



**ROCHDALE**  
BOROUGH COUNCIL

## **ECONOMY DIRECTORATE**

### **PLANNING AND DEVELOPMENT**

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**Date:** 19th November 2024

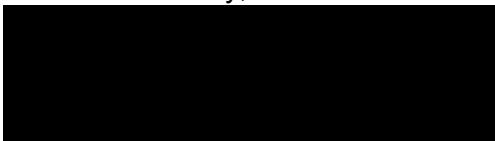
Dear Sir / Madam

### **M60 J18 Simister island – DCO Examination ExQ1 – Rochdale Council Response**

I attach Rochdale Council's responses to the Examination Authority's ExQ1 questions. These related to Q1.4 and Q1.5 relating to Air Quality and are highlighted in yellow.

The Council was unable to meet Deadline 3 (5<sup>th</sup> November 2024) due to internal administrative issues and gives its apologies for this late response. It asks that the Examination Authority (ExA) will still be able to register and consider this response as part of the Examination hearing.

Yours faithfully,



Melanie Hale  
Head of Planning Services



ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024



## **TR010064: Application by National Highways for the M60/M62/M66 Simister Island Interchange Project**

### **The Examining Authority's Written Questions and requests for further information**

**Issued on 22 October 2024**

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information - ExQ1. If necessary, the Examination Timetable allows the ExA to issue a further round of written questions in due course. If this is done the further round of questions will be referred to as ExQ2.

Questions are set out using an issue-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 7 August 2024 [[PD-008](#)]. Questions have been formulated as they have arisen from representations, examination of the issues and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could provide a substantive response to all questions directed to them, or indicate that the question is not relevant to them for a reason. This does not preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code, followed by an issue number (indicating that it is from ExQ1) and a question number. For example, the first question on air quality is identified as AQ.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a small number of questions, answers in a letter will suffice. An editable version of this table in Microsoft Word is available on request from the case team: please contact [M60SimisterIsland@planninginspectorate.gov.uk](mailto:M60SimisterIsland@planninginspectorate.gov.uk) and include 'M60/M62/M66 Simister Island Interchange Project' in the subject line of your email.

**Responses are due by Deadline 3: Tuesday 5 November 2024.**

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### Abbreviations Used

<b>AADT</b>	Annual Average Daily Traffic
<b>AI</b>	Artificial Intelligence
<b>BMBC</b>	Bury Metropolitan Borough Council
<b>BNG</b>	Biodiversity Net Gain
<b>BoR</b>	Book of Reference
<b>CA</b>	Compulsory Acquisition
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>DCO</b>	Development Consent Order
<b>dDCO</b>	Draft Development Consent Order
<b>GhG</b>	Greenhouse Gas
<b>GMLCSA</b>	Greater Manchester Landscape Character and Sensitivity Assessment
<b>HA</b>	Heritage Asset
<b>HRA</b>	Habitats Regulation Assessment
<b>LIR</b>	Local Impact Report
<b>LNRS</b>	Local Nature Recovery Strategy
<b>LNS</b>	Low Noise Surfacing
<b>m<sup>3</sup></b>	Cubic Metres
<b>MCC</b>	Manchester City Council
<b>NE</b>	Natural England
<b>NNPS</b>	National Policy Statement for National Networks (2024)
<b>NIR</b>	Noise Insulation Regulations
<b>NO<sub>2</sub></b>	Nitrogen Dioxide
<b>NPSNN</b>	National Policy Statement for National Networks (2015)
<b>OFH1</b>	Open Floor Hearing1
<b>PfE</b>	Places for Everyone
<b>PM<sub>2.5</sub></b>	Particulate matter less than 2.5µm in diameter (where the number denotes the particulate size diameter in micrometres)
<b>RPG</b>	Registered Park and Garden
<b>REAC</b>	Register of Environment Actions and Commitments (contained in the First Iteration Environmental Management Plan)
<b>PRoW</b>	Public Rights of Way
<b>RMBC</b>	Rochdale Metropolitan Borough Council
<b>SoS</b>	Secretary of State

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<b>SAC</b>	Special Area of Conservation
<b>SoCG</b>	Statement of Common Ground
<b>SPA</b>	Special Protection Area
<b>SuDS</b>	Sustainable Drainage Systems
<b>TP</b>	Temporary Possession
<b>VSC</b>	Very Special Circumstances
<b>UDP</b>	Unitary Development Plan

### **The Examination Library**

References in these questions set out in square brackets (eg [APP-100]) are documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR010064-000278-M60 Simister Island Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/tr010064-000278-m60-simister-island-examination-library.pdf)



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ExQ1	Question to:	Question
<b>Broad, general and cross-topic questions</b>		
BCG.1.1	Applicant	<p><b>The Equalities Act 2010</b></p> <p>[RR-035] raised a concern that elderly neighbours living in the vicinity of the Proposed Development may have difficulties being involved with the Examination. Clarify how you have had regard to the Equalities Act 2010 in relation to ensuring all those who may be affected by the Scheme can contribute fully to the Examination process or signpost to where in the Equality Impact Assessment [APP-152], or other application documents, this is covered.</p>
BCG.1.2	All parties	<p><b>Artificial Intelligence</b></p> <p>The Planning Inspectorate has recently issued guidance in relation to the use of Artificial Intelligence (AI). Have you used AI to create or alter any part of your documents, information or data? If yes;</p> <ul style="list-style-type: none"> <li>• detail what material you have submitted which has been created using AI;</li> <li>• what systems or tools you used;</li> <li>• what the source of the information the AI based its content on was; and</li> <li>• what information or material the AI has been used to create or alter.</li> </ul> <p>In addition, if you have used AI, you should do the following:</p> <ul style="list-style-type: none"> <li>• clearly label where you have used AI in the body of the content that AI has created or altered, and clearly state that AI has been used in that content in any references to it elsewhere in your documentation;</li> <li>• tell us whether any images or video of people, property, objects or places have been created or altered using AI;</li> <li>• tell us whether any images or video using AI has changed, augmented, or removed parts of the original image or video, and identify which parts of the image or video has been changed (such as adding or removing buildings or infrastructure within an image);</li> <li>• tell us the date that you used the AI;</li> <li>• declare your responsibility for the factual accuracy of the content;</li> <li>• declare your use of AI is responsible and lawful; and declare that you have appropriate permissions to disclose and share any personal information and that its use complies with data protection and copyright legislation.</li> </ul> <p>If you use AI for any future submissions into this Examination please ensure it is accompanied by the information as requested above.</p>

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
BCG.1.3	Bury Metropolitan Borough Council (BMBC)	<p><b>Development Plan Policies</b></p> <p>Provide full copies of any Development Plan policies that you have referred to in your Local Impact Report (LIR) [REP1A-001]. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.</p>
BCG.1.4	Applicant	<p><b>Bury Unitary Development Plan (UDP) and Places for Everyone (PfE) Policies</b></p> <p>Following the adoption of the PfE Joint Development Plan, a number of policies within the Bury UDP have been replaced by policies within PfE although some remain as 'saved policies'.</p> <p>Notwithstanding your comments in [AS-007] page 2, please update 'The Case for the Scheme' [APP-146] clarifying the UDP policies which remain and those that have been replaced so that it is clear to Interested Parties which development plan policies remain applicable to each environmental topic. Please also update the references to all referred emerging PfE policies so that they correspond with those in the adopted plan for similar reasons.</p>
BCG.1.5	BMBC	<p><b>Neighbourhood Plans</b></p> <p>Can you confirm whether there are any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are can you:</p> <ol style="list-style-type: none"> <li>1. Provide details, confirming their status and, if they are emerging, the expected timescales for their completion.</li> <li>2. Provide a copy of the made plan, or any draft / emerging plan, signposting to any relevant part.</li> <li>3. Indicate what weight you consider the ExA should give to these documents.</li> </ol>
BCG.1.6	Applicant, BMBC and Interested Parties	<p><b>Central Government Policy and Guidance</b></p> <p>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?</p>



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
BCG.1.7	Applicant	<p><b>Relevant Legislation</b></p> <p>Please provide a list of all relevant primary and secondary legislation that is important and relevant to the Proposed Development.</p>
BCG.1.8	Applicant and BMBC	<p><b>Clarification</b></p> <p>The Statement of Common Ground (SoCG) with BMBC [REP2-006] has the status 'pending' for three matters. Clarify what this means and if these matters are agreed, not agreed or still under discussion.</p>
<b>Air Quality</b>		
AQ.1.1	BMBC	<p><b>Greater Manchester Clean Air Plan</b></p> <p>Provide an update on the current position of the Greater Manchester Clean Air Plan, whether a draft of the document is available, the likelihood of it being published throughout the Examination and explain whether there are any matters that are important and relevant to this proposal.</p>
AQ.1.2	BMBC	<p><b>Air Quality Monitoring Status Reports</b></p> <p>Provide a copy of the most recent air quality monitoring status report and provide a summary of its findings that are relevant to the Proposed Development.</p>
AQ.1.3	BMBC	<p><b>Air Quality Management Plans</b></p> <p>Do you have any air quality management plans that are of relevance and if so, have any findings been properly considered in the assessment of the proposed development and would the proposed development affect any objectives within any such plans? If plans exist, please submit a copy of these into the Examination.</p>
AQ.1.4	BMBC, Manchester City Council (MCC) and Rochdale Metropolitan Borough Council (RMBC)	<p><b>Air Quality Objectives</b></p> <p>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 (NO<sub>2</sub>) 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</p>

ExQ1	Question to:	Question
		<p>there any areas that are required to become compliant within a certain timescale that could be affected?</p> <p>The findings in the Environmental Statement (ES) Chapter 5 (AAP-044) of the proposed development will not have any impact on Rochdale MBC's ability to meet local air quality objectives under the Environment Act 1995 and comply with the Air Quality (England) Regulations 2000.</p> <p>The Air Quality Assessment indicates that by 2018 and the 2029 expected opening year all the human health receptors NO<sub>2</sub> located in Rochdale Borough will be below the Air Quality Objective (AQO) of 40µg/m<sup>3</sup>. This includes the 12 receptors where NO<sub>2</sub> levels currently exceed the AQO at present.</p> <p>There are no exceedances predicted in the "with development" scenario which, indicates the proposal is expected to reduce NO<sub>2</sub> levels due a predicted reduction in congestion and traffic is anticipated to flow more smoothly reducing emissions. At most receptors in Rochdale Borough modelled concentration levels are indicated to be well below the annual mean AQO, consequently based on the Air Quality Assessment by the applicant, the proposed development will not impact on the Council's ability to meet it by 2026 or within the shortest possible time.</p>
AQ.1.5	Applicant, BMBC, MCC and RMBC	<p><b>Air Quality Receptor Locations</b> 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].</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"> <li>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 NO<sub>2</sub> in the 2018 base year.</li> <li>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.</li> </ol> <p><b>BMBC, MCC and RMBC:</b></p>

ExQ1	Question to:	Question
		<p>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 [APP-061] 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.</p> <p>Rochdale Council is satisfied that the human health receptor locations modelled as part of the Air Quality Assessment are appropriate. The locations that have been omitted are not located in the Borough are not expected to perceptively affect NO<sub>2</sub> levels. There are no further potentially sensitive locations in the borough that have been omitted and could be significantly affected by the impact of the development.</p> <p>Regarding Ecological receptors, it is understood that Natural England have reviewed the Ecological Assessment and have accepted its conclusions.</p>
AQ.1.6	Applicant	<p><b>The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023</b></p> <p>ES Chapter 5 [APP-045, paragraph 5.3.5] states the nearest PM<sub>2.5</sub> 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<sub>2.5</sub> 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<sub>2.5</sub> 2040 targets (and the interim targets) do not apply.</p> <ol style="list-style-type: none"> <li>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<sub>2.5</sub> monitoring stations that existed immediately before the targets came into force.</li> <li>2. Notwithstanding your comments that the legislation only applies to existing monitoring stations, advise whether any new monitoring stations to measure PM<sub>2.5</sub> have been installed in proximity to the scheme and if so, when.</li> </ol>
AQ.1.7	Applicant / BMBC	<p><b>PfE Development Plan Policy JP-S5 (Clean Air)</b></p> <p>[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.</p>

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		<p><b>BMBC:</b> 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.</p> <p><b>Applicant:</b> 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.</p>
AQ.1.8	BMBC	<p><b>Mitigation and Enhancement</b></p> <p>Paragraph 4.25 of the LIR [REP1A-001] lists measures contained in the Outline Air Quality and Dust Management Plan [APP-128] to protect air quality from construction dust and to reduce emissions from all non-road mobile machinery (NRMM).</p> <p>Clarify whether you are satisfied that the proposed mitigation is appropriate. If so, explain why and if not, detail what additional measures do you consider should be included.</p>
AQ.1.9	Applicant	<p><b>Speed Limit and Emissions</b></p> <p>Noting that the proposed Northern Loop would be subject to the National Speed Limit [APP-009], what impact would introducing a lower speed limit for traffic traversing the loop have on air quality figures and emissions in general?</p>
AQ.1.10	Applicant	<p><b>Dust Assessment</b></p> <p>ES Chapter 5, paragraph 5.5.7 [APP-044] states that for the dust assessment, the limits of deviation could result in minor changes in the number of reported receptors in Table 5.21, but that this would not change the conclusions of the dust assessment. Can the Applicant identify the potential changes to the reported receptors for the dust assessment which could be affected through the limits of deviation.</p>
<b>Biodiversity (including Habitats Regulations Assessment)</b>		
BIO.1.1	Natural England (NE)	<b>South Pennines Special Protection Area (SPA), South Pennines Special Area of Conservation (SAC) and Manchester Mosses SAC</b>

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ExQ1	Question to:	Question
		<p>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.</p> <p>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.</p>
BIO.1.2	BMBC and NE	<p><b>Proposed or Potential International Sites</b></p> <p>Are there any Potential SPAs, possible SAC and proposed Ramsar sites that could be potentially affected by the Proposed Development and should be assessed? If so, provide details why an assessment would or would not be required on any sites referred to.</p>
BIO.1.3	Applicant and NE	<p><b>Other Plans and Projects</b></p> <p>Paragraph 3.2.10 of the Habitats Regulation Assessment (HRA) [APP-103] states that the other plans and projects included in the in-combination assessment that contribute to changes in traffic and predicted changes in air quality are illustrated in Figure 2-10 and 2-11 of the Transport Assessment [APP-149]. However, a description of the other plans and projects included in the HRA has not been provided in the HRA Report [APP-103].</p> <p><b>Applicant:</b> Confirm which other proposed projects or plans have been included in the HRA.  <b>NE:</b> Confirm that you are satisfied with the methodology used to determine these projects or plans.</p>
BIO.1.4	Applicant	<p><b>Impact of tree planting on peat</b></p> <p>NE have stated in the SoCG [REP1-017], page 25 that tree planting on areas of peat is not supported. Please signpost in the application documents where this would be secured as part of the mitigation requirements for the landscaping scheme.</p>
BIO.1.5	Applicant	<p><b>Avoidance of trees to United Utility Assets</b></p> <p>In your response [REP1-020] to the RR from United Utilities [RR-015], it is stated that the Applicant has refined the location of trees and shrubbery to ensure that they do not interact with existing assets.</p>

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ExQ1	Question to:	Question
		Clarify further what refinement has been undertaken, whether any updates are required to the application documents to incorporate any changes and if they have not, explain why not.
BIO.1.6	Applicant and BMBC	<p><b>Greater Manchester Local Nature Recovery Strategy (LNRS)</b></p> <p>On page 35 of their SoCG with the Applicant [REP1-017], NE comment that Greater Manchester are now preparing an Local Nature Recovery Strategy (LNRS) in line with the LNRS Regulations and Statutory Guidance published in March 2023, with a planned adaptation for December 2024 which will replace the Prototype LNRS which has been used in the Biodiversity Net Gain (BNG) assessment. The Applicant in response has 'noted' their comments.</p> <p><b>Applicant and BMBC:</b> Explain how the adoption of such a document could change the BNG assessment and whether any scope exists for any changes to be incorporated into the final scheme for environmental mitigation. If not, explain why not and if so, explain how this can be incorporated and secured as part of the DCO.</p>
BIO.1.7	Applicant	<p><b>Exclusion Zones</b></p> <p>In response to the Environment Agency's (EA) queries on how the exclusion zones around different habitats and species would be determined, page 43 of the SoCG [REP1-018] provides a list setting out how the size of exclusion zones would be determined.</p> <p>To ensure this is captured, is it necessary for commitment B15 in the Register of Environment Actions and Commitments (REAC) [REP1-010] to be updated to incorporate the matters listed? If not, explain why not.</p>
BIO.1.8	BMBC	<p><b>Biodiversity Net Gain</b></p> <p>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.</p>
<b>Climate</b>		
CC.1.1	Applicant	<b>ES Methodology</b>

ExQ1	Question to:	Question
		<p>ES Chapter 14 [APP-053], paragraph 14.5.1 advises that the construction phase Greenhouse Gas (GhG) emissions is based on the preliminary design for the Scheme. It then notes that several localised alterations have been made to the Scheme design since this point although the changes are considered unlikely to have a material influence on material quantities and likely GhG emissions compared to those presented.</p> <p>Explain the localised alterations that have taken place, why they would be unlikely to affect the GhG emissions compared to those presented in the ES and that it has incorporated a worst-case assessment.</p>
CC.1.2	BMBC	<p><b>Greater Manchester 2038 Carbon Neutrality Target and Climate Emergency Declaration</b></p> <p>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 “<i>is currently well behind where it needs to be to achieve its ambition to be carbon neutral by 2038</i>”. The ExA also notes that PfE refers to the 2038 carbon neutrality target date.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
CC.1.3	BMBC and any IPs	<p><b>Assessment Findings</b></p> <p>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.</p>
CC.1.4	BMBC	<p><b>Mitigation and Enhancement</b></p>

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ExQ1	Question to:	Question
		Paragraphs 6.4 and 6.5 of your LIR [REP1A-001] lists measures put forward by the Applicant to mitigate carbon emissions. Explain whether you are satisfied that the proposed measures are appropriate. If so, explain why and if not, detail what additional measures you consider should be included.
CC.1.5	Applicant and BMBC	<p><b>Implications of Recent Legal Judgements</b></p> <p>Does the judgement of the UK Supreme Court in <i>Finch R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents)</i> [2024] UKSC 20 and the judgement of the High Court in <i>Friends of the Earth and Ors v SSDESNZ</i> [2024] EWHC 995 (Admin) have any implications on the assessments and findings for the Proposed Development given that they were handed down after the application was accepted?</p>
<b>Compulsory Acquisition and Temporary Possession of land and Rights</b>		
CA.1.1	Applicant	<p><b>Statutory Undertakers</b></p> <p>The Book of Reference (BoR) [AS-010] includes a number of Statutory Undertakers with interest in land.</p> <ol style="list-style-type: none"> <li>i. Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement from them.</li> <li>ii. State whether there are any envisaged impediments to the securing of such agreements.</li> <li>iii. State whether any additional Statutory Undertakers have been identified since the submission of the BoR as an Application document.</li> </ol> <p>A number of Statutory Undertakers have requested that their Protective Provision wording should be used as opposed to that which is currently contained within the draft Development Consent Order (DCO) [REP1-004].</p> <ol style="list-style-type: none"> <li>iv. Provide copies of the preferred wording.</li> </ol>
CA.1.2	Applicant	<p><b>Category 3 Persons</b></p> <p>The Statement of Reasons (SoR) [APP-019], Section 4.7 briefly covers the assessment of Category 3 persons explaining that it was based on a worse-case assessment. The process is described in the BoR [AS-010].</p> <ol style="list-style-type: none"> <li>i. Please provide further details of the process for identifying Category 3 persons.</li> <li>ii. Please provide a map showing the locations of Category 3 persons.</li> <li>iii. Explain why the assessment can be considered 'worse-case'.</li> </ol>
CA.1.3	Applicant	<b>Unknown/Unregistered Land</b>



ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
		Diligent enquiry into land interests: Could you summarise where you have not yet been able to identify any persons having an interest in the land, including any Rights over unregistered land? What further steps will you be taking to identify any unknown Rights during the Examination?
CA.1.4	Applicant	<b>Land Plans</b>  There is no plot 3/3 but there are two plots marked 3/4 on the Land Plans [AS-005]. Please correct.
CA.1.5	Applicant	<b>Clarification</b>  Clarify why you are requesting permanent land Rights over Egypt Lane (including the verges) (plots 2/1at, 2/4e, 2/4f, 2/1au, 2/4i, 2/4g, 2/4h, 2/1ax, 2/16e ).
CA.1.6	Applicant	<b>Clarification</b>  Clarify why you are requesting permanent land Rights over Pole Lane and land adjacent to it (plots 2/4b, 2/13a and 2/13b).
CA.1.7	Applicant	<b>Clarification</b>  Clarify why you are requesting permanent land Rights over land adjacent to Prestwich Heys Football Ground and Sandgate Road (plot 1/34).
CA.1.8	Applicant	<b>Clarification</b>  The Statement of Reasons [APP-018] states that plot 2/5e is required for 'all works'. Provide more detail as to why temporary possession of plot 2/5e (verge on Mode Hill Lane) is required.
CA.1.9	Applicant	<b>Works Plans</b>  The Works Plans [AS-006] contain areas of white land, which are unexplained in the legend. The ExA consider Works Plans should be fully explanatory and indicate all land and its intended works. Amend the Works Plans, and fully annotate each area of land with a Work No.
CA.1.10	Applicant	<b>Land Plans</b>  The Applicant's response in [REP2-007] to D1 submission [REP1-033] states " <i>The Applicant confirms that, in respect of plot 1/33b, no temporary land take is required, and the Applicant is seeking</i>

ExQ1	Question to:	Question
		<i>permanent Rights for access in connection with future maintenance of the Scheme only</i> ". The Land Plans [AS-005] shows plot 1/33b as blue which is described as " <i>Land to be used temporarily and Rights to be acquired permanently</i> ". Are there any other plots, which are shown as blue, where it is not intended that they will be used temporarily and only Rights are sought to be acquired? Consider how the plots could be coloured on the Land Plans to clarify where only Rights over land are being sought and provide revised Land Plans accordingly.
CA.1.11	Applicant	<p><b>Funding</b></p> <p>The Department for Communities and Local Government (as it then was) Guidance relating to procedures for Compulsory Acquisition (CA) (September 2013) states that:  <i>"Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from blight notice have been taken account of."</i></p> <p>The Funding Statement [APP-019] indicates that the estimated costs of the Proposed Development would be £230m. The figure includes an allowance for compensation payments relating to the CA of land interests in, and Rights over, land and the temporary possession (TP) and use of land. However, it is not clear what proportion of those costs includes CA matters and whether it is sufficient. Confirm the CA costs separately from the project costs and explain how the figure for CA costs was arrived at.</p>
CA.1.12	Applicant	<p><b>Funding</b></p> <p>The Funding Statement [APP-019] sets out that funding would be underwritten by the Government as set out in the Department for Transport's "Road Investment Strategy for the 2015/16 to 2019/20 Road Period", which was updated in March 2020 for the period 2020-2025. To date no Road Investment Strategy has been published for a period beyond 2025. In light of this, confirm to the best of available knowledge, that the funds remain available for the Proposed Development.</p>
CA.1.13	Applicant	<p><b>The Equalities Act 2010</b></p> <p>Clarify how you have had regard to the Equalities Act 2010 in relation to the powers sought for CA and TP?          Have any Affected Persons been identified as having protected characteristics? If so, what regard has been given to them?</p>
<b>Cumulative and In Combination Effects</b>		
CICE.1.1	BMBC	<b>Updates on development</b>

ExQ1	Question to:	Question
		<p>Provide an update on any submitted planning applications or any permissions granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the ES.</p>
CICE.1.2	BMBC	<p><b>PfE Allocation JP 1.1: Heywood / Pilsworth (Northern Gateway)</b></p> <p>The Applicant [REP1-020] acknowledges that part of the site allocation falls within the Order Limits where construction of the Northern Loop is proposed. It further states that the proposed overlap has been discussed with BMBC including representatives from the planning, legal, highways and land and property departments where discussions have established the Scheme does not compromise the delivery of the Northern Gateway.</p> <p>Elaborate further on these discussions and explain why it is considered the Proposed Development would not ‘compromise the delivery of the Northern Gateway’.</p>
CICE.1.3	BMBC	<p><b>PfE Allocation JP 1.1 – Masterplan</b></p> <p>[REP1-035] states that an emerging masterplan is being drawn up for the JP 1.1: Heywood / Pilsworth site allocation where the site promoters are working towards submitting a planning application for early 2025.</p> <p>Would any emerging masterplan for this site have any implications for the Examination of this application and would it be an important and relevant consideration?</p>
CICE.1.4	Applicant	<p><b>Cumulative Effects with Northern Gateway PfE Allocation (JP 1.1 and JP 1.2)</b></p> <p>In response to written representations [REP2-007], it is stated that other than a part of the Northern Gateway which has planning permission within Rochdale Borough Council’s area, the rest of the Northern Gateway is not included in the cumulative assessment. It is stated that it is only possible to include development in the assessment of cumulative effects where a sufficient level of detail is available and in the absence of any planning applications, a detailed assessment of cumulative effects on air, noise, light, vibration, water and carbon cannot be undertaken.</p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
		Given that PfE is now adopted, and the site allocations includes details of the number of dwellings and floorspace for industry and employment uses, explain further why it is not possible to provide cumulative assessments.
<b>Design</b>		
DES.1.1	BMBC	<p><b>Design</b></p> <p>The National Policy Statement for National Networks (NPSNN) (paragraphs 4.28 to 4.35) and NNNPS (paragraphs 4.27 to 4.32) seeks good design for national network projects. Given the proposed size and scale of development, explain:</p> <ol style="list-style-type: none"> <li>1. What involvement has the council had to the design process?</li> <li>2. Whether you consider the proposal represents good design, particularly the aesthetic appearance of the proposed Pike Fold Viaduct and Pike Fold Bridge and if so why?</li> <li>3. Whether any further work is required to any aspects of the designs submitted as part of the application and if so why and if not, explain why not.</li> </ol>
DES.1.2	BMBC	<p><b>Design Guides</b></p> <p>Does the council have any design guides or codes that are important and relevant to this application? If so, please submit these and explain how the Proposed Development has or has not addressed any content within them.</p>
DES.1.3	Applicant	<p><b>Embankments</b></p> <p>ES Chapter 2 [APP-041], paragraph 2.5.14 states as a general principle, embankments and cuttings would be 1:3 (1 in 3) gradient, with the exception of one retaining wall on the M60 eastbound between Sandgate Road and Haweswater Aqueduct underpass (chainage 2048 to 2310) at 1:2.5 (1 in 2.5) gradient. Similar commentary is provided in the Scheme Design Report [APP-151], paragraph 1.3.7.</p> <p>In the absence of any specific reference to this in the REAC [REP1-010] and notwithstanding the details shown on the Engineering Section Drawings [APP-011], clarify how this would be secured across the entirety of the development. Would any other areas of embankments and cuttings require gradients steeper than 1:3 apart from those identified? If yes, provide locations and lengths.</p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
<b>Draft Development Consent Order</b>		
<b>Please note:</b> The references to articles and requirements relate to the numbering of articles and requirements for the draft DCO that was submitted at D1 [REP1-004] unless otherwise stated.		
DCO.1.1	Applicant	<p><b>Precedents</b></p> <p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power/ provision taking into account the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the SoS’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ in any way from corresponding provisions in the SoS’s most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Provide a list of all the previous DCOs that have been used as a precedent for the drafting of this draft DCO or signpost where in the application documentation this can be found.</p>
DCO.1.2	Applicant	<p><b>Interpretation – “bridleway”</b></p> <p>Your response to ISH1.A.06 [REP1-023, page 6] advises that the definition for bridleway has included reference to right of way on pedal cycles to incorporate wording within section 30(1) of the Countryside Act 1968. The ExA notes that this definition also contains restrictions including using mechanically propelled vehicles and that cyclists have to give way to pedestrians and persons on horseback. Therefore, to improve precision and for clarity, should the wording (highlighted in <b>bold</b>) ‘<b>within the meaning of section 30(1) of the Countryside Act 1968</b>’ be added to the definition to ensure that similar restrictions within section 30 also apply to the dDCO? If not, explain why not.</p>
DCO.1.3	Applicant	<p><b>Interpretation – “engineering drawings and sections”</b></p> <p>Article 2 defines “engineering drawings and sections”, which is thereafter referred to in article 6, requirement 3, Schedule 10 and the explanatory note. However, document reference TR010064/APP/2.8 [APP-011] is entitled ‘Engineering section drawings’. Please rectify this discrepancy.</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
<b>Articles</b>		
DCO.1.4	BMBC	<p><b>Human Remains</b></p> <p>Are you satisfied that an article has not been included in the dDCO in respect of human remains? If so, explain why and if not, explain why such an article would be required.</p>
DCO.1.5	Applicant	<p><b>Clearways</b></p> <p>It is noted that other made DCO's, such as but not limited to M3, M25 J10, M25 J28, A19/184, A19/A1058 Coast Road, A47 Wansford to Sutton and A47/A11 contain an article relating to clearways. Explain why such a provision has not been included in the proposed development</p>
DCO.1.6	Applicant	<p><b>Article 6 – Limits of Deviation</b></p> <p>The ExA notes the response to ISH1.A.13 in [REP1-023].</p> <ol style="list-style-type: none"> <li>1. Notwithstanding any 'flexibility', explain why the extent of deviation identified on the Works Plan [AS-006] is required for the drainage attenuation ponds and within the verges beside the motorway.</li> <li>2. Clarify what is meant by 'environmental mitigation features' and whether this includes the Environmental Mitigation Areas?</li> </ol>
DCO.1.7	Applicant	<p><b>Article 8 – Consent to transfer benefit of Order</b></p> <p>It is noted that other made DCOs, such as but not limited to M3, M25 J10, M25 J28, have included the following provision within this article: 'If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or grantee pursuant to this article and the transferee or grantee exercises those powers then the undertaker alone is liable for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or grantee'. Explain why such a provision has not been included in the dDCO.</p>
DCO.1.8	Applicant	<p><b>Article 13 – Classification of roads etc.</b></p> <p>It is noted that other made DCO's, such as but not limited to M3, M25 J10, M25 J28 and M54 to M6, contains provisions setting speed limits within this article which are then defined within a schedule. Explain why such a provision has not been included in the dDCO.</p>
DCO.1.9	Any Affected Persons	<p><b>Article 30(2) – Time Period for taking Temporary Possession of land</b></p>

ExQ1	Question to:	Question
		Is the 14 day period specified a sufficient period of time for receiving notice of intended entry from the undertaker, noting the comments from the Applicant in [REP1-023] page 21? If not, explain why a longer period of time would be required and what an appropriate period of time would be.
DCO.1.10	Applicant	<p><b>Article 30(9) – Right to acquire new Rights</b></p> <p>The article would provide the power for the undertaker to acquire new Rights over any part of land that has been subject to TP under Article 30(1)(a)(i). The Department for Communities and Local Government Planning Act 2008 Guidance for compulsory acquisition (paragraph 10 of Annex D) states that where it is proposed to create and acquire new Rights compulsorily they should be clearly identified.</p> <p>In the absence of any justification provided in the Explanatory Memorandum [REP1-006], explain:</p> <ol style="list-style-type: none"> <li>1. why this provision is necessary, providing details of any new Rights that would need to be acquired;</li> <li>2. how this provision would be reasonable, particularly with regard to justifying interfering with the Human Rights of those with an interest in the land that would be affected; and</li> <li>3. how this provision meets the tests for compulsory acquisition in the PA2008.</li> </ol>
DCO.1.11	Applicant	<p><b>Article 33(2) – Apparatus and Rights of statutory undertakers in stopped up streets</b></p> <p>The ExA notes the alteration to the dDCO submitted at Deadline 1 [REP1-004] to paragraph (2) to change ‘utility’ to ‘undertaker’ and notes the reason provided for this in [REP1-016] page 16 is ‘to improve precision’. Explain further the reason for this change given that ‘utility’ is referred to in other paragraphs in the article and ‘statutory utility’ is defined in paragraph (8).</p>
DCO.1.12	Applicant	<p><b>Article 36 – Felling or lopping of trees and removal of hedgerows</b></p> <p>Your response to Action Point 10 [REP1-024], page 6 states the Applicant has included revisions to Schedule 8 in the dDCO submitted at Deadline 1 [REP1-004] incorporating a further column specifying how each hedgerow is affected by the powers permitted by Article 36. However, no such change appears to have been included.</p> <p>Please confirm and incorporate the necessary revisions referred to in the Deadline 3 dDCO if omitted.</p>

ExQ1	Question to:	Question
<b>Schedule 1</b>		
DCO.1.13	Applicant	<p><b>Further Development – criterion (c)</b></p> <p>The response on page 27 of [REP1-023] in response to ISH1.S1.09 is noted. Explain whether any restricted byways exist within the Order Limits to demonstrate that inclusion of this provision is necessary. If they are, why are they restricted and would it affect any CA powers?</p>
<b>Requirements</b>		
DCO.1.14	Applicant / BMBC	<p><b>Requirement 5 – Landscaping</b></p> <p><b>BMBC:</b> In your response [REP1-032] to ISH1.S2.10 [EV5-003] you have agreed to the suggestions made. Provide wording that you consider would be appropriate to include.</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"> <li>1. In your response [REP1-023] to ISH1.S2.10(1) which queried whether an additional criterion requiring details of hard landscaping and materials was required, you consider that Works to Public Rights of Way and maintenance tracks are beyond the scope of the landscaping scheme. Explain where in the dDCO such details would be secured.</li> <li>2. In your response [REP1-023] to ISH1.S2.10(3), it is stated that the engineering section drawings and requirement for proposed finished ground levels sufficiently detail the significant earth works and changes to levels ground proposed. Explain further how this information captures this detail.</li> </ol>
DCO.1.15	Applicant	<p><b>Requirement 6 – Contaminated Land and Groundwater</b></p> <p>Sub-paragraph (2) includes wording that it is when the undertaker determines that remediation of the contaminated land is necessary. Explain why it is appropriate for this decision to be determined only by the undertaker? Would it be more appropriate for this matter to be determined by the risk assessment required under sub-paragraph (1) and the wording in sub-paragraph (2) substituted accordingly?</p>
DCO.1.16	BMBC	<p><b>Requirement 9 – Archaeological Remains</b></p> <p>Reference is made in the NPS compliance tables [APP-147], page 79 that the exact scope of investigation work will be agreed with the Greater Manchester Archaeological Advisory Service (GMASS) in advance of fieldwork. Reference is also made in your LIR [REP1A-001], paragraph 9.8 that GMASS would approve any WSIs.</p>



ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
		Should GMASS be specifically referred to as a consultee in R9 or is it sufficient for reference to only be made to the council? If GMASS should be referred to, suggest a preferred form of wording.
<b>Geology and Soils</b>		
GS.1.1	Applicant	<p><b>Best and Most Versatile Land</b></p> <p>ES Chapter 9 [APP-048] Table 9.9 states that any unsurveyed land is deemed to be grade 3b as this is the predominate grade. Explain why this is appropriate. For worse case should it be assumed to be higher grade bearing in mind the NPSNN states that only little weight should be given to grades 3b and below?</p>
GS.1.2	Applicant	<p><b>Land Instability – Peat</b></p> <p>Chapter 9 of the ES: Geology and Soils [APP-048] states that peat is present within the Order Limits. Chapter 2 of the ES [APP-041] paragraph 2.6.17 states <i>“There may also be an activity of excavation and replacement where there are shallow soft organic soil deposits with isolated pockets of peat present beneath embankments. Where excavation of soft soils and peat materials is required, they would be replaced by a suitable engineering fill which may be sourced from site won fill or imported”</i>.</p> <p>One area of peat is indicated to be in the north-east quadrant in the location of the Northern Loop and Pond 1. Detail how much peat is estimated to require removal and what is planned to ensure the stability of the ground in this area to ensure safe construction of the proposed elements in this area. Describe what work was done to investigate alternative locations for the Northern Loop and Pond 1 which would avoid the area of peat.</p>
GS.1.3	Applicant and the Coal Authority	<p><b>Land Instability – Coal</b></p> <p>ES Chapter 9 [APP-048] paragraphs 9.7.46 and 9.7.47 state that that the study area is within an area that could be affected by underground mining and that National Highways, 2023b, Geotechnical Data Management System identifies the western and northern extents of the study area as being Grade C: Medium Hazard in terms of Coal Mining which broadly correlates with the Coal Authorities designation that parts of the study area are within a Development High Risk area. The NPSNN 2024 (which is an important and relevant document) paragraph 5.158 states <i>“Applicants should submit a coal mining risk assessment as part of their application in specific Development High Risk areas”</i>. Provide an appropriate risk assessment or explain why one is not required.</p>

ExQ1 Green Belt	Question to:	Question
GB.1.1	Applicant	<p><b>Impact on Openness</b></p> <p>The Case for the Scheme [APP-146], paragraph 6.8.15 considers that the substantial nature of the development, along with its permanence and other operational features mean that the Scheme would harm the openness of the Green Belt. However, in response to comments in Relevant Representations [REP1-020], a more ambiguous commentary is provided where impacts appear to be downplayed with terminology including ‘the Case for the Scheme [APP-146] concluded the scheme <i>could</i> harm openness’ and ‘the <i>potential impact</i> on the openness of the Green Belt is <i>now mainly limited to...</i>’ (emphasis added in <i>italics</i>).</p> <p>Provide an assessment of the harm on openness for each of the components of the development which are proposed in the Green Belt and whether openness would or would not be preserved.</p>
GB.1.2	Applicant	<p><b>Alternatives to Green Belt</b></p> <p>[APP-146] paragraph 6.8.24 and [APP-147] page 93 considers that there is a lack of alternatives with less impact on the Green Belt, given that the purpose of the Scheme is to improve an existing section of the Strategic Road Network where it is stated that “<i>it is not possible to pursue an option which is outside the Green Belt, unless the surrounding motorway network is relocated entirely</i>”. However, this does not explain or detail what consideration was given, if any, to alternative locations for the individual aspects of the proposal and whether or not they require a Green Belt location.</p> <p>Explain the alternatives that were considered for each of the components of the development which are proposed in the Green Belt and why they require a Green Belt location. You may wish to combine your response with GB.1.1 above.</p>
GB.1.3	Applicant and BMBC	<p><b>Assessment of ‘any other harm’</b></p> <p>Explain what consideration has been given to ‘any other harm’ (ie non-Green Belt factors) arising from the Proposed Development, in addition to harm by ‘reason of inappropriateness’, in your conclusions ([APP-146] for the Applicant and [REP1A-001] for BMBC) as to whether very special circumstances (VSC) exist?</p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

<b>ExQ1</b>	<b>Question to:</b>	<b>Question</b>
GB.1.4	Applicant	<p><b>'Other Considerations'</b></p> <p>[APP-146, paragraphs 6.8.22 to 6.8.25] and [APP-147, pages 92 and 93] sets out why the Applicant considers that VSC exist. Paragraph 6.8.25 in [APP-146] states "it is considered that '<i>other considerations</i>' (in the form of the VSC which include the need and national benefits of the Scheme), outweigh any harm to the Green Belt".</p> <p>Explain where in the application documentation any 'other considerations' have been set out.</p>
GB.1.5	Applicant	<p><b>PfE Policy JP-G2</b></p> <p>Policy JP-G2 requires development, which involves the removal of land from the Green Belt, to offset the impact of removing land from the Green Belt through identifying and delivering compensatory improvements to the environmental quality and accessibility of remaining Green Belt in the vicinity of the site. Explain how the proposal has incorporated this.</p>
<b>Historic Environment</b>		
HE.1.1	BMBC	<p><b>Methodology – Study Area</b></p> <p>Are you satisfied with the size of study area described in section 6.6 of ES Chapter 6 [APP-045] and that it is sufficient to identify the likely significant effects to both designated and non-designated heritage assets (HAs)? If so, explain why and if not, explain why not.</p>
HE.1.2	BMBC	<p><b>Methodology – Value of Heritage Assets</b></p> <p>ES Chapter 6 [APP-045], Table 6.9 identifies the value of HAs in the study area, which is based on the criteria listed in Table 1.1 in ES Appendix 6.1 [APP-081]. Does the council agree with the identified values? If not, explain why not and what an appropriate value should be.</p>
HE.1.3	Applicant / BMBC	<p><b>Limitations of Study</b></p> <p>Paragraph 1.1.47 in [APP-081] states that no archaeological investigation has been implemented to ground truth the archaeological records used in the report, though this is planned for any post-</p>

ExQ1	Question to:	Question
		<p>submission period. It further advises that the results of geotechnical ground investigation have been utilised as indicators of ground conditions.</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"> <li>1. To what extent does the Ground Investigation Report [APP-108] cover archaeological assets, given that its main scope appears to establish the geology and soils baseline?</li> <li>2. Could this limitation result in the significance of any archaeological asset not being properly determined? If not, explain why.</li> <li>3. In the absence of any archaeological investigation to ground truth the archaeological records, notwithstanding your comments in [APP-147], page 76 explain further how the SoS can be satisfied that it can discharge its responsibilities under paragraphs 5.128 to 5.130 of the NPSNN?</li> </ol> <p><b>BMBC:</b> Are you satisfied that no archaeological trial trenching or intrusive investigation to ground-truth the presence or absence of buried archaeological remains has been undertaken and, in the absence of this, that the significance of any HAs have been properly identified? If so, explain why and if not, explain why not.</p>
HE.1.4	BMBC	<p><b>Non-designated Heritage Assets (HAs)</b></p> <p>Noting the content of paragraph 5.124 of the NNNPS and footnote 72 on page 59 of the National Planning Policy Framework, are there any non-designated HAs of archaeological interest which are demonstrably of equivalent significance to scheduled monuments that should be considered subject to the policies for designated HAs? If so, would this change the conclusions of the assessment and if not, why not?</p>
HE.1.5	Applicant / BMBC	<p><b>Structure off Corday Lane (HER 3915.1.0)</b></p> <p>ES Chapter 6 [APP-045] and Commitment CH1 in the REAC [REP1-010] refers to the 'Structure off Corday Lane (HER 3915.1.0)', which is identified in Figure 6.1 [APP-062] as an asset located beside the slip road to the M66 northbound to the north-west of Junction 18. However, Corday Lane appears to be situated to the south-west of Junction 18 leading northwards off Heywood Road / Simister Lane. Is the reference to Corday Lane correct?</p>
HE.1.6	BMBC	<p><b>Assessment Findings</b></p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
		<p>ES Chapter 6 [APP-045] Tables 6.10 and 6.11 and ES Appendix 6.1 [APP-081] Tables 1.2 and 1.3 provides an impact assessment during construction and operation. Does the council agree with the assessment findings in respect of significance of effect in the tables? If so, explain why and if not, explain why not.</p>
HE.1.7	Applicant	<p><b>Assessment of Harm to Significance of Heritage Assets</b></p> <p>ES chapter 6 [APP-045] Tables 6.10 and 6.11 predicts slight adverse effects during construction and operation. However, other than brief reference in [APP-045] paragraph 6.12.3 and [APP-147] page 79, which identifies 'less than substantial' harm to Heaton Park Registered Park and Garden (RPG), very little commentary is provided in the application documents to the extent of harm that could arise to the significance of HAs.</p> <ol style="list-style-type: none"> <li>1. Provide further information on the 'less than substantial' harm that is identified to arise to the significance of Heaton Park RPG ([APP-147] page 79) through changes to its setting. Where would this harm be most experienced?</li> <li>2. Would any harm arise to the significance of any other HAs where slight adverse effects have been predicted, including during construction? If so, what would the extent of harm be? If not, explain why not for each HA.</li> <li>3. Explain how the Applicant has given great weight in avoiding the 'less than substantial' harm to the HAs referred to in paragraph 6.12.3 of ES Chapter 6 [APP-045] in the chosen design of the scheme or signpost to where in the application documents this is explained.</li> </ol>
HE.1.8	BMBC	<p><b>Archaeological works and monitoring</b></p> <p>Your LIR ([REP1A-001], Paragraph 9.7) and SoCG ([REP2-006], page 42) advises that all archaeological work should be undertaken by suitably experienced and qualified archaeological contractor(s), funded by the applicant, and in accordance with guidance provided by the Greater Manchester Archaeological Advisory Service, who would also monitor the implementation of the works on behalf of BMBC and National Highways.</p>

ExQ1	Question to:	Question
		Is the council satisfied that the wording in the Cultural Heritage Desk Based Assessment [APP-081] ensures this would be secured? If so, explain why and if not explain any additions that would be required.
HE.1.9	BMBC	<p><b>Archaeological works</b></p> <p>Your LIR [REP1A-001] Paragraph 9.9 advises that the area where pond 7 is proposed has the potential to contain possible survival of historic soil horizons, where works that require stripping of the current land surface will require a scheme of archaeological work.</p> <p>Does the Cultural Heritage Desk Based Assessment [APP-081] or commitments contained in the REAC [REP1-010] require updating to specifically refer to these works to ensure they would be secured as part of mitigation? If so, explain any additions that would be required and if not, explain why not.</p>
HE.1.10	Applicant	<p><b>Policy Assessment</b></p> <p>In the comments justifying compliance with NPSNN paragraph 5.130, it is stated on page 76 of the NPSNN Accordance Table [APP-147] that “<i>The embedded design measures will ensure the Scheme will result in no significant adverse effects on the setting of heritage assets, including historic parks and gardens, historic buildings and archaeology</i>”. This statement does not address whether the scheme would sustain and where appropriate, enhance the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities.</p> <p>Based on findings of ‘slight adverse effects’ to some HAs in Chapter 6 [APP-045] and paragraph 6.9.10 states that no enhancement measures have been identified, provide further justification on how the scheme would comply with this policy and why no enhancement measures have been identified.</p>
<b>Landscape and Visual</b>		
LV.1.1	BMBC	<p><b>Landscape Character Assessments</b></p> <ol style="list-style-type: none"> <li>Provide a copy of relevant excerpts from the Greater Manchester Landscape Character and Sensitivity Assessment (GMLCSA) that are relevant to the Proposed Development, including the following landscape / townscape character areas: <ul style="list-style-type: none"> <li>LCA 19: Heaton, Prestwich, Whitefield and Stand Parklands;</li> </ul> </li> </ol>

ExQ1	Question to:	Question
		<ul style="list-style-type: none"> <li>• LCA 26: Prettywood, Pilsworth and Unsworth Moss;</li> <li>• LCA 27: Simister, Slattocks and Healds Green; and</li> <li>• TCA Prestwich, Whitefield, Radcliffe and Unsworth Residential.</li> </ul> <p>2. Whilst noting the content of paragraphs 3.26 and 3.27 of the LIR [REP1A-001], explain further how the extent the Proposed Development, in terms of its relationship with the landscape, design and the mitigation measures that have been proposed, has addressed any guidance, special qualities or sensitivities identified within the assessment and responded to these.</p> <p>3. Noting that paragraph 7.5.8 of ES Chapter 7 [APP-046] has scoped out the Bury Metropolitan Borough Council Landscape Character Assessment and the Rochdale Borough Council Landscape Character Assessment, explain the difference between these Landscape Character Assessments and the GMLCSA and whether or not this has any implications for the assessment findings in the ES.</p>
LV.1.2	Applicant / BMBC	<p><b>Special Landscape Area</b></p> <p>Paragraph 3.25 of the LIR [REP1A-001] states PfE Policy JP-G1 replaced UDP Policy EN9/1 Special Landscape Area. To what extent would this change any of the assessment findings in the ES?</p>
LV.1.3	BMBC and any Interested Parties	<p><b>Assessment of Significant Effects</b></p> <p>Do you agree with the findings in respect of likely significant effects at the landscape / townscape receptors in ES Appendix 7.3: Schedule of Landscape and Townscape Effects [APP-084] and visual receptors in ES Appendix 7.4: Schedule of Visual Effects [APP-085]? If so, explain why and if not advise where any disagreement on the findings exist and how this may affect conclusions.</p>
LV.1.4	Applicant	<p><b>Visual effects from Pike Fold Golf Course</b></p> <p>[RR-013] raises concern regarding visual impacts on users of Pike Fold Golf Course. In response ([REP1-020] page 33), it is stated that an LVIA has looked at the landscape and visual impacts of the Scheme on users of Pike Fold Golf Course. Reference is then made to mitigation planting detailed in ES Figure 2.3 [APP-057] where in year 15, the landscape character and visual amenity impacts of the Scheme would be slight adverse, not significant.</p> <p>However, ES Chapter 7 [APP-046] paragraph 7.5.2 acknowledges that the change in views from within Pike Fold Golf Course has been assessed from two locations outside its boundary and there are certain</p>

ExQ1	Question to:	Question
		<p>locations where effects might be higher due to closer proximity or less noticeable due to distance to the scheme or intervening vegetation. Paragraph 7.5.1 advises that professional judgement has been used to assess effects from Pike Fold Golf Course.</p> <ol style="list-style-type: none"> <li>1. Explain whether any on-site fieldwork within the golf course has been undertaken to corroborate the findings in the ES and confirm whether any discussions with or requests to the operators/owners of Pike Fold Golf Course took place to arrange for necessary access to undertake such activities.</li> <li>2. To what extent can the ExA and ultimately the SoS be confident of the accuracy of the findings in the absence of a detailed assessment of visual effects from within this receptor?</li> </ol>
LV.1.5	Applicant	<p><b>Visual Effects at Warwick Avenue / Barnard Avenue</b></p> <p>Noting that very large adverse effects would be experienced during construction, and moderate adverse effects at operation year 1, provide photomontages for Year 1 and Year 15 from Viewpoint 27.</p> <p><i>Recognising that additional time may be required to produce a new photomontage, please submit this information at Deadline 4.</i></p>
LV.1.6	Applicant	<p><b>Viewpoint PM01</b></p> <p>The photomontage from Viewpoint PM01 [APP-067] contains a wooden pole which obscures the view of Pike Fold Bridge and part of the proposed golf netting. Please submit a revised photomontage microsituated from this location avoiding features which obscure the view. <i>Recognising that additional time may be required to produce a new photomontage, please submit this information at Deadline 4.</i></p>
LV.1.7		<p><b>Visual Effects from Boz Park Public Open Space</b></p> <p>Visual effects from this receptor are assessed in viewpoints 12 and 13 in [APP-085] where ‘moderate adverse’ visual effects are identified at viewpoint 12 and ‘slight adverse’ effects at viewpoint 13 during construction and operation year 1. During site inspections [EV8-001], the ExA observed that the footpath through the park traversed over an area of raised ground situated to the north-east of the basketball court where open views towards Junction 18 was possible. The raised ground is apparent in the centre of representative viewpoint 13 [APP-064].</p> <p>Explain why this location has not formed part of the visual assessment from this receptor and provide an assessment of the visual effects from this position that would be experienced from the proposed development, accompanied by a representative viewpoint photograph.</p>



ExQ1	Question to:	Question
		<i>Recognising that additional time may be required to produce photography, please submit this information at Deadline 4.</i>
LV.1.8	Applicant	<p><b>Photomontages – General</b></p> <p>Explain why photomontages from summer at year 15 have been produced but not winter. In the absence of a winter photomontage, explain how the year 15 photomontages illustrate a worst-case scenario of residual effects given that ES Chapter 7 [APP-046] paragraph 7.10.38 states “<i>Without leaf cover during the winter months of Year 15 there are likely to be some remaining views of the Scheme and moving traffic. However, the structure of mitigation planting would provide some filtering to reduce views of the road and moving traffic</i>”?</p>
LV.1.9	Applicant	<p><b>Photomontages – Illustration of Trees</b></p> <ol style="list-style-type: none"> <li>1. Do the photomontages in [APP-067] at years 1 and 15 illustrate any existing trees that are proposed to be removed or have these been removed from the visuals? If they remain, provide annotations of those trees that are to be removed and explain how an accurate representation of the visual effects is possible.</li> <li>2. [APP-082] paragraph 1.3.33 states that in year 15, woodland and individual trees would be 6-8m tall and shrubs with intermittent trees would be 4-8m tall. Explain whether the photomontages in [APP-067] for year 15 accurately represent this.</li> </ol>
LV.1.10	Applicant	<p><b>Landscape and Visual Effects of Golf Ball Netting (Work No. 40)</b></p> <p>Whilst the general principle of installing the golf ball netting is understood, noting that it would be apparent from a number of viewpoints at operation year 15 (eg VPs 3, 6, 7/PM01,12 and 14) explain what evidence exists, and whether any assessments have been undertaken, to demonstrate that this feature, and its proposed extent (ie length and height) is necessary.</p>
LV.1.11	Applicant	<p><b>Heaton Park RPG</b></p> <ol style="list-style-type: none"> <li>1. ES Chapter 7 [APP-046] paragraph 7.7.17 refers to guidelines within the GMLCSA which seeks to ensure that any new development respects the character and historic qualities of RPGs (Heaton Park) and their settings. Explain further how the proposed development has achieved this.</li> </ol>

ExQ1	Question to:	Question
		2. Noting that ES Chapter 7 [APP-046] paragraph 7.7.26 comments “ <i>Elevated areas within Heaton Park allow views to the M60, although woodland within Heaton Park and along the highway boundary provides a high level of screening</i> ” and paragraph 7.7.29 identifies visitors to Heaton Park as a visual receptor, explain why the Schedule of Visual Effects [APP-085] has not included an assessment of effects from within this receptor nor a representative viewpoint to allow the additional visual intrusion described in ES Chapter 6 to be more easily understood.
LV.1.12	BMBC	<p><b>Suitability of mitigation</b></p> <p>Are you satisfied with the suitability of the proposed mitigation measures to minimise and reduce significant landscape and visual effects? If so, explain why you consider the requirements of paragraphs 5.159-5.161 of NPSNN 2015 and 5.144-5.168 of NNNPS 2024, and any relevant development plan policies, has been met. If not, explain why not and what other measures should be included.</p>
<b>Material Assets and Waste</b>		
MAW.1.1	Applicant	<p><b>Clarification</b></p> <p>Figure 10.1 [APP-070] is unclear due to the thickness of the lines indicating the Scheme outline and Order Limits. Please supply a clearer version.</p>
MAW.1.2	Applicant	<p><b>Quantities</b></p> <p>APP-049 para 10.5.7 states “<i>The quantities of material assets and waste predicted for the Scheme and used in this assessment comprise preliminary estimates consistent with the preliminary design information. Given that the estimated material required, and waste generated, may change between this assessment and eventual construction, a 15% uplift has been applied to all quantities</i>”. Explain how the 15% figure has been determined. Does the figure of 15% take account of the limits of deviation or is it on top of those worse case values? Explain how using 15% would represent a reasonable worse case.</p>
MAW.1.3	Applicant and BMBC	<p><b>Locally Sourced Materials</b></p> <p><b>Applicant:</b> APP-049 para 10.6.5 states “<i>It would be the Principal Contractor’s responsibility to source materials and manage waste during the construction of the Scheme. Typically they would look to use local (sub-regional) material sources and waste infrastructure wherever practicable to reduce the environmental impact and cost of transport, and support the economic well-being of the local communities</i>”. Detail what surveys or other investigations have been completed to determine if the use</p>

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ExQ1	Question to:	Question
		<p>of locally sourced materials and waste infrastructure would be achievable. What amount of materials (percentage of total materials) are anticipated to be locally sourced and what amount of waste (percentage of total) are estimated to be processed by local waste infrastructure?</p> <p><b>BMBC:</b> Provide comment on whether you consider the commitment to use locally sourced materials and waste infrastructure wherever practicable would be achievable. If so, explain why.</p>
MAW.1.4	Applicant and BMBC	<p><b>Circular Approach</b></p> <p><b>Applicant:</b> [APP-049] paragraph 10.7.6 states “<i>This is also supported by National Highways’ Sustainable Development Strategy and Action Plan (Highways England, 2017), which confirms that its key ambition covering manufactured capital is to push towards a ‘circular’ approach to the management of its resources; reduce its demand for primary resources extracted from the ground; and maximise the reuse of the resources already in use on the network. This focus on circularity is continued in the more recently published Environmental Sustainability Strategy (National Highways, 2023).</i>” Detail what surveys or other investigations have been completed to determine if a ‘circular’ approach would be achievable for this Scheme.</p> <p><b>BMBC:</b> Provide comment on whether you consider the use a ‘circular’ approach would be achievable for this Scheme. If so, explain why.</p>
MAW.1.5	BMBC	<p><b>Mineral Safeguarding Areas and Peat Resources</b></p> <p>The LIR [REP1A-001] paragraph 3.57 states “<i>This matter is considered in paragraph 6.20.8 of The Case for the Scheme (Document ref: APP-146) which states that although the Order Limits include areas safeguarded for Minerals Safeguarding Areas, notwithstanding this, both mineral safeguarding sites and peat resources have been scoped out of this assessment on the basis that they are not resources that could be worked/extracted.</i>”</p> <p>Do you agree with the Applicant that MSA’s and peat resources can be scoped out of the assessment?</p>
MAW.1.6	Applicant	<p><b>Waste Management</b></p>

ExQ1	Question to:	Question
		<p>The NNNPS 2024 (which is an important and relevant document) within paragraph 5.71 states “...<i>Consideration should be given to circular economy principles wherever practicable, for example by using longer lasting materials efficiently...</i>”</p> <p>Explain how the requirement to use longer lasting materials efficiently has been addressed in the assessment.</p>
MAW.1.7	Applicant	<p><b>Waste Management</b></p> <p>[APP-049] describes the waste types likely to be generated by the Scheme and supplies forecast future landfill capacities for Greater Manchester and the north-west.</p> <ol style="list-style-type: none"> <li>1. Provide detail of the anticipated amounts of each waste type likely to be generated (in tonnes).</li> <li>2. Detail where this waste would be taken (distance from the Scheme) and what percentage of the forecasted available landfill capacity at each landfill site would be utilised if the Proposed Development was constructed.</li> <li>3. Confirm if you have consulted on the above with the appropriate authorities.</li> </ol>
MAW.1.8	Applicant	<p><b>Mass Haul Balance</b></p> <p>The Applicant’s initial assessment of mass haul volumes for earthworks shows a net fill requirement of approximately 220,000 cubic metres (m<sup>3</sup>) to construct the new highway embankments and widenings. This volume excludes ponds which are expected to generate up to 40,000m<sup>3</sup> of arisings ([APP-049], paragraph 10.8.5).</p> <ol style="list-style-type: none"> <li>1. Provide more detail as to the amount and location (distances from the Scheme) it is proposed that suitable material will be sourced to satisfy the Scheme’s estimated fill requirement.</li> <li>2. Explain how vehicle movements associated with hauling materials has been included in the assessment or signpost to where in the application documents this is covered.</li> </ol>
<b>Need</b>		
NE.1.1	Applicant	<p><b>Base Year</b></p> <p>The Case for the Scheme [APP-146] paragraph 5.1.6 explains that to enable comparisons to be made between costs they need to be adjusted to a common base year. The year 2010 has been used for this purpose. Explain why it is appropriate to use 2010 rather than a more recent year.</p>
NE.1.2	Applicant	<p><b>Addressing Capacity Constraints</b></p>

ExQ1	Question to:	Question
		The Case for the Scheme [APP-146] paragraph 1.2.7 states “ <i>If the capacity constraints on the northern section of the M60/M62 are not addressed, its impact on the wider transport network in the north could hold back growth across the region</i> ”. Explain further how growth could be held back, including any practical examples, and any evidence that exists to support this assertion.
NE.1.3	BMBC	<p><b>Boosting Northern Competitiveness</b></p> <p>The LIR [REP1A-001], paragraph 3.9 states “<i>It is considered that improvements to the SRN at Simister Island will support PfE’s growth objectives for the North East Growth Corridor and the wider Northern Areas</i>”. Can the council elaborate further on why and how it considers the proposed scheme would support PfE’s growth objectives and the wider Northern Areas?</p>
NE.1.4	Applicant	<p><b>Economic Case</b></p> <p>The Case for the Scheme [APP-146], paragraph 5.3.5 states “<i>The Scheme will also lead to an increase in the tax revenues received by the Government over the 60 year appraisal timeframe, primarily due to an increase in fuel consumption as more vehicles move at a faster speed (based on traffic model predictions). This gives a monetised benefit of £7.6 million</i>”. Provide evidence to support this statement, particularly if more vehicles become electric over the 60 year appraisal timeframe.</p>
NE.1.5	Applicant	<p><b>Journey Times for Right Turn Movements at Junction 18</b></p> <p>Figure 4.5 in [APP-146] shows the M62 westbound to M66 northbound and the M66 southbound to M60 westbound experiences the largest delays for right turn movements compared with off peak travel times. Of all the right turn options, M60 eastbound to M60 southbound experiences the smallest delay. Does this undermine the case for the proposed Northern Loop option? If not, why?</p>
NE.1.6	Applicant	<p><b>Journey Times for Through Junction Movements</b></p> <p>Figure 4.6 in [APP-146] shows the largest delay for through junction movements would be westbound M62 Junction 19 to M60 Junction 17. Paragraph 4.4.12 of [APP-146] states through movements eastbound from M60 Junction 17 to M62 Junction 19 generally show minimal delay in the AM peak and a slightly higher delay in the PM peak of around 1.5 minutes. Does this undermine the case for widening the M60 eastbound between Junctions 17 and 18? If not, why?</p>
<b>Noise and Vibration</b>		
NV.1.1	Applicant	<b>OFH</b>

ExQ1	Question to:	Question
NV.1.2	Applicant	<p>Respond to the concerns raised by Mr Peake at the OFH1 in relation to noise and vibration.</p> <p><b>Operational Vibration</b></p> <p>The condition of the road surface is a significant factor in determining the likelihood of ground-borne vibration impacts. Ground-borne vibration is scoped out of the assessment as it is assumed that the new road surface will be adequately maintained to be free of irregularities over the long-term assessment period. Is the maintenance regime secured to ensure that ground-borne noise would not become a problem over the lifetime of the Proposed Development?</p>
NV.1.3	Applicant	<p><b>Construction Noise</b></p> <p>ES Chapter 11 [APP-050] paragraph 11.8.7 states <i>“For the times of operation of the construction works themselves, activity time has been assumed to be 75% during each shift, allowing for breaks.”</i></p> <ol style="list-style-type: none"> <li>1. Please clarify if ‘activity time’ would include all the activities listed in Appendix 11.4 [APP-112]? If not, signpost to where in the application documents this is detailed.</li> <li>2. Explain how the figure of 75% has been determined and why it is considered reasonable. In your explanation of determining reasonable please provide the activity times (percentages) from other recent similar schemes for both summer and winter months.</li> </ol>
NV.1.4	Applicant	<p><b>Clarification</b></p> <p>ES Chapter 11 [APP-050] paragraph 11.8.10 states <i>“Working areas and construction activities for each phase, identifying the potential daytime construction impacts, are given in Tables 11.19 and 11.20. This excludes phase T as the works in this phase will be carried out only during the night-time.”</i> Clarify what is ‘phase T’ or signpost to where in the application this is explained.</p>
NV.1.5	Applicant	<p><b>Construction Noise at Night</b></p> <p>ES Chapter 11 [APP-050] paragraph 11.8.27 states <i>“DMRB LA 111 states that the use of any diversion route during night-time hours (23:00 to 07:00 hours) would be considered as a Major magnitude impact. This would be a significant effect if these occur for 10 or more nights in any consecutive 15 nights, or a total of more than 40 nights in any consecutive six-month period.”</i></p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> <li>1. How likely is it that these time periods would be reached/exceeded and why?</li> <li>2. Which receptors would likely be affected if these levels were reached and what measures are proposed to prevent them being reached?</li> <li>3. What measures are proposed to be implemented prior to night-time working commencing to predict which receptors are likely to be affected?</li> <li>4. What measures would be taken if the levels were predicted to be exceeded and how would these be secured within the DCO?</li> </ol>
NV.1.6	Applicant	<p><b>Construction Noise at Night</b></p> <p>[REP1A-001] states “<i>The Applicant expects that some of the work will be carried out during night-time closures and weekend work, however during the noisiest phases of night-time working, the Applicant will aim to reduce adverse impacts to the shortest duration possible</i>”.</p> <ol style="list-style-type: none"> <li>1. Define what is meant by ‘shortest possible duration’.</li> <li>2. Explain what measures are proposed to ensure adverse impacts would be reduced to the shortest duration, or signpost to where this is covered in the application documents.</li> </ol>
NV.1.7	Applicant	<p><b>Construction Noise at Night</b></p> <p>[APP-146] Case for the scheme, paragraph 1.5.4 states “<i>Night time working is required for construction to maintain the operation of the motorway and for the safety of workers. Additional potential mitigation is being investigated to reduce these impacts and the Principal Contractor will work closely with the community to develop this further.</i>” Detail what ‘<i>additional potential mitigation</i>’ is proposed and how this would be secured within the DCO.</p>
NV.1.8	Applicant	<p><b>Noise Mitigation</b></p> <p>Existing noise barriers (which are to be retained) are shown in Figure 11.1a [APP-071]. Are any new locations for noise barriers (in addition to those existing) proposed? If not, why not.</p>
NV.1.9	Applicant	<p><b>Noise Mitigation</b></p> <p>[REP1-020] states “<i>As the installation of low noise road surface with better performance than a conventional low noise road surface is predicted to reduce road traffic noise levels with no resulting significant adverse effects additional mitigation is not considered necessary.</i>” ES Chapter 11 paragraph 11.10.33 explains resurfacing with better noise reducing properties than a conventional low noise surfacing (LNS) would only provide beneficial effects in the short term due to gradual increases in traffic growth over the time period, and an assumed reduction in performance of low noise road surfaces.</p>

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ExQ1	Question to:	Question
		Considering this, has the installation of environmental barriers or bunds to provide beneficial effects on noise over the long term been considered? If not, why not?
NV.1.10	Applicant	<p><b>Noise Mitigation</b></p> <p>Chapter 11 of the ES [APP-050] states that surfacing with better noise reducing properties than conventional LNS will be implemented. Please provide a plan to indicate the extent of the various types of new surfacing proposed including any surfacing of the existing highway network to be undertaken out with the application boundary. Please also explain what maintenance policies exist to ensure that future resurfacing would include low and very low-noise surfacing as an ongoing requirement and how this would be secured within the DCO.</p>
NV.1.11	Applicant	<p><b>Noise Mitigation</b></p> <p>[APP-050] ES Chapter 11 paragraph 11.9.7 states that whilst providing a road surface with better noise reducing properties than a conventional LNS is required as essential mitigation for sensitive receptors where potential significant effects are likely, it would also provide road traffic noise reduction for other receptors within the study area. The Applicant therefore concluded that this would constitute an enhancement. How many receptors within the study area would benefit from this enhancement?</p>
NV.1.12	Applicant	<p><b>Noise Insulation Regulations (NIR)</b></p> <p>[APP-050] ES Chapter 11 paragraph 11.10.37 states “<i>An initial assessment of possible eligibility for Part 2 of the NIR has identified that there are no dwellings where the road traffic noise criteria for eligibility for the provision of noise insulation would be met.</i>” Detail how and when this initial assessment of possible eligibility for Part 2 of the NIR was undertaken.</p>
NV.1.13	Applicant	<p><b>Design Parameters</b></p> <p>Confirm whether the design parameters of the Proposed Development inputted into the noise model also make allowance for the proposed vertical limits of deviation sought within the dDCO or signpost to where in the application documents this is covered.</p>
<b>Population and Human Health</b>		
PHH.1.1	Applicant	<b>Public Rights of Way (PRoW)</b>



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ExQ1	Question to:	Question
		Table 12.15 of Chapter 12 of the ES [APP-051] details existing PRoW and other pedestrian and cycle routes in the study area. Please provide details regarding frequency of use for each of these routes and explain what surveys, if any, were undertaken and detail any other supporting data that was used to establish the information in Table 12.15.
PHH.1.2	BMBC	<b>PRoW</b>  Have there been any applications to revise the status (eg closure, diversion etc) of any PRoW that may be affected by the Proposed Development? For example, 28aPRE, 29aPRE and 7WHI.
PHH.1.3	BMBC and Unsworth Academy	<b>PRoW</b>  Please confirm if footpath 7WHI, which is proposed to be diverted by the Scheme, is the same footpath which connects the school to the playing fields on the east side of the M66 via an underpass. Is the footpath through the underpass a PRoW?
PHH.1.4	Applicant	<b>PRoW</b>  Please respond to the concerns raised by Mr Heaney in his OFH1 oral submission in relation to Mode Hill Lane and Pole Lane.
PHH.1.5	BMBC and Parrenthorn High School	<b>Permissive Path</b>  The Haweswater aqueduct underpass permissive path has been identified by the Applicant as the most direct route of access to Parrenthorn High School from the residential area to the north of the M60. Safety concerns have been raised through the relevant representations regarding both those using the path and with respect to the general condition of the underpass which the representations state encourages antisocial behaviour. Do you have any safety concerns related to the use of this permissive path or the underpass in general? If yes, please detail these concerns and explain, with reference to any policy support that may exist, whether upgrade to the permissive path under the motorway should be included as part of the proposed development.
PHH.1.6	Applicant	<b>Permissive Path</b>  In response to [RR-057] the Applicant states “ <i>The Applicant confirms that the enhancement of existing facilities such as the improvement of the Haweswater Underpass permissive path is not within the scope of the Scheme</i> ” [REP1-020]. Paragraph 5.184 of the NPSNN states that Applicants should

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ExQ1	Question to:	Question
		consider what opportunities there may be to improve access where appropriate. Explain why improvement to the Haweswater permissive path is not considered within the scope of this Scheme.
PHH.1.7	Applicant	<p><b>Mitigation - Enhancement</b></p> <p>Chapter 12 [APP-051] sections 12.9 and 12.17 are titled design, mitigation and enhancement measures. No measures are specifically identified as 'enhancement' within these sections. Does the Scheme propose any enhancement measures in respect of land use and accessibility and/or human health? If yes, detail the measures proposed and signpost to where in the application documents they are described and how they would be secured.</p>
<b>Road Drainage and Water Environment</b>		
RDWE.1.1	BMBC	<p><b>Flooding</b></p> <p>[RR-039] raises a concern about the flooding of a field adjacent to Parrenthorn Road. As the lead flooding authority for this area are you aware of this issue? If there is a current flooding issue, are you concerned that the Scheme may exacerbate this?</p>
RDWE.1.2	BMBC	<p><b>Flooding</b></p> <p>[APP-052] ES Chapter 13 paragraph 13.11.10 states in relation to flood risk that "<i>No monitoring would be required during the construction or operation phase as it would be highly unlikely that significant flooding would occur.</i>" Do you have any concerns regarding the lack of monitoring in relation to flooding? If no explain why and if yes, please detail what measures/monitoring you consider should be included.</p>
RDWE.1.3	Applicant	<p><b>Watercourse Protection</b></p> <p>In the SoCG the Environment Agency [REP1-018] requested that any temporary soil bunds within 10m of a watercourse (which would remain for several weeks) be seeded to minimise risk of erosion and siltation of the nearby watercourse. The Applicant has revised the REAC to include this provision in commitment W9 [REP1-010]. [REP1-014] Appendix F: Outline Soil Management Plan F.9.7 does not include any reference to this seeding requirement and states that stockpiles will be more than 10m away from any existing watercourse or drain. Should [REP1-014] Appendix F: Outline Soil Management Plan be amended to include commitment W9?</p>
RDWE.1.4	Applicant and BMBC	<p><b>SuDS (Sustainable Drainage System)</b></p>

ExQ1	Question to:	Question
		<p><b>Applicant:</b> The EA [REP1-018] have accepted that the Applicant will reword the Surface and Ground Water Management Plan of the second iteration EMP to incorporate H.9.2 which is a commitment to consideration of use of above ground SuDs as part of the temporary surface water drainage solution where feasible. Can this commitment be added to the first iteration EMP? If not, why not.</p> <p><b>BMBC:</b> Do you consider the commitment to only ‘consider’ the use of above ground SuDs as part of the temporary surface water drainage solution where feasible, rather than a commitment to ‘implement where feasible’ is sufficient? If no, detail what you would suggest would be an appropriate commitment.</p>
RDWE.1.5	BMBC	<p><b>SuDS</b></p> <ol style="list-style-type: none"> <li>1. Paragraph 3.15 of the LIR [REP1A-001] states “<i>PfE Policy JP-S4: Flood Risk and the Water Environment expects development to manage surface water runoff through sustainable drainage systems and as close to source as possible.</i>” Are you satisfied that the sustainable drainage systems proposed by the Applicant are as close to source as possible?</li> <li>2. Paragraph 3.20 of the LIR [REP1A-001] states that BMBC consider that the scheme would comply with Policy JP-S4. Please supply further detail to explain why you consider the Scheme is compliant with Policy JP-S4.</li> </ol>
RDWE.1.6	Applicant	<p><b>Maintenance</b></p> <p>Detail what the maintenance programme would comprise for the proposed attenuation ponds. Include estimated timescales for any maintenance works and what the work would involve.</p>
RDWE.1.7	Applicant	<p><b>Clarification</b></p> <p>[APP-135] H.5.3 and H.7.5 appear to be missing text. Please review this document and supply a corrected version.</p>
RDWE.1.8	Applicant	<p><b>Private Water Supplies</b></p> <p>ES Chapter 13, Section 13.5 [REP1-027] notes limitations regarding the identification of private water supplies. Can the Applicant confirm whether they are planning on undertaking further correspondence with landowners and users of potential private water supplies given the limited response to the questionnaires.</p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
<b>Traffic, Transport and Access</b>		
TTA.1.1	BMBC	<p><b>Transport Modelling</b></p> <p>Are you satisfied with the transport modelling and the results of the traffic assessment as supplied in [APP-149]? In particular, do you have any concerns that the proposed scheme is predicted to cause an increase in traffic on the local road network ([APP-149] paragraphs 4.2.10 to 4.2.16)?</p>
TTA.1.2	Applicant	<p><b>Construction Workers</b></p> <p>[REP1-020] states “The Applicant acknowledges that the operation of a temporary site compound during the construction phase will increase traffic on Mode Hill Lane.” How many workers is it envisaged would be using the main site compound off Mode Hill Lane? Provide an estimation of the number of associated vehicle movements throughout the various construction phases. Describe any proposed measures aimed at reduced disruption caused by vehicles accessing the main site compound, or signpost to where in the application documents this information is detailed.</p>
TTA.1.3	BMBC	<p><b>Construction Workers</b></p> <p>Relevant representation [RR-035] raises concern regarding the poor condition of Mode Hill Lane. Are you satisfied that Mode Hill Lane, in its current state of repair, would be suitable for use by construction workers to access the main construction compound? If not, what measures do you consider would be required to be undertaken to ensure that it would be suitable?</p>
TTA.1.4	Applicant	<p><b>Construction Traffic</b></p> <p>Explain how the impact of construction traffic (including construction workers accessing site compounds) on the local road network has been assessed, or signpost to where in the application documents this is addressed.</p>
TTA.1.5	Applicant	<p><b>Construction – Impact on Public Transport</b></p> <p>Is it anticipated that there will be disruption to public transport during the construction phase? If yes, explain the estimated extent of the disruption and describe what would be proposed to minimise it or signpost to where in the application documents this is covered.</p>
TTA.1.6	Applicant	<p><b>Safety</b></p>

ExQ1: Tuesday 22 October 2024

Responses due by Deadline 3: Tuesday 5 November 2024

ExQ1	Question to:	Question
		Respond to the concerns raised by Mr Peake at the OFH1 with respect to safety of the operation motorway once it moves closer to residential properties.
TTA.1.7	Applicant and BMBC	<p><b>Safety - PRow</b></p> <p><b>Applicant:</b> ProW (9WHI) currently runs parallel to the M66 southbound carriageway. It is proposed that this PRow would be diverted (moved sideways) to accommodate the proposed increased width of the M66. Please supply the Stage 1 Road Safety Audit for this footpath/location and accompanying response from the local highway authority.</p> <p><b>BMBC:</b> Do you have any concerns over the location of the proposed diverted PRow 9WHI in relation to its proximity to the M66 carriageway?</p>
TTA.1.8	Applicant	<p><b>Access</b></p> <p>Explain how parking, access (vehicular and pedestrian) for residents, businesses and emergency services would be managed and maintained during construction where the Order Limits run along or across the end of an existing road. If this information has been provided, signpost where in the Application documents it can be found. Make particular reference to the arrangements for Balmoral Avenue, Kenilworth Avenue, Warwick Close, Barnard Avenue and Warwick Avenue.</p>
TTA.1.9	Applicant	<p><b>Access</b></p> <p>Section 3.22 of NPSNN states that new developments should “<i>seek to deliver improvements that reduce community severance and improve accessibility</i>”. Demonstrate the extent to which the Proposed Development has sought to address the NPSNN objectives.</p>