

M60/M62/M66 Simister Island Interchange

TR010064

7.27 APPLICANT'S RESPONSES TO EXAMINING AUTHORITY'S RULE 17 LETTER DATED 28/01/25

APFP Regulation 5(2)(q)

Planning Act 2008

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

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

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

**APPLICANT'S RESPONSES TO EXAMINING AUTHORITY'S RULE 17
LETTER DATED 28/01/25**

Regulation Reference	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010064
Application Document Reference	TR010064/APP/7.31
Author	M60/M62/M66 Simister Island Interchange Project Team

Version	Date	Status of Version
P01	11 February 2025	Deadline 6

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1. Introduction

- 1.1.1. The Development Consent Order (DCO) application for the M60/M62/M66 Simister Island Interchange (the “Scheme”) was submitted by National Highways (the “Applicant”) on 2 April 2024 and accepted for Examination on 30 April 2024.
- 1.1.2. This document has been prepared by the Applicant to set out its responses to the Examining Authority’s (ExA) Rule 17 – Request for further information – letter dated 28 January 2025. The Applicant’s response is set out in Table 2-1 of this document. This document is submitted at Deadline 6 of the Examination.

2. Applicant's Responses to the Examining Authority's Rule 17 Letter Request for further information dated 28 January 2025

2.1.1. Table 2-1 below sets out the to the Examining Authority's Rule 17 Letter Request for further information dated 28 January 2025.

Table 2-1 - Applicant's Response to the Examining Authority's Rule 17 Letter Request for further information dated 28 January 2025

Request reference	Request to	Topic Matter/Request	Applicant's Response
Applicant's Updates (rule 6 Letter Annex E)			
R.1	Applicant	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.	A clean copy of the draft Development Consent Order [REP5-005] in Microsoft Word was provided to the ExA for the 31 January 2025.
Air Quality			
R.2	Applicant	Design Manual for Road and Bridges (DMRB) LA 105: Air Quality 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.	The Applicant confirms there are no material changes to the DMRB LA 105 standard, other than when vertical barriers are being installed for air quality mitigation purposes. The updates are in the mitigation section, the paragraphs after 2.110, up to paragraph 2.119 inclusive, of the DMRB LA 105 June 2024 version. As no barriers are proposed for air quality mitigation for the Scheme the update to the DMRB LA 105 standard would not change how the assessment reported in Chapter 5 Air Quality of the Environmental Statement [APP-044] was undertaken or the conclusions.
R.3	Applicant	Air Quality Monitoring 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 NO ₂ 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.	<p>National Highways is commissioned by the Department for Transport to assess sections of the Strategic Road Network (SRN) identified as potentially exceeding the annual mean nitrogen dioxide (NO₂) limit value. This is primarily informed by the outputs from Defra's Pollution Climatic Mapping (PCM) model. Following completion of our assessment, the limit value status i.e. above or below the annual mean NO₂ limit value for each section of the SRN is determined.</p> <p>For those sections of the SRN identified as exceeding the limit value National Highways has established a programme of air quality monitoring. The monitoring data is used to inform our annual evaluation and reporting process. For those sections of the network that are still identified as above, or within 10% of, the limit value, monitoring is maintained in these sections. Where the annual evaluation process concludes that annual mean NO₂ concentrations are below 36µg/m³, then the air quality monitoring is stopped for those sections of the SRN. Copies of National Highways Annual Evaluation Reports and associated monitoring data can be viewed on National Highways' air quality pages (https://nationalhighways.co.uk/our-work/environment/communities/air-quality/air-quality-reports/).</p> <p>National Highways does not proactively monitor all 4,500 miles of the SRN. For the vast majority of the SRN there is no requirement to undertake air quality monitoring as there are many sections of our network where there are no qualifying features such as houses, footpaths or public open spaces close to the SRN, and therefore the limit values would not apply in these locations. However, National Highways has regard to published local authority air quality reports, especially where air quality monitoring has been installed in close proximity to the SRN, or monitoring data collected as part of the assessment of schemes. The monitoring data is reviewed to determine if there could be a risk to achieving compliance with the limit values on sections of the SRN not covered by the current commissions from DfT. In the event that new evidence comes available, National Highways has an established process with DfT to submit the information to DfT and JAQU, for them to determine whether on the basis of this information the corresponding section of the SRN should be included in a new commission from DfT.</p>

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R.4	Applicant	Air Quality Monitoring 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 NO ₂ 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.	<p>The Applicant's primary position remains that there are no predicted exceedances of the annual mean nitrogen dioxide (NO₂) limit values to support post Scheme opening monitoring.</p> <p>Notwithstanding that position, the Applicant has reviewed the wording proposed by Bury Metropolitan Borough Council and in the event that the ExA is satisfied that there is potential for exceedances of NO₂ limit values, it would suggest the text set out below (new text shown underlined) is added to Requirement 4(7)(b) of the draft Development Consent Order [REP5-005]:</p> <p><i>"(b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development, <u>[including a programme for air quality monitoring where annual mean nitrogen dioxide (NO₂) limit values are exceeded or are at risk of being exceeded]; and...</u>"</i></p> <p>The Applicant contends that insofar as Requirement 4(7)(b) of the draft Development Consent Order [REP5-005] relates to the commitments regarding aftercare, monitoring and maintenance, this is the correct place to include express reference to a programme for future air quality monitoring.</p> <p>Should the ExA confirm the above additional wording is required in the publication of ExA's commentary or schedule of changes to the draft Development Consent Order, the Applicant will incorporate the changes into the final draft Development Consent Order to be submitted at Deadline 7 of the Examination.</p>
Compulsory Acquisition Matters			
R.5	Applicant	The Book of Reference (BoR) 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.	<p>The Applicant refers to its previous response to the Examining Authority's first round of written questions at Examination Deadline 3 in respect of the steps taken by it to try and determine the owners of the unregistered land (ref CA.1.3 [REP3-023]).</p> <p>The Applicant also refers to its previous response to the Examining Authority's Action Point CAH1-3 [REP4-028] at Deadline 4 of the Examination confirming the number of remaining unregistered plots, including the unregistered plots relevant to the permanent acquisition of land listed in Table 4.1 of the Statement of Reasons [APP-018].</p> <p>The Examining Authority will be aware that the Applicant also submitted an updated Book of Reference [REP5-009] at Deadline 5 of the Examination following a check of HM Land Registry records for updates together with the Schedule of Changes to the Book of Reference [REP5-030]. This update took account of the nil response received from the display of unregistered land site notices since the 31 October 2024. No change was therefore required to the unregistered plots relevant to the permanent acquisition of land listed in Table 4.1 of the Statement of Reasons [APP-018].</p> <p>The Applicant advises that from the continued display of unregistered land site notices there has been no information received that would require changes to the Book of Reference [REP5-009], and therefore the list of unregistered plots relevant to the permanent acquisition of land set out in Table 4.1 of the Statement of Reasons [APP-018] remains accurate.</p> <p>The Applicant is not aware of any land which is classified as Bona Vacantia (including Escheat) which is proposed to be acquired within the Order Limits of the Scheme.</p>
R.6	Applicant	Plot 1/1a	The Applicant is satisfied that all of the land within Plot 1/1a forms part of the motorway and is required to

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		<p>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.</p>	<p>deliver the works. The ExA's comments are however noted, and the Applicant confirms that it will split Plot 1/1a into 3 plots to enable the Secretary of State to decide if land to the north and south of M60 should remain within the Order limits. Revised Land Plans, Book of Reference and Statement of Reasons showing the split will be submitted at Deadline 7 of the Examination.</p>
R.7	Applicant	<p>Individual Objections to Compulsory Acquisition</p> <p>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;</p> <ul style="list-style-type: none"> • The Trustees of Pike Fold Golf Club • National Grid Electricity Transmission plc • Hillary Family • Massey Family • Joseph Holt Limited 	<p><u>The Trustees of Pike Fold Golf Club</u> The Applicant has provided a draft agreement to the Golf Club's legal representatives. Comments on the draft agreement are awaited and the Applicant remains hopeful that agreement will be reached before the end of the examination period, noting that agreement is dependent on the responses received from the Golf Club. The Applicant continues to maintain regular meetings and dialogue with the Golf Club and has received positive engagement regarding the programme for physical works to the Golf Club consistent with the draft agreement that the Applicant has put forward.</p> <p><u>National Grid Electricity Transmission plc (NGET)</u> The Applicant has included protective provisions in favour of NGET in the draft DDevelopment Consent Order [REP5-005] which mirror the form of protective provisions accepted by NGET on other approved Development Consent Orders promoted by the Applicant. The Applicant is in continuing dialogue with NGET with a view to securing NGET's approval of those protective provisions and removing its objection before the end of the Examination.</p> <p><u>Hillary Family</u> The position remains as set out in the Applicant's Updates (Rule 6 Letter Annex E) [REP5-026]- which accompanies the Applicant's submission at this Deadline 6 of the Examination. The Applicant continues to maintain lines of communication with the Hillary Family and is ready and willing to engage in respect of negotiations to acquire the Hillary Family's land voluntarily. The Applicant's understanding is that the Hillary Family maintains its objection to the Scheme but in the event that the Scheme is approved, it will then actively engage in negotiations regarding the purchase of their land.</p> <p><u>Massey Family</u> The Applicant continues keep lines of communication open with the Massey Family and is ready and willing to engage in respect of negotiations to acquire the Massey Family's land voluntarily. The Applicant's understanding is that the Massey Family maintains its objection to the Scheme but in the event that the Scheme is approved, the Applicant anticipates that the Massey Family will then actively engage in negotiations regarding the purchase of their land.</p> <p><u>Joseph Holt Limited (JHL)</u> The Applicant has provided a draft agreement consistent with the agreement in principle reached by the parties. JHL has not provided amendments to that draft agreement but has recently requested further details regarding the physical characteristics of the access proposals affecting the land. The Applicant is in the process of providing that detail. The Applicant expects to receive JHL's comments on or details of any amendments that it requires to the draft agreement. The Applicant remains hopeful that agreement will be reached before the end of the examination period, but agreement is dependent on the responses received from JHL.</p>

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Environmental Mitigation Areas (EMAs) on land plots 2/16b and 2/16d (Work No.36 and 38)			
R.8	Applicant	Your response to Action Point 30 from issue specific hearing (ISH) 2 [REP4-028] and response to the Hillary 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:	The Applicant confirms that the environmental mitigation areas shown on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057], including the land plots 2/16b and 2/16d as set out in the Book of Reference [REP5-009] and the Lands Plan [REP3-004], is related to the avoidance of significant adverse effects to environmental receptors and relates to the assessment presented within the chapters of the Environmental Statement. The Applicant provides a response to the Examining Authority's request for clarification in responses R.8.1 to R.8.6 below.
R.8.1	Applicant	<ul style="list-style-type: none"> 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' 	<p>The Applicant confirms as stated in paragraph 4.2.20 of Chapter 4: Environmental Assessment Methodology, of the Environmental Statement [APP-043], embedded mitigation is defined as Scheme design principles adopted to avoid or prevent adverse environmental effects. Examples are provided in paragraph 2.5.1 of Chapter 2: The Scheme, of the Environmental Statement [APP-041]. Essential mitigation is defined in paragraph 4.2.20 of Chapter 4: Environmental Assessment Methodology, of the Environmental Statement [APP-043], as measures critical for the delivery of the Scheme which can be acquired through statutory powers. These measures are required to reduce and if possible offset likely significant adverse environmental effects, in support of the reported significance of effects in the environmental assessment.</p> <p>In respect of the mitigation proposed for plots 2/16b and 2/16d this have been broken down into topic area with the essential and embedded mitigation for each topic set out below:</p> <p><u>Biodiversity</u> Section 8.9 of Chapter 8: Biodiversity, of the Environmental Statement [REP3-010] details embedded and essential mitigation relevant to biodiversity receptors.</p> <p>Embedded mitigation measures of relevance to plots 2/16b and 2/16d (as detailed in the Book of Reference [REP5-009] and shown on the Land Plans [REP3-004]) are:</p> <ul style="list-style-type: none"> Avoidance of impacts – for example some hedgerows would be retained around the boundary of plot 2/16d. Maximise biodiversity value – where habitats are lost as a result of the Scheme, new habitats of equal or greater value would be created Clearance of vegetation would be minimised (secured by Commitment LV3 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]). As stated in paragraph 8.9.6 of Chapter 8: Biodiversity, of the Environmental Statement [REP3-010] particular attention has been given to the retention of existing vegetation in the following locations: <ul style="list-style-type: none"> Hedgerows and woodland in the vicinity of the Northern Loop; Hedgerows and vegetation along Egypt Lane. Commitment LV4 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), all planting and seeding will use native species as appropriate to the location and will be overseen by ecologists and arboriculturists. Commitment B1 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), new road verges will support low-nutrient grassland. Commitment LV5 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), connectivity of habitats will be maximised through provision of new hedgerow planting in areas adjacent to the environmental areas. Commitment LV7 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), planting will be delivered to link existing field boundary

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			<p>vegetation with other areas of existing vegetation in areas around the Northern Loop to improve habitat links and strengthen the local landscape pattern and character.</p> <ul style="list-style-type: none"> • Commitment LV8 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), aquatic and marginal planting will be provided at the ponds and swales to improve biodiversity and landscape integration. • Commitment G7 (of the Register of Environmental Action and Commitments within the First Iteration Environmental Management Plan [REP5-023]), a suitable lighting strategy will be developed for implementation across the Scheme in accordance with industry standards and good practice guidance on lighting with regards to protected species. • Measures relating to surface water quality, ground water and flood risk are detailed within Section 13.9 of Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [REP1-027] including provision of ponds and swales. <p>Essential mitigation measures shown on Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017] within plots 2/16b and 2/16d are:</p> <ul style="list-style-type: none"> • Commitment B23 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), hibernacula and log piles will be provided within newly created habitats to provide sources of invertebrate prey and places of shelter for reptiles. • Commitment B24 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), felled vegetation and dead timber will be retained and made into habitat piles within retained vegetation and Scheme landscaping and mitigation areas under direction of a suitably experienced ecologist. • Commitment B25 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), environmental mitigation areas, as well as broader landscaping, will be designed with benefits to invertebrates in mind. Designs may include the creation of new wildflower and grassland areas seeded from a species-rich seed mix, new ponds and ditches, trees and woodland, species-rich hedgerows and scrub comprising native tree, shrub and herbaceous species of local provenance. • Hedgerows to provide connectivity with retained habitats and to direct animals, including bats, around the Northern Loop. • Habitat creation to mitigate habitat loss within the Order Limits. <p><u>Landscape and visual</u> Embedded mitigation measures (Commitments LV1 to LV8 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]) and essential mitigation measures (Commitments LV9 to LV17 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]) relevant to landscape receptors are detailed in Section 7.9 Design, Mitigation and Enhancement Measures of Chapter 7: Landscape and Visual, of the Environmental Statement [REP4-010]. With reference to Plot 2/16b and Plot 2/16d shown on 2.3 Land Plans [REP3-004], the associated mitigation planting is shown on Sheet 3 of Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017].</p> <p>Essential mitigation provides the majority of the mitigation requirements within Plots 2/16b and Plot 2/16d.</p> <p>Essential mitigation measure Commitment LV10 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023] covers – ‘<i>Planting on the Simister Pike Fold Bridge embankments and Northern Loop embankments and within the Northern Loop ...</i>’.</p>

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			<ul style="list-style-type: none"> Plot 2/16b - essential mitigation measures comprise broadleaf woodland south-east of the Northern Loop and within the Northern Loop, and shrubs with intermittent trees east and south of the Northern Loop. Plot 2/16d - essential mitigation measures comprise mixed woodland north of the Northern Loop, shrubs and intermittent trees east of the Northern Loop and broad leaf woodland within the Northern Loop. <p>Essential mitigation measure Commitment LV15 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023] covers – <i>'Planting of trees and shrubs, and species rich grassland creation will be delivered within land east of the Northern Loop'</i>.</p> <ul style="list-style-type: none"> Plot 2/16b - essential mitigation measures comprise species rich grassland creation within land east and south-east of the Northern Loop and within the Northern Loop. Plot 2/16d - essential mitigation measures comprise wet woodland planting and species rich grassland creation north-east, east and south-east of Pond 1. <p>Embedded mitigation within Plots 2/16b and Plot 2/16d is described in Commitment LV5 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023], <i>'Hedgerow planting will be delivered in areas adjacent to the environmental areas, along the new highway boundaries and around ponds'</i>, and Commitment LV6, <i>'Hedgerow tree planting will be delivered to strengthen new and existing hedgerows'</i>.</p> <ul style="list-style-type: none"> Plot 2/16b – embedded mitigation measures comprise two hedgerows south-east of the Northern Loop. Plot 2/16d - embedded mitigation measures comprises a hedgerow and hedgerow tree planting north-east of the Northern Loop.
R.8.2	Applicant	<ul style="list-style-type: none"> Confirm the environmental function code for the broadleaf woodland proposed in land plot 2/16b on [REP5-017]. 	<p>The Applicant confirms with reference to Sheet 3 of Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017], the environmental function code for the broadleaf woodland planting plot located in Plot 2/16b (as shown on the Land Plans [REP3-004]) south-east of the Northern Loop, is EFA/EFB/efd. This illustrates the environmental mitigation's provision for Visual screening (EFA), Landscape integration (EFB) and Nature conservation and biodiversity (efd). The broadleaf woodland planting provides visual screening and landscape integration of the Northern Loop and Pike Fold Simister Viaduct. This erroneously omitted function code label will be added to Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017] for Deadline 7.</p>
R.8.3	Applicant	<ul style="list-style-type: none"> 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. 	<p>The Applicant confirms that the broadleaf woodland (south-east of the Northern Loop) in Plot 2/16b (as shown on the Land Plans [REP3-004]), detailed on Sheet 3 of Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017], provides essential mitigation to screen views of traffic using the Northern Loop, and to reduce the visibility of the lighting columns, from Unsworth Moss Farm, Unsworth Moss Bungalow, Moss Top Farm, Footpath 8WHI and Footpath 9WHI (VP5) and Footpath 9WHI, Footpath 46WHI, road users along Egypt Lane and users of Pike Fold Golf Course (VP7). The locations of the viewpoints (VPs) are shown on Figure 7.5 Representative Viewpoints and Photomontage Locations of the Environmental Statement Figures [REP4-016]. Reliance on the adjacent shrubs with intermittent trees, located on the eastern and southern embankments of the Northern Loop, alone is not considered to provide the required level of screening to sufficiently reduce the level of effect to not-significant for VP5 and VP7. This is described by essential mitigation measure Commitment LV15 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023] and which is also described in Section 7.9 Design, Mitigation and Enhancement Measures of Chapter 7 Landscape and Visual of the Environmental Statement [REP4-010].</p> <p>Appendix 7.4 Schedule of Visual Effects of the Environmental Statement Appendices [REP4-020] has assessed a moderate adverse effect (significant) at Operation Year 1 for VP5 and VP7 and a slight adverse effect (not-significant) by year 15. Visualisation PM01 (location VP7) shown on Figure 7.7 Photomontage PM1 of the Environmental Statement Figures [REP4-014] shows the area of broadleaf woodland planting before establishment at Operation year 1 and once established at year 15. Figure 7.6 (Representative Viewpoints 1-10)</p>

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			<p>of the Environmental Statement Figures [APP-063] includes Type 1 visualisations in winter and summer from VP5 and VP7.</p> <p>The broadleaf woodland in Plot 2/16b also provides visual screening of the southern section of the Northern Loop for VP3 - Brickhouse Farm, four residential properties on Killy Lane, Footpath 6WHI, Footpath 7WHI and users of Pike Fold Golf Course, which would reduce the effects from moderate adverse effect (significant) at Operation year 1 to a slight adverse effect (not significant) at year 15. Figure 7.6 Representative Viewpoints 1-10) [APP-063] includes Type 1 visualisations in winter and summer from VP3.</p> <p>With reference to the wet woodland and individual trees in Plot 2/16d (as shown on the Land Plans [REP3-004], the planting area available on the embankment in the vicinity of the Simister Pike Fold Bridge and north part of the Northern Loop is limited and the shrubs with intermittent trees planting on the embankment alone would not fully screen the Scheme and moving traffic. The wet woodland and individual trees would, in combination with the shrubs and intermittent trees on the Northern Loop embankments and the broadleaf woodland within Plot 2/16b, help to screen the Scheme and moving traffic. This is described by essential mitigation measure Commitment LV15 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP3-023] which also is described in Section 7.9 Design, Mitigation and Enhancement Measures of Chapter 7 Landscape and Visual of the Environmental Statement [REP4-010].</p> <p>The wet woodland and individual tree planting would also help reduce views of new lighting columns, the golf ball netting and supporting frame for users of footpath 9WHI when nearing and adjacent to the south-east boundary of Plot 2/16d (as shown on the Land Plans [REP3-004]). Fencing, both around Pond 1 for safety, and around the field boundaries, would be slightly detracting features requiring sympathetic integration into the landscape which is provided by the wet woodland planting and individual tree planting within Plot 2/16d.</p> <p>The construction of the Northern Loop and Simister Pike Fold Bridge would result in a significant change in levels of vegetation and enclosure in Plot 2/15 (as shown on the Land Plans [REP3-004]) to the north-west of the Northern Loop due to the loss of woodland, as shown on Sheet 9 of 15 of Figure 7.5.2 Tree Removals Plan of Appendix 7.5 Arboricultural Impact Assessment of the Environmental Statement Appendices [APP-086]. This would result in a notable change in levels of enclosure and alteration of views and visual amenity from VP7 which would be reinstated through the planting within Plots 2/16b and 2/16d (as shown on the Land Plans [REP3-004]).</p>
R.8.4	Applicant	<ul style="list-style-type: none"> 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. 	<p>The Applicant confirms that the effects on LCA 26: Prettywood, Pilsworth and Unsworth Moss are assessed in Appendix 7.3 Schedule of Landscape and Townscape Effects of the Environmental Statement Appendices [APP-084], and that a Moderate adverse (significant) effect during construction and a Slight adverse effect (not significant) for Operation year 1 has been assessed.</p> <p>Appendix 7.3 Schedule of Landscape and Townscape Effects of the Environmental Statement Appendices [APP-084] provides details of the anticipated changes to LCA 26: Prettywood, Pilsworth and Unsworth Moss. Construction would result in the loss of an area of woodland and linear woodland belt and mature trees east of the M66. The removal of the vegetation would alter the sense of enclosure and result in a greater perception of the adjacent M66 corridor and moving traffic from the more rural area to the east. The presence of the Northern Loop, Simister Pike Fold Viaduct, and the Simister Pike Fold Bridge, including moving traffic and highway infrastructure, such as lighting columns, signage, fencing, golf ball netting and vehicle restraint systems, would erode the rural landscape character. Most changes to landscape character are not anticipated to be reversible, with the exception of vegetation removal, which would generally be reversible over time through mitigation planting.</p>

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			<p>Effects on LCA 26: Prettywood, Pilsworth and Unsworth Moss reduce to Slight adverse (not-significant) in Operation year 1 from Moderate adverse effect (significant) during construction as the scale of the change resulting from loss of woodland and new infrastructure, and the geographical extent over which the change is perceived, would reduce once uncharacteristic and wide spread construction activity has ceased. Effects at Operation year 1 are assessed assuming some landscape integration from the establishment of grass sward and species rich grassland across embankments and all other areas disturbed by construction activity.</p> <p>Embedded mitigation measures (Commitments LV1 to LV8 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]) relevant to landscape receptors are detailed in Section 7.9 Design, Mitigation and Enhancement Measures of Chapter 7: Landscape and Visual, of the Environmental Statement [REP4-010]. These measures provide some landscape integration at the early stages to help mitigate landscape impacts.</p> <p>With reference to Plot 2/16b and Plot 2/16d shown on 2.3 Land Plans [REP3-004], the associated mitigation planting as shown on Sheet 3 of Figure 2.3 Environmental Masterplan of the Environmental Statement Figures [REP5-017] embedded mitigation measures comprise:</p> <ul style="list-style-type: none"> • Commitment LV2 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), the ponds will be designed to provide landscape integration and planting opportunities, to be sensitive to landscape character. • Commitment LV5 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), new hedgerow planting will be delivered in areas adjacent to the environmental areas, along the new highway boundaries and around ponds. • Commitment LV6 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), new hedgerow tree planting will be delivered to strengthen new and existing hedgerows to further help integrate the motorway infrastructure into the local landscape. • Commitment LV7 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), planting will be delivered to link existing field boundary vegetation with other areas of existing vegetation in areas around the Northern Loop to improve habitat links and strengthen the local landscape pattern and character. • Commitment LV8 (of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023]), aquatic and marginal planting will be provided at the ponds and swales to improve biodiversity and landscape integration. <p>The objectives of Commitment LV5, LV6 and LV7 are unlikely to be realised by Operation year 1. However, they are important to the integration of the Scheme in the short to medium term once hedgerows and hedgerow trees establish.</p>
R.8.5	Applicant	<ul style="list-style-type: none"> • 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. 	<p>The Applicant confirms descriptions of the contribution of species rich grassland to landscape character and visual amenity are generally described in Appendix 7.3 Schedule of Landscape and Townscape Effects of the Environmental Statement Appendices [APP-084] and Appendix 7.4 Schedule of Visual Effects of the Environmental Statement Appendices [REP4-020]. The inclusion of species rich grassland is typically described as helping to integrate the new infrastructure, wetland and marginal habitat creation at the ponds, and new woodland planting into the existing landscape and to provide some visual amenity. This essential mitigation is secured through Commitment LV15 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023] – <i>'Planting of trees and shrubs, and species rich grassland creation will be delivered within land east of the Northern Loop'</i>.</p>

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			<p>Table 8.17 of Chapter 8: Biodiversity of the Environmental Statement [REP3-010] identifies that construction of the Scheme would lead to the loss of 5.79ha of modified grassland and 21.99ha of other neutral grassland (species rich grassland). This would be mitigated through the creation on 1.86ha of modified grassland and 23.50ha of other neutral grassland resulting in a net loss/gain of -3.94ha of modified grassland and +1.51ha of other neutral grassland. As stated in paragraph 8.10.87 of Chapter 8 Biodiversity of the Environmental Statement [REP3-010], whilst overall there would be a net loss in the areas of grassland habitats (-2.03ha) due to construction of the Scheme, the value of these habitats would be higher post-construction as a greater area of more diverse and ecologically valuable grassland (other neutral grassland) is being created compared to less diverse and ecologically valuable modified grassland. It is concluded that loss of these habitats would have a negligible adverse impact but that the significance of effect would be neutral (not significant). In the absence of this grassland creation however, there would be a major adverse impact to this locally important receptor (neutral (species rich) grassland), which would result in a slight adverse (not significant) effect i.e. the creation of species rich grassland would move a slight adverse effect to a neutral effect.</p> <p>Paragraph 5.44 of the NN NPS (2015) states that 'if avoidance or reduction of harm is not possible, applicants should include appropriate mitigation measures, in line with the mitigation hierarchy, as an integral part of their proposed development, including identifying where and how these will be secured in the long term'. These mitigation measures are not restricted to mitigation measures for significant effects, and it is the Applicant's view that it is appropriate to mitigate this loss of neutral grassland.</p>
R.8.6	Applicant	<ul style="list-style-type: none"> 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. 	<p>The area of habitat within plot 2/16d shown on Figure 2.3 Environmental Masterplan [REP5-017] would be retained and protected during construction so there would be no impacts to this habitat. Following creation of new grassland around this retained habitat parcel (within the wider parts of plot 2/16d and also plot 2/16b), both the areas of new grassland, and the area of retained grassland would be managed in accordance with Appendix N: Outline Landscape and Ecology Management Plan [APP-141]. Management of the retained habitat in accordance with that Management Plan is expected to result in an improvement in the condition of the habitat (which is currently poor) and is considered as an enhancement.</p> <p>As stated in paragraph 2.3.17 of Appendix 8.12 Biodiversity Net Gain Report [APP-102], enhancement has been limited to a single step increase in condition (i.e.. poor to moderate) in order to ensure the enhancement is achievable. This is considered appropriate as the grassland (and woodland) currently present in that area will be under the same management regime as the areas of habitat creation to meet the condition criteria outlined within the Biodiversity Metric 3.1 Technical Supplement (Crosher et al., 2022).</p> <p>The area of habitat shown as retained and protected within plot 2/16b on Figure 2.3 Environmental Masterplan [REP5-017] requires compulsory acquisition to enable the Applicant to develop the Scheme detailed design including landscaping and, during operation, implement the management regime described in Appendix N: Outline Landscape and Ecology Management Plan [APP-141] whilst maintaining 'corridors' through the environmental mitigation in this area for access and maintenance of deep drainage associated with drainage network 1. Access and maintenance will also be required for an existing power supply to the communications mast which crosses plot 2/16b from plot 2/16c, which benefits from existing and retained surface access.</p>
In combination and cumulative effects			
R.9	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	<p>The Applicant confirms the forecast model development is set out in Chapter 2.6 of the Transport Assessment [APP-149]. The details of the Uncertainty Log and local developments that have been included in the forecast models are discussed in paragraph 2.6.12 of the Transport Assessment [APP-149].</p> <p>The Uncertainty Log was originally developed for other schemes that are planned in Greater Manchester. The details of the inherited Uncertainty Log were reviewed and discussed with local planning authorities in</p>

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		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.	<p>Manchester, Bury, Oldham and Rochdale before it was finalised for use at the beginning of 2021. The Uncertainty Log was further updated in May 2023.</p> <p>In 2023 the ID BMBC-APP-035 application reference 70449: Prestwich Regeneration scheme classed as reasonably foreseeable in accordance with Transport Appraisal Guidance (TAG) (unit M4, table A1). The traffic model contains developments which are "Near Certain" or "More Than Likely" i.e developments for which planning permission has either been submitted or expected to be submitted imminently.</p> <p>Further review of the Prestwich Regeneration scheme indicates that it has recently been approved in November 2024 (application was submitted January 2024). The modelling work for the Scheme was completed prior to that in the summer of 2023. Therefore, as per TAG, the Prestwich Regeneration scheme was not included in the traffic model for the Scheme.</p> <p>As stated in paragraph 2.6.14 of the Transport Assessment [APP-149], any developments which are not specifically modelled are instead accounted for by general background traffic growth applied at a local authority level with the overall level of growth constrained to the Department for Transport (DfT) National Trip End Model (NTEM) totals.</p> <p>A review of the transport assessment for the Prestwich Regeneration scheme (document CCBE798301A34CE69BB23017FC04017F.PDF, dated: 7 June 2024) has been undertaken. This indicates that the largest number of trips to and from the proposed Prestwich development are 57 vehicle trips in the PM (1730-1830) hour. This relatively low level of trip generation is unlikely to impact the operation of the Scheme. Therefore, it doesnot impact the Transport Assessment [APP-149] undertaken for the Scheme.</p>
Landscape and Visual Impacts – Ash Dieback			
R.10	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:	<p>The Applicant wishes to clarify the meaning of Paragraph 2.3.16 of Appendix 7.5: Arboricultural Impact Assessment, of the Environmental Statement Appendices [APP-086].</p> <p>It is in the categorisation of the grades of the trees and groups that the report has taken into account the high number of infected ash trees on the site, has assumed that none will survive longer than 10 years and has downgraded their grade appropriately. It may be pertinent from a general tree management perspective to remove ash trees with dieback at the pre-development stage while tree and site conditions allow for the safest working environment. However, removal of infected trees which would otherwise not be impacted by the Scheme are not considered as 'impacts' of the Scheme within the arboricultural impact assessment reported within Section 4 of the document, which assesses the direct impacts associated with the construction of the design proposals and such trees are not shown on the Tree Removal Plan. The Applicant provides a response to the Examining Authority's specific questions in responses R.10.1 to R.10.2 below.</p>
R.10.1	Applicant	<ul style="list-style-type: none"> 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. 	<p>The Applicant confirms that the assessment of landscape and visual effects in Appendix 7.3 Schedule of Landscape and Townscape Effects of the Environmental Statement Appendices [APP-084] and Appendix 7.4 Schedule of Visual Effects of the Environmental Statement Appendices [REP4-020] does not include assessment of the impacts of the removal of trees solely for reasons of ash dieback for trees either inside or outside of the Order Limits.</p> <p>As stated above, the Tree Removal Plan within Appendix 7.5: Arboricultural Impact Assessment, of the Environmental Statement Appendices [APP-086] has only identified individual ash trees and ash trees within tree groups (generally within National Highways' woodland belts along M60 embankments), for removal where they might be impacted by the Scheme. In those instances, the assessment of landscape and visual effects has</p>

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			included the impacts of their removal.
R.10.2	Applicant	<ul style="list-style-type: none"> 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. 	<p>If considered necessary, the removal of any ash trees with ash dieback not already identified for removal in Annex A of [APP-086] is secured by Article 36 of the draft Development Consent Order [REP5-005]:</p> <p><i>Felling or lopping of trees and removal or management of hedgerows</i></p> <p><i>36.—(1) Subject to paragraph (3), the undertaker may fell or lop any tree or shrub with the exception of ancient woodland within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—</i></p> <p><i>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or</i></p> <p><i>(b) from constituting a danger to persons using the authorised development.</i></p> <p>Trees noted with ash dieback within the Order Limits but not identified for removal in Annex A of the Arboricultural Impact Assessment [APP-086], would likely need resurvey as the scheme progresses in line with the Ash Die Back methodology published by the Tree Council, in which trees considered a risk would be removed, in a proportionate manner. Outside of the Order Limits, there are four individual ash trees, T144 to T147, exhibiting signs of ash dieback located near Derwent Avenue, which are identified in Appendix 7.5: Arboricultural Impact Assessment, of the Environmental Statement Appendices [APP-086]. These trees were included within the tree survey as they are within influencing distance of the proposals. However, the current expectation based on the assessments completed is that they would be unaffected by the Scheme. Ultimately the decision with regards to the removal of these trees lies with the respective landowner ensuring that they discharge their duty of care to ensure that they have taken reasonable steps to ensure the tree's safety.</p>
Noise and Vibration			
R.11	Applicant	<p>Noise Barriers</p> <p>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.</p>	<p>The Applicant confirms the initial assessment of likely significant effect on noise sensitive buildings without essential mitigation was determined using Table 3.58 DMRB LA 111 Noise and Vibration standard, where any short term moderate or major magnitude increases are considered as likely significant adverse effects. This initial assessment was then modified using DMRB LA 111 Table 3.60, which instructs that any receptors with noise levels above the Significant Observed Adverse Effect Level (SOAEL) with a minor (1.0-2.9dB) increase in road traffic noise should also be considered as significant adverse effects.</p> <p>DMRB LA 111 Table 3.60 also allows for the initial determination of likely significance to be modified by taking into account the change in noise in the long term. A long-term change in noise could be considered as a significant adverse effect where a greater impact is predicted in the long term than the short term. As all predicted changes in noise over both the short term and the long term for the Scheme are of the same negligible impact magnitude with essential mitigation, this modification to the significance of effect was therefore not applied.</p> <p>The assessment of road traffic noise presented in Chapter 11 Noise and Vibration of the Environmental Statement [APP-050] concludes that the inclusion of the essential mitigation of a better performing low noise surface than a conventional low noise surface with a Road Surface Influence (RSI) of at least -6.0dB(A) would eliminate all identified significant adverse effects of the Scheme from road traffic noise. The inclusion of this essential mitigation would provide significant reductions in road traffic noise for 1,585 residential receptors on Scheme opening. This essential mitigation is provided as commitment NV4 in the Register of Environmental</p>

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			<p>Actions and Commitments, contained within the First Iteration Environmental Management Plan [REP5-023].</p> <p>Paragraph 3.65 of DMRB LA 111 provides five criteria for considering the suitability of potential noise mitigation measures:</p> <ol style="list-style-type: none"> 1) The cost of a noise mitigation measure compared to the monetised noise benefit of the measure – this criteria has not been considered for additional noise barriers as these calculations would be undertaken when a mitigation measure is proposed. In this situation additional noise barriers are not proposed, as outlined in points 2 and 3 below. 2) The likely perceived benefit of the measure – the provision of a better performing low noise surface than a conventional low noise surface provides significant benefits from the reduction of road traffic noise to 1,585 residential receptors on Scheme opening. It is considered that this mitigation measure alone would provide a perceived benefit and so no further noise mitigation measures are considered to be necessary. 3) The benefit of the measure in terms of elimination of likely significant effects – the provision of a better performing low noise surface than a conventional low noise surface has eliminated all identified likely significant adverse effects of the Scheme from road traffic noise, so no further noise mitigation measures are considered to be necessary. 4) The practicality of the measure – this criteria has not been considered for additional noise barriers as it is assessed when a mitigation measure is proposed. Additional noise barriers are not proposed, as outlined in points 2 and 3 above. 5) The impact of the measure across other environmental factors – this criteria has not been considered for additional noise barriers as it is assessed when a mitigation measure is proposed. Additional noise barriers are not proposed, as outlined in points 2 and 3 above.
R.12	Applicant	<p>Noise Insulation Regulations (NIR)</p> <p>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.</p>	<p>The Applicant confirms within the noise modelling software used for the noise assessment the roads are divided into sections, typically around 100m in length. To determine the overall noise level at a receptor the software logarithmically combines the noise contribution from each section of road. It is also possible for the noise contribution from each section of road to be examined individually.</p> <p>The calculation for the determination of the fourth criteria under the Noise Insulation Regulations (NIR), '<i>contribution to the relevant noise level from the new or altered sections of road</i>', involves consideration of the noise contribution from the separate sections of road at each receptor. The noise contribution from new or altered sections of road are combined, and the noise contribution from sections of existing road are also separately combined. These two figures can then be compared against the total predicted noise level at the receptor to determine the contribution from each.</p> <p>These additional calculations have not been provided within the assessment as the potential eligibility of all receptors for noise insulation under the NIR will be reassessed during detailed design and prior to the start of construction, as stated in Commitment NV6 of the Register of Environmental Actions and Commitments, contained in the First Iteration Environmental Management Plan [REP5-023].</p>
Protective Provisions			
R.13	Applicant	<p>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</p>	<p>The Applicant has noted the Examining Authority's request and confirms that in the event that agreement has not been reached with relevant statutory undertaker(s), the Applicant will submit representations in respect of s127 and 138 at Deadline 7 of the Examination.</p>

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		[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			
R.14	Applicant	Cadent Gas Limited 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.	The Applicant is continuing its discussions with Cadent Gas (Cadent) with a view to reaching agreement before Deadline 7 of the Examination. The final matters being discussed relate to the approach to securing easements in favour of Cadent and are expected to be concluded in a separate agreement between the Applicant and Cadent direct.
R.15	Cadent Gas	Cadent Gas Limited 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.	N/A
United Utilities Water Limited			
R.16	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.	N/A
R.17	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	The Applicant understands that United Utilities (UU) is content with draft agreement the Applicant provided for the protection of UU's assets, which is to be contained in a separate agreement between the Applicant and UU. The Applicant is working with UU to resolve its final comments concerning arrangements for connections, if any, into UUs assets. The Applicant therefore expects to reach agreement with UU before Deadline 7 of the Examination. The Applicant has not submitted preferred wording at this deadline because the wording provided by UU is intended to be contained in a separate agreement between the Applicant and UU. Should agreement not be reached before Deadline 7 of the Examination, the Applicant will clearly identify the wording that is not agreed, giving reasons why and confirming by reference to s127 and 138 of the Planning Act 2008 how UU's undertaking would not be adversely affected by the omission of such wording.
National Grid Electricity Transmission Plc			
R.18	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.	N/A

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Traffic, Transport and Access			
R.19	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 Applicant has updated the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [REP5-023] to include a new commitment G11 and new paragraph at 5.6.6 of the Outline Traffic Management Plan [APP-150] to provide clarification on relevant inspection and remediation work. The Register of Environmental Actions and Commitments and the Outline Traffic Management Plan are secured by Requirement 4 of the draft Development Consent Order [REP5-005].