly required to facilitate, or is incidental to, the scheme, and (critically) that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 5.4. The Hillary Family therefore requests by to be heard at a Compulsory Acquisition Hearing, and has notified the Examining Authority separately as to that request.

Ward Hadaway LLP

24 September 2024

Appendix A – The First Response

Nicola Eastwell
Project Manager - M60/M62/M66 Simister Island Interchange Scheme
National Highways

Your Ref:
Our Ref: JXG.MAR242.64
Doc No: 39028285v1
Date: 28 March 2023

By email: M60J18simisterislandinterchange@nationalhighways.co.uk

Dear Sirs

**M60/M62/M66 - Simister Island Interchange
Section 42(1)(d) Planning Act 2008**

1. **Introduction**

- 1.1. We are instructed to act on behalf of John Hillary (of 239 Whalley Road, Ramsbottom, Bury BL0 0ED) and David Hillary (of Unsworth Moss Bungalow, Simon Lane, Bowlee, Middleton, Manchester M24 4SH) (**the Owners**), who are the joint owners of the freehold title to land at Egypt Lane, Whitefield under title number GM706922 (**the Hillary Land**).
- 1.2. The extent of the Hillary Land is shown edged red at **Appendix 1**.
- 1.3. We write further to your S42 & S44 (Categories 1 & 2) letter dated 24 February 2023.
- 1.4. The Owners own and have the power to convey part of the land to which the National Highways (**NH**) M60/M62/M66 Simister Island Interchange (**the Project**) proposed application relates, and they are therefore a person interested in the land for the purposes of Sections 44(1) and (2) of the Planning Act 2008.
- 1.5. An indicative overlay showing the overlap between the Hillary Land and the Project's Statutory Consultation Brochure Provisional Order Limits (Plan Ref: HE548642 GEN SII_MLT DR ZH 0003) is shown hatched at **Appendix 2**.
- 1.6. We have reviewed the Project's Map Book Land Use Plans (February 2023) (Plan Ref: HE548642 GEN STK DR ZH 0004), together with the Project's PEIR and Preliminary Design Consultation Brochure.

2. **The Hillary Land**

- 2.1. The Hillary Land forms part of a draft strategic allocation within the 'Places for Everyone' Joint Development Plan Document – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan – Publication Draft August 2021 (**the draft JDPD**). The draft JDPD is currently undergoing examination and is at an advanced stage of preparation.

- 2.2. Policy JPA 1.1 of the draft JDPD proposes to allocate land (including the Hillary Land) as a large, nationally significant location for new employment-led development within what is known as the Northern Gateway opportunity area, between Bury and Rochdale. The draft policy recognises that the scale of the opportunity will help to deliver a significant jobs boost to wider northern and eastern parts of the conurbation, increasing the economic output from this area and helping to rebalance the Greater Manchester economy.
- 2.3. While the specific proposals and timings for development within the allocation will be determined by a masterplan process following adoption, the draft JDPD recognises that "it is considered necessary to release the site in full at this stage given that the scale of the proposed development means that it will need to be supported by significant strategic infrastructure and this level of investment needs the certainty that the remaining development and associated economic benefits will still be able to come forward beyond the plan period"¹.
- 2.4. The Hillary Land therefore comprises an important and significant landholding within the Policy JPA 1.1 proposed allocation.
- 2.5. Furthermore, the JPA 1.1 allocation sits within the wider North-East Growth Corridor (draft JDPD Policy JP-Strat 7), which "extends eastwards from Junction 18 of the M62 and incorporates the Atom Valley MDZ [Mayoral Development Zone] to deliver a nationally-significant area of economic activity and growth".
- 2.6. The Atom Valley MDZ was formally designated by the Greater Manchester Combined Authority on 29 July 2022, and is one of six 'Growth Locations' across Greater Manchester that is designed to deliver new development, create and retain jobs, offer better job opportunities, enable training and skill development to increase the number of residents in employment. The purpose of the Atom Valley MDZ is to provide a clear mechanism to align public and private sector investment and ensure that there is commitment to the principle to delivering inclusive and sustainable growth. This purpose is proposed to be incorporated into the supporting text to draft Policy JP-Strat 7 of the draft JDPD.
- 2.7. The Hillary Land therefore also comprises a proposed allocation within the Atom Valley MDZ, a strategically important designated growth area.

3. **The Impact of the Project on the Hillary Land**

- 3.1. As is shown by Appendix 2, the Project's preliminary design requires significant permanent acquisition and temporary possession of land within the Hillary Land.
- 3.2. Of this, the Owners consider that the purpose for which land is required falls into three categories:
 - 3.2.1. **The Northern Loop** – permanent acquisition of land to accommodate the construction of a new loop road to provide a new link between the M60 eastbound to the M60 southbound.
 - 3.2.2. **Soil / Materials Storage** – temporary possession of land during the construction process.
 - 3.2.3. **Environmental Mitigation** – permanent acquisition of a triangle of land to the east of the Northern Loop to provide [unspecified environmental] mitigation.

¹ Paragraph 11.21 of the draft JDPD.

4. Owners' Representation and Partial Objection to the Project

4.1. The Northern Loop

- 4.1.1. Subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners recognise that the Northern Loop forms an important element of the overall Project, and that the permanent acquisition of some land within the Hillary Land is required for its delivery, notwithstanding the likely allocation of this land for employment development pursuant to the draft JDPD.
- 4.1.2. However, the Owners consider that the indicative locations of the attenuation pond immediately to the east of the Northern Loop (identified as 'Pond 1' in the public consultation document) would require a significant land-take, and that this is reflected in the area of land proposed for permanent acquisition to accommodate them. The Project's consultation materials do not at this stage justify the need for the size or location of this attenuation pond, and the Owners query why such pond(s) cannot be accommodated within a tighter footprint to the M62/Northern Loop and/or within the Loop itself. Specifically, and by way of illustration, the land falling within the existing 'elbow' of the M66 and M62 (and currently identified for temporary possession) already benefits from highway surface water drainage channels into the existing watercourse and pond system abutting the golf course. Therefore, to the extent that land within the Hillary Land is permanently required for an attenuation pond, the Owners consider it can be better located with regard to the likely development of the site under the JPA 1.1 allocation. As such, the Owners do not consider that it would be expedient for NH to seek to compulsorily acquire the extent of land currently shown, and that there is not a compelling case for it to do so.
- 4.1.3. The Owners would therefore welcome the opportunity to further discuss the rationalisation and relocation of the proposed attenuation ponds and other supporting infrastructure, with the aim of reducing the overall land take from the Hillary Land and the draft Policy JPA 1.1 allocation.
- 4.1.4. Please see also Section 5 below regarding the inequitable impacts on landowner interests.
- 4.1.5. The Owners are in principle willing to enter into discussions with NH at the appropriate time regarding arrangements for the acquisition and transfer of such land as is evidenced to be necessary to deliver the Northern Loop itself, subject to contract and agreement as to compensation.

4.2. Soil / Minerals Storage

- 4.2.1. Again subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners recognise that an element of soil and materials storage on or near to the Hillary Land is likely to be necessary.
- 4.2.2. The Owners are however concerned that the relative locations of i) the land identified for temporary possession and ii) land proposed to be acquired for environmental mitigation (see Section 4.3 below) will lead to a significant diminution and partial severance of the land proposed to be handed back.

- 4.2.3. As above, It is not evident from the Project's consultation materials as to why the land identified for the storage of soils and materials cannot also be utilised for environmental mitigation during later stages of the Project and post-completion.
- 4.2.4. As currently proposed, in the event that the land proposed for environmental mitigation is permanently acquired (the need for which is not accepted – see Section 4.3 below), the co-development potential of, and access to, the handed-back areas of the Hillary Land would be significantly compromised without the acquisition of additional third party land or rights. This is likely to have a significant impact on the development value of the handed back areas.
- 4.2.5. Further, the Owners consider that the siting of 'Pond 1' within the existing 'elbow' of the M66 and M62 would allow the boundary of the land identified for the storage of soils and materials to be drawn more tightly around the Northern Loop itself, and limit both the permanent land take and the land temporarily possessed. The Owners believe that, in this proposed location, there is an existing surface water outfall drain into which the attenuation pond could be connected.
- 4.2.6. The Owners would therefore welcome the opportunity to further discuss the location and timings of any part or parts of the Hillary Land as is necessary for the storage of soils and materials.
- 4.2.7. Subject to a resolution and agreement as to the points raised above, and depending on the respective timescales for the implementation of the Project and any development of the Hillary Land pursuant to the Policy JPA 1.1 allocation, the Owners are in principle willing to enter into discussions with NH at the appropriate time regarding arrangements and conditions for the temporary possession of the necessary land.

4.3. Environmental Mitigation

- 4.3.1. The land proposed to be acquired for environmental mitigation extends into the heart of that part of the Hillary Land falling within the draft Policy JPA 1.1 allocation. The land has significant development potential and value.
- 4.3.2. Permanent acquisition of this land will have a substantial impact on the ability of the wider Hillary Land to accommodate and ensure delivery of development within the Policy JPA 1.1 allocation, and will likely give rise to significant loss of value to any retained Hillary Land.
- 4.3.3. The Owners note that environmental mitigation is an element of the Project which can in principle be provided elsewhere within the current or an extended Project boundary. Given the likely impact of the acquisition of this land on the development of both the Hillary Land and the wider allocation, the Owners are not currently willing to enter into discussions in respect of the acquisition of the land or rights over it.
- 4.3.4. The Owners do not consider that it would be expedient for NH to seek to acquire this land compulsorily, and nor is there any realistic prospect of there being a compelling case in the public interest justifying its compulsory acquisition for environmental mitigation purposes. Indeed, the Government's response and summary of responses to its January 2022 consultation on biodiversity net gain (BNG) regulations and implementation confirms that the Government does not intend to make any new provisions for compulsory acquisition in order to deliver BNG in respect of NSIPs.

5. **Compensation Value**

- 5.1. The Owners intend to rely on Hillary Land's proposed/actual allocation for development within the JDPD and its designation within the Atom Valley MDZ (as well as any actual additional planning permissions / development orders (or the likelihood of obtaining the same) in any calculation or assessment of the value of any land proposed to be acquired or possessed pursuant to the Project.
- 5.2. The Owners have communicated their concerns regarding the implications of the Project for the future use and development of the Hillary Land with representatives of both NH and the District Valuer². The discussion included an acknowledgement of the Hillary Land's draft allocation and inclusion within the MDZ designation, and of the need to consider alternative Project land requirements where possible both to enable development to come forward and to minimise the amount of compensation payable at enhanced land values.

6. **Conclusions**

- 6.1. The Owners therefore ask that the land proposed to be acquired for environmental mitigation is removed from the Order Maps submitted as part of any application for development consent for the Project.
- 6.2. The Owners confirm they will object to the inclusion of such land in any made Order as part of the Examination process.
- 6.3. The Owners also confirm that they are otherwise willing to continue discussions with NH and its representatives regarding the detailed design and land-take for the Northern Loop and temporary elements of the Project insofar as they relate to the Hillary Land.

Yours faithfully

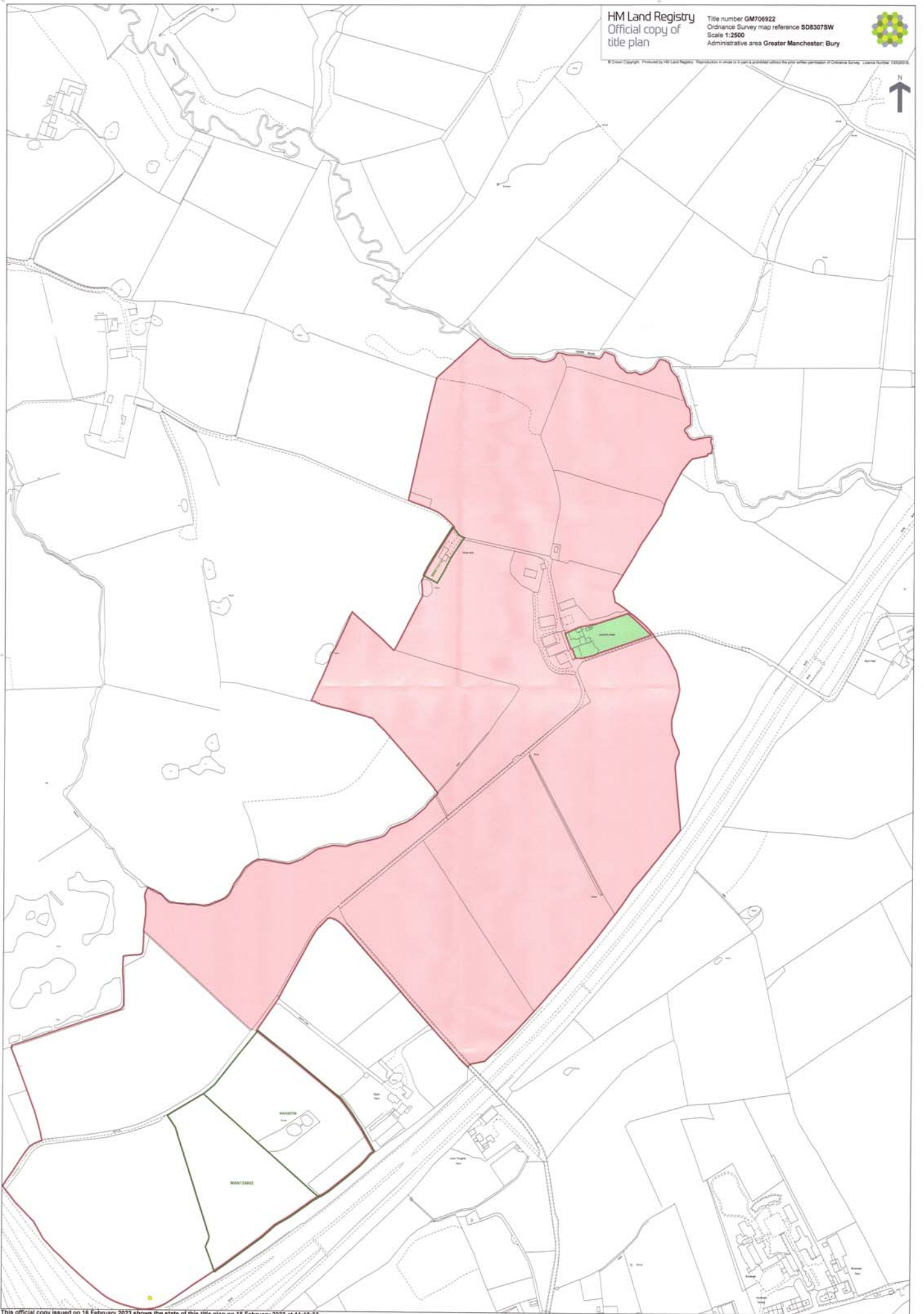


Ward Hadaway LLP

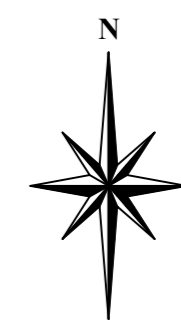
+44 (0) 330 137 3576
james.garbett@wardhadaway.com

² At NH's face-to-face public consultation event, held at Parrenthorn High School on 21 February 2023

Appendix 1 – the Hillary Land





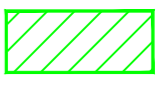



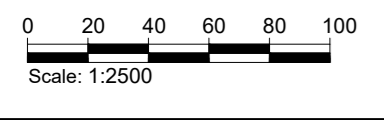
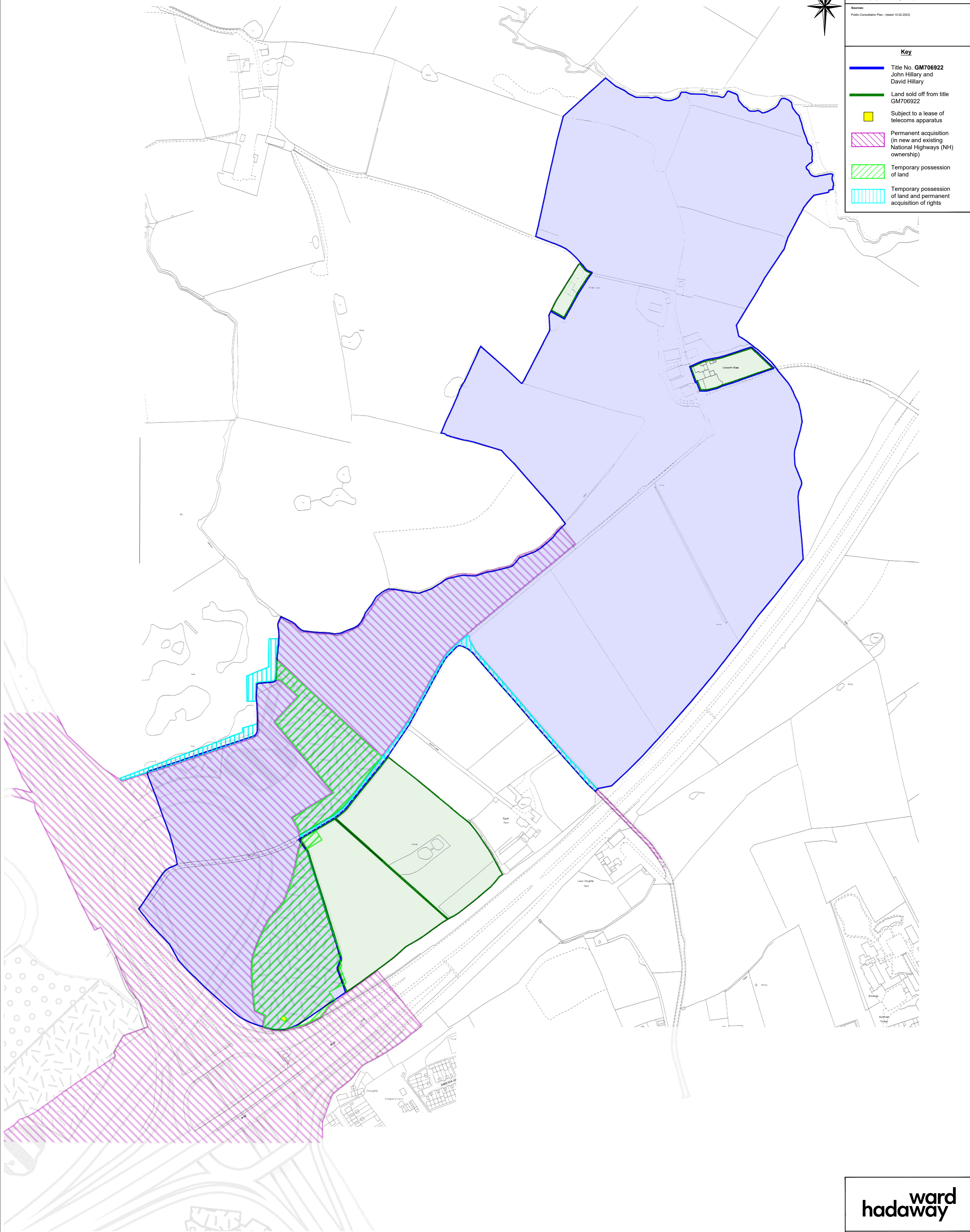
Appendix 2 – Hillary Land overlay with provisional Order Limits:



Disclaimer:
 This plan is for illustrative purposes only. It shows the approximate position of various apparatus, boundaries and other information which has been taken from documentation provided by you or third parties as listed in the 'Sources' box below. This plan should not be relied on as a definitive representation of the actual position on the ground of anything that is shown on this plan and the plan does not necessarily represent everything that may actually physically exist on or in the ground. You should rely on your own knowledge and inspection of the site.

Sources:
 Public Consultation Plan - (issued 15.02.2023)

Key	
	Title No. GM706922 John Hillary and David Hillary
	Land sold off from title GM706922
	Subject to a lease of telecoms apparatus
	Permanent acquisition (in new and existing National Highways (NH) ownership)
	Temporary possession of land
	Temporary possession of land and permanent acquisition of rights



ward
hadaway

Client: **Maro Developments Ltd**

File: MAR242.64	Rev:
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Title: **Overlay Plan**
 Hillary title and proposed National Highways acquisitions, land at Simister Island Interchange

Scale: 1:2500 @A1	Date: 24/02/23
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Drawn By: **CM**

Appendix B – The Second Response

Nicola Eastwell
Project Manager - M60/M62/M66 Simister Island Interchange Scheme
National Highways

Your Ref:
Our Ref: JXG.HIL206.1
Doc No: 40821787v2
Date: 8 September 2023

By email: M60J18simisterislandinterchange@nationalhighways.co.uk

Dear Sirs

M60/M62/M66 - Simister Island Interchange Section 42(1)(d) Planning Act 2008

1. Introduction

- 1.1. We write further to our letter of 27 March 2023 (**First Response** - attached at Appendix 1) and continue to act on behalf of John Hillary (of 239 Whalley Road, Ramsbottom, Bury BL0 0ED) and David Hillary (of Unsworth Moss Bungalow, Simon Lane, Bowlee, Middleton, Manchester M24 4SH) (**the Owners**).
- 1.2. Capitalised terms in this letter bear the same meaning as defined in the First Response.
- 1.3. This Second Response is a response to your supplementary S42 & S44 (Categories 1 & 2) consultation letter dated 31 July 2023.
- 1.4. We have reviewed the Project's Map Book Land Use Plans v2 (July & August 2023) and specifically plan Ref: HE548642 GEN STK DR ZH 0004, and updated indicative overlay showing the overlap between the Hillary Land and the Project's Statutory Consultation Brochure Provisional Order Limits (Plan Ref: HE548642 GEN SII_MLT DR ZH 0004) is shown at **Appendix 2**.

2. The Hillary Land

- 2.1. Our remarks regarding the Hillary Land remain as stated in the Initial Response, save that we are aware that a further hearing was held on 5 July 2023 (as part of the examination of the draft JDPD) to consider the suitability of draft allocations within the JDPD with regards to the issue of peat. No findings of peat within the Hillary Land were put forward as part of this hearing, and we understand both the Owners' and NH's own site investigation work has confirmed that the Hillary Land is not affected by peat.
- 2.2. No subsequent objections to the inclusion of the Hillary Land within Policy JPA 1.1 of the draft JDPD have been received, and the Owners' position is that Hillary Land therefore comprises an important and significant landholding within the Policy JPA 1.1 proposed allocation within the draft JDPD, which is now at an even more advanced stage of preparation.

2.3. The Hillary Land also continues to comprise a proposed allocation within the strategically important Atom Valley MDZ designated growth area.

3. The Impact of the Project on the Hillary Land

3.1. As is shown by Appendix 2, the Project's amended preliminary design continues to require the substantial permanent acquisition of land within the Hillary Land, albeit with a reduced temporary land take.

3.2. Utilising the terminology adopted in paragraph 3.2 of the Initial Response, the Owners acknowledge and appreciate the removal of the Environmental Mitigation land from the provisional order limits (design change LU-29).

3.3. However, the Owners also note that the Soil / Materials Storage land (previously proposed only for temporary possession of land during the construction process) is now proposed to be permanently acquired for (initially) soil / materials storage and thereafter for environmental mitigation (LU-10).

3.4. The Project therefore continues to propose a significant permanent acquisition of land within the Hillary Land outside of the land required to accommodate the Northern Loop.

4. Owners' Continuing Partial Objection to the Project

4.1. The Northern Loop

4.1.1. Subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners continue to recognise that the Northern Loop forms an important element of the overall Project.

4.1.2. The Owners are however disappointed that their representations regarding the rationalisation of the design of the Northern Loop's supporting infrastructure have not been addressed.

4.1.3. Specifically, the Owners consider that the indicative locations of the attenuation pond and drain immediately to the east of the Northern Loop can be drawn tighter to the Northern Loop itself, and that the Project does not justify the size or location of these works. For example, there is no obvious design or topographical reason why the pond cannot be constructed in a curve around the base of the Northern Loop itself, with a direct linear drain into the existing watercourse to the north of the Project boundary.

4.1.4. Again, to the extent that land within the Hillary Land is permanently required for an attenuation pond, the Owners consider it can be better located with regard to the likely development of the site under the JPA 1.1 allocation. The Owners do not consider that it would be expedient for NH to seek to compulsorily acquire the extent of land currently shown, and that there is not a compelling case for it to do so.

4.1.5. The Owners also note the proposed permanent acquisition of rights over access to the existing drain shown in design change LU-17. The acquisition of rights over this LU-17 strip will permanently sterilise the land to its west (see paragraph 4.3.4 below re 'LU-10 South'). The Owners propose that instead the project design diverts the existing drain around the existing boundary of LU-10 South and open up the LU-10 South land for development and/or mitigation associated with the JPA 1.1 allocation.

- 4.1.6. The Owners maintain the offer of further discussions regarding the rationalisation and relocation of the proposed attenuation pond, drains, and other supporting infrastructure, with the aim of reducing the overall land take from the Hillary Land and the draft Policy JPA 1.1 allocation.
- 4.1.7. The Owners remain in principle willing to enter into discussions with NH at the appropriate time regarding arrangements for the acquisition and transfer of such land as is evidenced to be necessary to deliver the Northern Loop itself, subject to contract and agreement as to compensation.

4.2. Soil / Minerals Storage

- 4.2.1. Again subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners continue to recognise that an element of soil and materials storage on or near to the Hillary Land is likely to be necessary.
- 4.2.2. The Owners note that the amended preliminary design now proposes to also use land identified for the storage of soils and materials for environmental mitigation. This is accepted in principle in respect of part of the Hillary Land but subject to the Owner's comments and objection in respect of the extent of proposed land take for environmental mitigation in section 4.3 below.
- 4.2.3. Subject to a resolution and agreement as to the points raised above, and depending on the respective timescales for the implementation of the Project and any development of the Hillary Land pursuant to the Policy JPA 1.1 allocation, the Owners are in principle willing to enter into discussions with NH at the appropriate time regarding arrangements and conditions for the temporary possession of the necessary land.

4.3. Environmental Mitigation

- 4.3.1. As above, the Owners acknowledge and appreciate the removal of what the Initial Response referred to as the Environmental Mitigation land from the provisional order limits.
- 4.3.2. However, the Owners remain concerned about the continuing extent of the land proposed to be permanently acquired for the purposes of environmental mitigation.
- 4.3.3. Specifically, the proposed land take to the north east of the Northern Loop (the northern parcel noted in design change LU-10 (**LU-10 North**) - an estimated 5 acres) continues to extend into the heart of that part of the Hillary Land falling within the draft Policy JPA 1.1 allocation. Permanent acquisition of LU-10 North will also continue to have a significant impact on the ability of the wider Hillary Land to accommodate and ensure delivery of development within the Policy JPA 1.1 allocation, and will likely give rise to significant loss of value to the retained Hillary Land.
- 4.3.4. Similarly, the Owners consider that the southern parcel noted in design change LU-10 (**LU-10 South**) is capable of development and/or mitigating the impacts of other development within the draft Policy JPA 1.1 allocation, and will also will likely give rise to loss of value to the retained Hillary Land.
- 4.3.5. Environmental mitigation remains an element of the Project which can be provided elsewhere within the current or an extended Project boundary. Given the

likely impacts of LU-10 North and LU-10 South on the development of the Hillary Land and the equalised wider allocation, the Owners are not currently willing to enter into discussions in respect of the acquisition of the land or rights over it.

- 4.3.6. The Owners do not consider that it would be expedient for NH to seek to permanently acquire LU-10 North or LU-10 South compulsorily, and nor is there any realistic prospect of there being a compelling case in the public interest justifying for it to do so for environmental mitigation purposes.

5. **Compensation Value**

- 5.1. The Owners reiterate their intention to rely on Hillary Land's proposed/actual allocation for development within the JDPD and its designation within the Atom Valley MDZ (as well as any actual additional planning permissions / development orders (or the likelihood of obtaining the same) in any calculation or assessment of the value of any land proposed to be acquired or possessed pursuant to the Project.
- 5.2. The ongoing passage of the JDPD through the local plan examination period (and the continuing lack of objection to the wider Policy JPA 1.1 allocation and/or inclusion of the Hillary Land within it) gives increased weight to the likelihood of very high compensation values being recoverable in respect of any Hillary Land to be acquired compulsorily. For the avoidance of doubt, this includes the southern parcel noted in design change LU-10 (**LU-10 South**) which the Owners consider is capable of development and/or mitigating the impacts of other development within the allocation.

6. **Conclusions**

- 6.1. The Owners request that:
- 6.1.1. the design of the Northern Loop's supporting infrastructure (attenuation pond and drain) be rationalised to reduce the Project's proposed permanent land take;
- 6.1.2. design change LU-17 be removed from the Order Maps, and the existing drain be diverted around the existing boundary of LU-10 South; and
- 6.1.3. the proposed permanent acquisition of the LU-10 North and LU-10 South land for environmental mitigation is removed from the Order Maps.
- 6.2. The Owners maintain that they will object to the inclusion of such land/rights in any made Order as part of the Examination process.
- 6.3. The Owners also confirm that they are otherwise willing to continue discussions with NH and its representatives regarding the detailed design and land-take for the Northern Loop and temporary elements of the Project insofar as they relate to the Hillary Land.

Yours faithfully


Ward Hadaway LLP

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Appendix 1 – the Initial Reponse

Nicola Eastwell
Project Manager - M60/M62/M66 Simister Island Interchange Scheme
National Highways

Your Ref:
Our Ref: JXG.MAR242.64
Doc No: 39028285v1
Date: 28 March 2023

By email: M60J18simisterislandinterchange@nationalhighways.co.uk

Dear Sirs

**M60/M62/M66 - Simister Island Interchange
Section 42(1)(d) Planning Act 2008**

1. **Introduction**

- 1.1. We are instructed to act on behalf of John Hillary (of 239 Whalley Road, Ramsbottom, Bury BL0 0ED) and David Hillary (of Unsworth Moss Bungalow, Simon Lane, Bowlee, Middleton, Manchester M24 4SH) (**the Owners**), who are the joint owners of the freehold title to land at Egypt Lane, Whitefield under title number GM706922 (**the Hillary Land**).
- 1.2. The extent of the Hillary Land is shown edged red at **Appendix 1**.
- 1.3. We write further to your S42 & S44 (Categories 1 & 2) letter dated 24 February 2023.
- 1.4. The Owners own and have the power to convey part of the land to which the National Highways (**NH**) M60/M62/M66 Simister Island Interchange (**the Project**) proposed application relates, and they are therefore a person interested in the land for the purposes of Sections 44(1) and (2) of the Planning Act 2008.
- 1.5. An indicative overlay showing the overlap between the Hillary Land and the Project's Statutory Consultation Brochure Provisional Order Limits (Plan Ref: HE548642 GEN SII_MLT DR ZH 0003) is shown hatched at **Appendix 2**.
- 1.6. We have reviewed the Project's Map Book Land Use Plans (February 2023) (Plan Ref: HE548642 GEN STK DR ZH 0004), together with the Project's PEIR and Preliminary Design Consultation Brochure.

2. **The Hillary Land**

- 2.1. The Hillary Land forms part of a draft strategic allocation within the 'Places for Everyone' Joint Development Plan Document – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan – Publication Draft August 2021 (**the draft JDPD**). The draft JDPD is currently undergoing examination and is at an advanced stage of preparation.

- 2.2. Policy JPA 1.1 of the draft JDPD proposes to allocate land (including the Hillary Land) as a large, nationally significant location for new employment-led development within what is known as the Northern Gateway opportunity area, between Bury and Rochdale. The draft policy recognises that the scale of the opportunity will help to deliver a significant jobs boost to wider northern and eastern parts of the conurbation, increasing the economic output from this area and helping to rebalance the Greater Manchester economy.
- 2.3. While the specific proposals and timings for development within the allocation will be determined by a masterplan process following adoption, the draft JDPD recognises that "it is considered necessary to release the site in full at this stage given that the scale of the proposed development means that it will need to be supported by significant strategic infrastructure and this level of investment needs the certainty that the remaining development and associated economic benefits will still be able to come forward beyond the plan period"¹.
- 2.4. The Hillary Land therefore comprises an important and significant landholding within the Policy JPA 1.1 proposed allocation.
- 2.5. Furthermore, the JPA 1.1 allocation sits within the wider North-East Growth Corridor (draft JDPD Policy JP-Strat 7), which "extends eastwards from Junction 18 of the M62 and incorporates the Atom Valley MDZ [Mayoral Development Zone] to deliver a nationally-significant area of economic activity and growth".
- 2.6. The Atom Valley MDZ was formally designated by the Greater Manchester Combined Authority on 29 July 2022, and is one of six 'Growth Locations' across Greater Manchester that is designed to deliver new development, create and retain jobs, offer better job opportunities, enable training and skill development to increase the number of residents in employment. The purpose of the Atom Valley MDZ is to provide a clear mechanism to align public and private sector investment and ensure that there is commitment to the principle to delivering inclusive and sustainable growth. This purpose is proposed to be incorporated into the supporting text to draft Policy JP-Strat 7 of the draft JDPD.
- 2.7. The Hillary Land therefore also comprises a proposed allocation within the Atom Valley MDZ, a strategically important designated growth area.

3. **The Impact of the Project on the Hillary Land**

- 3.1. As is shown by Appendix 2, the Project's preliminary design requires significant permanent acquisition and temporary possession of land within the Hillary Land.
- 3.2. Of this, the Owners consider that the purpose for which land is required falls into three categories:
 - 3.2.1. **The Northern Loop** – permanent acquisition of land to accommodate the construction of a new loop road to provide a new link between the M60 eastbound to the M60 southbound.
 - 3.2.2. **Soil / Materials Storage** – temporary possession of land during the construction process.
 - 3.2.3. **Environmental Mitigation** – permanent acquisition of a triangle of land to the east of the Northern Loop to provide [unspecified environmental] mitigation.

¹ Paragraph 11.21 of the draft JDPD.

4. Owners' Representation and Partial Objection to the Project

4.1. The Northern Loop

- 4.1.1. Subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners recognise that the Northern Loop forms an important element of the overall Project, and that the permanent acquisition of some land within the Hillary Land is required for its delivery, notwithstanding the likely allocation of this land for employment development pursuant to the draft JDPD.
- 4.1.2. However, the Owners consider that the indicative locations of the attenuation pond immediately to the east of the Northern Loop (identified as 'Pond 1' in the public consultation document) would require a significant land-take, and that this is reflected in the area of land proposed for permanent acquisition to accommodate them. The Project's consultation materials do not at this stage justify the need for the size or location of this attenuation pond, and the Owners query why such pond(s) cannot be accommodated within a tighter footprint to the M62/Northern Loop and/or within the Loop itself. Specifically, and by way of illustration, the land falling within the existing 'elbow' of the M66 and M62 (and currently identified for temporary possession) already benefits from highway surface water drainage channels into the existing watercourse and pond system abutting the golf course. Therefore, to the extent that land within the Hillary Land is permanently required for an attenuation pond, the Owners consider it can be better located with regard to the likely development of the site under the JPA 1.1 allocation. As such, the Owners do not consider that it would be expedient for NH to seek to compulsorily acquire the extent of land currently shown, and that there is not a compelling case for it to do so.
- 4.1.3. The Owners would therefore welcome the opportunity to further discuss the rationalisation and relocation of the proposed attenuation ponds and other supporting infrastructure, with the aim of reducing the overall land take from the Hillary Land and the draft Policy JPA 1.1 allocation.
- 4.1.4. Please see also Section 5 below regarding the inequitable impacts on landowner interests.
- 4.1.5. The Owners are in principle willing to enter into discussions with NH at the appropriate time regarding arrangements for the acquisition and transfer of such land as is evidenced to be necessary to deliver the Northern Loop itself, subject to contract and agreement as to compensation.

4.2. Soil / Minerals Storage

- 4.2.1. Again subject to further review of the final design of the Project (as submitted for development consent as part of any forthcoming application), the Owners recognise that an element of soil and materials storage on or near to the Hillary Land is likely to be necessary.
- 4.2.2. The Owners are however concerned that the relative locations of i) the land identified for temporary possession and ii) land proposed to be acquired for environmental mitigation (see Section 4.3 below) will lead to a significant diminution and partial severance of the land proposed to be handed back.

- 4.2.3. As above, It is not evident from the Project's consultation materials as to why the land identified for the storage of soils and materials cannot also be utilised for environmental mitigation during later stages of the Project and post-completion.
- 4.2.4. As currently proposed, in the event that the land proposed for environmental mitigation is permanently acquired (the need for which is not accepted – see Section 4.3 below), the co-development potential of, and access to, the handed-back areas of the Hillary Land would be significantly compromised without the acquisition of additional third party land or rights. This is likely to have a significant impact on the development value of the handed back areas.
- 4.2.5. Further, the Owners consider that the siting of 'Pond 1' within the existing 'elbow' of the M66 and M62 would allow the boundary of the land identified for the storage of soils and materials to be drawn more tightly around the Northern Loop itself, and limit both the permanent land take and the land temporarily possessed. The Owners believe that, in this proposed location, there is an existing surface water outfall drain into which the attenuation pond could be connected.
- 4.2.6. The Owners would therefore welcome the opportunity to further discuss the location and timings of any part or parts of the Hillary Land as is necessary for the storage of soils and materials.
- 4.2.7. Subject to a resolution and agreement as to the points raised above, and depending on the respective timescales for the implementation of the Project and any development of the Hillary Land pursuant to the Policy JPA 1.1 allocation, the Owners are in principle willing to enter into discussions with NH at the appropriate time regarding arrangements and conditions for the temporary possession of the necessary land.

4.3. Environmental Mitigation

- 4.3.1. The land proposed to be acquired for environmental mitigation extends into the heart of that part of the Hillary Land falling within the draft Policy JPA 1.1 allocation. The land has significant development potential and value.
- 4.3.2. Permanent acquisition of this land will have a substantial impact on the ability of the wider Hillary Land to accommodate and ensure delivery of development within the Policy JPA 1.1 allocation, and will likely give rise to significant loss of value to any retained Hillary Land.
- 4.3.3. The Owners note that environmental mitigation is an element of the Project which can in principle be provided elsewhere within the current or an extended Project boundary. Given the likely impact of the acquisition of this land on the development of both the Hillary Land and the wider allocation, the Owners are not currently willing to enter into discussions in respect of the acquisition of the land or rights over it.
- 4.3.4. The Owners do not consider that it would be expedient for NH to seek to acquire this land compulsorily, and nor is there any realistic prospect of there being a compelling case in the public interest justifying its compulsory acquisition for environmental mitigation purposes. Indeed, the Government's response and summary of responses to its January 2022 consultation on biodiversity net gain (BNG) regulations and implementation confirms that the Government does not intend to make any new provisions for compulsory acquisition in order to deliver BNG in respect of NSIPs.

5. **Compensation Value**

- 5.1. The Owners intend to rely on Hillary Land's proposed/actual allocation for development within the JDPD and its designation within the Atom Valley MDZ (as well as any actual additional planning permissions / development orders (or the likelihood of obtaining the same) in any calculation or assessment of the value of any land proposed to be acquired or possessed pursuant to the Project.
- 5.2. The Owners have communicated their concerns regarding the implications of the Project for the future use and development of the Hillary Land with representatives of both NH and the District Valuer². The discussion included an acknowledgement of the Hillary Land's draft allocation and inclusion within the MDZ designation, and of the need to consider alternative Project land requirements where possible both to enable development to come forward and to minimise the amount of compensation payable at enhanced land values.

6. **Conclusions**

- 6.1. The Owners therefore ask that the land proposed to be acquired for environmental mitigation is removed from the Order Maps submitted as part of any application for development consent for the Project.
- 6.2. The Owners confirm they will object to the inclusion of such land in any made Order as part of the Examination process.
- 6.3. The Owners also confirm that they are otherwise willing to continue discussions with NH and its representatives regarding the detailed design and land-take for the Northern Loop and temporary elements of the Project insofar as they relate to the Hillary Land.

Yours faithfully

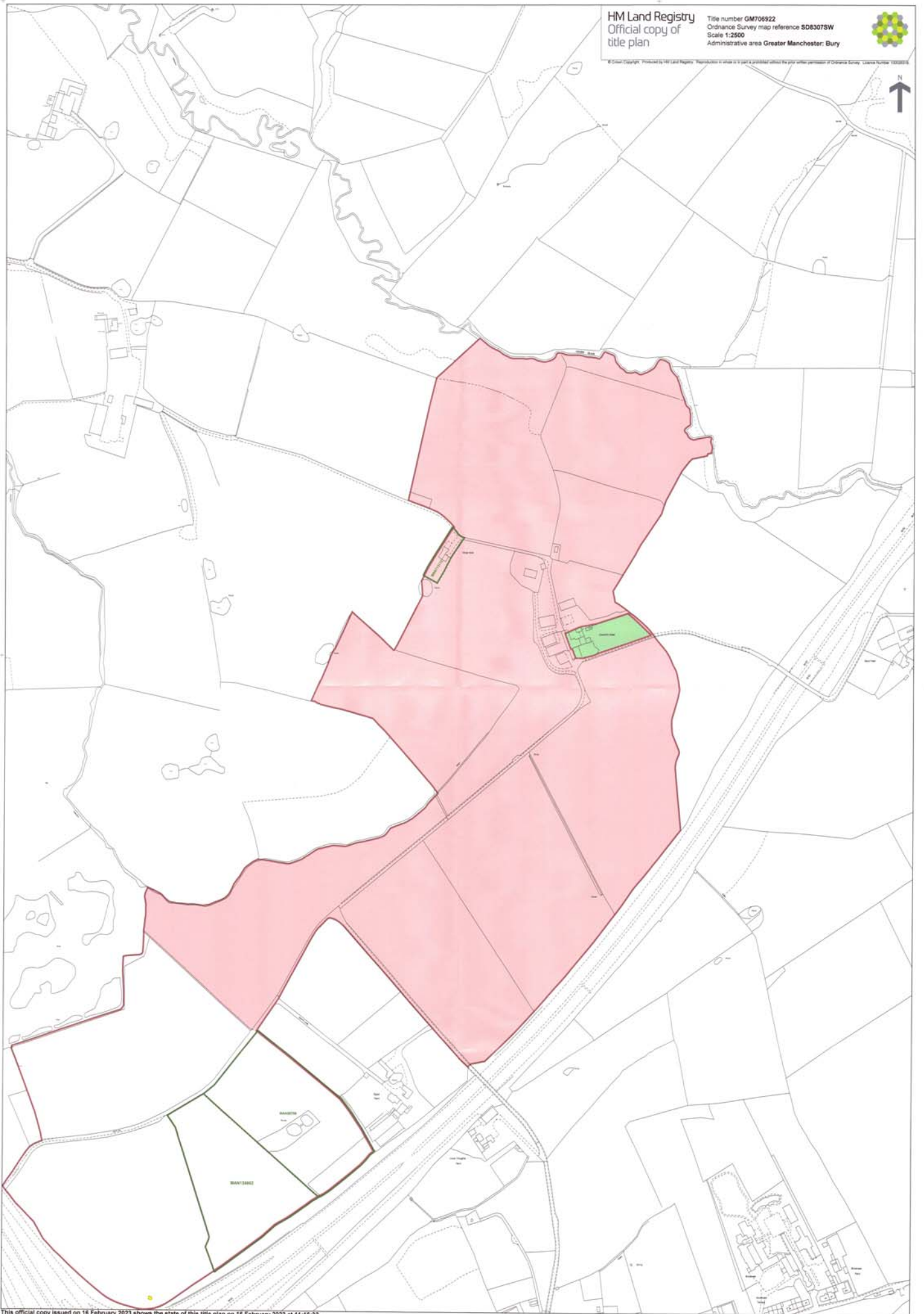


Ward Hadaway LLP

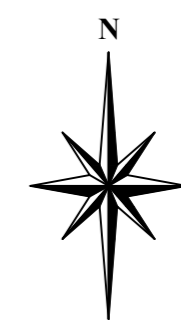
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² At NH's face-to-face public consultation event, held at Parrenthorn High School on 21 February 2023

Appendix 1 – the Hillary Land





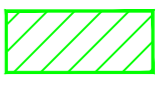



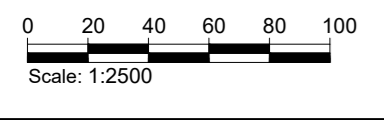
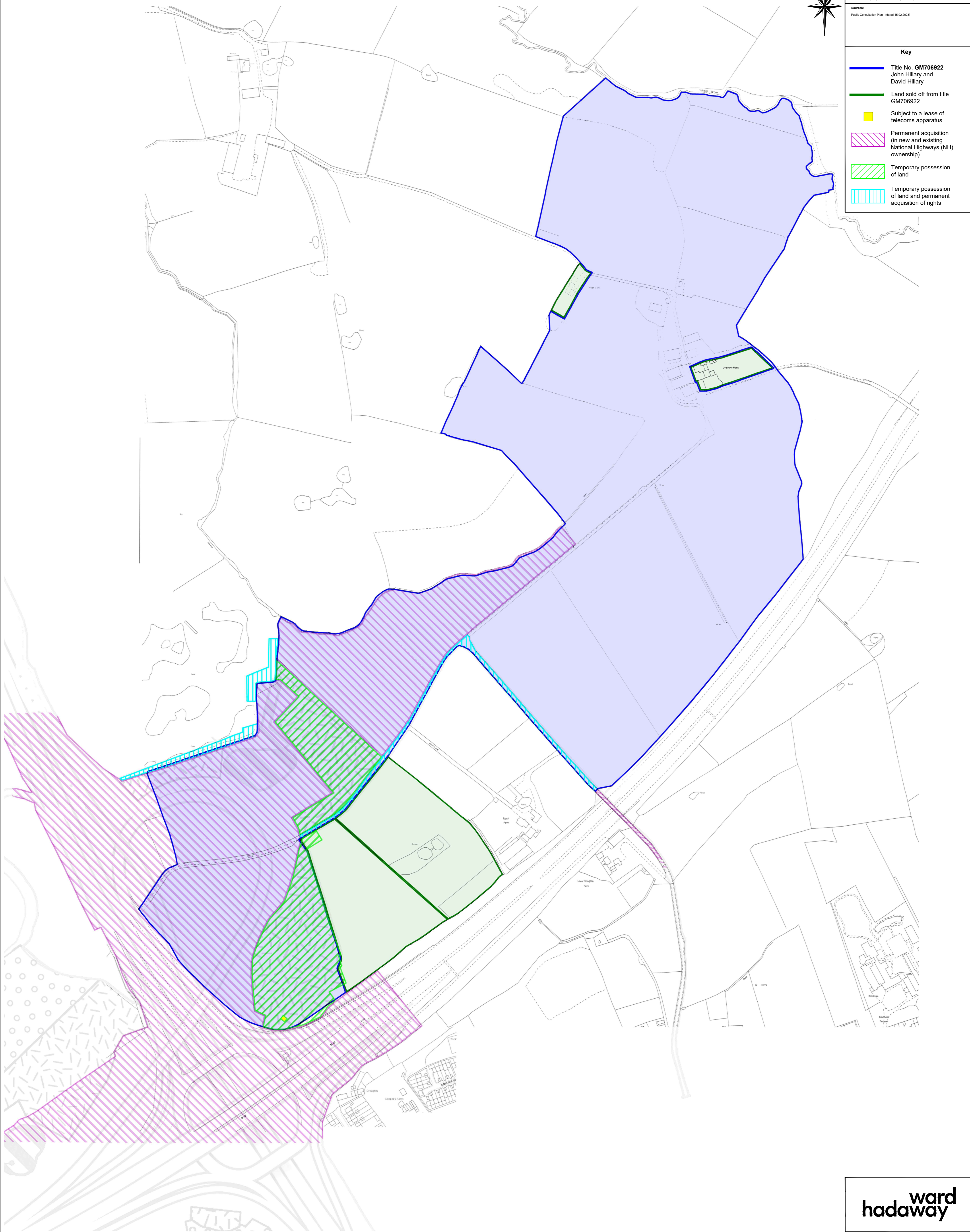
Appendix 2 – Hillary Land overlay with provisional Order Limits:



Disclaimer:
 This plan is for illustrative purposes only. It shows the approximate position of various apparatus, boundaries and other information which has been taken from documentation provided by you or third parties as listed in the 'Sources' box below. This plan should not be relied on as a definitive representation of the actual position on the ground of anything that is shown on this plan and the plan does not necessarily represent everything that may actually physically exist on or in the ground. You should rely on your own knowledge and inspection of the site.

Sources:
 Public Consultation Plan - (issued 15.02.2023)

Key	
	Title No. GM706922 John Hillary and David Hillary
	Land sold off from title GM706922
	Subject to a lease of telecoms apparatus
	Permanent acquisition (in new and existing National Highways (NH) ownership)
	Temporary possession of land
	Temporary possession of land and permanent acquisition of rights

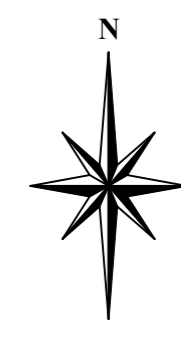


ward
hadaway

Client: **Maro Developments Ltd**

File: MAR242.64	Rev:
Title: Overlay Plan	
Hillary title and proposed National Highways acquisitions, land at Simister Island Interchange	
Scale: 1:2500 @A1	Date: 24/02/23
<small>Ordnance Survey © Crown copyright. All rights reserved. Licence number SR100001268</small>	
Drawn By: CM	

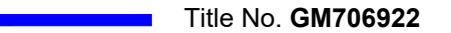
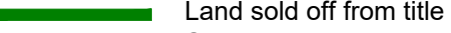
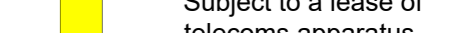
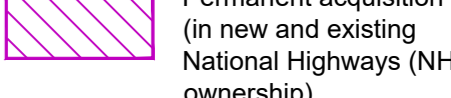
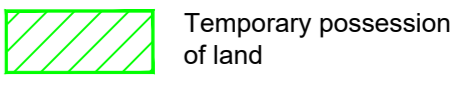
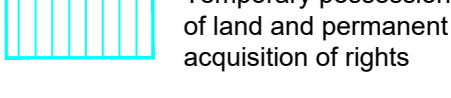
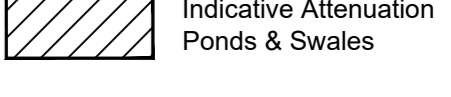
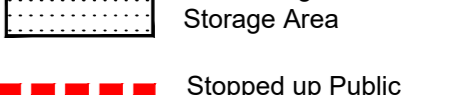


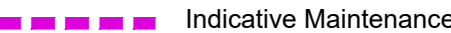
Appendix 2 – Hillary Land overlay with amended provisional Order Limits:

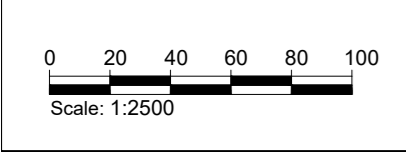
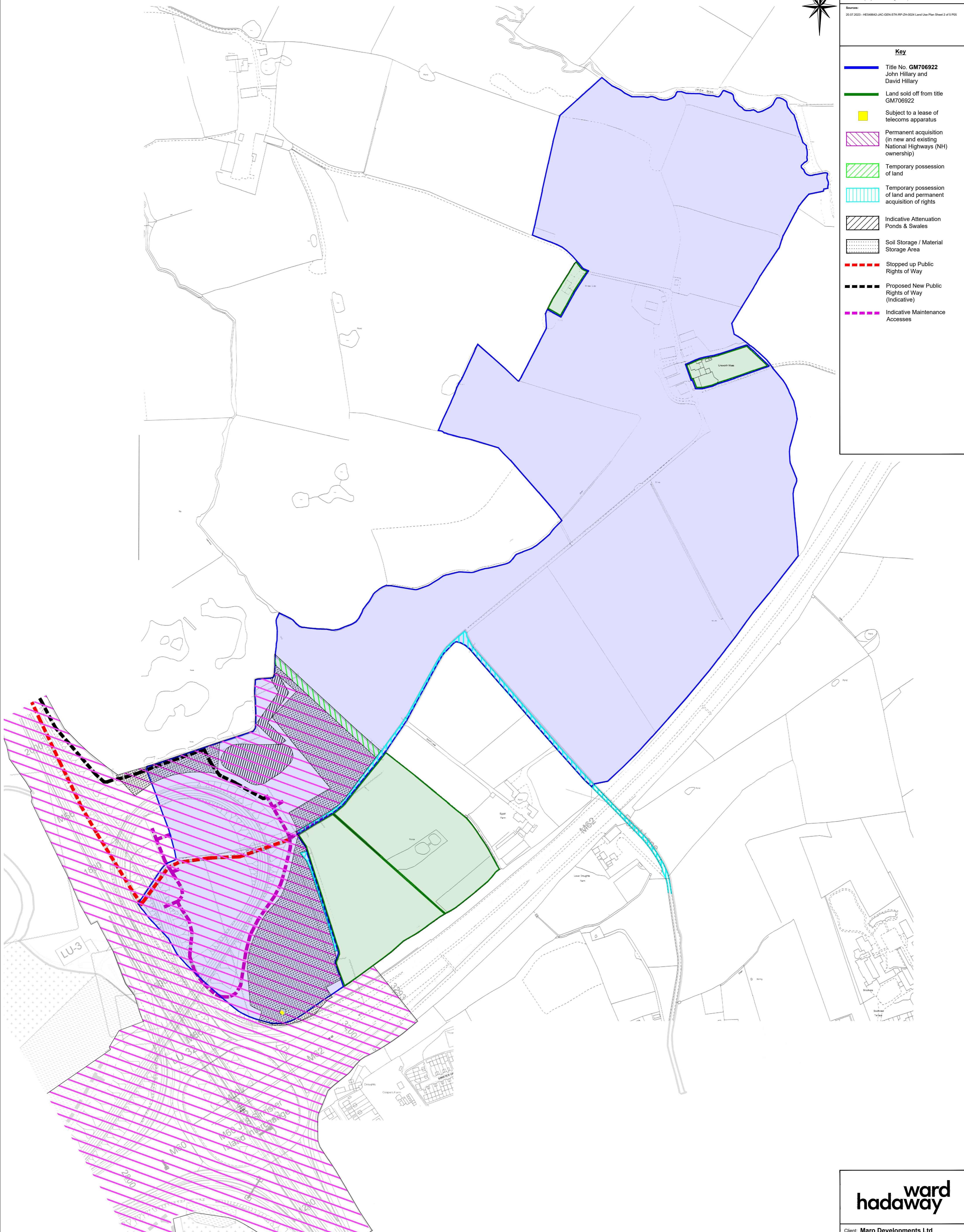


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Sources:
10/07/2023 - HES48643-JAC-GEN-874-RP-ZH-0024 Land Use Plan Sheet 2 of 6 PGS

Key

-  Title No. **GM706922**
John Hillary and David Hillary
-  Land sold off from title GM706922
-  Subject to a lease of telecoms apparatus
-  Permanent acquisition (in new and existing National Highways (NH) ownership)
-  Temporary possession of land
-  Temporary possession of land and permanent acquisition of rights
-  Indicative Attenuation Ponds & Swales
-  Soil Storage / Material Storage Area
-  Stopped up Public Rights of Way
-  Proposed New Public Rights of Way (Indicative)
-  Indicative Maintenance Accesses



ward hadaway

Client: **Maro Developments Ltd**

File: **MAR242.64** Rev: **2**

Title: **Overlay Plan**
Hillary title and proposed National Highways acquisitions, land at Simister Island Interchange

Scale: **1:2500 @A1** Date: **10/08/23**

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Appendix C – Bury Council Letter dated 1 August 2024

Ian David Hillary
Claire Marie Hillary
Moss Top Farm
Simon Lane
Middleton
Manchester

M24 4SH

1st August 2024

Dear Landowner,

RE: Northern Gateway Development Framework

The Places for Everyone (PfE) Joint Development Plan has recently been adopted and now forms part of Bury and Rochdale's statutory development plan, meaning that it is now used as the basis for determining planning applications.

PfE is a long-term plan for jobs, new homes and sustainable growth which allocates large strategic sites for employment and housing. This includes the Northern Gateway site, which straddles the districts of Bury and Rochdale and sits alongside the M62 and M66 motorways. The Northern Gateway is one of the largest strategic employment allocations in the country and represents a transformational opportunity to deliver unprecedented levels of investment, jobs, homes and community benefits.

We have identified that your land is located within the Northern Gateway allocation (enclosed is a plan with a red line which shows the extent of the allocation) and this letter provides an update on the planned next steps.

Bury and Rochdale Councils, working with the Northern Gateway Development Vehicle (NGDV), are currently in the process of preparing a development framework for the site, working alongside landowners and stakeholders with an interest in the site. This document will provide more detailed information on how the site is likely to be developed through a high-level masterplan that will identify areas of the site which could be developed and areas that will be protected. The framework will also set out how new employment floorspace, housing and supporting infrastructure will be provided in a coordinated and phased approach.

The main purpose of the framework is to set the parameters for the use of the site and provide additional guidance for landowners and developers submitting planning applications in the future. Once the development framework is adopted, any planning applications within the allocation will need to be in accordance with it.

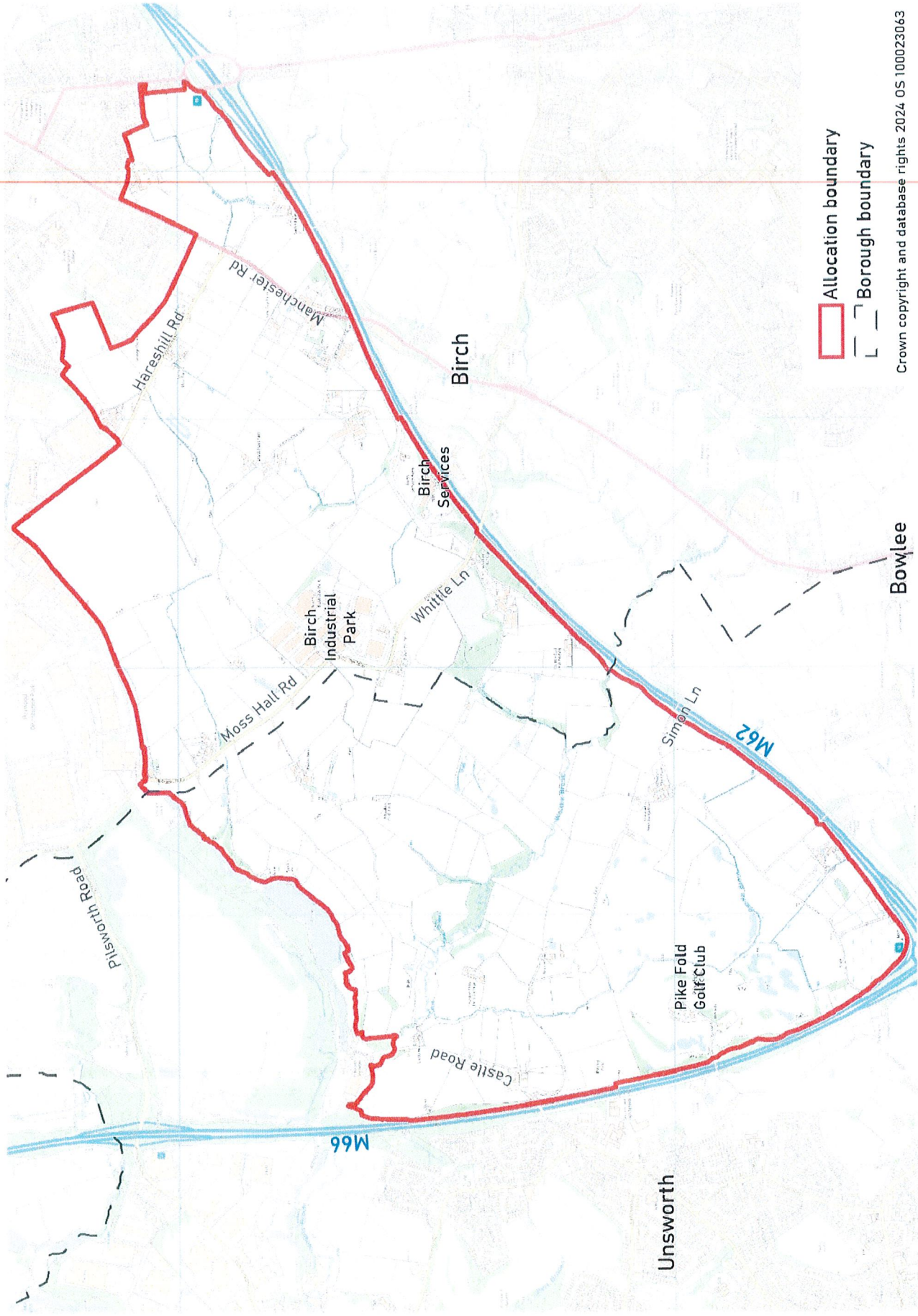
We are committed to meaningful early engagement with all stakeholders and are happy to answer any questions you may have at this stage. If you would like to discuss any matters in terms of the content of the emerging framework, please do not hesitate to get in touch with us by emailing: planning.policy@bury.gov.uk or calling 0161 253 5550. We are planning to formally consult on a draft framework later this year. Further information on the draft framework is available at: <https://www.bury.gov.uk/planning-building-control/policy-and-projects/planning-policy/strategic-sites/jpa1.1-heywoodpilsworth>

Please note that any comments made as part of this early engagement may be made public within a consultation statement that we are required to produce alongside the Framework. This will also apply to comments received during the formal consultation undertaken on the draft framework later in the year.

If you wish to be updated throughout the process of developing the framework, you will need to register to be added to the councils' consultation database by sending your contact details (preferably including an email address) to planning.policy@bury.gov.uk.

Yours sincerely,

Strategic Planning and Infrastructure



Allocation boundary
Borough boundary