



Friends of Carrington Moss (20048873) Response to ExQ1 Submission to Deadline 3: Tuesday 5 November 2024.

BCG 1.2 Have you used AI to create or alter any part of your documents, information or data?

FOCM Response:

Friends of Carrington Moss has not used artificial intelligence to create or alter any part of our documents, information or data.

BCG.1.6 Are you aware of any other updates or changes to Government Policy or Guidance (including emerging policies), in addition to the National Policy Statement for National Networks (NNNPS) designated in May 2024, relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?

FOCM Response:

The emerging changes to the NPPF should be considered, despite the applicant noting that the NPPF “*does not necessarily apply to Nationally Significant Infrastructure projects*” (in their response to our previous comments). Paragraph 1.10 of the NNNPS¹ states that the NPPF “*may be an important and relevant consideration in decisions on NSIPs*”. Paragraph 1.11 highlights the importance of achieving sustainable development that meets “*the needs of the present without compromising the ability of future generations to meet their own needs*” for both documents and paragraph 4.40 confirms that the “*Secretary of State should be satisfied that applications for new national networks infrastructure have taken into account the potential direct and indirect impacts of climate change*”.

With this in mind, we believe the recommendations from the Climate Change Committee that we mentioned in our previous representation should also be carefully considered when determining the outcome of this application.

We note that the applicant suggests this scheme will deliver neither a product nor a service (see their response to our suggestion that the best practice principles of the Green Claims Code should apply). This should be taken into account when considering the need for the project!

BCG.1.7 Relevant Legislation. Please provide a list of all relevant primary and secondary legislation that is important and relevant to the Proposed Development.

Please ensure all relevant Environmental Legislation is included, for example:

¹ <https://assets.publishing.service.gov.uk/media/65e9c5ac62ff48001a87b373/national-networks-national-policy-statement-web.pdf>



- The statutory basis for conserving ecology and biodiversity as set out in the Planning Practice Guidance², for example, [Section 40 of the Natural Environment and Rural Communities Act 2006](#)³ places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its [25 Year Environment Plan](#)⁴. Section 40, as amended by the Environment Act 2021⁵, includes a requirement to place a duty on all public authorities who operate in England, through introducing a 'biodiversity duty' to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives.
- Wildlife & Countryside Act 1981 (as amended)
- Natural Environment & Rural Communities (NERC) Act 2006 (including habitats and species of Principal importance)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Hedgerow Regulations 1997
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996
- Countryside & Rights of Way Act 2000
- [UK Biodiversity Action Plan \(UK BAP\)](#)
- [Circular 06/2005](#) provides “*administrative guidance on the application of the law relating to planning and nature conservation as it applies in England*”.

AQ.1.4 Air Quality Objectives. Can you advise whether the findings in Environmental Statement (ES) Chapter 5 [APP-044] of the proposed development would affect or have any impact on your local authority's ability to meet local air quality objectives under the Environment Act 1995 and comply with the Air Quality (England) Regulations 2000, providing reasons as to why this would or would not be the case. Would any of the exceedances identified in annual mean Nitrogen Dioxide (NO₂) in the ES and other increases identified to individual receptors have any impact on the council's ability to meet local air quality objectives? Are there any areas that are required to become compliant within a certain timescale that could be affected?

FOCM Response:

The cumulative effect of this scheme, if approved, along with the developments proposed in the now adopted Places for Everyone Plan, should be considered.

² <https://www.gov.uk/guidance/natural-environment>

³ <https://www.legislation.gov.uk/ukpga/2006/16/section/40>

⁴ <https://www.gov.uk/government/publications/25-year-environment-plan>

⁵ <https://www.legislation.gov.uk/ukpga/2021/30/contents>



AQ.1.5 Air Quality Receptor Locations. Figure 4.11 in [APP-146] illustrates the modelled change in Annual Average Daily Traffic (AADT) from 2029 and shows increases and decreases across both the strategic and local road network. Some of these locations, such as but not limited to Fairfax Road and Heys Road, are predicted to experience an increase in AADT. However, these locations have not been included as a receptor location in the air quality assessment results [APP-080]. Applicant: 1. Notwithstanding that the air quality assessment defines a 200 metre operational study area, explain why such locations have been excluded from the assessment results for air quality, particularly noting that as an example [APP-058] (sheet 9 of 12) identifies Fairfax Road and Heys Road as a location exceeding the annual mean limit for NO₂ in the 2018 base year. 2. In the absence of including such locations within the assessment, explain how an assessment against paragraphs 5.11 to 5.13 of the NPSNN can be made. BMBC, MCC and RMBC: Do you consider that the receptor locations used for the human health and ecological air quality assessment as presented in [APP-080] and illustrated in [APP-058], [APP-059], [APP-060] and [APP061] are appropriate or do you consider that additional locations should also have been included? If so, explain why and identify any additional locations you consider should be included.

FOCM Response:

The identification of additional locations should take into consideration the anticipated impact of the now adopted Places for Everyone Plan.

AQ.1.6 The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023. ES Chapter 5 [APP-045, paragraph 5.3.5] states the nearest PM_{2.5} monitoring stations are the Defra managed Salford Eccles and Manchester Piccadilly sites and the local authority managed Salford M60 and Rochdale Queensway sites (located approximately 6.8km, 7.0km, 7.3km and 7.8km from the Scheme area, respectively). It advises that the above 2023 Regulations do not apply as the legislation is quoted as only applying at relevant PM_{2.5} monitoring stations that existed immediately before the targets came into force (early 2023). It further states none of these sites are affected by the Scheme and the new PM_{2.5} 2040 targets (and the interim targets) do not apply.

1. Noting this issue has been raised by Friends of Carrington Moss [REP1-045], for the avoidance of doubt signpost to where in the legislation it is quoted as only applying at relevant PM_{2.5} monitoring stations that existed immediately before the targets came into force.

2. Notwithstanding your comments that the legislation only applies to existing monitoring stations, advise whether any new monitoring stations to measure PM_{2.5} have been installed in proximity to the scheme and if so, when.

FOCM Response:

Whilst the Environment Act target legislation⁶ (paragraph 12 (2)) does suggest that “every AQSR monitoring station which was in operation immediately before the coming into force of this regulation is a monitoring station for the purposes of these Regulations”, the Act also has a provision (12 (3) (a)) for the Secretary of State to “establish new monitoring stations to measure PM_{2.5} levels for the purposes of these Regulations”.

⁶ <https://www.legislation.gov.uk/ukdsi/2022/9780348242959>



This is not mentioned in ES Chapter 5. Given the distances to the existing monitoring stations, if a request for new monitoring stations is not made by the applicant or the Councils, it will be made by communities. Assuming such a request is approved, the targets will then need to be met. The lack of monitoring stations should not be used as a reason to abdicate responsibility for the health of local populations (humans or wildlife) and suggesting that air quality will improve because of reduced congestion, when there is a recognition that the scheme will induce additional traffic (and, therefore, increase congestion), is shameful.

AQ.1.7 PfE Development Plan Policy JP-S5 (Clean Air).

[REP1-045] states that there has been a 'selective consideration' of policies in PfE and refers to Policy JP-S5, which it considers is extremely important in relation to transport schemes.

BMBC: Paragraph 3.21 of the LIR [REP1A-001] refers to PfE Policy JP-S5 and its requirements. Paragraph 3.22 then states that the chapter 'Air Quality' further considers this matter although no specific reference is made to the policy in that section. Explain whether or not you consider the proposal complies with Policy JP-S5, providing reasons for your answer.

Applicant: It is noted that your response to [REP1-045] on page 32 of [REP2-007] acknowledges that [APP-146] does not specifically assess the impact against PfE Policy JP-S5 although a response to the LIR, including Policy JP-S5, is provided in [REP2-008]. However, your response in [REP2-008] on page 4 does not specifically address the criteria in the policy. Explain whether or not you consider the proposal complies with Policy JP-S5.

FOCM Response:

We believe there should be a detailed review of all the PfE Policies and how they apply to the scheme. Examination Question GB.1.5 identifies, for example, that Policy JP-G2 requires development which involves the removal of land from the Green Belt to deliver compensatory improvements. Those compensatory improvements should be tangible and visible within the scheme documentation.

BIO.1.1 South Pennines Special Protection Area (SPA), South Pennines Special Area of Conservation (SAC) and Manchester Mosses SAC Paragraph 5.2 of BMBC's LIR [REP1A-001] states that the South Pennines SPA, South Pennines SAC and the Manchester Mosses SAC are not referenced in the assessments and they raise concern that increased traffic on the M62 during operation could have potential significant effects on these European sites, in particular given the cumulative effect of the Northern Gateway PfE allocation. Provide a response to BMBC's comments confirming whether or not you consider that further assessment is required to these designations. If so, explain why and if not explain why not.

FOCM Response:



PfE Policy JP-G8 makes specific reference to these SACs (*“Where appropriate, development should: mitigate air pollution impacts on Manchester Mosses SAC; mitigate urban edge, functionally linked land and recreation disturbance impacts on the South Pennine Moors SAC/SPAs; and assess and potentially mitigate boat movement, water pollution, and light spillage and shading impacts on the Rochdale Canal SAC”*).

It should also be noted that the cumulative effect of traffic using this part of the SRN will not be limited to JPA1.1 and JPA1.2 (Northern Gateway). It is anticipated that traffic from other allocations will also cause increased air pollution in the area due to the lack of sustainable passenger and freight transport solutions. This should also be taken into consideration in the response to BIO.1.3.

BIO.1.8 Biodiversity Net Gain: In the SoCG with the Applicant ([REP2-006] page 37) it is stated that BMBC has not interrogated the BNG Assessment in depth due to BNG being exempt for NSIP projects. Whilst this is noted, the ExA in its recommendations and the Secretary of State (SoS) in its decision will need to decide the weight to attach to any BNG that could be delivered in its planning balance conclusions. As such, provide more detailed comments as to the suitability of the BNG Report [APP-012] and its findings.

FOCM Response:

The potential impact on irreplaceable habitat (peatmoss) should also be taken into consideration and the document should also identify the compensation for the potential loss of, or damage to, the peatmoss.

CC.1.2 Greater Manchester 2038 Carbon Neutrality Target and Climate Emergency Declaration. Friends of Carrington Moss [REP1-045] has referred to a climate emergency declaration declared by all 10 districts in Greater Manchester. They have also referred to the Greater Manchester Strategy and that progress reports confirm that the region “is currently well behind where it needs to be to achieve its ambition to be carbon neutral by 2038”. The ExA also notes that PfE refers to the 2038 carbon neutrality target date. 1. Submit details of any climate emergency declaration and the Greater Manchester Strategy, their status / position and whether or not they are important or relevant to the decision of this application. 2. Provide further comments on the implications that the increased GhG emissions predicted from the proposed development, as acknowledged in your LIR ([REP1A-001], paragraphs 6.2 and 6.9) would have, if any, on BMBC’s ability to comply with any climate emergency declaration and the 2038 carbon neutrality target date. 3. Noting that paragraph 6.9 of your LIR [REP1A-001] considers that the increase in emissions from the scheme would have a negative impact, provide comments as to whether or not the proposal complies with PfE policy JP-S2.

FOCM Response:

Bury Council, like other GM Councils, has a climate action plan⁷ which should also be referenced. Modal shift, for example, cannot be achieved by promoting new or expanded road schemes.

⁷ <https://www.bury.gov.uk/asset-library/climate-action-plan-update-2023.pdf>



CC.1.3 Assessment Findings. Do you agree with the methodology and assessment findings in ES Chapter 14, particularly in respect of estimated GhG emissions? If so, explain why and if not, explain why not.

FOCM Response:

It is challenging to determine whether we agree with the methodology and assessment findings set out in ES Chapter 14 because we just have summary figures, the detailed calculations are not revealed. So, whilst we can assume it is a competent piece of work, we do question some of the assumptions made:

- The assessment confirms that the scheme will lead to an increase in carbon emissions, of some 62 kTonnes. The assessors argue that this is miniscule against the UK carbon budget. This is poor reasoning because, whilst it is numerically correct, it does not consider the cumulative impact of all such developments in relation to achievement of the national target. If every development nationwide produces a small increase in carbon emissions, how can net zero be achieved?

For a more local comparison, the figure represents circa 0.09% of the 67 Megatonnes in Greater Manchester's carbon budget, which the monitoring reports suggest is already being seriously exceeded (see page 18 of the latest progress report⁸ "*The latest data show GM emitted 11.2Mt of CO₂ in 2021, an increase (worsening) from the previous report at 10.7Mt of CO₂*" and the emissions dashboard⁹, for which the latest data shows that GM is over the carbon budget by 21.3 MtCO₂).

The Greater Manchester Transport Strategy "Right Mix" Vision is integral to the 2038 Carbon Target (and the Clean Air Plan). That strategy implicitly accepts that there will be schemes that result in an increase of road users, but this will be offset by a suite of mitigation measures to ensure that, overall, there is no net increase in motor vehicle traffic. The key point to recognise is that the GM Transport Strategy accepts you cannot take one scheme in isolation and argue that the increase in emissions is negligible. That scheme has to be placed into context alongside other proposed development schemes and mitigation measures. If there are too many proposed schemes that will cause additional emissions, or if there has been insufficient progress towards the implementation of the mitigation measures, then the impact on cumulative emissions should be factored into decision-making.

- It does not appear that any allowance has been made for the opportunity cost of lost carbon sequestration as a consequence of land sealing.
- It is unclear whether carbon emissions from the anticipated induced traffic have been included within the calculations. This is particularly important given the significant level of development proposed in the now adopted Places for Everyone Plan. Given the lack of sustainable passenger (rail/tram) and freight (rail/water) transport proposed in that Plan, the carbon emissions associated with the consequential huge increases in traffic should be taken into consideration.

⁸ <https://aboutgreatermanchester.com/media/zbkgoqwl/gms-progress-report-autumn-2023.pdf>

⁹ <https://www.ghtableau.nhs.uk/t/GMCA/views/FiveYearEnvironmentPlan2019-24progress/Emissions?%3Aembed=y&%3AisGuestRedirectFromVizportal=y>



- Whilst the assessment highlights the quantitative analysis that has been undertaken, there needs to be more qualitative analysis to ensure the scheme is compliant with national, regional and local policies designed to reduce cumulative emissions.