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By post and by email: M60SimisterIsland@planninginspectorate.gov.uk

Dear Sirs

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

Written Submission on behalf of the Hillary Family Following CAH1 & ISH2 on 26 - 28 November 2024

1. Written Submission of Oral Case – CAH1

- 1.1. The Hillary Family refers to its Written Representation ("**HFWR**" - REP1-040) and to the Applicant's Response to the Relevant Representations ("**RtRR**" - REP1-020), together with the application documents referred to therein.
- 1.2. Two updates arose following our submission of the HFWR:
 - 1.2.1. The publication of a consultation draft of the Northern Gateway Development Framework Supplementary Planning Document ("**Draft SPD**") by Rochdale Borough Council and Bury Council.
 - 1.2.2. Clarification by the Applicant in the RtRR that the justification for the permanent acquisition of those parts of Plots 2/16B and 2/16D ("**the Plots**" - see REP3-004) which are not required for the built form of the Project. The Applicant has confirmed that such parts are not required solely for the purposes of providing biodiversity net gain, and are also proposed to provide environmental mitigation for the impacts of the Project. The relevant parts of the Plots are shown cross-hatched blue on Works Plan 2/5 (see AS-006), and in this submission are referred to as the environmental mitigation areas or "**EMAs**".

The Supplementary Planning Document

- 1.3. The Draft SPD relates to a large employment allocation in the Places for Everyone Joint Development Plan Document which is being actively jointly promoted by both Rochdale Borough Council and Bury Council.
- 1.4. The indicative masterplan for the Draft SPD indicates that all of the land in the ownership of the Hillary Family within the Order limits falls within the "potential developable area"

described by the Draft SPD. That includes the Plots, which amount to an area of approximately 26.5 acres (REP3-008) of developable land.

- 1.5. The Draft SPD follows the adoption of Places for Everyone, which allocates the Plots for Employment Development within allocation JPA1,1. The whole of the allocation (including part of Landscape Character Area LCA26) has been removed from the greenbelt.

Environmental Mitigation

- 1.6. As mentioned above, the Applicant has clarified that the justification for the permanent acquisition of the EMAs is not just to provide BNG. Rather, the RtRR indicates that the EMAs are required i) to provide bat foraging areas to mitigate the loss of habitat arising from construction of the Northern Loop, and ii) to provide additional planting to screen the views of the Northern Loop from the East.
- 1.7. However, Chapter 8 (Biodiversity) of the Environmental Statement ("ES") referred to in RtRR confirms that the Bat Survey Report does not identify any bats within the survey area (REP3-010, 8.10.100), that any loss of foraging habitat would be small in comparison to the number of habitats existing within the area and the scheme will result in a negligible adverse impact (REP3-010, 8.10.105-108), and that there will be a negligible adverse impact in terms of habitat fragmentation (REP3-010, 8.10.111)
- 1.8. In respect of the need to screen the views of the Northern Loop, Chapter 7 (Landscape and Visual) of the ES indicates that whilst the representative viewpoints relevant to the Plots (VP3, VP4, VP5 and VP7) will suffer moderate to adverse effects in the Opening Year of the development, these effects will become not significant by the time that the Design Year is reached (APP-046 – Table 7.11).
- 1.9. Furthermore, the Applicant's environmental mitigation proposals for the EMAs do not in themselves require any land take within the EMAs, as mitigation proposals can be provided elsewhere. Figure 2.3 of the ES (Environmental Masterplan Sheet 2 of 5, APP-057) reveal indicative locations of tree planting, wet woodland, and log and brush piles. We submit that they do not require the Applicant to permanently acquire the entirety of both EMAs.
- 1.10. Finally, the Applicant in its Response describes the acquisition of the EMAs as being "driven by the temporary works areas" and needed to "control and manage the remediation". This suggests that the EMAs are being acquired largely out of convenience, rather than any compelling need. The result is that the Hillary Family is taking on most of the burden of environmental mitigation despite a lack of evidence as to the need for that to be the case.

Confirmation of Funding

- 1.11. The Hillary Family welcomed the Examining Authority's questions regarding the Applicant's confirmation of funding, particularly in the context of the Government's forthcoming Transport Infrastructure Review. Clearly, unless the Applicant and the Examining Authority are both certain that funding will be available to deliver the project within the anticipated timescales, then the Order should not be made.
- 1.12. This is particularly acute in the context of the Hillary Land and its allocation within the Northern Gateway Development Framework. Any uncertainty regarding the delivery of the scheme will inevitably blight the development potential of the Hillary Land.

Conclusions

- 1.13. The Hillary Family submits that a balancing exercise is required between i) the benefits of delivering the employment floorspace as proposed in the SPD allocation, and ii) the mitigation

proposed to be delivered on the EMAs in respect of the environmental impacts on bats and visual receptors. . However, the balance in favour of the latter must be overwhelming to demonstrate a compelling case in the public interest for the acquisition of the full extent of both identified EMAs.

- 1.14. It is the Hillary Family's submission that the need to acquire the EMAs for the purpose of environmental mitigation is not made out, particularly as the environmental screening could be accommodated on the embankment of the permanent works area.

2. **Written Submission of Oral Case – ISH2 / Action Points 31 & 32 (EVI010-002)**

Scheme Evolution

- 2.1. In the Section 47 consultation carried out by the Applicant (APP-043), the EMAs identified for temporary use only, for the purpose of site compounds and soil storage , with no requirement for permanent acquisition for the purposes of mitigation. No requirement for such mitigation was identified in the PEIR (see also APP-043). Instead, a separate field more remote from the Northern Loop was selected for environmental mitigation, with the intention of creating a wildflower meadow. Page 14 of the Section 47 consultation confirmed that the creation of new habitats would be carried out 'with the aim of achieving no overall loss of biodiversity' as a result of the scheme. There was no justification provided for the use of the wildflower meadow for the purposes of mitigating the effects on the bat population nor for use to screen views.

Environmental Mitigation – Site Selection

- 2.2. The Hillary Family considers that the Application materials do not adequately justify the disproportionate burden of environmental mitigation proposed to be located in the north-eastern 'quadrant' of the scheme. This is particularly evident in the lack of environmental mitigation in the NW and SW quadrants. Whilst small parcels of land are proposed for environmental mitigation purposes, there exists an opportunity to allocate additional land here for any required mitigation. The NW quadrant has been allocated for use as the site compound and materials storage area. This land is to be disturbed as a result and, whilst a small area has been allocated to accommodate an attenuation pond and an area of environmental mitigation and tree screening, a large area to the south of Mode Hill Lane (approx. 15.5 acres) remains available for further environmental mitigation on land not allocated for alternative development. The Hillary Family contends that this area, being contiguous to and easily accessible from an existing residential area could be provided for environmental mitigation and could also serve as an area of public amenity for local residents. A greater area than is currently allocated in the SW quadrant could also be utilised for environmental mitigation both to the west and east of Corday Lane. This totals approximately 8 acres on land not allocated for alternative development.
- 2.3. In summary the Hillary Family considers believe the proposed location of the environmental mitigation areas on the Hillary Land to be inequitable, and (per the submissions at CAH1) that a compelling case to acquire the full extent of the Plots has not been made out.

Impact on Bats

- 2.4. Further to the Hillary Family's submissions at CAH1, the Hillary Family note that the Applicant proposes to disturb a significant amount of potential bat roosting and foraging habitat in the clearance of the land in the NE quadrant of the scheme both on land required to construct the Northern Loop but also in clearing land required for temporary site compounds and soil storage, an area of approximately 27 acres.

- 2.5. As above, Chapter 8 (Biodiversity) of the ES confirms (at 8.10.100) that no bat roosts exist within the Order limits and that should roosts be found during construction they will be mitigated by use of bat boxes. The Applicant concludes that the effect on roosting habitat is neutral. At 8.10.106 the Applicant confirms that whilst foraging habitat is lost, it would be small in relation to the overall amount of habitat available in the surrounding area. At 8.10.108 they confirm that the integrity of bat resource is not considered likely to be affected due to the mobility of bats and the availability of alternative foraging habitat in the wider landscape. The Applicant confirm that the effect on foraging habitat is neutral. In regard to habitat fragmentation the Applicant express some concern (at 8.10.109 - 8.10.111 inclusive) that commuting routes in the NE quadrant will be lost by virtue of the loss of just two hedgerows which they intend to replace with new hedgerow planting, though they acknowledge that the new vegetation would take time to mature. They anticipate that construction will take 2-3 years and it would be reasonable to assume that the hedgerows will take 3-5 years to mature, and so bat habitat will be affected for 5-7 years, during which there will be no bat resource other than that found in the wider landscape. The Hillary Family's considers that it would be reasonable to assume that the bat population, being mobile, will seek and find alternative habitat. As and when they do return, all vegetation around the northern loop will have matured and provide suitable roosting, foraging and commuting locations. At 8.10.114 and 8.10.115 the Applicant confirms that the bat species observed are light-tolerant species that can forage in a wide variety of habitats and that light spill would not impact foraging or commuting bats.

Impact on Visual Receptors

- 2.6. The Hillary Family considers that all existing and future users of public rights of way in this area do so in full knowledge of the existence of one of the country's busiest motorway intersections with its associated sights, sounds, air quality and vibration. To access the footpaths adjacent to the Northern Loop requires crossing of the motorways via Pike Bridge, Simon Lane Bridge, Egypt Lane Bridge or a combination of the three. Forty-two lanes of traffic emanate in four different general directions from the central Simister Island, not including the lanes within the island itself. Footpath (ref. 9WHI) runs immediately alongside the M66 southbound, the M66 offslip to Simister Island and the M62E offslip, at road level within 15 metres of the carriageway edge. A length of the M62 with no tree screening for a distance of almost 1 Km between the Egypt Lane and Simon Lane bridges runs parallel with and 300m to the south of Egypt Lane and 400m from the southern boundary of Pike Fold Golf Course.
- 2.7. The impact of the scheme on users of local footpaths must be understood in this context.
- 2.8. The Applicant contends that land within the EMAs is required for planting and screening to mitigate the visual impact of the northern loop. The key receptors are identified as a series of locations in the wider landscape to the NE of the northern loop, together with the users of the footpaths and users of Pike Fold Golf Course. In its response to the HFWR, the Applicant refers specifically to VP3, VP4, VP5 and VP7 (see APP-063) (though elsewhere they also refer to VPs 1-7 inclusive (also APP-063) and VP01 at (REP3-013)).
- 2.9. Appendix 1 to this submission is a Google Earth image showing the receptors and the directional views chosen by the Applicant in views VP1-VP7 in the NE quadrant as follows:
- VP1 – Broom Hill Farm and Higher Barn Farm. These receptors are 2.2Km and 2.4Km respectively from the Northern Loop and directionally only the view from Higher Barn Farm crosses the northern EMA. The receptors are so far away from the Northern Loop that neither the Simister Island interchange nor the Northern Loop are discernible.

- VP2 – Castlebrook Farm. This receptor is 1.6Km from the Northern Loop, and directionally the view does not cross the EMAs. Neither Simister Island nor the Northern Loop location are clearly discernible.
- VP3 - Brickhouse Farm. This receptor is 1.2Km from the Northern Loop and directionally the view does not cross the EMAs. Neither Simister Island nor the Northern Loop location are clearly discernible.
- VP4 - Hesketh Villa, Whittlefold Farm, Whittle Smallholdings. These receptors are 1.70km from the Northern Loop. Neither Simister Island nor the Northern Loop location are clearly discernible. The foreground view of the M62 is the primary eye-catching object. Whilst theoretically this view crosses the southern EMA this will be mitigated by embankment planting on the Northern Loop.
- VP5 - Unsworth Moss Farm. This receptor is 1.1Km from the Northern Loop. Neither Simister Island nor the Northern Loop location are clearly discernible. Whilst theoretically this view crosses the southern EMA this will be mitigated by embankment planting on the Northern Loop.
- VP6 – Footpath 9WHI and Hills Lane – Hills Lane bridge is 800m from the Northern Loop location. Footpath 9WHI is the one which runs alongside the M66 noted earlier, under context, and as it approaches the Northern Loop, the loop will be screened by extensive planting in the area between the loop and the boundary of Pike Fold Golf course. Directionally, views in this area do not cross the EMAs
- VP7 & PM01 – Footpaths 9WHI, 46WHI road users along Egypt Lane and users of Pike Fold golf course. See note above re footpath 9WHI. See notes above under context. Views from these points cross the southern EMA but will be screened by the extensive planting proposed on the Northern Loop embankment, including the hedgerow alongside the maintenance access track. Views from Pike Fold Golf course will be mitigated by the proposed embankment planting. It should be noted that this area is very lightly trafficked by vehicles and pedestrians.

2.10. It is evident from the narrative at ES Chapter 7 (Landscape and Visual) that the primary impacts will be during construction. At opening year/year 1 we query the assertion that there will be adverse effects on any views once a new grass sward has been established – a point acknowledged at 7.10.26 and as shown in the photomontage at REP3-013 ref. 'VIEWPOINT PM01: View looking southwest from Egypt Lane'. The Hillary Family notes that immediate softening takes place once a grass sward is established, and that extensive planting of small whip tree species and small shrubs will take a long time to create the desired level of screening. The Hillary Family also notes that planting on the embankments will create the greatest impact, as with all motorways. The screen planting regimes in other parts of the scheme do not rely on small plants in order to create an impact (as can be seen with the introduction of more mature trees in the replacement planting alongside the M66 southbound around the Pike Fold Gold Course boundary, the screening in the NW and SW quadrants).

2.11. There is an opportunity to increase the size and type of trees to create greatest and quickest screening impact on the Northern Loop embankment to create a more instant impact with the introduction of some evergreen species. The use of the low level, topographically flat EMAs to provide screening is both unnecessary, and carries temporal risk. The introduction of larger species will also serve as mitigation for the loss of bat foraging and commuting routes. Opportunities exist to provide meaningful tall elements of screening outside both of the EMAs but broadly along the line of their eastern edge of the Northern Loop, within the main development area.

2.12. In addition, each of the above viewpoints is located within or adjacent to the JPA1.1 allocation in Places for Everyone, and the whole of the allocation (including part of Landscape Character Area LCA26) has been removed from the greenbelt. Upon completion of the development of the Northern Gateway, none of the views will exist and it is highly likely that some of the receptors themselves will no longer exist.

Attenuation Pond location and Outfall Drain

2.13. Per the HFWR, the Hillary Family consider there is ample scope to locate Pond 1 within the Northern Loop itself, and that further consideration should be given to locating the Pond 1 outfall drain elsewhere. Should it be necessary to connect into the watercourse at the location shown, the outfall drain can to be re-aligned to provide a straight route long the boundary with the golf course, thus reducing the amount of land required. While there may be hydrological benefits for creating a 'meandering' route, there is no compelling requirement for it. The re-siting of the pond and the re-alignment of the outfall drain will reduce the total land from the northern EMA by circa 2-3 acres.

2.14. At ISH2, the Engineering Manager for Jacobs (on behalf of the Applicant) cited a number of reasons for not locating the Pond 1 within the loop, including the potential need for a pumping station to pump the water from the pond to the outfall (and its associated capital cost), the risk of pump failure leading to highway flooding, maintenance costs, running costs and carbon impact. The Hillary Family consider that these reasons indicate a *preference* for the Applicant to locate Pond 1 on land outside of the Northern Loop, rather than project-critical or land-critical requirement. Pumping stations are used regularly in such circumstances and the need to provide one in this instance clearly does not justify a compelling need for the additional land required to locate the pond outside the Northern Loop. The Hillary Family do not consider that the Applicant has evidenced any way in which a pump failure would result in the flooding of the highway (indeed this would appear to literally be a gravity-defying argument, given the height of the highway above surrounding land).

2.15. The Applicant also cited the fact that a 'deep' excavation would be required to install Pond 1 within the Northern Loop, and that this might have geotechnical consequences. Excavation would be required irrespective of location, and without evidence to the contrary the Hillary Family considers to be unlikely that such excavation would be so deep as to undermine the structure of the Northern Loop, given the space available.

Yours faithfully



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Appendix 1 – Sketch of Visual Receptors

Simister Island Views 1-7

Legend

