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Dear Sir/Madam,

PLANNING ACT 2008 APPLICATION FOR THE M60/M62/M66 SIMISTER ISLAND DEVELOPMENT CONSENT ORDER

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to:
 - The report dated 9 June 2025 of the Examining Authority ("ExA") comprised of Sarah Holmes BEng (Hons) CEng MICE FIHT and Andrew Robinson BA (Hons) Dip TP MRTPI, who conducted an Examination into the application made by National Highways ("the Applicant") for the M60/M62/M66 Development Consent Order ("the Application") under section 37 of the Planning Act 2008 as amended ("the 2008 Act");
 - The responses to the further consultations undertaken by the Secretary of State following the close of the Examination; and
 - Late representations received by the Secretary of State following the close of the Examination.
2. Published alongside this letter on the Planning Inspectorate's website is a copy of the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the Report"). All "ER" references are to the specified paragraph in the Report. Paragraph numbers in the Report are quoted in the form "ER XX.XX.XX" as appropriate. References to 'requirements' are to those in Schedule 2 to the Order recommended by the ExA at Appendix C to the Report.
3. This decision was delegated by the Secretary of State to the Minister of State, Lord Hendy of Richmond Hill. While this decision has not been taken by the

Secretary of State, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Minister of State acting on behalf of the Secretary of State.

THE APPLICATION

4. The Application was accepted for Examination on 30 April 2024. The Examination began on 11 September 2024 and was completed on 11 March 2024. The Examination was conducted based on written and oral submissions submitted to the ExA and by a series of hearings. The ExA also undertook unaccompanied site inspections [ER 1.4.11].
5. The location of the Application lies within the administrative area of Bury Metropolitan Borough Council ("BMBC") [ER 1.3.1].
6. The elements comprising the scheme (collectively referred to as "the Proposed Development") are:
 - Widening of M60 J17 to J18 from four lanes to five lanes in both directions with a new hard shoulder (work numbers 02 and 03).
 - Construction of a new loop road (the Northern Loop), including a new viaduct (Pike Fold Viaduct) to provide a new free-flow link from the M60 eastbound to the M60 southbound (work number 05).
 - Widening of the M66 southbound through J18 from two lanes to four lanes (work number 22).
 - Widening of the existing M60 northbound to M60 westbound free flow link road from one lane to two lanes (work number 17).
 - Realignment of the M66 southbound slip road to M60 J18 to accommodate the Northern Loop, including a new overbridge (Pike Fold Bridge) where the slip road crosses the Northern Loop and realignment of the left turn lane to the M62 eastbound (work number 39).
 - Realignment of the existing M62 westbound to M60 southbound free flow link (work number 23).
 - Renewal of signs and signals, including new signs and street lighting at M60 J18 and its approaches, renewed traffic signals at the M60 J18 roundabout, and installation of gantries on the M66 southbound side and between M60 J17 to J18 (work numbers 02, 03, 22, 25 and 30).
 - Construction of associated drainage works including new ponds to accommodate surface water run-off from the highway and improve water quality work numbers 13, 21, 27, 37 and 43) [ER 1.3.6].
7. The Secretary of State notes that there were no changes to the Application during the examination [ER 1.4.4].

SUMMARY OF EXA'S RECOMMENDATION

8. The principal issues considered during the Examination on which the ExA reached conclusions on the case for development consent are set out in the Report under the following broad headings:
 - The Need Case
 - Alternatives
 - Air Quality
 - Biodiversity
 - Climate
 - Design
 - Geology and Soils
 - Green Belt
 - Historic Environment
 - Landscape and Visual Impacts
 - Material Assets and Waste
 - Noise and Vibration
 - Population and Human Health
 - Road Drainage and Water Environment
 - Traffic, Transport and Access
 - Combined and Cumulative Effects
 - Habitats Regulations Assessment
 - Land Rights and Related Matters
 - Draft Development Consent Order and Related Matters.
9. For the reasons set out in the Report, the ExA recommended that the Secretary of State should make an Order granting development consent for the Proposed Development in the form recommended at Appendix C to their Report [ER 8.2.1]

SUMMARY OF SECRETARY OF STATE'S DECISION

10. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in this Application. The letter is the statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and regulation 31(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations").
11. The Secretary of State has also had regard to the environmental information associated with this Proposed Development as defined in regulation 3(1) of the 2017 Regulations. In making the decision, the Secretary of State has complied

with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

SECRETARY OF STATE'S CONSIDERATIONS

12. The Secretary of State's consideration of the Report, responses to her consultation of 27 June 2025, representations received after the close of Examination and all other material considerations are set out in the following paragraphs. Where consultation responses and late representations are not otherwise mentioned in this letter, it is the Secretary of State's view that these representations do not raise any new issues that were not considered by the ExA and do not give rise to an alternative conclusion or decision on the Order.
13. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations as set out in the Report and the reasons given for the Secretary of State's decision are those given by the ExA in support of the conclusions and recommendations.

Preliminary Matters

14. The Secretary of State agrees with the ExA that the Proposed Development is a Nationally Significant Infrastructure Project in accordance with section 14(1)(h) and section 22(1)(b), (3) and (4) of the 2008 Act [ER 1.1.3]. She is also content that section 104 of the 2008 Act has effect, which means the Secretary of State must determine the Application with regard to any relevant National Policy Statement, any Local Impact Report ("LIR") received, any matters prescribed in relation to development of the description to which the Application relates, and any other matters the Secretary of State considers to be both important and relevant to the decision [ER 2.1.6].
15. For the avoidance of doubt, the Secretary of State has had regard to and agrees with the ExA's assessment of the relevant legislation and the national policy statements identified in ER 2.1.1 - 2.2.3, and the other important and relevant Government policies and strategies identified and taken into account by the ExA within Chapter 2 of the Report. The Secretary of State has also had regard to the LIR prepared by BMBC [ER 2.2.1].
16. The Secretary of State notes that the Application was accepted for Examination prior to the designation of the revised National Policy Statement for National Networks ("NPSNN") in May 2024. The Secretary of State agrees with the ExA and is satisfied that the 2015 NPSNN continues to have effect for this Application [ER 2.1.12]. Nonetheless, as recognised in paragraph 1.17 of the revised NPSNN, any National Policy Statement which is designated but does not have effect is potentially capable of being important and relevant in the decision-making process. Being mindful of this and of the timing between this Application and the transition period of the NPSNNs, the Secretary of State has also taken relevant account of the revised NPSNN designated in May 2024. However, within this letter, all references are to the 2015 NPSNN unless clearly stated otherwise.
17. The Secretary of State has considered the environmental information associated with this Proposed Development as defined in regulation 3(1) of the 2017 Regulations. Having considered the Applicant's Environmental Statement ("ES")

and further environmental information provided, the Secretary of State considers that this information will be sufficient to enable her to reach the conclusions drawn in this letter in compliance with the requirements of the 2017 Regulations. Furthermore, as the Scoping Report did not identify any likely significant effects on another European Economic Area member state, the Secretary of State is satisfied that transboundary effects do not need to be considered further with regard to the ES [ER 2.5.1 - 2.5.3].

Agreed Matters

18. The Secretary of State has carefully considered the matters listed immediately below. Based on the ExA's report, its findings, conclusions and all relevant information submitted either as part of the Application or during the Examination or thereafter, she agrees with the ExA's conclusions and recommended weighting for each listed matter. Her agreement in relation to these matters includes the interpretation and application of the policy tests made by the ExA, particularly in relation to the NPSNN and NPPF.
 - Alternatives – neutral weight [ER 5.3.12]
 - Geology and Soils – a little negative weight [ER 3.8.27]
 - Historic Environment – a little negative weight [ER 3.10.44]
 - Material Assets and Waste – neutral weight [ER 3.12.25]
 - Combined and Cumulative Effects [ER 3.17.22]
19. Therefore, in the planning balance, the Secretary of State has applied the same weight to these matters as the ExA for the same reasons set out in the relevant sections of the Report. This being the case, these matters do not require additional consideration within this letter, and the Secretary of State invites parties to refer to the relevant sections of the Report in relation to these matters.
20. The paragraphs below set out the matters where the Secretary of State has further comments, those matters on which further information has been sought, or those where she either disagrees with, or wishes to qualify her views compared to those expressed by the ExA.

The Need for the Proposed Development

21. The Applicant's assessment of the need for the Proposed Development is outlined in the Case for the Scheme [ER 3.2.1] and further summarised by the ExA, in which the Applicant concludes that the Proposed Development would align with the NPSNN, the key KPI's for the Road Investment Strategy 2020 – 2025 ("RIS2"), and the applicable local development plan [ER 3.2.2 – 3.2.7]. The Applicant states that the Proposed Development would reduce congestion related delays, improve journey time reliability, and increase the overall transport capacity of the network [REP3-018]. The Secretary of State notes that the M60/M62/M66 Simister Island Interchange improvement is identified as a commitment in the RIS2 and was also announced in Road Investment Strategy 1 ("RIS1") [ER 3.2.2 & 3.2.10].
22. The ExA highlighted the following issues for consideration in the Examination:

- A low Business Cost Ratio (“BCR”) [ER 3.2.9 & 3.2.12].
- Impact on the Northern Gateway Site Allocation and the delivery of the Places for Everyone Policy (“PfE”) [ER 3.2.14 – 3.2.15].

Business case and value for money

23. Several relevant representations noted that the scheme’s BCR is relatively low [ER 3.2.9 & 3.2.12]. The ExA considered that value for money is a matter for the Secretary of State to consider when coming to her decision [ER 3.2.25]. Having regard to those concerns raised, the Secretary of State is satisfied that, while the BCR is modest (1.17 [ER 3.2.6]), she agrees with the Applicant, in line with paragraph 4.3 of the NPSNN, that the scheme’s BCR represents a positive value for money, particularly when wider economic and strategic benefits are taken into account [ER 3.2.13].

Impact on Local Plans and growth

24. The Secretary of State has considered the concerns raised regarding the potential impact on the Northern Gateway site allocation. She agrees with the ExA’s conclusion, in line with BMBC’s assessment, that the Proposed Development would not compromise the delivery of the PfE Northern Gateway allocation [ER 3.2.26] and could also help support the growth objectives for the PfE [ER 3.2.28] by improving strategic connectivity at a critical junction. Therefore, like the ExA, she is satisfied that she is not required to further consider the stage of the PfE development plan in line with paragraph 5.173 of the NPSNN.

Consideration of alternatives

25. The Secretary of State notes that the Applicant considered a wide range of alternatives during scheme development and rigorous assessment of two options as part of that exercise [ER 3.3 and 3.3.31]. While the ExA was satisfied with this assessment [ER 3.3.34], the Secretary of State considers that the opportunity to integrate more ambitious modal shift measures, particularly active travel and public transport enhancements, was not fully explored.

The Secretary of State’s conclusion on the Need for the Proposed Development

26. The NPSNN establishes a compelling need for development of all national road networks (paragraph 2.22) (such development will include junction improvements and new slip roads (paragraph 2.23)), for which there is a presumption in favour of granting development consent (paragraph 4.2). The Secretary of State agrees with the ExA that the Proposed Development benefits from this presumption and demonstrates a clear need (3.2.27). Her conclusion is supported by the Proposed Development’s inclusion in both RIS1 and RIS2 and the current road congestion issues in this area [ER 3.2.27]. Equally, she agrees with the ExA and is satisfied that a proportional option appraisal as required by paragraph 4.27 of the NPSNN has taken place, notwithstanding her views that more could have been done to investigate modal measures as raised by interested parties [ER 3.3.30].

27. Notwithstanding her conclusions on the positive, albeit narrow, BCR, the Secretary of State considers that BCR is not necessarily the only element to be considered in a properly construed business case as established by paragraph 4.5 of the NPSNN. In reaching her conclusions on need, she has had regard to the wider economic and social impact of reduced congestion and improved journey times.

28. She further acknowledges that paragraph 3.22 of the NNNPS (2024) places greater weight on the consideration of need [ER 3.2.28]. The Secretary of State therefore agrees with the ExA placing great positive weight in favour of making the Order [ER 3.2.28].

Air Quality

29. The Applicant's assessment of the Proposed Development's impact on air quality from pollutants including nitrogen oxide ("NO_x"), nitrogen dioxide ("NO₂") and particulate matter of 10 ("PM₁₀") or 2.5 ("PM_{2.5}") micrometre or less in diameter particles is set out in Chapter 5 of the ES [ER 3.4.3] and summarised by the ExA at ER 3.4.3 – 3.4.18. The Applicant's ES considers that there would be no significant effects on air quality for human health, ecological or compliance risk receptors [ER 3.4.18].

Current position regarding air quality and results from recent monitoring

30. Having considered the ExA's summary of the concerns raised by IPs on the existing poor levels of air quality [ER 3.40.20 – 3.4.22], the Applicant's response and the submission of the GMCA 2023 Air Quality Annual Status Report by BMBC, the Secretary of State agrees with the ExA's conclusion that BMBC's report provides adequate confidence in the robustness of the Applicant's findings that there would be improvements in air quality [ER 3.4.76].

Construction effects from Dust

31. The Secretary of State has considered the concerns raised by IPs on the potential impacts of increased dust pollution from the Proposed Development [ER 3.4.31], BMBC's confirmed agreement [ER 3.4.32] and the Applicant's Outline Air Quality and Dust Management Plan ("oAQDMP") as well as the Applicant's explanation of its mitigation measures and approach [ER 3.4.33 – 3.4.35]. The Secretary of State is satisfied that the proposed measures set out in commitments AQ1 and AQ2 in the REAC and the oAQDMP would sufficiently mitigate the effects from construction dust. She therefore agrees with the ExA's conclusion that, in line with paragraphs 5.87 and 5.89 of the NPSNN, the Applicant has taken reasonable steps to minimise the impacts from construction dust [ER 3.4.77].

Operational effects on human health receptors and impacts on meeting AQOs or LVs in the GM AQMA

32. A number of IPs raised concerns that the Proposed Development would increase air pollution, particularly in areas that are already located within the Air Quality Management Area ("AQMA") [ER 3.4.37]. The Secretary of State notes that while the Proposed Development would increase NO₂ at 368 out of 557 human receptors, they would all remain significantly below the annual mean AQO of 40µg/m³. She is also aware that there would be a predicted reduction of NO₂ at 188 human receptors [ER 3.4.38]. BMBC and Rochdale Borough Council ("RBC") also both confirmed that the Proposed Development would not impact their abilities to meet the NO₂ AQOs by 2026 or within the shortest possible time [ER 3.4.40]. While the Secretary of State acknowledges FoCM's position that the Proposed Development would not lead to a significant increase in air quality, the Secretary of State agrees with the ExA that she does not consider that substantial evidence has been presented during or after the Examination which disputes the Applicant's

ES findings. She therefore agrees with the ExA that the Proposed Development would not lead to any significant effects on human health receptors [ER 3.4.78].

Consideration of new PM2.5 targets

33. The Environment Act 2021 and the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 introduced legally binding long-term targets of reducing concentrations of PM2.5. The Secretary of State notes that the Applicant's position was that the new PM2.5 targets did not apply to the Proposed Development [ER 3.4.45]. The Applicant considered that the targets only apply to relevant PM2.5 monitoring stations that existed before the targets came into force, evidenced by the decision letter associated with the A12 Chelmsford to A120 Widening Scheme and the nearest stations to the site being too far away to be impacted by the Proposed Development [ER 3.4.47]. The Secretary of State has also considered the Applicant's reference to, and consideration of, the updated DEFRA guidance, set out at ER 3.4.50.
34. The ExA reported that they agreed with the Applicant's approach to assessing PM2.5, considering that the modelling of PM10 instead of PM2.5 is in line with DMRB LA 105, and that PM2.5 is a fraction of PM10 concentrations and therefore if the concentrations of PM10 are less than 20µg/m³, PM2.5 concentrations would also be less than 20µg/m³ [ER 3.4.49 & 3.4.81]. The Secretary of State agrees.
35. The Secretary of State notes that the updated interim guidance for PM2.5 targets issued by DEFRA in October 2024 does not apply to the Application as it was submitted prior to its publication. However, she does note that the Applicant did set out that the two existing PM2.5 monitoring stations in the GM area recorded PM2.5 concentrations below the 10µg/m³ target [ER 3.4.82]. While the Secretary of State acknowledges the concerns raised by FoCM on the Applicant's approach to PM2.5 monitoring [ER 3.4.45], she agrees with the ExA that it is unlikely the assessment findings would be changed by the introduction of new legislation, policy and limits on PM2.5, and therefore is satisfied that the applicant has adequately considered PM2.5 as required in the NNNPS (2024) [ER 3.4.82].

Need for monitoring during operation

36. The ExA reported that the need for future air quality monitoring during the operation of the Proposed Development remained an area of disagreement between the Applicant and BMBC [ER 3.4.63]. The Secretary of State notes that BMBC requested the Applicant to undertake monitoring in order to, amongst other reasons, provide local residents with assurance that the Proposed Development would not worsen air quality [ER 3.4.53 and 3.4.59] and that as the Applicant was the 'the agent of change', it was therefore responsible to understand any potential effects to LV requirements [ER 3.4.55 – 3.4.56].
37. The Applicant set out its position on each of the reasons for monitoring at ER 3.4.58, which included that the lack of risk of LV exceedances meant that specific monitoring was not required. The Applicant further explained that this position was in line with the Design Manual for Roads and Bridges ("DMRB") LA 105 in circumstances where no exceedances are identified [ER 3.4.62].
38. While the Secretary of State recognises the concerns set out by IPs on the lack of operational air quality monitoring, she has had regard to paragraph 5.10 of the NPSNN, which only requires mitigation measures when there is likely to be a breach of air quality thresholds. Given she has accepted the ExA's assessment

that the ES does not predict any potential exceedances of NO₂ during the operation period, she also agrees with the ExA that the need to secure future monitoring of air quality is not required and does not meet the tests set out in paragraph 15 of Advice Note 15 and NPPF paragraph 57 [ER 3.4.83].

The Secretary of State's conclusion on Air Quality

39. Having considered the Applicant's ES and the ExA's consideration of the concerns raised on air quality matters during the examination, the Secretary of State agrees with the ExA's reasoning, set out at ER 3.4.84, for its conclusion that air quality effects from the construction and operation of the Proposed Development would not be significant. She also agrees with the ExA that through developing an AQDMP under requirement 4 and the commitments AQ1 and AQ2 in the REAC, the Applicant has shown that the impacts from the Proposed Development can be satisfactorily managed and mitigated [ER 3.4.85].
40. Like the ExA, the Secretary of State is satisfied that the Proposed Development is in accordance with the NPSNN and, where important and relevant, NNNPS (2024), local policies and strategies and all other legislation. She agrees with the ExA placing neutral weight in the overall planning balance [ER 3.4.86 – 3.4.87].

Biodiversity

41. The Applicant's assessment of biodiversity is outlined in Chapter 8 of the ES, which is summarised by the ExA at ER 3.5.2 – 3.5.16. The Applicant concluded that no significant effects on any habitats, species or designated sites were identified during the construction or operation phases following the proposed mitigation [ER 3.5.13]. However, several slight adverse effects were identified [ER 3.5.14 – 3.5.15].

Impact on Protected and Notable Species and Habitats

42. The Secretary of State has considered the concerns raised on the impact of the Proposed Development on several species, including bats and hedgehogs [ER 3.5.19 – 3.5.22]. Noting the SoCGs between the Applicant, Natural England ("NE") and BMBC [ER 3.5.21], the Secretary of State agrees with the ExA that, in line with paragraph 5.35 of the NPSNN, the Applicant has appropriately assessed and mitigated the effects of the Proposed Development on protected and notable habitats and species [ER 3.5.55]. The Secretary of State therefore agrees with the Applicant's assessment that there would be no likely significant effects on any habitats or species following mitigation [ER 3.5.13].

Need for proposed environmental mitigation areas (EMAs) (work numbers 36 and 38) for biodiversity purposes on land plots 2/16b and 2/16d (the Hillary Family land)

43. The Secretary of State notes that during the examination, the Hillary Family objected to the proposed Environmental Mitigation Areas ("EMA") on their land (plots 2/16b and 2/16d, located to the north-east of M60 Junction 18). Their objections were on the grounds that:
- Biodiversity Net Gain ("BNG") is not a legal requirement and therefore the EMAs are not needed [ER 3.5.24];
 - The ES concludes a negligible impact on bats, so retention of hedgerows is not justified [ER 3.5.26]; and

- Habitat creation could be provided elsewhere within the Order limits [ER 3.5.31].

44. In response, the Applicant clarified that the negligible impact on bats was concluded after mitigation was applied [ER 3.5.26]. The Applicant also confirmed that the EMAs were not proposed for the purpose of BNG, but to mitigate what would otherwise be a significant adverse impact from habitat loss [ER 3.5.28].

45. Having considered the concerns raised by the Hillary Family and the Applicant's response, the Secretary of State agrees with the ExA that the proposed EMAs are necessary to mitigate the impacts on bats. She also agrees with the ExA that no compelling alternative location has been identified [ER 3.5.57]. While recognising the Hillary Family's concerns, the Secretary of State agrees with the ExA's overall conclusion that the proposed mitigation within the EMAs would contribute to maximising biodiversity and is necessary to avoid significant adverse effects from habitat and species loss, in line with paragraphs 5.33 and 5.36 of the NPSNN [ER 3.5.58].

46. The Secretary of State has considered the case for compulsory acquisition of plots 2/16b and 2/16d in the Land Rights and Related Matters section of this letter.

Biodiversity Net Gain

47. The Secretary of State notes that the Proposed Development would result in an increase of area-based habitat units by 3.68%, 58.50% for hedgerow units, and 0.00% for river and stream units (Table 2: Summary of biodiversity units and net change (extract taken from table 3.1 [APP-102])).

48. While Natural England supported the Applicant's approach to BNG, it encouraged them to achieve at least 10% net gain on all units [ER 3.5.24]. The Secretary of State notes that the Applicant does not consider that further compulsory acquisition of land is justified to achieve 10% BNG on all units, as there is currently no legal requirement to do so [ER 3.5.35].

49. Although the proposal fails the BNG trading rules, the Secretary of State notes that BMBC considers the Applicant's proposal to create medium distinctiveness grassland, a rarer habitat, as acceptable compensation for the loss of medium distinctiveness woodland [ER 3.5.36]. The Secretary of State agrees.

50. While PfE policy JP-G8 requires a 10% net gain, the Secretary of State agrees with the ExA that this is not currently mandatory for NSIPs. She welcomes the Applicant's approach to maximise BNG where possible and, in line with paragraph 4.23 of the NPSNN, considers the increased BNG to be a positive aspect of the Proposed Development [ER 3.5.59].

The Secretary of State's conclusion on Biodiversity

51. The Secretary of State accepts the Applicant's assessment that there are no likely significant effects, though acknowledges there would be a number of slightly adverse (not significant) impacts to biodiversity from the construction and operation of the Proposed Development [ER 3.5.61]. However, she agrees with the ExA's conclusion, that the Applicant has demonstrated that the impacts can be satisfactorily mitigated and managed through the secured requirements in the Order [ER 3.5.62], consistent with paragraphs 5.36 to 5.38 of the NPSNN. Also noting the benefits from the proposed BNG, the Secretary of State agrees with the

ExA giving biodiversity matters neutral weight in the overall planning balance [ER 3.5.63].

Climate

52. The Applicant's assessment of the Proposed Development's impact on greenhouse gas (GHG) emissions and climate vulnerability is set out in Chapter 14 of the ES [ER 3.6.2] and summarised by the ExA at ER 3.6.2– 3.6.16. The NPSNN establishes the applicable national policy position at 3.6 to 3.8, 3.15 to 3.18, 4.36 to 4.47 and 5.16 to 5.19 [ER 3.6.55].

53. The Applicant's ES estimated that the Proposed Development would result in:

- Construction emissions: 1,918,002 tCO₂e with a net change of 62,013 tCO₂e; and
- Operational emissions: 4,085,080 tCO₂e, with a net change of 96,820 tCO₂e.

54. The combined net increase of approximately 158,833 tCO₂e would represent approximately 0.002% of the UK's fourth, fifth and sixth carbon budgets (Table 14.24: Estimated GHG emission compared to UK carbon budgets [APP-053]). The Secretary of State agrees with the Applicant's conclusion that this level of GHG emissions is negligible in comparison to the UK carbon budgets [ER 3.6.12].

Adequacy of the ES Assessment of Climate

55. After considering the Applicant's response to the concerns raised by Climate Emergency Planning and Policy ("CEPP") and Friends of Carrington Moss ("FoCM") on the adequacy of ES chapter 14 [ER 3.6.19 – 3.6.24], the Secretary of State is satisfied that the Applicant's assessment of the Proposed Development's impact on climate is sufficient. She therefore agrees with the ExA's conclusion that the methodology adopted in the ES is appropriate, including the Applicant's assessment of cumulative effects of carbon emissions by way of its applied traffic model, which the ExA accepted was inherently cumulative [ER 3.6.66].

Implications of recent legal judgements

56. The Secretary of State notes that the ExA queried the Applicant on the implication of the following legal judgements:

- 'Finch' - UK Supreme Court ruling in Finch R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents) [2024] UKSC 20.
- 'FoE' - High Court ruling in Friends of the Earth and Ors v SSDESNZ [2024] EWHC 995 (Admin).
- 'Cumbria' - High court ruling of Friends of the Earth Ltd & South Lakeland Action on Climate Change vs SSLUHC, West Cumbria Mining Ltd & Cumbria CC [2024] EWHC 2349 (Admin). [ER 3.6.27].

57. The Secretary of State agrees with the ExA's conclusions in respect of each of these decisions. Regarding Finch in particular, she notes and agrees with the assessment that there is no evidence establishing a causal connection between the Proposed Development and any additional indirect effects considered that had not already been set out in the ES [ER 3.6.68].

Increase in GHG emissions and the ability to meet legally binding carbon reduction targets

58. A number of IPs raised concerns on the Proposed Development's impact on the UK Government's ability to meet legally binding carbon targets, the decarbonisation of the transport sector and general concerns on the increase in GHG emissions [ER 3.6.35 – 3.6.40]. The Secretary of State has considered these concerns, as well as the Applicant's responses and agrees with the ExA's conclusion that the assessed increase in carbon emissions is not significant and the Proposed Development would be unlikely to have a material impact on the UK Government meeting its carbon budgets [ER 3.6.78]. She is further content and agrees with the ExA's view that the methodology for that assessment adopted is consistent with the NPSNN, relevant legislation and other applicable guidance [ER 3.6.81].

Importance and relevance of the impact on local carbon budgets and climate emergency declarations

59. The Secretary of State notes that a number of IPs raised concerns about the Proposed Development's impact on local carbon budgets throughout the Examination. FoCM raised concerns on the impact to Greater Manchester's target to be carbon neutral by 2038, while BMBC set out that the Applicant should have considered the impact of the Proposed Development with local emissions, rather than national emissions [ER 3.6.41 – 3.6.43].

60. Regarding the concerns raised regarding local carbon budgets, the ExA concluded:

- National policy and national carbon budgets take precedence with nationally significant infrastructure projects, confirmed by the judgement of R (on the application of Andrew Boswell v The Secretary of State for Transport and National Highways [2023] EWHC 1710); and
- The local carbon budgets do not include adjacent council area's budgets who would also likely be impacted by the increase in GHG emissions and are therefore limited [ER 3.6.73].

61. The Secretary of State has had regard to the concerns raised by both IPs on the Proposed Development's potential impact on local budgets and targets. However, as set out in paragraph 5.17 of the NNNPS and confirmed by the Boswell judgements, she agrees with the ExA that national policy and carbon budgets provide the applicable metric against which carbon emissions effects are to be assessed for the purposes of determining whether to grant development consent for an NSIP [ER 3.6.73].

62. The Secretary of State nonetheless encourages the Applicant to continue engaging with local authorities to align delivery with local climate strategies and to support local decarbonisation efforts where feasible.

Monitoring

63. While the ExA did not recommend post-consent monitoring, the Secretary of State encourages the Applicant to:

- Implement post-construction monitoring of operational emissions; and

- Explore opportunities for further carbon reduction during detailed design and delivery, including the use of low-carbon materials, efficient logistics, and biodiversity-led sequestration.

64. These actions would support transparency and demonstrate alignment with the Government's wider net-zero objectives.

The Secretary of State's conclusion on Climate

65. The ExA concluded that in the consideration of climate matters, the Proposed Development is in accordance with the relevant paragraphs in NPSNN, local policies and strategies and all other legislation [ER 3.6.80 – 3.6.81]. The Secretary of State agrees. However, noting the increase in carbon emissions that would occur during both the construction and operational phases, she agrees with the ExA placing little negative weight against making the Order [ER 3.6.82].

Design

66. The Applicant's design assessment is set out in Chapter 2 of the ES, the Scheme Design Report and the Design Principles Report [ER 3.7.2]. The ExA's considerations and conclusion on design matters can be found at ER 3.7.8 – 3.7.40. The Secretary of State notes that the Proposed Development's preliminary design was informed by the '10 principles of good design' set out in National Highway's 'The Road to Good Design' [ER 3.7.6]. The Secretary of State also notes that no IPs raised specific comments on design matters [ER 3.7.8]. She also acknowledges and has accepted the amendments to requirement 5 regarding the detailed design phase discussed at ER 3.7.16.

Appropriateness of the design of Pike Fold Viaduct (work number 05) and Pike Fold Bridge (work number 30)

67. The ExA was concerned about the Applicant's limited consultation and lack of finalised design aspirations for the Pike Fold Viaduct (work number 05) and Pike Fold Bridge (work number 39) [ER 3.7.20 – 3.7.22]. Due to the visual prominence of the structures and proximity to local sensitive receptors, the ExA expanded requirement 3 of the rDCO to include provision for a report to be produced in consultation with the Design Review Panel ("DRP"), the relevant planning authority and highway authority. The Secretary of State notes that the report will be required to set out the findings of the detailed design work on both the Pike Fold Viaduct (work number 05) and the Pike Fold Bridge (work number 39) [ER 3.7.23].

68. The Secretary of State agrees with the ExA that this additional layer of design scrutiny is necessary to ensure that the final design achieves good aesthetics and high-quality design standards as set out in paragraph 4.29 of the NPSNN [ER 3.7.37]. Amongst many criteria, she also agrees with the ExA's acknowledgement that there may be inherent limitations of road schemes in contributing to the enhancement of the local environment as set out in paragraph 4.30 of the NNNPS [ER 3.7.27]. The Secretary of State notes that this provision was not agreed upon by the end of the Examination between the Applicant and the ExA [ER 3.7.24]. While she acknowledges that the Applicant has previously engaged with the DRP during the preliminary design stage, she agrees with the ExA that this does not invalidate the need for good design to be ensured throughout the process [ER 3.7.31].

69. The Secretary of State considers that the involvement of the DRP will help ensure that the final design is context-sensitive and responsive to local character, particularly given the visual prominence of the Pike Fold structures. This is especially important in light of the adverse visual effects identified in the Landscape and Visual Impact Assessment during both construction and operation [ER 3.11.55].
70. She also notes that the design process did not fully integrate opportunities for active travel infrastructure, particularly in relation to the Haweswater underpass (see traffic and transport section) and considers that a more holistic design approach could have better addressed severance and community connectivity.
71. The Secretary of State therefore agrees with the ExA that the need for the further design review is justified [ER 3.7.31]. She also considers that the inclusion of the provision within requirement 3 aligns with paragraphs 4.29 and 4.32 of the NNNPS, reflects the Planning Inspectorate's guidance Nationally Significant Infrastructure Projects: Advice on Good Design and will also help provide an opportunity for an improved visual environment for the local community and future users of the Proposed Development.

The Secretary of State's conclusion on Design

72. The Secretary of State agrees that the Applicant has demonstrated that design was an integral consideration from the outset, and that its approach is consistent with that endorsed in both the NPSNN and the NPSNN (2024) [ER 3.7.29]. As detailed above, the Secretary of State has accepted the requirement to undertake a further design review provision. With this in place, she agrees with the ExA that the Proposed Development would be in accordance with the NPSNN and, where important and relevant, NNNPS (2024), local policies and all other relevant legislation and design guidance [ER 3.7.39]. She also agrees with the ExA placing little weight in favour of making the Order in the planning balance [ER 3.7.40].

Green Belt

73. In her consideration of the Greater Manchester Green Belt, the Secretary of State has had due regard to paragraphs 5.170, 5.171 and 5.178 of the NPSNN, which outline that there is a general assumption against inappropriate development in Green Belt areas, except in very special circumstances. The Secretary of State will need to assess whether there are very special circumstances to justify inappropriate development, which can only exist where harm to the Green Belt is outweighed by other considerations. In this assessment, substantial weight will be attached to any harm to the Green Belt [ER 3.9.26]. The Secretary of State has also had regard to paragraphs 143, 154 and 155 of the NPPF [ER 3.9.27].

Impact assessment and inappropriate development

74. The ExA assessed the impact of the Proposed Development using the PfE's defined Green Belt [ER 3.9.28]. The adoption of the PfE following the submission of the Application released a number of the Proposed Development's works from the original Green Belt boundary in the Bury Unitary Development Plan ("UDP"). The Secretary of State notes that this reduced the amount of Green Belt land within the order limits by 19 hectares to a total of 49 hectares [ER 3.9.3].

75. The Secretary of State is aware that the harm to the Green Belt would arise from the introduction of substantial engineering work that would increase the overall coverage of the junction. Noting the ExA's findings at ER 3.9.34, the Secretary of State agrees that the Proposed Development's failure to preserve openness and to preserve the countryside from encroachment would amount to inappropriate development, as defined in paragraph 154(h)(ii) of the NPPF [ER 3.9.36]. She further notes that the harm to openness would be both spatial and visual in nature, and that the scale and permanence of the proposed infrastructure would materially alter the character of the Green Belt in this location [ER 3.9.14].
76. Like the ExA, the Secretary of State also agrees with the Applicant's conclusion that the revised NPPF adopted on 12 December 2024 and amended on 7 February 2025 would not change the assessment that the proposed development would be inappropriate development [ER 3.9.12 and 3.9.33].

Reasonable alternative

77. The Secretary of State also acknowledges that alternative design options, including the Inner Links which would have required less Green Belt land, were considered; however, the Northern Loop was chosen for its superior capacity, safety, and long-term operational benefits [ER 3.9.31]. She is therefore satisfied that the chosen location and design are required to meet the scheme's objectives and that no reasonable alternative would avoid development on Green Belt land.

Places for Everyone Legal Challenge

78. The ExA highlighted that the PfE was subject to a legal challenge by Save Greater Manchester Green Belt Limited, but a final decision had not been made by the close of the Examination. As of 9 September 2025, a date for the High Court hearing of the legal challenge has still not been set.
79. The ExA set out that until a decision on the challenge is made, PfE forms part of BMBC's development plan and applications should be considered against it unless indicated otherwise [ER 2.1.20]. The Secretary of State agrees. It also concluded that, if a situation were to arise whereby PfE was quashed as part of the judicial review and the Green Belt boundary was reinstated to that in the Bury UDP, although the harm to the loss of openness would increase, its conclusions would remain unchanged [ER 5.3.17]. The Secretary of State sees no reason to disagree with this.

The Secretary of State's conclusion on the Green Belt

80. The Secretary of State agrees with the ExA attaching substantial weight to the harm to the Greater Manchester Green Belt [ER 3.9.39]. She acknowledges the concerns raised by IPs on the impact on the Green Belt [ER 3.9.8], but as set out in paragraph 153 of the NPPF, inappropriate development can be approved in very special circumstances.
81. As outlined elsewhere in this letter, the Proposed Development will deliver tangible transport benefits to the compelling need for improvements to National Networks [ER 3.2.27], including reduced congestion and additional capacity [ER 3.9.18]. The Secretary of State also, in this respect, refers to her conclusions on matters as dealt with in the planning balance section of this letter. She is therefore content to agree with the ExA's conclusion that the harm to the Green Belt, and any other harm identified elsewhere in this letter, is clearly outweighed by these factors [ER

5.3.16]. She has identified that very special circumstances exist to justify the approval of inappropriate development. Overall, the Secretary of State is satisfied the Proposed Development accords with the Green Belt policy tests set out in the NPSNN and NPPF.

Landscape and Visual

82. The Applicant's assessment of the landscape and visual impacts is set out in the Landscape and Visual Impact Assessment ("LVIA") within Chapter 7 of the ES, and supported by photomontages and visualisations [ER 3.11.2]. The ExA's summary of the Applicant's assessment is set out at ER 3.11.2 – 3.11.14.

83. The ES concludes that the Proposed Development would result in:

- moderate adverse (significant) effects for landscape and townscape receptors on Landscape Character Area ("LCA") 26 during the construction period [ER 3.11.12],
- significant adverse effects for visual receptors at 18 of the 30 assessed viewpoints ("VP") during the construction period [ER 3.11.13],
- at year 1, significant adverse visual effects at 17 VPs and large adverse effects at 6 VPs,
- significant moderate adverse visual effects at year 15 for the residential receptors [ER 3.11.14].

Need for proposed mitigation to reduce landscape and visual effects on land plots 2/16b and 2/16d (Hillary Family land)

84. In response to the Hillary Family submissions the Secretary of State has also considered the need for EMAs on plots 2/16b and 2/16d in the Biodiversity section of this letter. In addition to their biodiversity functions, the Secretary of State notes that the EMAs on plots 2/16b and 2/16d, including broadleaf woodland, wet woodland and trees, are also proposed to reduce the impact on LCA 26 and the visual impacts to walkers and visitors of Pike Fold Golf Course while also aiming to integrate the Northern Loop into the local landscape [ER 3.11.19]. The Secretary of State notes the summary given by the ExA to the Hillary Family's objections to the proposed mitigation, together with the Applicant's response, set out at ER 3.11.16 – 3.11.23. She also notes that ExA agreed with the Hillary Family's stance that the commitments set out in the REAC were not all completely relevant to landscape mitigation [ER 3.11.53].

85. While the Secretary of State recognises the Hillary's family objection to the proposed EMAs on plots 2/16b and 2/16d, she considers the need to mitigate the adverse landscape and visual effects to be necessary and appropriate, in line with paragraphs 5.149 and 5.160 of the NPSNN and NNNPS (2024) [ER 3.11.41 and 3.11.50]. She has also taken into consideration that both Natural England and BMBC support the proposed mitigation strategy [ER 3.11.35].

86. The Secretary of State has considered the case for compulsory acquisition of plots 2/16b and 2/16d in the Land Rights and Related Matters section of this letter.

The Secretary of State's conclusion on Landscape and Visual Matters

87. Like the ExA, the Secretary of State is satisfied that through the commitments Limit Values 1 to 17 in the REAC secured under requirement 4, the landscape and visual risks can be satisfactorily managed and mitigated [ER 3.11.58]. She also agrees with the ExA that, in line with paragraph 5.149 of the NPSNN, the Applicant has adequately considered the nature of the existing landscape likely to be affected and nature of the effect likely to occur. She also agrees that the Applicant has, in accordance with paragraph 5.149, sought to avoid or minimise landscape and visual harm where possible and appropriate through the proposed mitigation measures [ER 3.11.49].
88. The Secretary of State is satisfied that the Proposed Development is in accordance with the NPSNN and, where important and relevant, the NNNPS (2024), local policies and other relevant legislation [ER 3.11.59]. However, noting the residual significant moderate adverse effects for the residents located at Warwick Close, Kenilworth Avenue and Barnard Avenue, and the encroachment of the Proposed Development in the surrounding landscape, the Secretary of State agrees with the ExA placing little negative weight against the making of the Order [ER 3.11.60].

Noise and Vibration

89. The Applicant's consideration of the noise and vibration effects of the Proposed Development is set out in Chapter 11 of the ES, which includes impacts from both the construction and operational phases of the Proposed Development [ER 3.13.2 – 3.12.12].

Construction Noise and Vibration

90. The ES concluded that there are residual significant adverse effects for 275 receptors during daytime construction works and 647 receptors during night-time construction works. The ES noted there would be no significant adverse effects from vibration during construction. The Secretary of State notes that a number of concerns were raised from IPs about construction noise and vibration [ER 3.13.14 – 3.13.20]. The ExA concluded that while there would be an increase in noise and vibration during the construction phase, it is satisfied that these effects would not be constant in terms of location, and the impacts would be appropriately mitigated as much as possible through the commitments set out in requirement 4 of the rDCO [ER 3.13.41 and 3.13.49].
91. The Secretary of State has had regard to the concerns raised by IPs and the Applicant's response to those concerns. She agrees with the ExA's findings and conclusions and considers that the mitigation measures are appropriate and proportionate to the scale of the works.

Operational Noise and Vibration

92. The ES concluded that there are no residual significant adverse effects identified for the operational period, and some areas would experience short term significant beneficial effects. A number of concerns were raised on the impact of increased noise and vibration from the operation of the Proposed Development on the residential properties adjacent to the scheme and identified Noise Important Areas ("NIA") [ER 3.13.21 & 3.13.24]. Partly due to these concerns, the ExA asked the Applicant to consider the impact of installing additional lengths to the existing noise barriers [ER 3.13.29]. In response, the Applicant conducted further noise modelling [ER 3.3.29 – 3.3.31], which concluded that the proposed extension to the noise

barriers would result in significant long-term noise reduction benefits to 17 properties, and further noise reduction in other areas, set out in ER 3.13.32. The ExA recommended the inclusion of requirement 11 to secure the construction of these additional noise barrier sections [ER 3.13.32].

93. The Secretary of State notes that this requirement was not agreed upon by the end of the examination between the Applicant and the ExA [ER 3.13.33]. The Applicant argued that the use of Low Noise Surfacing (“LNS”) alone would remove the significant adverse effects from road traffic noise within the noise important areas (“NIA”) [ER 3.13.33]. The ExA disagreed, concluding that, notwithstanding the impact of LNS, the Applicant had not adequately considered the full potential for noise improvements, noting the benefits outlined above [ER 3.13.45]. The ExA concluded that their inclusion of the requirement to construct the additional noise barriers aligns with paragraphs 5.194 and 5.197 of the NPSNN [ER 3.13.46].
94. Having considered the arguments from both the Applicant and the ExA, and the noise modelling set out at [REP5-033], the Secretary of State agrees with the ExA that providing the extension to the noise barriers, alongside the provision of better performing LNS, would result in a benefit to the residential areas facing the affects from the long term operational noise effects. She considers the requirement to be reasonable, necessary and proportionate, consistent with the kind of good design detailed in paragraph 5.194 of the NPSNN [ER 3.13.45].
95. However, the Secretary of State notes that the noise modelling produced by the Applicant was conducted in isolation, without assessment potential interactions with other environmental factors such as visual impacts, vegetation clearance and biodiversity [REP5-033]. In order to avoid any potential unwanted adverse impacts, the Secretary of State has made modifications to the wording in requirement 11 to ensure that any additional mitigation is subject to further environmental review prior to implementation. The modification to the requirement is set out in the Draft Development Consent Order and Related Matters section.

The Secretary of State’s conclusion on Noise and Vibration

96. With the inclusion of modified requirement 11, the Secretary of State agrees with the ExA’s conclusion that in relation to noise and vibration matters, the Proposed Development is in accordance with NPSNN and, where important and relevant, NNNPS (2024), local policies and strategies and all other legislation. She therefore agrees with the ExA placing little weight in favour of making the Order [ER 3.13.52].

Population and Human Health

97. The ExA’s summary of the Applicant’s assessment (recorded in chapter 12 of the ES) of the potential impacts on Population and Human Health considered the impacts of the Proposed Development on land use, accessibility and human health [ER 3.14.2 – 3.14.11]. The ExA identified the following issues for consideration in the Examination [ER 3.14.12, 3.14.26 &, 3.14.27:]
- Construction phase disruption;
 - Impacts on PRoWs and permissive paths;
 - Health inequalities and quality of life; and
 - Impact on local schools.

98. The Secretary of State has considered the findings of the ExA in respect of the above issues and is primarily in agreement with the conclusions reached, including where the ExA addressed concerns raised by representations during the course of the examination [ER 3.14.26 – 3.14.37]. She notes that, in its consideration of the findings, the ExA placed little positive weight on population and human health matters for the making of the Order [ER 3.14.41].

99. The Secretary of State acknowledges and welcomes that the Proposed Development would result in permanent positive large (significant) benefits on health due to the overall reductions in traffic noise [ER 3.14.38]. However, she is also aware that the Applicant's ES set out a number of likely significant residual effects which would occur from the construction of the Proposed Development:

- Agricultural land holdings:
 - Temporary adverse (moderate) significant effect on landholding SW1
 - Temporary adverse (moderate) significant effect on landholding NW1
 - Permanent adverse (moderate) significant effect on landholding NE2
 - Temporary adverse (moderate) significant effect on landholding NE4
- WCH:
 - Temporary adverse (very large) significant effect on permissive path via Haweswater Aqueduct underpass
 - Temporary adverse (moderate) significant effect on footpath 9WHI
 - Temporary adverse (moderate) significant effect on footpath 84BUR
- Detriment of human health:
 - Temporary negative (moderate) significant effect for residents in Besses ward on access to natural environment and outdoor recreation
 - Temporary negative (large) significant effect on quality of life in all wards in study area due to construction related noise
 - Medium-term negative (moderate) significant effect on quality of life in Besses, Unsworth and Holyrood wards (ER Table 12.40 Summary of residual significant effects for land use and accessibility & Table 12.41 Summary of residual significant effects for human health)

100. The Secretary of State agrees with the ExA that the Applicant's proposed mitigation, secured through Requirement 4, demonstrates that the Proposed Development is in accordance with the NPSNN and, where important and relevant, NNNPS (2024), local policies and strategies and all other legislation [ER 3.14.39 – 3.14.40]. She is also content that the Applicant has adequately and appropriately described and assessed the significant effects on population and human health in Chapter 12 of its ES.

101. The Secretary of State has weighed the permanent positive significant effects during operation against the temporary and permanent adverse effects described above. In that weighting exercise, she disagrees with the ExA that this can be properly characterised as an overall beneficial impact on human health and population, given the number, character and severity of significant adverse effects during construction.

102. Paragraph 4.82 of the NPSNN invites the Secretary of State (as well as the Applicant) to consider the cumulative impact on health. She considers here that the cumulative effects on human health and population from the construction of the Proposed Development balance out the operational benefits of the permanent reduction in noise pollution and therefore places neutral weight in making the Order.

Road Drainage and Water Environment

103. The Applicant's assessment of the Proposed Development's impact on flood risk, drainage, and the water environment is set out in Chapter 13 of the Environmental Statement (ES) and summarised by the Examining Authority (ExA) at ER 3.15.1–3.15.21.

104. On 25 March 2025, the Environment Agency ("EA") published new data which included flood zones and river flood risk events. The ExA set out that this data was published following the close of the examination and therefore the potential impacts were not considered [ER 3.15.22]. The ExA strongly recommended that the Secretary of State sought an update from the Applicant on the potential impact of the EA's new data [ER 3.15.29].

105. On 27 June 2025, during her decision-making period, the Secretary of State consulted the Applicant, requesting an update on any implications the EA's new data would have on the Proposed Development. In its letter of 10 July 2025, the Applicant set out that it had met with the EA, who confirmed that it did not expect the Applicant to undertake any further assessment as a result of the newly published flood risk data. The Applicant also set out that the EA's email of 11 March 2025 [AS-016] confirmed that the newly published flood data did not materially impact its position, or the information already provided during the Examination.

106. The Secretary of State is also aware that after the ExA submitted their Examining Report, the Department for Environment, Food and Rural Affairs released the National standards for sustainable drainage systems ("SuDS"). This was therefore not considered by the ExA. She notes that the new standards do not apply to works on the SRN for which the DMRB remains the prevalent standard. However, they could be relevant to those areas where the SRN links with the LRN.

The Secretary of State's conclusion on Road Drainage and Water Environment

107. The Secretary of State agrees with the ExA that the Proposed Development is in accordance with the relevant provisions of the NPSNN (most notably paragraphs 5.92 to 5.97 & 5.221 to 5.223), the NNNPS (2024), local policies, and all other applicable legislation [ER 3.15.32]. She accepts and agrees with the ExA's findings in relation to the consideration of flood risk, the proposed drainage strategy and the protection of watercourses and waterbodies [ER 3.15.26 – 28]. She also notes that the EA has confirmed its satisfaction with the Applicant's approach and that no further action is required [ER 3.15.31].

108. Accordingly, the Secretary of State agrees with the ExA in placing neutral weight on road drainage and water environment matters in the overall planning balance [ER 3.15.33].

109. The Secretary of State is also content with the Applicant, and the EA's, position regarding the 25 March 2025 dataset. She notes that the EA intends to publish

further flood risk datasets on a quarterly basis. As a result, she has included a new requirement in Schedule 2 of the Order which requires the Applicant to consider these future datasets on an ongoing basis as part of its flood risk assessment.

Traffic, Transport and Access

110. The Applicant's assessment of traffic, transport and access is contained within the Transport Assessment and summarised by the ExA at ER 3.16.1 - 3.16.8. The Secretary of State notes that the Proposed Development is intended to improve traffic flow and journey time reliability at the M60/M62/M66 Simister Island Interchange, within the Greater Manchester strategic road network [ER 3.2.10].

Footpath passing through the Haweswater underpass

111. The Haweswater underpass is located to the west of the Proposed Development and connects the residential areas to the north of the M60 to schools, leisure facilities, and Heaton Park to the south. The Secretary of State is aware that the underpass is a well-used, high value route particularly for schoolchildren, but suffers from poor lighting, flooding and anti-social behavior. It was assigned a very high value in the ES [ER 3.16.25].

112. While the Applicant confirmed that the underpass fell outside of the scope of the Proposed Development, a point with which BMBC agreed [ER 3.16.29], the ExA raised concerns over the lack of proposed improvements, especially considering the planned closure of the footpath for 6-8 weeks during construction which would require pedestrians to use a diversion route that is 1.7km longer [ER 3.16.27 & 3.16.30].

113. The Secretary of State notes that the Applicant was exploring designated funding to aid improvements to the underpass but any improvements could be dependent on agreements with other parties such as UU who have apparatus in the area and BMBC [ER 3.16.33]. However, she is also aware that this was not confirmed by the end of the Examination.

114. The ExA concluded that it did not consider that the Applicant, in line with NPSNN and the NNNPS (2024), had provided sufficient tangible improvements for pedestrians and other non-motorised users in relation to the Haweswater underpass [ER 3.16.51]. Noting the funding had not been secured, the ExA recommended that a requirement, which requires the Applicant to deliver a scheme of improvements to the path, is secured in the Order [ER 3.16.52]. It also recommended the Secretary of State to seek an update from the Applicant on the funding, as with evidence that the improvements would be delivered, the requirement would not be necessary [ER 3.16.53].

115. The Secretary of State's letter dated 27 June 2025 requested an update from the Applicant on the funding bid for scheme of improvements and the nature of its apparatus, and the matters on which it would need to consult, or, to obtain the approval of UU in order to deliver the intended improvements. The Applicant's response to that letter set out that:

- all funding for 2025/2026 had been allocated and while it would explore funding for 2026/2027, it was not guaranteed,
- UU's aqueduct asset beneath the underpass requires protection, and UU's access rights must be maintained; and

- UU has been actively involved in feasibility and optioneering work to date.

116. The Secretary of State has also considered the response to the letter from Transport Action Network (TAN) which was critical of the exclusion of underpass improvements from the DCO. TAN argued that the underpass is within the order limits, is directly impacted by the scheme, and should be upgraded as part of the main works to avoid severance and support active travel. The Secretary of State acknowledges that these concerns align with the support for the improvements expressed by Transport for the North and Transport for Greater Manchester in their representations submitted during the Examination [[APP-038](#)].

117. The Secretary of State has considered the arguments made by the Applicant, the ExA and IPs on the Haweswater underpass and potential improvements. She considers that requiring the Applicant to deliver a scheme of improvements to the path is both necessary and proportionate to the impacts caused by the Proposed Development. She notes the discussion around the legal status of the underpass at ER 3.16.34 and 3.16.35 but does not consider that the resolution of this question affects her decision on the possibility of securing improvements to it in the Order. She also considers the inclusion of requirement 12 to be necessary as she is not sufficiently convinced by the Applicant's recent representation that improvements would be secured through designated funding sources. However, the Secretary of State appreciates the impact to UU's apparatus as outlined by the Applicant. She considers it necessary to amend the requirement to ensure that the undertaker is also a consultee for the proposed plans. The modification to the requirement is set out in the Draft Development Consent Order and Related Matters section. The Secretary of State considers that requiring the Applicant to deliver improvements to mitigate its impact on non-motorised users and its impact on severance is in line with paragraphs, 5.184, 5.205 and 5.216 of the NPSNN.

The Secretary of State's conclusion on Traffic and Transport

118. The Secretary of State agrees with the ExA that the Proposed Development would deliver strategic transport benefits, including improved traffic flow, reduced congestion, and enhanced journey time reliability. She also agrees with the findings set out in the Transport Assessment, and that the modelling was appropriate [ER 3.16.46 and 3.16.54]. Like the ExA, she is satisfied that the Applicant has demonstrated that the risks associated with the Proposed Development in relation to traffic and transport can be satisfactorily managed and mitigated through requirement 4 of the Order [ER 3.16.55].

119. With the inclusion of modified requirement 12, the Secretary of State agrees with the ExA's conclusion that in relation to traffic, transport and access matters, the Proposed Development is in accordance with NPSNN and, where important and relevant, NNNPS (2024), local policies and strategies and all other legislation. She therefore agrees with the ExA placing great positive weight in favour of making the Order [ER 3.16.57].

Habitats Regulations Assessment

120. This section should be read alongside the Secretary of State's Habitats Regulations Assessment for an Application under the 2008 Act – M60/M62/M66 Simister Island Interchange (9 September 2025).

121. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (“the Habitats Regulations”), the Secretary of State as the competent authority is required to consider whether the Development (which is a project for the purpose of the Habitats Regulations) would be likely, either alone or in combination with other plans and projects, to have a significant effect on a European site. The purpose of the likely significant effects (“LSE”) test is to identify the need for an ‘appropriate assessment’ (“AA”) and the activities, sites or plans and projects to be included for further consideration in any AA.
122. Where LSE cannot be ruled out, the Secretary of State must undertake an AA under regulation 63(1) of the Habitats Regulations to assess potential adverse effects on site integrity. Such an assessment must be made before any decision is made on undertaking a plan or project or any decision giving consent, permission or other authorisation to that plan or project. In light of any such assessment, the Secretary of State may grant development consent only if it has been ascertained that the plan or project will not, either on its own or in combination with other plans and projects, adversely affect the integrity of such a site, unless there are no feasible alternatives and imperative reasons of overriding public interest apply (regulation 64).
123. The Secretary of State has considered the application in line with her duty under the Habitats Regulations. The Secretary of State agrees with the ExA that the Development is not directly connected with, or necessary for the conservation management of a European site [ER 4.1.11].
124. She has considered the potential impact of the Development on one European protected site, Rochdale Canal SAC, which has been scoped into the HRA assessment using methodology set out at section 1.6 of the Applicant’s HRA Report [APP-103].
125. The Secretary of State notes the qualifying features and pathway for effect on Rochdale Canal SAC as set out in Section 5.2 and Table 4.2 of the Applicant’s HRA Report [APP-103]. The Secretary of State notes that NE agreed in its relevant representation [RR-009] and SoCG [REP1-017] that all relevant European sites and European site features that could be affected by the project had been identified by the applicant.
126. Based on the Applicant’s information the Secretary of State agrees with the ExA and the Applicant that likely significant effects cannot be excluded from Rochdale Canal SAC [ER 4.2.10 – 4.2.11].
127. The Secretary of State therefore considered that an AA should be undertaken to discharge her obligations under the Habitats Regulations. The AA is provided in detail within the Secretary of State’s HRA published alongside this letter and should be read in conjunction with it.
128. Rochdale Canal SAC and qualifying features for which LSE were identified were further assessed by the Applicant to determine if they could be subject to adverse effects on integrity (“AEoI”) from the Development, either alone or in combination. The Applicant concluded that the Development would not adversely affect the integrity of Rochdale Canal SAC and the features assessed, either alone or in combination with other projects or plans. No mitigation measures were relied on to reach the conclusions of no AEoI. The Secretary of State has noted that

Natural England and the ExA agree with the Applicant's conclusion of no AEol in respect of Rochdale Canal SAC [REP3-028 and ER 4.5.5]. The Secretary of State in her AA reaches the same conclusion and is satisfied that no adverse effects from the Proposed Development alone or in combination with other plans and projects on the Rochdale Canal SAC.

129. Regulation 63(3) of the Habitats Regulations requires competent authorities, if they undertake an AA, to consult the appropriate nature conservation body and have regard to any representations made by that body. The Secretary of State is satisfied that Natural England have been consulted during the Examination and that they are in agreement with the Applicant that any AEol of the Rochdale Canal SAC can be excluded given its qualifying features, including its lack of sensitivity to changes in air quality [REP3-028].

The Secretary of State's conclusion on the Habitats Regulations Assessment

130. The Secretary of State is satisfied that the Development would not result in any implications for the achievement of the conservation objectives for the European site identified from the Development alone and in combination with other plans or projects.
131. The Secretary of State, as the competent authority for the purposes of the Habitats Regulations has therefore concluded that it is permissible for her to grant development consent for the Development.

Planning Balance

132. The ExA's overall recommended weighting on the matters examined is set out at ER 5.3.10 – 5.3.12 and are as follows:
- The Need Case – Great positive weight to the Proposed Development's contribution to the compelling need for improvement to the SRN and the promotion of economic benefits for the region [ER 5.3.11]
 - Alternatives – Neutral weight [ER 5.3.12]
 - Air Quality – Neutral weight [ER 5.3.12]
 - Biodiversity – Neutral weight [ER 5.3.12]
 - Climate – Little negative weight due to the increase in carbon emissions [ER 5.3.10]
 - Design – Little negative weight if the wording to requirement 3 of the rDCO is not included, little positive weight if it is included [ER 5.3.10 - 5.3.11]
 - Geology and Soils – Little negative weight due to the permanent loss of Best and Most Versatile agricultural land [ER 5.3.10]
 - Green Belt – Substantial negative weight due to inappropriateness and loss of openness [ER 5.3.10]
 - Historic Environment – Great weight to the conservation of the designated HAs of Heaton Park Registered Park and Garden and Brick Farmhouse Grade II listed building where less than substantial harm would occur to their significance and a little negative weight to the slight adverse effects to identified non-designated HAs [ER 5.3.10]

- Landscape and Visual Impacts – Little negative weight because of the one residual adverse visual effect for residential receptors [ER 5.3.10]
- Material Assets and Waste – Neutral weight [ER 5.3.12]
- Noise and Vibration – Little negative weight if the additional noise barriers to be secured in requirement 11 are not included, little positive weight if they are included [ER 5.3.10 - 5.3.11]
- Population and Human Health – Little positive weight [ER 3.14.41]
- Road Drainage and Water Environment – Neutral weight [ER 5.3.12]
- Traffic, Transport and Access – Great positive weight because of the improvements in traffic flows and access, reducing to moderate positive weight if the improvements to the footpath through the Haweswater underpass are not included in the rDCO [ER 5.3.11]
- Combined and Cumulative Effects – Neutral weight [ER 5.3.12]

133. Notwithstanding the above, the Secretary of State has reached a different conclusion or has considered the weighting further on the following matters:

Design

134. For the reasons outlined in the Design section, the Secretary of State agrees with the ExA's recommendation to include the additional design review within requirement 3. She therefore places little positive weight in favour of making the Order.

Noise and Vibration

135. For the reasons outlined in the Noise and Vibration section, the Secretary of State agrees with the ExA's recommendation to include the construction of the additional noise barriers within requirement 11. She therefore places little weight in favour of making the Order.

Population and Human Health

136. For the reasons outlined in the Population and Human Health section, the Secretary of State considers that the cumulative effects on human health and population from the construction of the Proposed Development balance out the operational benefits of the permanent reduction in noise pollution and therefore places neutral weight in making the Order.

Traffic, Transport and Access

137. For the reasons outlined in the Traffic, Transport and Access section, the Secretary of State considers that requirement 12 proposed by the ExA which would require the Applicant to deliver the scheme of improvements to the Haweswater Underpass is necessary and proportionate to impact from the Proposed Development. She therefore places great positive weight in the making of the Order.

The Secretary of State's conclusion on the Planning Balance

138. The Secretary of State agrees with the conclusions on the weightings of the ExA, except for the matters above. The Secretary of State has weighed the expected benefits of the Proposed Development against the potential negative

effects that may occur, and she is of the view that any potential negative impacts are substantially outweighed by the need and transport benefits that are expected from the Proposed Development. She is also satisfied that all legislative and policy tests have been met.

Land Rights and Related Matters

139. The Secretary of State notes that the Order contains compulsory powers to allow the Applicant to acquire land and rights over land, and to take temporary possession of land [ER 6.5.1]. A full description of the extent of the land and rights sought by the Applicant, together with the reasons for its requirement, is set out in the Applicant's Statement of Reasons and on the Land Plans [ER 6.5.3 – 6.5.4]. The ExA describes the powers being sought by the Applicant for these purposes at ER 6.5.1 Table 9: Land use power being sought by the applicant.

140. In her consideration of the compulsory acquisition and temporary possession powers being sought, the Secretary of State has had regard to the legislative requirements and national guidance, as set out by the ExA at ER 6.2.1 – 6.2.9. The PA2008, together with the associated guidance and case law, establish that compulsory acquisition may only be authorised in a development consent order where certain conditions are met, including those set by section 122 of the PA2008. The Secretary of State notes that none of the land is National trust or special category land [ER 6.5.6]. She also agrees and accepts the ExA's finding that crown land does not form part of any CA for this application [ER 6.8.10]. She therefore notes that section 135 of the PA2008 is not engaged by this application.

Persons with an interest in land / Affected Persons

The ExA identified the following Affected Persons as those who had not signed an agreement with the Applicant by the close of the Examination:

- Joseph Holt Limited
- National Grid Electricity Transmission plc (NGET)
- The Trustees of Pike Fold Golf Club
- The Hillary Family
- The Massey Family
- Plot 1/1a
- Plots 2/1av and 2/1aw [ER 6.7.3].

141. On 27 June 2025, the Secretary of State consulted the Applicant, requesting an update on any agreements that had not been signed by the close of the Examination. In its response, the Applicant confirmed that the following agreements had been completed following the close of the Examination:

- Cadent Gas Limited on 18 March 2025
- United Utilities Water Ltd on 13 May 2025
- National Grid Electricity Transmission on 30 May 2025

142. The Applicant also set out:

- Discussions continue with The Trustees of Pike Fold Golf Club regarding the scope of works proposed to the golf course and the transfer of land within the golf course to deliver the scheme.
- The agreement between the Applicant and Joseph Holt Limited continues to progress in response to Joseph Holt Limited's request to limit the Applicant's compulsory acquisition powers over its land within Plot 1/33b.

143. With the exceptions of Plot 1/1a, Plots 2/1av and 2/1aw, the Hillary Family and Jason Holt Limited which are considered separately below, the Secretary of State has carefully considered the objections received from the Affected Persons listed above, the responses of the Applicant and all the evidence presented during Examination. She agrees with the conclusions reached by the ExA and its reasons for reaching them. She agrees that, with exception of the plots listed above, a clear case has been presented that the compulsory acquisition or temporary possession of land is required to facilitate the Proposed Development, that the rights sought are proportionate and that there is a compelling case in the public interest for compulsory acquisition and temporary possession powers to be granted. Both the ExA and the Secretary of State are satisfied these circumstances outweigh any private loss to the Affected Persons.

Joseph Holt Limited

144. The Secretary of State notes that Joseph Holt Limited raised concerns regarding the proposed temporary use of plot 1/33a and the permanent acquisition of rights over plot 1/33b [ER 6.7.5]. She notes that by the end of the Examination, an agreement in principle was reached but was not finalised [ER 6.7.7]. She also notes the Applicant's responses and explanation for the powers sought, which include the temporary removal of fencing panels to undertake works, and the maintenance of the proposed development respectively [ER 6.7.6]. The ExA concluded that it was satisfied that the CA of the plots are necessary, proportionate and justified and that there is a compelling case in the public interest for the proposed CA of rights [ER 6.7.8].

145. In its response to the 27 June 2025 letter, a representative writing on behalf of Joseph Holt Ltd set out that despite agreeing in principle to resolve concerns over access rights, the Applicant has failed to provide an adequate fee undertaking or progress a legal agreement as indicated during the examination.

146. The Secretary of State acknowledges the issues set out by Joseph Holt Ltd in the above response. While the Secretary of State does not consider the absence of a concluded agreement to alter the ExA's conclusion that the statutory tests for CA have been met, she expects that the Applicant to act swiftly to resolve any and all matters relating to the undertaking and to finalise the agreement.

147. The Secretary of State therefore confirms that it agrees with the ExA's conclusion regarding each of the powers sought by the Applicant in respect of plots 1/33a and 1/33b in this Order [ER 6.7.8]. However, she strongly advises that for future applications, the Applicant should engage proactively and promptly with Affected Persons and to finalise agreements without unnecessary delay.

Hillary Family

148. The Secretary of State has set out her considerations on the objections raised by the Hillary Family in the Biodiversity and Landscape and Visual sections of this

letter. She has not been presented with an agreement between the parties, and agrees with the ExA's assessment that one was unlikely to be reached by the time she made her decision [ER 6.7.22].

149. The Secretary of State has also considered the Hillary Family's objections to the extent of the CA, including each of their representations, as outlined by the ExA at ER 6.7.20 – 6.7.21. Noting her previous conclusions on the proposed attenuation pond and environmental mitigation areas on plots 2/16a, 2/16b, 2/16d and 2/16c and 2/16e, the Secretary of State agrees with the ExA's conclusion that that the rights sought for the CA of this land are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted [ER 6.7.24]. She also agrees with the ExA that the rights sought for the TP of plots 2/16c, 2/16e and 2/16f are for identified legitimate purposes and are compatible with human rights tests [ER 6.7.25]. While the Secretary of State acknowledges and understands the concerns raised by the Hillary Family, she does not consider that they sufficiently demonstrate why the powers sought by the Applicant fail the applicable tests set out in the PA2008, and with reference to the relevant guidance. She notes and agrees with the discrete findings made by the ExA in relation to those concerns set out at ER 6.7.21 to 6.7.23.

Plots 1/1a

150. The Secretary of State notes that plot 1/1a is owned by the Applicant and the Category 2 interests set out at ER 6.7.35. The SoR sets out that the plot is required for the realignment of the M60 on-slip and off-slip roads and improvement to the M60 east and west bound carriageways (works numbers 01, 02, 03 and 04) [ER 6.7.38].
151. The Applicant responded to the ExA's query on why the plot included land outside the highway boundary by confirming that plot 1/1a was drawn to the boundary of its ownership, which was consistent with the HM Land Registry title information [ER 6.7.37].
152. During the course of the examination, the ExA sought justification from the Applicant as to why the entirety of plot 1/1a was required for permanent acquisition [ER 6.7.39]. As a result of those discussions, the Applicant split the plot into three - 1/1a, 1/1a(i) and 1/1a(ii). The Secretary of State notes that 1/1a(i) and 1/1a(ii) include land within the back gardens of residential properties who have not been consulted as part of the proposed development. The Applicant confirmed that the extents were selected to align with the Applicant's existing land ownership [ER 6.7.42].
153. The ExA does not consider the PA2008 to permit the Applicant to request, and the Secretary of State to grant, CA powers for those stated purposes [ER 6.7.43]. Therefore, the ExA does not consider both 1/1a(i) and 1/1a(ii) necessary to implement the Proposed Development, and has recommended the Secretary of State strike those plots from the BoR [ER 6.7.43 – 6.7.44].
154. The Secretary of State has considered both the Applicant's and the ExA's positions set out at ER 6.7.37 – 6.7.43, and as detailed in the associated examination documents. She agrees with the ExA, and considers that the application for the CA of plots 1/1a(i) and 1/1a(ii) to fail the tests set out in section 122 of the PA2008, as she does not consider them to be necessary for the development and therefore fail to produce a compelling case in the public

interest for the acquisitions of the land. She therefore agrees with the ExA's recommendation to strike out both 1/1a(i) and 1/1a(ii) and to not authorise the CA of these plots [ER 6.7.44].

Plots 2/1av and 2/1aw

155. The Secretary of State notes that plots 2/1av and 2/1aw are also owned by the Applicant. BMBC have Category 1 interests and a summary of the other Category 2 interests is included at ER 6.7.46.
156. The Applicant's position is that the plots were required to avoid the interrupted use of Egypt Lane by third parties, notwithstanding that no works are proposed on Egypt Lane. It further set out that this approach was adopted across all schemes and previous DCOs [ER 6.7.49].
157. The ExA did not agree with the Applicant's approach to these plots. It did not consider that sufficient evidence was submitted to demonstrate that the rights held by Associated Parties over these plots would conflict with the Proposed Development, particularly noting that none of the rights were needed for any specific works [ER 6.7.51].
158. The Secretary of State has considered both the statutory tests set out in section 122 of the PA2008 and the Department for Community and Local Government's 'Guidance related to procedures for the compulsory acquisition of land' published September 2013 (CA Guidance). She does not consider that the CA of plots 2/1av and 2/1aw are necessary and proportionate and is not satisfied that that the plots are reasonably required for the purposes of the Proposed Development. The Secretary of State also agrees with the ExA's proposal to strike out plots 2/1av and 2/1aw from the BoR and she does not authorise the CA of these plots [ER 6.7.52].

Alternatives

159. The Secretary of State notes that the Applicant set out the various alternatives considered in section 2.5 of the Statement of Reasons and Chapter 3 of the ES [ER 6.6.9]. Having considered the above and the alternatives section of the ER, the Secretary of State agrees with the ExA that the applicant has satisfactorily demonstrated that all reasonable alternatives to CA have been explored [ER 6.6.11].

Funding

160. The ExA queried with the Applicant whether funds for the Proposed Development would remain available as no Road Investment Strategy has been published for a period beyond 2025. It also set out that the commissioned review of the Department for Transport's spending portfolio remained outstanding at the close of the Examination [ER 6.6.13].
161. On 6 August 2025 the Chancellor of the Exchequer announced the outcome of the Spending Review 2025, which confirmed the funding for the Proposed Development would remain. The Secretary of State is therefore satisfied that the funds would be in place to make the Order.

SU Land, Rights or Apparatus

162. The Secretary of State notes that there are a number of existing utility services located within the Order limits that would be affected by the Proposed Development

and the Applicant is proposing to permanently acquire land with existing permanent rights in favour of SU as described in the BoR [ER 6.8.1 – 6.8.2].

163. The Secretary of State has noted that in response to her letter of 27 June 2025, the Applicant set out that agreement had been reached with both NGET and Cadent Gas Ltd. She therefore agrees with the ExA that in accordance with s138(4) of the PA2008, the extinguishment of the SU rights and removal of the SU apparatus is necessary for the purposes of carrying out the development to which the order relates [ER 6.8.7].

Human Rights Act 1998 and the Equality Act 2010 considerations

164. The Secretary of State notes that with the exception of plots 1/1a(i), 1/1a(ii), 2/1av and 2/1aw, in line with Articles 6 and 8 of, and Article 1 of the First Protocol to, The European Convention on Human Rights [ER 6.8.12], the ExA considers that there is a compelling case in the public interest for all of the land identified to be acquired compulsorily and that the proposed interference with individuals' rights would be lawful, necessary, proportionate and justified in the public interest. The ExA concluded that it was satisfied the CA and TP sought are compatible with the Human Rights Act 1998 and the ECHR [ER 6.8.15]. The Secretary of State agrees with this conclusion.
165. Section 149 of the Equality Act 2010 includes a public sector “general equality duty” setting out the duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not [ER 6.8.16].
166. The Secretary of State welcomes the Applicant’s responses [ER 6.8.16] to the concerns raised around elderly residents potentially finding it difficult to be involved in the Examination and considers that the approaches taken by the Applicant demonstrate good practice in line with the requirements set out in the Equality Act 2010.
167. Having considered the overall impacts of the Proposed Development and the Applicant’s Equality Impact Assessment, the Secretary of State agrees with the ExA’s conclusion that the Proposed Development does not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic [ER 6.8.17].

The Draft Development Consent Order and Related Matters

168. The Secretary of State has made a number of minor textual amendments to the recommended Order in the interests of clarity, consistency and precision. Further to the textual amendments the Secretary of State also makes the following modifications:

169. Article 2 (interpretation) has been amended to:

- remove the reference to the Countryside Act 1968 within the definition of “bridleway”, as the right to ride a bicycle applies to any bridleway, and therefore a specific reference to that provision is unnecessary in the Secretary of State’s view;
 - remove the definition of “crown land plans” as this term is not used elsewhere in the Order;
 - insert a right of way on foot within the definition of “cycle track” as this is the intention expressed within the Explanatory Memorandum;
 - remove the definition of “main river” as this definition is only used once elsewhere in the body of the Order and therefore the relevant definition has been moved to those articles or the appropriate schedule as the case may be.
 - remove the reference to section 138(4A) of the Planning Act 2008 within the definition of “statutory undertaker” as based on the Explanatory Memorandum it was unclear to the Secretary of State why this provision was necessary.
 - insert in paragraph 10 within the interpretation of “includes”, a caveat preventing the meaning from being construed as inclusive of materially new or different environmental effects from those reported within the environmental statement.
- Article 6(1) has been amended to remove the phrase “so far as the undertaker considers it necessary or convenient”, as whilst there is some precedent for this phrase, it is unclear to the Secretary of State what this phrase achieves in circumstances where the power is already at the discretion of the undertaker.
 - Throughout the Order, the phrase “materially new or materially worse” has been amended to “materially new or materially different”, including, for example article 6(2). This has been the Secretary of State’s preferred position in a number of similar applications. The Secretary of State acknowledges that this was agreed by the ExA and Applicant during the examination as set out at ER 7.4.3 – 7.4.9. However, it remains the Secretary of State’s view that the purpose of this qualification is not necessarily to allow or prohibit effects that are beneficial, but rather to enshrine that more than material changes in environmental impact are reported in the environmental statement.
 - Article 17(2) has been amended to remove the reference to purposes set out in sections 1(1)(d) and (f) the Road Traffic Regulation Act 1984. The inclusion of the purposes for which the powers in article 17(2) may be used has very limited precedent. It was not justified within the Explanatory Memorandum, and the Secretary of State considers that the primary purpose of the authorised development is sufficient.
 - Article 24 has been amended to:

- insert a new paragraph (2) which limits the power to impose restrictive covenants under article 24(1) to the plots specified in column (1) of the table in Schedule 5. This is a common provision and there was nothing in the Explanatory Memorandum to explain why it was not included.
- remove paragraph (6), which provides that rights acquired under that article have effect for statutory undertakers as though it was vested in them directly. With rare exceptions for exceptional schemes where there is a strong justification in the Explanatory Memorandum, it has been the Secretary of State's position that such vesting provisions for unidentified third parties, including statutory undertakers as a class, are inappropriate. The Secretary of State notes the Applicant's position on this, as canvassed by the ExA at ER 7.4.10 – 7.4.17. However, she considers that the arguments advanced there do not provide adequate justification in this case.
- Article 27(4) has been amended to remove provision for vesting land or interests in third party statutory undertakers in connection with her changes as set out above in relation to article 24(6).
- Article 30 has been amended to:
 - vary the relevant notice period in paragraph (2) to 28 days to ensure consistency with other articles in this Order – the 14-day period was not justified in the Explanatory Memorandum.
 - insert a new paragraph (11), commonly included, which limits the powers of article (1)(a)(ii) to those which are authorised under the compulsory acquisition provisions. No explanation was provided as to why this common provision was omitted and the Secretary of State considers that there is no compelling reason why it ought not to be included.
- Article 36 has been amended to include an obligation for the undertaker to take steps to avoid any breach of the relevant environmental statute and regulations.
- Schedule 2, Part 1 (authorised development) has been amended as follows:
 - Paragraph 1 has been amended to move the definitions of “general arrangement plans”, “design principles report”, “design review panel”, “environmental masterplan”, “ISO 14001”, “arboricultural impact assessment”, “contaminated land”, “ECoW”, “drainage strategy report” and “outline traffic management plan” elsewhere in Schedule 2 where those terms only appear in one paragraph.
 - Paragraph 2 has been amended to reword the time limit of commencement to avoid placing an obligation of commencement on the Applicant.
 - Paragraph 7 has been amended to address the undefined terms “European protected species” and “protected species means”.

- Paragraph 11 has been amended to include a proviso that the incorporation of continued noise barriers is to follow a consideration of the environmental effects of those noise barriers. The Secretary of State's intention is to allow the Applicant to undertake that further modelling when assessing the scheme on which it will comply with this new requirement.
- Paragraph 12 has been amended to include any statutory undertaker whose apparatus may be impacted by any proposed improvements as a designated consultee. As outlined above in the relevant section, the Secretary of State agrees with the principle and the drafting proposed by the ExA in relation to this issue.
- A new paragraph 13 has been inserted which requires the undertaker to have regard to the quarterly Flood and Coastal Erosion risk data published by the Environment Agency in consultation with it. The Secretary of State has applied this provision in a number of recent orders, and considers it is an appropriate approach to ensure that this information is taken into consideration.

The Secretary of State's Overall Conclusion and Decision

170. For all the reasons set out in this letter, the Secretary of State has decided to grant development consent, subject to the changes in the Order mentioned above. The Secretary of State is satisfied that none of these changes constitutes a material change and is therefore satisfied that it is within the powers of section 114 of the 2008 Act for the Secretary of State to make the Order as now proposed.

Challenge to the Decision

171. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A of this letter.

Publicity for the Decision

172. The Secretary of State's decision on this Application is being publicised as required by section 116 of the 2008 Act and regulation 31 of the 2017 Regulations.

Yours faithfully,

Marco Picardi
Head of the Transport Infrastructure Planning Unit

ANNEX A

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The M60/M62/M66 Simister Island Interchange Development Consent Order 2025 (as made) is being published on the Planning Inspectorate website at the following address: [M60/M62/M66 Simister Island - Project information](#)

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).