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The Applicant, Bury Metropolitan
Borough Council, Cadent Gas Limited,
United Utilities Water Limited and
National Grid Electricity Transmission
Plc.

Your Ref:

Our Ref: TR010064

Date: 28 January 2025

Dear Sir or Madam

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

Planning Act 2008 (as amended) – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

The Examining Authority (ExA) writes to the parties listed above, under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, following deadline (D) 5 on Friday 10 January 2025. Having reviewed the documents submitted at this deadline the ExA requests the following further information and clarifications.

Applicant's updates (Rule 6 Letter Annex E)

The ExA notes that the Applicant's Updates (Rule 6 Letter Annex E) [REP5-026] did not contain a clean copy of the draft Development Consent Order (dDCO) in Microsoft Word. Please submit a copy by 31 January 2025.

Air Quality

Design Manual for Road and Bridges (DMRB) LA 105: Air Quality

Applicant: An update to DMRB LA 105 was issued in June 2024 with the previous 2019 version, that the Environmental Statement (ES) was undertaken in accordance with, being withdrawn in October 2024. Explain whether the update would affect or have any implications on the findings in the ES.

Air Quality Monitoring

Applicant: Your response to the ExA's Second Written Questions (ExQ2) AQ.2.4 [REP5-033] provided further details of National Highways (NH) legal requirements to meeting limit values on the Strategic Road Network (SRN). However, it was unclear from the response whether NH proactively monitors the potential for exceedances within the SRN and what triggers this, or whether monitoring is only undertaken when the potential

for any exceedances in limit values are brought to the attention of NH by another body, such as a local authority or the Joint Air Quality Unit (JAQU).

The ExA is aware of the ES findings, the content of DMRB LA 105 section 4 and the National Policy Statement for National Networks requirements relating to limit values. Notwithstanding your response to ExQ2 AQ.2.4, the ExA requires further clarification regarding the monitoring that NH undertakes in general to the SRN to examine the limit value status for annual mean NO₂ concentrations. Explain whether NH proactively monitors sections of the SRN to establish the potential for exceedances in limit values and how this is undertaken, including if annual status reports for air quality are produced as part of this process. If proactive monitoring is not undertaken, explain why this is the case and the processes that trigger the need for NH to undertake any monitoring.

Applicant: Bury Metropolitan Borough Council (BMBC) response to ExQ2 AQ.2.3 [REP5-037] considered that a programme of air quality monitoring using diffusion tubes for NO₂ for the future operation of the Scheme could be secured within the Third Iteration Environmental Management Plan by way of an addition to Requirement 4(7) of the dDCO. Notwithstanding any disagreement on the merits for requiring a programme of air quality monitoring during operation, provide comments on the suitability of BMBC's suggested addition to the dDCO from a drafting perspective explaining why the suggested addition would or would not be suitable.

Compulsory Acquisition Matters

The Book of Reference (BoR)

Applicant: Confirm if the BoR needs to be updated to account for any new land interests including any Bona Vacantia (including Escheat) land or any plots which were previously unregistered but are now known.

Plot 1/1a

Applicant: The ExA are minded to take the view that the entirety of plot 1/1a is not required. The response to ExQ2 CA.2.5 [REP5-033] described work which would be confined to the running lanes, hard strips/shoulders and verges. Consider if plot 1/1a could be reduced in size to only include the areas of motorway required for the works as described in response to CA.2.5 [REP5-033] removing land to the north and south of the M60. Alternatively, consider if plot 1/1a could be split into three plots so the Secretary of State can decide if land to the north and south of M60 should remain or be removed from the order limits.

Individual Objections to Compulsory Acquisition

Applicant: The ExA understands from the schedule of negotiation of compulsory acquisition with affected parties [REP5-026, Appendix A] that outstanding objections in relation to compulsory acquisition remain. Due to the late stage in the Examination, the ExA requests that the applicant provides an update on the positions of the following parties detailing any outstanding issues and whether these are likely to be resolved before the examination closes on 11 March 2025;

- The Trustees of Pike Fold Golf Club

- National Grid Electricity Transmission plc
- Hillary Family
- Massey Family
- Joseph Holt Limited

Environmental Mitigation Areas (EMAs) on land plots 2/16b and 2/16d (Work No.36 and 38)

Applicant: Your response to Action Point 30 from issue specific hearing (ISH) 2 [REP4-028] and response to the Hilary Family's D4 submission at D5 [REP5-032] both explain that the EMAs are required to avoid significant adverse effects on environmental receptors. Based on these comments, the ExA requests clarification on the following:

- Confirm if all of the mitigation proposed on land plots 2/16b and 2/16d is 'essential mitigation' or whether any features would constitute 'embedded mitigation'.
- Confirm the environmental function code for the broadleaf woodland proposed in land plot 2/16b on [REP5-017].
- Notwithstanding any tree and shrub planting proposed to the embankments of the proposed northern loop and Pike Fold Bridge, explain how the proposed areas of broadleaf woodland, areas of wet woodland and individual deciduous trees [REP5-017] across land plots 2/16b and 2/16d contribute to reducing the significant effects identified in [REP4-020] at the visual receptors represented by viewpoints 3, 5 and 7.
- The assessment of landscape effects for Landscape Character Area (LCA) 26: Prettywood, Pilsworth and Unsworth Moss in operation year 1 [APP-084] states "*The environmental mitigation area would not have sufficiently established to provide additional landscape integration by year 1*". Noting that the assessment of significance of effect on LCA 26 in year 1 would reduce to a 'slight adverse' (not significant) effect from a 'moderate adverse' (significant) effect during construction phase, explain further the contribution the landscape integration and other landscape mitigation measures proposed within plots 2/16b and 2/16d make in avoiding significant adverse landscape effects.
- Provide further details of the contribution that planting species rich grassland would provide to the mitigation proposals for plots 2/16b and 2/16d from a landscape, visual, nature conservation and biodiversity perspective, including how it would reduce any identified significant effects in the ES. In addition, justify the amount of land required for the species rich grassland shown in plot 2/16b.
- Figure ExQ2 BIO2.2 [REP5-033] identifies an area within plots 2/16b and 2/16d as 'habitats to be enhanced'. However, Figure 2.3 [REP5-017] annotates these areas for nature conservation and biodiversity purposes to 'retain and protect areas of existing grass'. Explain how these areas can be considered an enhancement if they are proposed to be retained and protected. In addition, explain further why an existing area to be retained and protected requires compulsory acquisition.

In combination and cumulative effects

Applicant: The D5 update to ES Chapter 15: Assessment of Cumulative Effects [REP5-011] and the accompanying ES Appendix 15.1 REP5-019] has assessed an additional two developments that were progressed to stages 3 and 4 of the inter-project Cumulative Effects Assessment. In respect of ID BMBC-APP-035 application reference 70449: Prestwich Regeneration, confirm whether the scheme traffic model that has informed the transport assessment [APP-149] has been updated to account for this

scheme. If not, explain why not and what the likely impacts would be, or signpost to where in the application documents this is detailed.

Landscape and Visual Impacts - Ash Dieback

Applicant: ES Appendix 7.5: Arboricultural Impact Assessment [APP-086] provides details on the impact of ash dieback. Paragraph 2.3.16 notes that the report has taken into account the high number of infected ash trees on the site and has assumed that none will survive longer than 10 years. Based on these comments, the ExA requests clarification on the following:

- The extent to which the assessment of landscape and visual effects in [APP-084] and [REP4-020] respectively has taken into account the impacts of ash dieback from trees located both within and outside the Order Limits.
- Paragraph 2.3.16 of [APP-086] states “*A number of the trees are showing significant signs of infection that they are recommended for removal and it may be pertinent to remove all ash at the pre-development stage while tree and site conditions allow for the safest working environment*”. Explain how the removal of any ash trees that are not identified for removal in Annex A of [APP-086] and any that are not located within the order limits, where removal would be considered pertinent, would be secured in the dDCO.

Noise and Vibration

Noise barriers

Applicant: Response to ExQ2 NV.2.3 detailed the results of a noise modelling exercise which considered the continuation of the existing noise barriers within Noise Important Area (NIA) 1671. Whilst this assessment predicted significant long term noise reductions for 17 properties due to the inclusion of additional barriers NB_A and NB_B it was concluded that these barriers were not warranted. With reference to DMRB LA 111 section 3.65 explain why it is considered that additional barriers NB_A and NB_B are not necessary.

Noise Insulation Regulations (NIR)

Applicant: Response to ExQ2 NV.2.2 detailed the four criteria which must be met for eligibility of a grant under the NIR. Explain how the fourth criteria, ‘*contribution to the relevant noise level from the new or altered sections of road*’ was calculated for the scheme and signpost to where in the application documents this is detailed.

Protective Provisions

Applicant: The ExA understands from the schedule of negotiation with Statutory Undertakers (SU) [REP5-026, Appendix B] that outstanding objections in relation to protective provisions remain. As previously reminded in compulsory acquisition hearing 1 [EV9-001], if there are outstanding objections at the end of the examination the s127 and s138 of the Act would be engaged. The ExA requests that if outstanding objections remain that a s127/138 case, setting out how the proposed development could proceed without impeding the ability of the SU, who have objected, carrying out their undertakings, is submitted at D7.

Cadent Gas Limited

Applicant: Provide an update on the progress of the “advanced discussions” with Cadent Gas as referred to in [REP5-026] and confirm whether there are likely to be any changes to or disagreement with the current wording in Schedule 9 of the dDCO.

Cadent Gas: If there are any matters of disagreement remaining, provide details of the preferred form of wording you are seeking to the dDCO to address these.

United Utilities Water Limited

United Utilities Water Limited: Your D5 submission [REP5-040] included preferred wording for protective provisions in the form of a draft side agreement that has been sent to the applicant. Confirm whether you are seeking agreement of protective provisions in the form of a side agreement or secured on the face of the order. If wording is sought within the dDCO, provide details of the preferred form of wording you are seeking.

Applicant: Provide comments on the suitability of United Utilities preferred wording for protective provisions at D6. If there are any matters of disagreement remaining, provide the preferred form of wording you are seeking to address these.

National Grid Electricity Transmission Plc

National Grid: The applicant’s update to the dDCO submitted at D5 [REP5-005] included the addition of part 4 to Schedule 9 providing protective provisions in favour of National Grid. Confirm whether the added provisions are sufficient to address the matters raised in your submissions to the examination [RR-008] and [REP1-036]. If there are any matters of disagreement remaining, provide the preferred form of wording you are seeking to the dDCO to address these.

Traffic, Transport and Access

Applicant and BMBC: Responses to ExQ2 PHH.2.4 [REP5-033] and [REP5-037] stated that it was the intention that a joint inspection with BMBC highways representatives would be undertaken in each work location prior to the commencement of works in any particular area. It was also stated that any remedial work identified as arising from construction access, during or upon the completion of the works, would be discussed with BMBC based on the earlier inspection records. Please detail how and where this inspection and remediation work is secured in the dDCO.

The ExA requires responses by **Deadline 6, Tuesday 11 February 2025** unless otherwise indicated in the request.

If you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely,

Sarah Holmes

Lead Panel Member for the Examining Authority