

M60/M62/M66 Simister Island Interchange

TR010064

7.26 APPLICANT'S RESPONSES TO DEADLINE 4 SUBMISSIONS

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Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

Infrastructure Planning

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(Applications: Prescribed Forms and
Procedure) Regulations 2009**

M60/M62/M66 Simister Island Interchange
Development Consent Order 202[]

APPLICANT'S RESPONSES TO DEADLINE 4 SUBMISSIONS

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Table of Contents

1. Introduction.....	1
2. Applicant's Responses to the Deadline 4 Submissions	2
<i>REP4-029 - Bury Metropolitan Borough Council</i>	2
REP4-029a	2
REP4-029b	2
REP4-029c	3
REP4-029d	4
REP4-029e	4
REP4-029f	6
<i>REP4-030 - Friends of Carrington Moss</i>	6
REP4-030a	6
REP4-030b	7
REP4-030c	8
<i>REP4-031 - Hillary Family.....</i>	9
REP4-031a	9
REP4-031b	10
REP4-031c	10
REP4-031d	11
REP4-031e	11
REP4-031f	12
REP4-031g	13
REP4-031h	14
REP4-031i	14
REP4-031j	17

1. Introduction

- 1.1.1. The Development Consent Order (DCO) application for the M60/M62/M66 Simister Island Interchange (the "Scheme") was submitted by National Highways (the "Applicant") on 2 April 2024 and accepted for Examination on 30 April 2024.
- 1.1.2. This document has been prepared by the Applicant to set out its responses to the Deadline 4 of the Examination published 12 December 2024. This document is submitted at Deadline 5 of the Examination.
- 1.1.3. Below is a summary of the Deadline 4 submissions responded to in Table 2-1 which contains a full schedule of the Applicant's responses to some of the written submissions made at Deadline 4. In total, three submissions have been responded to as follows:
 - Bury Metropolitan Borough Council's any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 [REP4-029]
 - Friends of Carrington Moss's written post hearing submissions including written submissions of oral cases made at Hearings the w/c 25 November 2024 [REP4-030]
 - The Hillary Family's written post hearing submissions including written submissions of oral cases made at Hearings the w/c 25 November 2024 [REP4-031]

2. Applicant's Responses to the Deadline 4 Submissions

2.1.1. Table 2-1 below documents the Applicant's responses to the Deadline 4 Submissions.

Table 2-1 - Applicant's responses to Deadline 4 Submissions

Table 2-1: Applicants Responses to the Deadline 4 Submissions				
Reference	Hearing Action Reference / Other Reference	Action / Topic	Interested Parties Written Submission	Applicant's Response at Deadline 5
REP4-029 - Bury Metropolitan Borough Council				
REP4-029a	Issue Specific Hearing 2 on Environmental Matters (ISH2) Action 8	BMBC to provide further evidence to support response to ExQ1 question DES1.1. to explain why it is satisfied with the design in general. BMBC and Applicant to provide further details on the advice provided by BMBC on the design during pre-application stage and how the design incorporated their comments	<p>Bury Metropolitan Borough Council (BMBC) confirmed in their response to the first round of the Examining Authority's questions [REP3-031] ref DES.1.1 that BMBC has been in regular discussions with the Applicant from March 2021. This regular engagement is recorded in section 2 of the Statement of Common Ground (SoCG) with National Highways [REP2-006]. Following ISH2, the Applicant has discussed prior engagement relating to design with BMBC. In summary, the consideration of design has been limited to landscaping, local highway interfaces, diverted Public Rights of Way and drainage features. Prior to the application being made, the Applicant and BMBC considered if there were any relevant local design codes or principles relevant to the Scheme. None were identified and therefore nothing has been reported in the SoCG. The Applicant notes BMBC's confirmation of this point in their response to the first round of Examining Authority's questions [REP3-031] ref DES.1.2.</p> <p>Design matters of importance to BMBC, specifically detailed landscape and drainage proposals, will be subject to further consultation, as secured by Requirements 5 and 8 in schedule 2 of the draft Development Consent Order [REP3-006].</p> <p>See also the response to Action 53 below.</p>	The Applicant notes the comments and will seek endorsement by Bury Metropolitan Borough Council to the Design Principles Report to be submitted at Deadline 6 of the Examination.
REP4-029b	ISH2 Action 20	Provide further detail to your response to ExQ1 question TTA.1.1 to include comment regarding the predicted increase in traffic on the A576 as detailed in paragraph 4.2.11 of ES Chapter 4 [APP-149]	<p>Only a short length of the A576 Middleton Rd is the responsibility of Bury MBC as Highway Authority. Sections to the east are the responsibility of Rochdale MBC whilst to the west, responsibility lies with Manchester City Council.</p> <p>Traffic increases as a consequence of the Simister Island project on the A576 within Bury would be relatively minor and would not significantly affect the appearance and use of the highway. Bury's preference is for traffic to use main classified roads in preference to smaller less suitable routes.</p> <p>We also note that improvements to the length of road within Bury are also proposed in relation to Places for Everyone (Pfe) Policy JP Allocation 1.2: Simister and Bowlee (Northern Gateway). These would widen the carriageway and roundabout at junction 19 and the A576 on approach from Heywood Old Road to improve its capacity.</p>	The Applicant considers that Bury Metropolitan Borough Council's response on this point adequately addresses the question and therefore the Applicant has no further comments to make on this point.

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REP4-029c	ISH2 Action 24	Provide further detail on the need for future monitoring of air quality. Detail what measures would be required for air quality monitoring during the operational period and how this could be secured in the dDCO.	<p>At ExQ1 (REP3-031) BMBC has previously requested that: A programme of air quality monitoring (for NO₂) should be undertaken once the scheme is operational.</p> <ul style="list-style-type: none"> This would involve a programme of air quality monitoring using diffusion tubes. <p>The reasons for this are:</p> <ul style="list-style-type: none"> Demonstrate that scheme has not impacted the UK's ability to meet the NO₂ Limit Values within the shortest possible time (National Highways already has a legal duty to support the delivery of the Government's national air quality plan and to improve air quality). The monitoring data would benefit both National Highways and Bury Council in demonstrating that the Limit Values and Air Quality Objectives are being met. Provide evidence that the predicted improvements in air quality have been achieved and that the predicted impacts of the scheme were accurate. National Highways is the 'agent of change' in the area, as the main source of nitrogen dioxide pollution is the motorway. Reassure concerned local residents that local air quality has not been significantly impacted, especially at receptors where air quality is predicted to slightly worsen. <p>As National Highways presently carries out air quality monitoring along the Strategic Road Network, BMBC does not consider that extending this diffusion tube monitoring network would be an onerous requirement.</p> <p>Operational air quality monitoring could be secured in the dDCO at Schedule 2, Part 1, 4 (7)(b).</p>	<p>As discussed in detail in the Applicant's response to ISH2 Action 25 [REP4-028] and summarised below:</p> <ol style="list-style-type: none"> National Highways does have a legal requirement to meet limit values where they apply on the Strategic Road Network (SRN). However, limit value compliance modelling and recent monitoring do not show any risk of limit value exceedance on the SRN on or around the Scheme and so no monitoring is required. Monitoring will not provide an answer to the impact of the Scheme but it can help to determine if the impacts are similar to that predicted. Generally monitoring provides a snapshot of what the air pollution levels were at that point in time and space, which would be due to a number of variables, the impact of the Scheme being just one. <p>In addition, as discussed in the Applicant's response to ExQ2 AQ.2.4:</p> <ul style="list-style-type: none"> National Highways has, as part of the latest commission from DfT, been separately asked to assess air quality at the M60/M62/M66 Simister Island Interchange. The findings of the assessment are still draft and awaiting review and approval from both the Joint Air Quality Unit (JAQU) and the DfT prior to publication. However, the draft assessment shows no evidence for the exceedance of the annual mean NO₂ limit value at any properties, gardens or areas of public access within 15m of the edge of the M60 or M62 in 2023 at Simister Island. Section 4 of the Design Manual for Roads and Bridges (DMRB) Air Quality Assessment Methodology (LA 105) set out the requirements for air quality monitoring in the event that mitigation measures are required to address air quality exceedances (i.e. paragraph 4 and the Design and Mitigation section). In respect of the Scheme the assessment concluded that there are no new or worsened exceedances and mitigation measures are not therefore required. Therefore, air quality monitoring is not required following the opening of the Scheme. Outside of the Scheme, if Bury Metropolitan Borough Council identified an exceedance of the annual mean NO₂ limit value on the SRN, then Bury Metropolitan Borough Council should notify National Highways. National Highways would then approach DfT to determine if further assessment is required to ascertain the limit value status for the corresponding section of the SRN. <p>To date none of the work commissioned by DfT, nor the work completed by the Greater Manchester Combined Authority, to assess limit value compliance have identified any exceedance of the limit value in the area covered by the Scheme. As emissions from road vehicles continue to</p>

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				<p>improve over time, the risk of any future exceedance is highly unlikely.</p> <p>For the reasons above, the Applicant does not agree that operational air quality monitoring is required to be secured in the draft Development Consent Order.</p>
REP4-029d	ISH2 Action 26	Identify what policies could be relied upon to support the request to consider local carbon budgets as well as the national budgets.	<p>BMBC cannot identify any policies that would support such a request.</p>	<p>The Applicant notes Bury Metropolitan Borough Council's response to [REP4-029d]. The Applicant notes that Policy JP-S2: Carbon and Energy of the Places for Everyone Joint Development Plan relates to the aim of delivering a carbon neutral Manchester. This policy is noted to be the likely most relevant to carbon aims for the area but does not set out a need for the consideration of local carbon budgets.</p>
REP4-029e	ISH2 Action 27	Provide written submissions on the comments raised by BMBC in respect of the Boswell judgements.	<p>The Applicant and BMBC have agreed the following note which summarises the factual position of the Boswell judgements. The Boswell judgements comprise:</p> <ol style="list-style-type: none"> 1. High Court – R (on the application of Andrew Boswell v The Secretary of State for Transport and National Highways [2023] EWHC 1710, which dismissed Dr Boswell's challenge; 2. Court of Appeal – R (on the application of Andrew Boswell v The Secretary of State for Transport and national Highways 2024 EXCA Civ 145, which upheld the decision of Thornton J in the High Court; and 3. Supreme Court – R (on the application of Boswell v The Secretary of State for Transport and another UKSC 2024/0046, which refused permission for Dr Boswell to appeal the decision of the Court of Appeal. <p>This note identifies the key elements of the Court of Appeal (CoA) judgement which summarised and endorsed the decision of Thornton J in the High Court. The Supreme Court decision served only to confirm that Boswell did not have an arguable point of law and permission to appeal further to the Supreme Court was refused.</p> <p>Paragraph 26 of the CoA judgement records the reasoning offered by the Secretary of State (SoS) for endorsing the use of national targets to assess the environmental impacts of carbon emissions. Specifically, the SoS noted that the impact and effect of carbon emissions on climate change, unlike other EIA topics, is not limited to a specific geographical boundary and that the only statutory budgets are those at a national level. As a result, the SoS was satisfied that an assessment against national budgets was consistent with the National Policy Statement for National Networks (NPSNN) 2015 being the same NPSNN against which the M60 Scheme is being assessed.</p> <p>Paragraph 27 of the CoA judgement cites the Institute of Environmental management and Assessment 2022 guidance for assessing</p>	<p>The Applicant notes Bury Metropolitan Borough Council's response to ISH2 Action 27 [REP4-029] which aligns with the agreed response between the Applicant and Bury Metropolitan Borough Council set out in the Applicant's response to ISH2 Action 27[REP4-028].</p> <p>The Applicant notes the Examining Authority's subsequent question to Bury Metropolitan Borough Council in ExQ2 CC.2.5. Where appropriate at Deadline 6 of the Examination, the Applicant will provide a response to any further response made by Bury Metropolitan Borough Council at Deadline 5 of the Examination.</p>

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			<p>greenhouse gas (GHG) emissions and their significance (IEMA Guidance), in support of the SoS' position, confirming that "there is no defined boundary for assessing the impact of carbon emissions" and GHG emissions are global, not local in their impact.</p> <p>Paragraph 38 of the CoA judgment endorses and quotes from the High Court judgement, affirming that the UK Carbon Budgets are science based targets for the reduction of GHG emissions based on global carbon budgets, are required to achieve the goals of the Paris Agreement (enshrined in UK law in the Climate Change Act 2008) and that the Government has not set national targets on a sector-by-sector basis, such that there is no sectoral target for transport.</p> <p>Paragraph 43 of the CoA judgement directly quotes paragraph 83 of the High Court judgement:</p> <p>"The IEMA guidance may be said to suggest that Dr Boswell's approach is arbitrary, from a scientific perspective at least. This is because it seeks to assess the significance of carbon emissions, which have no geographical limit to their impact, against a national target which has no sectoral limit, by reference to a collection of local, sector based, development (characterised on behalf of Dr Boswell as 'proximal' development). There is no scientific rationale for the selection of a particular collection of local schemes for comparison against a national target. As Counsel for the Secretary of State put it pithily, it does not matter whether the emissions are from a road in Norfolk or in Oxford because their impact is the same and the target against which they are being assessed is a national, not local, target."</p> <p>Paragraph 44 of the CoA judgement refers to paragraph 84 of the High Court judgement which explained that no part of the legislative framework deals with "the acceptability of an effect identified by environmental information. That is a matter of judgment the decision-maker, not a hard-edged point of law". The CoA also cite the decision of Holgate J in R (GOESA Ltd) v Eastleigh Borough Council [2022] EWHC 1221 (Admin) and paragraph 123 which expressly confirmed "on the basis of current policy and law it is permissible for a planning authority to look at the scale of the GHG emissions relative to a national target and to reach a judgement, which may inevitably be of a generalised nature, about the likelihood of the proposal harming the achievement of that target".</p>	

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			<p>Paragraph 48 of the CoA judgment it was noted that "nor is there any challenge to the choice of the national carbon budgets as the appropriate comparator" and therefore the CoA were not expressly considering the appropriateness of the use of national over local comparators.</p> <p>Paragraph 50 of the CoA judgement confirms that "Dr Boswell [did] not challenge the scientific fact, reflected in the IEMA Guidance, that carbon emissions have no geographical boundary, with the consequence that their impact is not confined to the local area but is felt uniformly across the globe". It was therefore the "special character of carbon emissions which led the SoS to conclude that the only meaningful comparator for the cumulative effects of carbon emission from the proposed Scheme was the national carbon budgets".</p> <p>Paragraph 53 of the CoA judgment confirms that "In accordance with the well-known authorities reviewed by the Judge, these were all issues of fact and evaluation for the decision maker, and (as such) they are subject only to the supervisory oversight of the court. In common with the Judge, and like Holgate J in GOESA, I find myself unable to identify any hard- edged provision in the relevant legislation, or any relevant principle of law, which was breached by the Secretary of State in coming to these conclusions."</p>	
REP4-029f	ISH2 Action 53	Consider whether reference to 'hard landscaping' should be included in Requirement 5(3)	<p>Yes. This has been discussed directly with National Highways and it is BMBC's understanding that the Applicant will submit an amended dDCO at Deadline 5 that will include reference to 'hard landscaping' at Requirement 5(3).</p>	In the Applicant's Response to Action Points arising at the CAH1 and ISH2 [REP4-028], the Applicant confirmed that Requirement 5(3) will be updated to refer to hard landscaping in the updated draft Development Consent Order [REP3-006] submitted at Deadline 5 of the Examination.
REP4-030 - Friends of Carrington Moss				
REP4-030a	N/A	Air Pollution Impacts of the Scheme: Particulate Matter PM2.5	<p>We'd like to take this opportunity to thank the Planning Inspectors for taking the time to consider the air pollution impacts of the scheme in some detail. We do, however, remain very concerned about these impacts, on both humans and ecology.</p> <p>Not only is it "generally accepted" that some vehicles are getting cleaner, it is widely recognised (including by the government) that, in relation to PM2.5, there is "no safe threshold below which no adverse effects would be anticipated (1)". Alternative reporting states, "There is no safe amount of a microscopic form of airborne pollution known as PM2.5" (2).</p> <p>Greater Manchester's Clean Air Plan website (3) quotes the Director of Public Health - "We estimate in Greater Manchester that air pollution is</p>	<p>The Applicant confirms the assessment completed for the Scheme in Chapter 5 Air Quality of the Environmental Statement [APP-044] concluded there would be no significant air quality effects. The Applicant's previous response at Deadline 4 in REP3-027f [REP4-027] discusses the response in the context of PM_{2.5} and the new Defra interim guidance for the assessment of the PM_{2.5} Targets which showed there to be no measured annual mean PM_{2.5} concentrations above the new target of 10µg/m³ to be achieved by 2040.</p> <p>With regard to the potential for cumulative air quality impacts of the Scheme with other developments the Applicant undertook a cumulative effects assessment as part of the environmental impact assessment for the Scheme as reported in Chapter 15: Assessment of Cumulative Effects, of the Environmental Statement [APP-054]. Further to ISH2</p>

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			<p>the biggest environmental cause of poor health. Up to 1,200 deaths each year are contributed to by poor air quality". The site also quotes the World Health Organisation - "One third of deaths from stroke, lung cancer and heart disease are due to air pollution". Yet, whilst Southwark Coroner's Court (4) found that traffic related air pollution "made a material contribution" to the death of Ella Adoo-Kissi Deborah (aged 9), the assessment related to the impact of air pollution as a direct consequence of this scheme is inadequate. It is highly unlikely that Ella Adoo-Kissi-Deborah spent "more than one hour" in a particular location, on each occasion that she was breathing in the air pollution that caused her death. To suggest that relevant exposure relates only to particular places where people would spend more than 1 hour is dangerously irresponsible!</p> <p>The DEFRA PM2.5 Target Interim Planning Guidance (5) clearly states that "Applicants and Local Planning Authorities should therefore consider the impact of developments on air quality in all ambient air, whether a monitor is present or not". Given the targets must be achieved by 2040, the advice mentions the cumulative impact of development, recognising that "Whilst contributions from individual developments may be small, cumulatively they can lead to an increase in regional exposure, and so will have public health impacts and affect progress towards the targets". This means that even the (unbelievably) "insignificant" impact of this scheme should be taken into consideration and that appropriate action should be taken "to minimise emissions of PM2.5".</p>	<p>Action 3 [EV10-002] the Applicant is submitting, at Deadline 5, an update to Chapter 15: Assessment of Cumulative Effects, of the Environmental Statement [APP-054] following submission of a scoping opinion in PfE JPA.1.1 site allocation and any other known developments submitted since the original preparation of Chapter 15.</p>
REP4-030b	N/A	Air Pollution Impacts of the Scheme: Particulate Matter PM2.5	<p>In summary, drawing on the evidence and the statements made at the Hearing, our concerns include:</p> <ul style="list-style-type: none"> Given the DEFRA guidance, we do not understand why it is not necessary to monitor the current and future status of air pollution at the heart of the scheme (i.e. not in locations miles away) – nor why PM2.5s do not need to be considered - there are now national targets, which have to be met by 2040. Nor do we understand why there is no need to ensure there are no exceedances (the applicant suggested that they would normally not be doing any monitoring unless there was a need to ensure there were no exceedances – 23:25). The excuses given for not using Diffusion tubes (they are apparently labour-intensive) or automated monitoring stations (they are considered to be expensive, despite the overall cost of the scheme) and the other excuses given for not monitoring (it would be too 	<p>The Applicant refers to the response above in relation to Defra guidance on PM_{2.5}. It should also be noted that Defra are in charge of the PM_{2.5} monitoring network that will be used to assess compliance against the Targets.</p> <p>In the context of monitoring in general, as discussed in detail in the Applicant's response to ISH2 Action 25 [REP4-028] and concluded below:</p> <ol style="list-style-type: none"> National Highways does have a legal requirement to meet limit values where they apply on the Strategic Road Network. Limit value compliance modelling and recent monitoring do not show any risk of limit value exceedance on the Strategic Road Network on or around the Scheme and so no monitoring is required. Monitoring will not provide an answer to the impact of the Scheme, it can help to determine if the impacts are similar to what was predicted. Generally monitoring provides a snapshot of what the air pollution levels were at that point in

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			<p>much work to analyse the outcome of any air pollution statistics because there are so many factors to take into account to determine whether air pollution increases are as a direct result of the implementation of the scheme, for example) – air pollution is a killer, we do not want or need excuses, we want appropriate monitoring to be put in place in advance of this scheme being approved so there is a clear understanding of the current and future impact on the health of people and ecology.</p> <ul style="list-style-type: none"> The evidence does not relate to the air pollution in the direct vicinity of the scheme - whilst attendees insisted that air quality in Greater Manchester is improving, it is clear that there are still issues related to the strategic road network (6), with exceedances recorded “around the ring road” (M60). We strongly believe that, if the baselining and the monitoring were to be recorded on the site of the scheme (rather than elsewhere), it would not only demonstrate that this issue was being taken seriously but would also provide a more accurate picture of the current status of air pollution and the potential future impact of the scheme. 	<p>time and space, which would be due to a number of variables, the impact of the Scheme being just one.</p> <p>When monitoring is required is also discussed in the Applicant's response to the Examining Authority's Second Written Questions [PD-013], AQ.2.4.</p> <p>To explain the context for the comment on diffusion tubes being “labour intensive” during ISH2 was in the context of automatic monitoring (which could be considered as less ‘labour intensive’ once operational), it is not the reason that monitoring is not proposed.</p> <p>The air quality monitoring in direct vicinity of the Scheme shows no exceedances in 2023: Examination of the monitored data referred to in Bury Metropolitan Borough Council's response to AQ.1.2 (Appendix 3 2023 Air Quality Annual Status Report [REP3-034], which is available at https://cleanairgm.com/data-hub/monitoring-reports) for Greater Manchester shows a definite downward trend (which is expected and in line with trends elsewhere in the UK) and shows that many locations, including those adjacent to the Scheme, are now not in exceedance. The sites closest to the Scheme and Affected Road Network (ARN) are Bury 20 (BU20, Droughts Lane, the end near to Simister Island), Bury 19 (BU19, Balmoral Avenue, between junctions 17 and 18) and Bury 4 (BU04, Hardmans Road, the end near junction 17), which have not exceeded since 2019. The annual mean NO₂ concentrations in 2023 were 27.6µg/m³, 33.5µg/m³ and 29.1µg/m³ at the BU20, BU19 and BU4 sites respectively, which are all less than 90% of the NO₂ 40µg/m³ limit value. The locations of these sites are shown on Figure 5.3 Air Quality Baseline Conditions of the Environmental Statement Figures [APP-058], though the location of site BU20 is not shown (as it was not used in verification), but BU20 is next to DT15 which is shown on the figure. Given this recent monitoring data, and the general downward trend, in the vicinity of the Scheme and on the Affected Road Network (ARN) network it is highly unlikely that there would be exceedances of the limit values by the opening year.</p>
REP4-030c	N/A	Traffic Assessment, Air Pollution Effects, Cumulative Impact and Monitoring	<p>It is not credible that:</p> <ul style="list-style-type: none"> there will be reduced congestion and air pollution, despite considerable increases in traffic, including additional HGVs and other motor vehicles caused by the huge levels of development proposed in Places for Everyone when traffic is diverted onto local roads (during the construction period), it will not cause significantly increased air pollution on those roads (given the current traffic numbers are circa 90,000 vehicles per day, including HGVs) 	<p>The air quality assessment is modelled based on road traffic data as discussed in the Applicant's response to ISH2 Action 25 [REP4-028]. The response also explains that there are no significant effects and that the modelling is pessimistic (i.e. an over-prediction). It then goes on to discuss more recent monitoring data to that used for the baseline in the assessment, explaining that in the direct vicinity of Scheme there have been no exceedances since 2019. Due to the existing monitoring in the vicinity of the Scheme showing no exceedance, and the Scheme in general not predicted to create new exceedances or worsen existing ones, there is therefore no requirement for the Applicant to undertake</p>

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			<ul style="list-style-type: none"> there are no significant implications for air pollution because of this scheme there is no need to monitor air pollution levels at the site of the scheme during construction and/or operation the cumulative impact of this scheme on local and regional air pollution will not be significant traffic data is an appropriate proxy for air pollution data (HGVs are not yet "getting cleaner"). 	<p>further monitoring.</p> <p>The change in road traffic during construction on the local roads is too small (i.e. it does not meet the affected road network criteria explained in Chapter 5 Air Quality of the Environmental Statement [APP-044]) to affect air quality. Whilst c. 90,000 vehicles per day use the Scheme area, the vast majority of these vehicles will continue to use the Strategic Road Network during the construction period rather than diverting onto the local road network. The Transport Assessment [APP-149] (in particular Appendix D) presents details of the flow changes forecast due to the construction phases.</p> <p>With regard to the potential for cumulative air quality impacts of the Scheme with development proposed as part of Places for Everyone (PfE), the Applicant, in accordance with ISH2 Action 3 [EV10-002], is submitting, at Deadline 5, an update to Chapter 15: that assessment following submission of a scoping opinion in PfE JPA.1.1 site allocation and any other known developments submitted since the original preparation of Chapter 15. In accordance with ISH2 Action 3 [REP4-028] the Applicant has provided an update to the cumulative assessment following submission of a scoping opinion in PfE JPA.1.1 site allocation and any other known developments at Deadline 5 of the Examination.</p>
REP4-031 - Hillary Family				
REP4-031a	Written Submission of Oral Case – CAH1	Updates following [Rep1-040]	<p>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.</p> <p>1.2 Two updates arose following our submission of the HFWR:</p> <p>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.</p> <p>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 crosshatched blue on Works Plan 2/5 (see AS-006), and in this submission are referred to as the environmental mitigation areas or "EMAs"</p>	<p>The Applicant notes the reference to the Hillary's Family's Relevant Representation [REP1-040] and the Applicant's subsequent response to this in the Applicant's responses to Relevant Representations [REP1-020] reference RR-032.</p> <p>The Applicant also acknowledges the Hillary Family's knowledge of the publication of the Consultative Draft Northern Gateway Development Framework Supplementary Planning Document (SPD).</p> <p>With reference to the works that fall within Plots 2/16b and 2/16d, the Applicant would like to signpost to the Statement of Reasons [APP-018] which details the works proposed in each plot of land and whether these are permanent, temporary and or introduce new rights on the land. The Statement of Reasons [APP-018] should be viewed together with the General Arrangement Plans [App-005], Land Plans [REP3-004], Work Plans [AS-006] and Sheet 3 of 5 of the Environmental Masterplan of the Chapter 2 Figures of the Environmental Statement [AA-057].</p> <p>The Applicant notes the Hillary Family's comment in relation to Biodiversity Net Gain (BNG) and environmental mitigation. The Applicant has provided a detailed response to ISH2 Action 30 [REP4-028] clarifying that there is no statutory requirement for the Scheme to deliver BNG, and</p>

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				that the environmental mitigation shown on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057] is related to the avoidance of significant adverse effects to environmental receptors and relates to the assessment presented within the chapters of the Environmental Statement.
REP4-031b	Written Submission of Oral Case – CAH1	Northern Gateway Development Framework Supplementary Planning Document	<p>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.</p> <p>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.</p> <p>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</p>	The Applicant notes the Hillary Family's response. The Applicant further notes that the Examining Authority in their Second Written Questions and request for further information ExQ2 [PD-013] has at ExQ2 CA.2.4 sought clarification on the relationship of the Consultative Draft Northern Gateway Development Framework SPD and Relationship with Hillary Family Land. The Applicant has provided a response to ExQ2 CA.2.4 within the Applicant's Responses to the Examining Authority's Second Written Questions (TR010064/APP/7.27) at Deadline 5 of the Examination.
REP4-031c	Written Submission of Oral Case – CAH1	Environmental Mitigation	<p>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.</p> <p>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)</p> <p>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).</p> <p>1.9. Furthermore, the Applicant's environmental mitigation proposals for the EMAs do not in themselves require any land take within the EMAs,</p>	<p>The Applicant refers to its response to ISH2 Action 30 [REP4-028] in relation to 1.6 of the Interested Party's written submission where the Applicant sets out the requirements for the environmental mitigation areas to avoid significant adverse effects on environmental receptors including, bats, landscape integration of attenuation pond 1, impacts to the Local Character Area, visual impacts to residents, walkers, and visitors to Pike Fold Golf Course, landscape integration of the Northern Loop and habitat loss across the Scheme.</p> <p>Please also see the Applicant's response to ExQ BIO.2.1 provided at Deadline 5 of the Examination in relation to 1.7 of the Interested Party's written submission.</p> <p>To clarify, the Applicant confirms that paragraph 8.10.100 of Chapter 8 Biodiversity of the Environmental Statement [REP3-010] is specifically referring to bat roosts (i.e. the resting place of a bat) as opposed to stating there are no bats (i.e. the actual animal) within the survey area.</p> <p>Paragraphs 8.10.105 to 108, and paragraph 8.10.111 of Chapter 8 Biodiversity of the Environmental Statement [REP3-010], are the Applicant's assessment of residual impacts, i.e. impacts from the Scheme with the implementation of mitigation which includes the provision of habitats in accordance with Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057].</p>

Table 2-1: Applicants Responses to the Deadline 4 Submissions

Reference	Hearing Action Reference / Other Reference	Action / Topic	Interested Parties Written Submission	Applicant's Response at Deadline 5
			<p>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 brash piles. We submit that they do not require the Applicant to permanently acquire the entirety of both EMAs.</p> <p>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.</p>	<p>Please refer to the Applicant's response to ISH2 Action 30 [REP4-028] in relation to 1.8 of the Interested Party's written submission where the Applicant describes the requirements for visual screening during operation. The Applicant confirms that receptors at representative viewpoints VP3, VP5 and VP7 would experience moderate adverse (significant) effects due to views of the Northern Loop and Simister Pike Fold Bridge, and views of moving traffic on the elevated structures in the Scheme opening year. With mitigation planting on the Simister Pike Fold Bridge embankments and Northern Loop the effects would reduce to slight adverse (not significant) by year 15 as reported in Chapter 7 Landscape and Visual of the Environmental Statement [APP-046]. A slight adverse (not significant) effect has been assessed at VP4 during both operation year 1 and year 15.</p> <p>Please refer to the Applicant's response to ISH2 Action 30 [REP4-028] in relation to 1.9 of the Interested Party's written submission which details which essential mitigation is proposed within the environmental mitigation areas.</p> <p>Please refer to the Applicant's response to ISH2 Action 30 [REP4-028] in relation to 1.10 of the Interested Party's written submission which details which essential mitigation is proposed within the environmental mitigation areas. The ability to control and manage the remediation of land required for temporary works will enable the Applicant to ensure the optimum conditions for establishment of this mitigation planting and hence contribute to the likely success of the mitigation planting. In addition, by using these temporary works areas for essential environmental mitigation, the overall land take for the Scheme is reduced compared to siting environmental mitigation outside of these areas.</p>
REP4-031d	Written Submission of Oral Case – CAH1	Confirmation of Funding	<p>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.</p> <p>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.</p>	<p>The Applicant notes the Hillary Family's response. The Applicant has provided a response in the Applicant's Responses to ExA's Second Written Questions (TR010064/APP/7.27) to CA.2.1 in relation to the funding available for the Scheme.</p> <p>The Applicant confirms that the position remains as in their response to ExQ1 question CA.1.12 [REP3-023] and as discussed at the CAH1 [EV0-001]. The Applicant understands that the outcome of the review is expected in Spring 2025 and that, whilst the review is ongoing, the commitment to deliver the Scheme remains in place and that this should not be a barrier to granting development consent.</p>
REP4-031e	Written Submission of Oral Case –	Conclusions	<p>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</p>	<p>The Applicant notes the Hillary Family's comments regarding the relationship between the Consultative Draft Northern Gateway Development Framework Supplementary Planning Document (SPD) and</p>

Table 2-1: Applicants Responses to the Deadline 4 Submissions

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	CAH1		<p>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.</p> <p>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.</p>	<p>Hillary Family and. The Applicant notes the Examining Authority's ExQ2 CA.2.4 seeks to clarify this. The Applicant has provided a detailed response to ExQ2 CA.2.4 within the Applicant's Responses to the Examining Authority's Second Written Questions (TR010064/APP/7.27) at Deadline 5 of the Examination which has been prepared in liaison with Bury Metropolitan Borough Council. The SPD has sought to accommodate the Scheme and exclude the land required for it from the potential developable area, however there are some areas of the Order limits which do currently fall into the indicated potential developable area. At this early stage of the draft SPD, there is no indication that the land required for the Scheme would compromise the delivery of employment uses.</p> <p>The Applicant notes the Hillary Family's comment in relation to the purpose of the environmental mitigation. The Applicant has provided a detailed response to ISH2 Action 30 [REP4-028] relating to providing evidence detailing the reasons why the location and scale of the environmental mitigation to the land to the north-east of M60 Junction 18 is required.</p> <p>The Applicant notes the Hillary Family's position that the environmental screening could be accommodated on the embankment of the permanent works area. The Applicant confirms that mitigation for visual screening is located on the Northern Loop embankment and on the Simister Pike Fold Bridge embankment close to the source of the impact as this most effectively mitigates visual impacts from representative viewpoints VP3, VP5 and VP7. The Applicant has provided a detailed explanation of the Scheme's impact on visual receptors on and in the vicinity of the Hillary's and as set out in REP4-031j].</p>
REP4-031f	<p>Written Submission of Oral Case</p> <p>ISH2 Action 30 and ISH2 Action 31</p>	Scheme Evolution	<p>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.</p>	<p>The Applicant confirms the design of any scheme, and the associated mitigation is an iterative process. The design of this Scheme has been developed over a period of time and has been adapted to take into account new baseline information and feedback from consultees. The Preliminary Environmental Information Report (PEIR) (Annex L of the Consultation Report Annexes) [APP-033] was produced to support the statutory consultation for the proposals based on the level of design and environmental impacts of the Scheme known at that time to allow consultees to make informed responses.</p> <p>The mitigation area referred to by the Interested Party and proposed at statutory consultation e (as presented in the Preliminary Environmental Information Report (Annex L of the Consultation Report Annexes) [APP-033]) was moved following feedback by the Interested Party. The changes made to the Scheme design following statutory consultation were included within the Schedule of Changes which can be found in</p>

Table 2-1: Applicants Responses to the Deadline 4 Submissions

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				<p>Annex P section P4 of the Targeted Non-Statutory Consultation Map Book 2 of the Consultation Report Annexes [APP-037]. The specific change that relates to the environmental mitigation area is reference LU-10 of Annex P of the Consultation Report Annexes [APP-037].</p> <p>The environmental mitigation areas shown in the design which forms the application for Development Consent for the north-east quadrant, on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057], are more advantageous than those proposed at statutory consultation because:</p> <ul style="list-style-type: none"> - The overall land take for the Scheme is reduced by using land required for temporary works for permanent mitigation. - By using land acquired for temporary works the Applicant has the ability to control and manage the remediation of the land to ensure the optimum conditions for establishment of mitigation planting. - The location is optional for mitigating impacts for bats and can be co-located with mitigation for impacts to the Local Character Area and planting of visual screening for sensitive receptors, maximising the value of new habitats by locating them in one continuous space.
<p>REP4-031g</p>	<p>Written Submission of Oral Case</p> <p>ISH2 Action 30 and ISH2 Action 31</p>	<p>Environmental Mitigation – Site Selection</p>	<p>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.</p> <p>2.3. In summary the Hillary Family considers believe the proposed</p>	<p>The Applicant's response to ISH2 Action 30 [REP4-028] explains that some of the environmental mitigation is site-specific and needs to be delivered within the north-east quadrant to be effective, including mitigation for bats, for integration of attenuation pond 1, to mitigate impacts to the Landscape Character Area, to mitigate visual impacts to residents, walkers on footpaths and visitors to Pike Fold Golf Course (VP3, VP5 and VP7), and to integrate the Northern Loop into the landscape.</p> <p>The Applicant's response [REP4-028] also explains that, by siting areas of non-site-specific habitat creation, to ensure no overall loss of biodiversity, in and around mitigation for specific receptors/impacts (bats, drainage, visual impacts), the Applicant maximises the value of these habitats as it is an established ecological principle (Making Space for Nature, Lawton 2010) that habitats which are bigger are more valuable compared to multiple smaller fragments of an equivalent total size.</p> <p>For the reasons outlined above, the Applicant considers that the design presented on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057] is the optimum solution for environmental mitigation.</p>

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			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.	
REP4-031h	Written Submission of Oral Case ISH2 Action 30 and ISH2 Action 31	Impact on Bats	<p>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.</p> <p>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.</p>	<p>The Applicant refers to its response to ISH2 Action 30 [REP4-028] and to its response to ExQ2 BIO.2.1 provided at Deadline 5 of the Examination in relation to 2.4 of the Interested Parties written submission.</p> <p>Page 5 of 7 of Figure 8.3.1 within Appendix 8.3 Bat Survey Report [APP-091] shows the distribution of trees with bat roost potential within the north-west quadrant. A single tree with low bat roost potential (BT2) is located along Egypt Lane.</p> <p>Paragraph 8.10.105 of Chapter 8 Biodiversity of the Environmental Statement [REP3-010] summarises the loss of foraging habitat across the entire Order Limits, a total area of 31.13ha (and 0.88km of hedgerow). Of this, 9.97ha of bat foraging habitat and 378m of hedgerow are located within the land owned by the Hillary family.</p> <p>The assessment presented in paragraph 8.10.100 to 8.10.116 of Chapter 8 Biodiversity of the Environmental Statement [REP3-010] is an assessment of residual impacts, i.e. impacts from the Scheme with the implementation of mitigation which includes the provision of habitats in accordance with Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057].</p>
REP4-031i	Written Submission of Oral Case ISH2 Action 30 and ISH2 Action 31	Impact on Visual Receptors	<ul style="list-style-type: none"> • 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 	<p>The Applicant refers to its response to ISH2 Action 30 [REP4-028] with regard to the identification of the study area and the extent of representative viewpoints; and for the assessment of visual effects and the representative viewpoints where significant adverse visual effects arise.</p> <p>The representative viewpoints selected for inclusion in the assessment and for illustration of the visual effects have been chosen to cover the</p>

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			<p>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.</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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).</p> <p>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</p>	<p>likely significant effects, which is in accordance with the Design Manual for Roads and Bridges (DMRB) LA 107 - Landscape and visual effects (the document contains the requirements for assessing and reporting the landscape and visual effects of highway projects) and best practice set out in the Guideline for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) by the Landscape Institute.</p> <p>Appendix 7.4 Schedule of Visual Effects of the Environmental Statement Appendices [REP4-020] details the assessment of visual effects. Photographs from each representative viewpoint are included in Figure 7.6 Representative Viewpoints 1-10 of the Environmental Statement Figures [APP-063].</p> <p>During construction a temporary moderate adverse effect has been assessed for VP3 and VP5 and temporary large adverse effect for VP7. During operation year 1 a moderate adverse effect is assessed for VP3, VP5 and VP7 – more details are given below. A slight adverse effect during construction, operation year 1 and year 15 has been assessed for VP2, VP4 and VP6 which is not significant. Therefore, no visual screening is required to mitigate visual effects from these locations.</p> <p>VP3 - Figure 7.6 Representative Viewpoints 1-10 of the Environmental Statement Figures [APP-063] shows open views from VP3 towards the Scheme. VP3 is located approximately 900m from the Northern Loop. Due to the openness of views of the Northern Loop a moderate adverse effect has been assessed during construction and operation year 1.</p> <p>VP5 - Figure 7.6 Representative Viewpoints 1-10 of the Environmental Statement Figures; [APP-063] shows partial views from VP5 towards the Scheme. VP5 is located approximately 870m from the Northern Loop. Due to the proximity of the Scheme and visibility of the Northern Loop a moderate adverse effect has been assessed during construction and operation year 1.</p> <p>VP7 - Figure 7.6 Representative Viewpoints 1-10 of the Environmental Statement Figures [APP-063] shows open views from VP7 towards the Scheme. VP7 is approximately 400m from the Northern Loop. Due to the proximity of the Scheme and visibility of the Northern Loop a large adverse effect has been assessed during construction and moderate adverse effect during operation year 1.</p> <p>Mitigation planting is proposed on the Simister Pike Fold Bridge embankment and Northern Loop embankment to deliver the required visual screening to mitigate significant adverse effects assessed at VP3, VP5 and VP7. By Operation year 15 effects would reduce to slight adverse due to the screening from mitigation planting. Mitigation planting on Simister Pike Fold Bridge embankment and Northern Loop</p>

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			<p>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.</p> <p>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</p>	<p>embankment is shown on Figure 7.7 Photomontage of the Environmental Statement Figures [REP3-013].</p> <p>Mitigation planting within Plot 2/16d as shown on the Land Plans [REP3-004], identified as wet woodland and native hedgerow on Sheet 3 of Figure 2.3, the Environmental Masterplan of the Environmental Statement Figures [APP-057] provides three environmental functions - visual screening, landscape integration and nature conservation and biodiversity. Visual screening is required to help screen the pond and its associated fencing, as well as provide layering of planting to visually integrate the planting along the Northern Loop and Simister Pike Fold Bridge embankments as illustrated on Figure 7.7 Photomontage of the Environmental Statement Figures [REP3-013]. The planting within Plot 2/16d also provides visual amenity for users of Egypt Lane and footpaths 9WHI and 46WHI.</p> <p>The environmental design for the Scheme shown on Figure 2.3, the Environmental Masterplan of the Environmental Statement Figures [APP-057], has been developed to fit into the landscape context. The Scheme has been designed in accordance with DMRB LD 117 Landscape Design (Highways England, 2020a) which considers the landscape in more detail in relation to good design of roads. DMRB LD 117 sets out the approach to good road design in Section 3, Design Objectives.</p> <p>The Scheme-specific design principles in paragraph 2.2.9 of Chapter 2, The Scheme of the Environmental Statement [APP-041] have been identified in relation to the Design Objectives and incorporated into the Scheme design, to (inter alia):</p> <ul style="list-style-type: none"> • Retain as much existing vegetation as feasible, including where it provides important visual screening or forms part of the landscape structure. Where vegetation loss is unavoidable, and where practicable, replace and extend areas of planting into the landscape to provide visual screening. • Maximise biodiversity value throughout the Scheme and improve wildlife connectivity by incorporating linear habitats such as hedgerows and lines of trees, linking with retained woodland and hedgerows where possible. • Reinforce the landscape character and pattern, and biodiversity, by planting native tree and hedge species typically found within the surrounding local landscape. • Aim to limit the overall area of the Scheme as much as possible, including when considering the design and location of ponds. • Integrate earthworks sensitively into the surrounding landscape and plan appropriate planting around the features. <p>For nature conservation and biodiversity requirements, please refer to</p>

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				<p>the Applicant's response to ISH2 Action 30 [REP4-028] and to the Applicant's response to ExQ2 BIO.2.1 submitted at Deadline 5 of the Examination.</p> <p>The Applicant confirms Paragraph 7.10.26 of Chapter 7 Landscape and Visual of the Environmental Statement [REP4-010] refers to the assessed effects on LCA 26: Prettywood, Pilsworth and Unsworth Moss during operation year 1 which are assessed in detail in Appendix 7.3 Schedule of Landscape and Townscape Effects of the Environmental Statement Appendices [APP-084].</p> <p>The assessment notes that only a small part of the LCA would be directly affected due to the Northern Loop, the Simister Pike Fold Viaduct, the Simister Pike Fold Bridge, and Pond 1 and Pond 7, including moving traffic and other highway infrastructure, such as lighting columns and signage which would impact landscape pattern, alter woodland cover and vegetation cover characteristic of the M60 corridor and erode the rural landscape character. Landscape proposals would seek to provide landscape integration of the Scheme.</p> <p>Reinstatement of the grass sward would soften the appearance of the Scheme. However, without mitigation planting of broadleaf woodland and shrubs with intermittent trees on embankments, significant visual effects would remain for VP3, VP5 and VP7 at year 1.</p> <p>The Applicant will consider opportunities to provide quicker screening of the Scheme on the embankment where this is considered effective. Appendix N: Outline Landscape & Ecology Management Plan [APP-141], states that 'Tree and shrub plant stock will predominantly be supplied as transplants with a percentage of feathered trees used in most planting mixes. Selected standard trees (10-12cm girth) would be considered for tall screen planting; standard trees (8-10cm girth) for individual tree planting; and feathered trees in intermittent trees planting.'</p> <p>The baseline for the Scheme visual assessment is described for March 2021 and December 2022 (winter surveys) and September 2021 and October 2022 (summer surveys) in paragraph 7.4.10, Chapter 7 Landscape and Visual of the Environmental Statement [REP4-010]. Northern Gateway site (JPA 1.1) Planning Application is currently at the stage of requesting an Environmental Impact Assessment (EIA) scoping opinion and no further detail is available at this time.</p>
REP4-031j	Written Submission of Oral Case ISH2 Action 30	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	The Applicant would refer to the response provided to Action CAH1-2, of the Applicant's response to Action Points from CAH1 and ISH2 [REP4-028].

Table 2-1: Applicants Responses to the Deadline 4 Submissions

Reference	Hearing Action Reference / Other Reference	Action / Topic	Interested Parties Written Submission	Applicant's Response at Deadline 5
	and ISH2 Action 31		<p>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.</p> <p>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).</p> <p>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.</p>	