

M60/M62/M66 Simister Island Interchange

TR010064

7.14 APPLICANT'S UPDATES (RULE 6 LETTER ANNEX E)

APFP Regulation 5(2)(q)

Planning Act 2008

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

VOLUME 7

February 2025

Infrastructure Planning

Planning Act 2008

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

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

APPLICANT'S UPDATES (RULE 6 LETTER ANNEX E)

Regulation Reference	APFP Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010064
Application Document Reference	TR010064/APP/7.14
Author	M60/M62/M66 Simister Island Interchange Project Team & National Highways

Version	Date	Status of Version
P05	27 February 2025	Examination Deadline 7

CONTENTS

1	SUMMARY.....	2
2	STATEMENTS OF COMMON GROUND (SoCG)	2
3	SCHEDULE OF NEGOTIATION OF COMPULSORY ACQUISITION.....	3
4	UPDATES TO APPLICATION DOCUMENTS.....	4
5	STATUS OF NEGOTIATIONS WITH STATUTORY UNDERTAKERS	4
6	SCHEDULE OF PROGRESS SECURING OTHER CONSENTS	5
	Appendix A Schedule of negotiation of Compulsory Acquisition with Affected Parties	6
	Appendix B Schedule of negotiations with Statutory Undertakers.....	10
	Appendix C Confirmation received from the Department for Education in respect of Crown Land	14

1 SUMMARY

- 1.1.1 National Highways (the “Applicant”) has prepared this document to provide an update to the Examining Authority against the areas of interest and matters listed in Annex E of the Rule 6 letter [PD-008] for the M60/M62/M66 Simister Island Interchange (the “Scheme”).
- 1.1.2 The Applicant has provided updates at deadlines during the examination as directed by the Examining Authority in the Rule 8 letter [PD-009]. The final version of this document summarising progress made throughout the examination is provided at Deadline 7, Thursday 27 February 2025.

2 STATEMENTS OF COMMON GROUND (SoCG)

- 2.1.1 The summaries below have been provided based on the four points requested by the ExA for each SoCG.

Bury Metropolitan Borough Council [REP5-028]

- 2.1.2 The SoCG has been reviewed by Bury Metropolitan Borough Council. A final and signed version was submitted at Deadline 5.
- 2.1.3 With the exception of one issue, all matters are agreed between the Applicant and Bury Metropolitan Borough Council. The single issue which is not agreed relates to operational air quality monitoring.
- 2.1.4 The Applicant is not aware of any outstanding concerns that require specific action by the Applicant and Bury Metropolitan Borough Council following the submission of the SoCG.
- 2.1.5 The Applicant and Bury Metropolitan Borough Council are not working on any updates to the submitted SoCG.

Environment Agency [REP1-018]

- 2.1.6 The SoCG has been reviewed by the Environment Agency. A final and signed version was submitted at Deadline 1.
- 2.1.7 All matters are agreed between the Applicant and the Environment Agency.
- 2.1.8 The Applicant is not aware of any outstanding concerns.
- 2.1.9 The Applicant and the Environment Agency are not working on any updates to the submitted SoCG.

Natural England [REP1-017]

- 2.1.10 The SoCG has been reviewed by Natural England. A final and signed version was submitted at Deadline 1.
- 2.1.11 All matters are agreed between the Applicant and Natural England.
- 2.1.12 The Applicant is not aware of any outstanding concerns.

- 2.1.13 The Applicant understands that Natural England do not intend to make any further submissions during examination.

Historic England [REP1-019]

- 2.1.14 The SoCG has been reviewed by Historic England. A final and signed version was submitted at Deadline 1.
- 2.1.15 All matters are agreed between the Applicant and Historic England.
- 2.1.16 The Applicant is not aware of any outstanding concerns.
- 2.1.17 The Applicant understands that Historic England do not intend to make any further submissions during examination.

3 SCHEDULE OF NEGOTIATION OF COMPULSORY ACQUISITION

- 3.1.1 The table in Appendix A is a schedule of negotiation of compulsory acquisition with affected parties and provides the most up to date information regarding the status of negotiations with Affected Persons (APs) in respect of Compulsory Acquisition and Temporary Possession.
- 3.1.2 The Applicant has included in this summary all APs with whom the Applicant has had direct engagement and/or who have submitted a relevant representation. The Applicant notes that APs included in Appendix B have not necessarily objected to the Scheme.
- 3.1.3 With regards to the status of engagement with those listed in Appendix B, it is acknowledged that all APs listed have been consulted under section 42 and section 48 of the Planning Act 2008 and issued Section 56 notifications.
- 3.1.4 The Applicant can confirm that there are no updates to unregistered land. The Applicant refers to the summary provided at Deadline 6 in response R.5 in the Applicant's responses to ExA Rule 17 Letter dated 28.01.25 [REP6-012]. The Applicant also refers to earlier updates provided to CAH1 action point 3 submitted at Deadline 4 in the Applicant's response to Action Points from CAH1 and ISH2 [REP4-028].
- 3.1.5 The Applicant's enquiries with the relevant Government office in respect of the Crown Land, have confirmed that the Department for Education is satisfied that it does not hold a Crown interest by virtue of its financial interest in land leased to the Unsworth Academy. A copy of the confirmation received from the Department for Education is enclosed at Appendix C. The Applicant is updating the relevant application documentation, including the Book of Reference, to remove references to Crown Land and that updated information has been submitted at Deadline 7.

4 UPDATES TO APPLICATION DOCUMENTS

Land Assembly

- 4.1.1 There are no updates to the land assembly shown on the Land Plans [REP3-004] at Deadline 3.
- 4.1.2 However, plot 1/1a has been split into three plots as requested by the Examining Authority in the Rule 17 letter dated 28/01/25 [PD-015]. The Applicant notes the response provided at Deadline 6, reference R.6 of the Applicant's responses to Examining Authority's Rule 17 letter dated 28/01/25 [REP6-012]. The Book of Reference [REP5-009] and Statement of Reasons [APP-018] have been updated at Deadline 7 to reflect the sub-division of plot 1/1a.
- 4.1.3 The Applicant can confirm that HM Land Registry records were checked for updates most recently in late December 2024. The Applicant updated the Book of Reference [REP5-009] at Deadline 5 to reflect all updates to affected plots and interests.
- 4.1.4 A Schedule of Changes to the Book of Reference was submitted at Deadline 7 [REP5-030]. Save for updating the Book of Reference and the Schedule of Changes to reflect the sub-division of plot 1/1a, no other changes have been identified.

Updates to the draft Development Consent Order

- 4.1.5 An updated draft Development Consent Order [REP5-005] was submitted at Deadline 7. This was accompanied by a Schedule of Changes to the draft Development Consent Order [REP5-025].

5 STATUS OF NEGOTIATIONS WITH STATUTORY UNDERTAKERS

- 5.1.1 The table in Appendix B is a schedule of negotiation with statutory undertakers. This table should be read in conjunction with the Book of Reference [REP5-009], the Land Plans [REP3-004], the Statement of Reasons [APP-018] and the draft Development Consent Order [REP5-005]. The Applicant has also provided a summary of progress at Deadline 6 in response [REP6-012] to the Examining Authority's request for information [PD-015].
- 5.1.2 The Book of Reference [REP5-009] includes details of the interests belonging to the statutory undertakers listed in Appendix B that are within the Order limits or affected by the Scheme. Further information on how the Scheme will impact on interests belonging to statutory undertakers is set out in Section 7.4 of the Statement of Reasons [APP-018].

6 SCHEDULE OF PROGRESS SECURING OTHER CONSENTS

- 6.1.1 There are no further updates anticipated in addition to the updated Consents and Agreements Position Statement [REP1-008] submitted at Deadline 1.

Appendix A Schedule of negotiation of Compulsory Acquisition with Affected Parties

Unique reference number	Affected Party	Examination library reference(s)	Interest	Type of rights relating to specified plots		Update on agreement, negotiations and objection.
				Plots	Type of rights	
	Bury Metropolitan Borough Council	RR-001	Category 1&2	1/5aag, 2/1a, 2/1aw, 2/14a, 2/14b, 2/14c, 2/14d, 2/14e, 2/14f, 2/14g, 3/1a, 3/3, 4/5, 1/1c, 2/1n, 2/3b, 4/1d, 4/1g, 4/8a, 5/1a, 5/1b.	Permanent acquisition of all interests in land.	<p>The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement.</p> <p>Bury Metropolitan Borough Council have confirmed that they do not have any objection to the acquisition of Bury Metropolitan Borough Council land and creation of new rights across Bury Metropolitan Borough Council interests.</p> <p>The Applicant has agreed that discussions will follow to determine the most appropriate and efficient land acquisition strategy.</p> <p>This position is recorded in the SoCG between the Applicant and Bury Metropolitan Borough Council.</p>
				1/6b, 4/3, 2/1at, 2/1au.	Land to be used temporarily and new rights to be acquired permanently.	
				1/5a, 1/5aa, 1/5aaa, 1/5aab, 1/5aac, 1/5aad, 1/5aae, 1/5aaf, 1/5ab, 1/5ac, 1/5ad, 1/5ae, 1/5af, 1/5ag, 1/5ah, 1/5ai, 1/5aj, 1/5ak, 1/5al, 1/5am, 1/5an, 1/5ao, 1/5ap, 1/5aq, 1/5ar, 1/5as, 1/5at, 1/5au, 1/5av, 1/5aw, 1/5ax, 1/5ay, 1/5az, 1/5b, 1/5c, 1/5d, 1/5e, 1/5f, 1/5g, 1/5h, 1/5i, 1/5j, 1/5k, 1/5l, 1/5m, 1/5n, 1/5o, 1/5p, 1/5q, 1/5r, 1/5s, 1/5t, 1/5u, 1/5v, 1/5w, 1/5x, 1/5y, 1/5z, 1/6a, 1/6b, 1/7, 2/2, 2/7a, 2/7b.	Land to be used temporarily.	
	Joseph Holt Limited	RR-007	Category 1&2	1/33b	Land over which new rights to be acquired permanently.	<p>The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of rights over their land by voluntary agreement.</p> <p>The Applicant has met with representatives from Joseph Holt Limited and have corresponded a number of times prior to application. These discussions have included the need for access rights and the extent of those rights.</p> <p>The Applicant has met with representatives from Joseph Holt Limited to discuss the Applicant's response [REP2-007] to their Written Representation submitted at Deadline 1 [REP1-033].</p> <p>As confirmed in oral submissions by the Applicant and a representative acting for Joseph Holt Limited at Compulsory Acquisition Hearing 1 (CAH1), agreement in principle has been reached. Since CAH1 NH's solicitors have provided a draft agreement to the solicitors representing Joseph Holt Limited. Both parties are continuing dialogue to finalise the terms and conclude that agreement.</p>
				1/33a	Land to be used temporarily.	
	National Grid Electricity Transmission plc	RR-008	Category 1&2	1/9	Land to be used temporarily.	The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement.

Unique reference number	Affected Party	Examination library reference(s)	Interest	Type of rights relating to specified plots		Update on agreement, negotiations and objection.
				Plots	Type of rights	
						<p>The Applicant met with representatives from National Grid Electricity Transmission, on 4 September 2024 and discussed all interfaces between the scheme and National Grid Electricity Transmission assets and land interests.</p> <p>The Applicant has also included protective provisions in favour of NGET in the draft DCO which mirror the form of protective provisions accepted by NGET on other approved DCOs 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>
	The Trustees of Pike Fold Golf Club (Paul Bradley & Gerard Ryan)	RR-013	Category 1&2	2/17a, 2/17b, 4/2a, 4/4	Permanent acquisition of all interests in land.	<p>The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement.</p> <p>The Applicant has been in discussions with Pike Fold Golf Club with the aim of acquiring by agreement the necessary land interests required to construct and operate the Scheme. Heads of terms have been agreed, and a draft legal agreement has been prepared and submitted to the Golf Club's legal representatives. The Applicant has discussed that initial draft with the Golf Club and no fundamental issues were identified.. 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. The Golf Club continues to develop the detail of their proposals and the Applicant is awaiting an update together with any final revisions or amendments to the draft agreement as may be required.</p>
				4/2c	Land to be used temporarily and new rights to be acquired permanently.	
	Hillary Family	RR-031	Category 1&2	2/16a, 2/16b, 2/16d.	Permanent acquisition of all interests in land.	<p>The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement.</p> <p>The Applicant spoke with a representative from the Hillary family at the time of Section 56 notification. The Applicant acknowledged the landowner's willingness to enter negotiations, reflected in their Relevant Representation [RR-013].</p> <p>The Hillary family attended the November hearings and provided a written summary at Deadline 4 [REP4-031]. The Applicant has submitted responses to the points raised at Deadline 5 in the Applicant's responses to Deadline 4 submissions [REP5-032].</p> <p>The Applicant continues to maintain lines of communication with the Hillary Family and is ready and willing to engage. 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>
				2/16c, 2/16e.	Land to be used temporarily and new rights to be acquired permanently.	
				2/16f	Land to be used temporarily.	
	Massey Family	RR-038	Category 1&2	4/8a	Permanent acquisition of all interests in land.	<p>The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement.</p> <p>The Applicant spoke with a representative from the Massey family at the time of Section 56 notification. The Applicant subsequently spoke with the</p>
				4/8b	Land to be used temporarily.	

Unique reference number	Affected Party	Examination library reference(s)	Interest	Type of rights relating to specified plots		Update on agreement, negotiations and objection.
				Plots	Type of rights	
						<p>landowner's land agent and understands that the landowner's land agent is instructed to enter negotiations with the Applicant.</p> <p>Representatives acting for the Massey family provided an update at Deadline 3 [REP3-041]. The Applicant has noted this submission.</p> <p>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>
	Borsdane Properties Ltd.	N/A	Category 1&2	1/23	Land to be used temporarily.	<p>An invitation to negotiate and enter into discussions by voluntary agreement has been sent by letter.</p> <p>The Applicant's representative from the Valuation Office Agency wrote to the landowner. The letter was acknowledged by the landowner.</p>
	Mark Holt	N/A	Category 1	1/5u	Land to be used temporarily.	<p>This land comprises the subsoil interest in land forming part of the highway. There is a rebuttable presumption that the landowner may be entitled to ownership of the land. A letter has been sent to the landowner confirming that, if they have a subsoil interest, then it may be acquired for the Scheme. The Applicant has requested that any evidence of ownership of the subsoil be provided.</p> <p>The Applicant's representative from the Valuation Office Agency wrote to the landowner.</p>
	Peter Bienvenu	N/A	Category 1	1/26	Land to be used temporarily.	<p>An invitation to negotiate and enter into discussions by voluntary agreement has been sent by letter.</p> <p>The Applicant's representative from the Valuation Office Agency wrote to the landowner. The letter was acknowledged by the landowner.</p>
	Paul Brooks	N/A	Category 1	1/16	Land to be used temporarily.	<p>An invitation to negotiate and enter into discussions by voluntary agreement has been sent by letter.</p> <p>The Applicant's representative from the Valuation Office Agency wrote to the landowner.</p>
	Gary Irving	N/A	Category 1	1/25	Land to be used temporarily.	<p>An invitation to negotiate and enter into discussions by voluntary agreement has been sent by letter.</p> <p>The Applicant's representative from the Valuation Office Agency wrote to the landowner.</p>

Unique reference number	Affected Party	Examination library reference(s)	Interest	Type of rights relating to specified plots		Update on agreement, negotiations and objection.
				Plots	Type of rights	
	Simon Twigg	N/A	Category 1	2/13a, 2/13b.	Land to be used temporarily and new rights to be acquired permanently.	The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of rights and temporary possession over their land by voluntary agreement. The Applicant spoke with the AP at the time of Section 56 notification. The Applicant noted the invitation letter to enter dialogue with the Applicant's representative from the Valuation Office Agency regarding acquisition of land.
	James E France & Company Limited	N/A	Category 1	2/5c, 2/5f, 2/5g, 2/5h.	Permanent acquisition of all interests in land.	The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement. The Applicant met with the landowner in February 2024 and contacted a representative of the landowner at the time of Section 56 notification. The Applicant notes that no representation has been submitted by the landowner.
				2/5d, 2/7c, 2/9, 2/10.	Land to be used temporarily and new rights to be acquired permanently.	
				2/5a, 2/5b, 2/5e, 2/5i, 2/7a, 2/7b.	Land to be used temporarily.	
	John Warhurst	N/A	Category 1&2	2/3b	Permanent acquisition of all interests in land.	The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement. The Applicant spoke with the landowner at the time of Section 56 notification. The Applicant subsequently spoke with the landowner's land agent. The Applicant noted the invitation letter to enter dialogue with the Applicant's representative from the Valuation Office Agency regarding acquisition of land.
				2/3a, 2/3c.	Land to be used temporarily and new rights to be acquired permanently.	
	Wilton Estate	N/A	Category 1	2/8a, 3/1a, 3/1b.	Permanent acquisition of all interests in land.	The Applicant has written to the landowner inviting them to enter into discussions for the acquisition of their land by voluntary agreement. The Applicant spoke with a representative acting for the Wilton Estate at the time of Section 56 notification. The Applicant noted the invitation letter to enter dialogue with the Applicant's representative from the Valuation Office Agency regarding acquisition of land.
				2/8c, 2/8d.	Land to be used temporarily and new rights to be acquired permanently.	
				2/8b, 2/8e.	Land to be used temporarily.	

Appendix B Schedule of negotiations with Statutory Undertakers

Unique reference number	Statutory Undertaker	Examination library reference(s)	Protective Provisions	Type of rights relating to specific plots		Summary of scheme interface	Update on agreement, negotiations and objection
				Plots	Type of rights		
	Cadent	RR-002	Schedule 9 Part 3	1/1a, 1/1c, 1/4b, 2/1ai, 2/5c, 4/1e, 4/1f, 4/1h, 4/5, 4/7, 2/14b, 2/14c.	Permanent acquisition of all interests in land.	Diversion: Balmoral Avenue (W-45)	<p>The Applicant has previously included protective provisions in the draft Development Consent Order [REP3-006] in favour of Cadent Gas, which utilise the form that has been incorporated into other made Development Consent Orders (DCOs). The Applicant has agreed some minor revisions to those protective provisions which are incorporated into the draft DCO submitted at Deadline 7. The Applicant and Cadent are also concluding a separate agreement which is being engrossed and executed by both parties. The Applicant's expectation remains that with the protective provisions incorporated at Deadline 7, final agreement will be concluded before the end of the examination.</p> <p>The Applicant is also currently progressing a request for a detailed estimate which is expected to be returned in May 2025.</p>
				4/6	Land to be used temporarily and new rights to be acquired permanently.		
				1/3d, 1/5a, 1/5e, 1/5f, 1/5h, 1/5q, 1/5s, 1/5u.	Land to be used temporarily.		
	Electricity North West Limited	N/A	Schedule 9 Part 1	1/1a, 1/1c, 1/1d, 1/4b, 1/5aag, 1/6e, 2/1c, 2/1d, 2/1m, 2/1n, 2/1ac, 2/1ai, 2/1aj, 2/1aq, 2/1ar, 2/1as, 2/5c, 2/8a, 2/14a, 2/14b, 2/14c, 2/14d, 2/14e, 2/16a, 2/16b, 4/1a, 4/1b, 4/1c, 4/1d, 4/1f, 4/1h, 4/4, 4/5.	Permanent acquisition of all interests in land.	Diversions: Corday Lane (W-51) Simister Lane (W-15) Prestfield Road / Warwick Close (W-48) Warwick Close / Barnard Ave (W-49) Balmoral Ave / Prestfield Road (W-45) Sandgate Road (W-50)	<p>The Applicant has had ongoing engagement with Electricity North West Limited (ENWL) throughout the pre-application stage of the Scheme. The Applicant has undertaken preliminary enquiries which were responded to by ENWL. Draft scheme and budget estimates were requested by the Applicant and responded by ENWL in May and June 2023.</p> <p>The Applicant has undertaken an assessment on the impact of the Scheme on the ENWL infrastructure. Joint discussions have been held between the Applicant and ENWL during the draft schemes and budget estimate development. The joint assessment showed that there are 11 assets that are in close proximity to the works. Budget estimates for these works has been provided by ENWL.</p> <p>The Applicant has included protective provisions in the draft Development Consent Order [REP3-006] which apply to Electricity North West Limited, which are in a form which has been incorporated into other made DCOs.</p> <p>The Applicant is also currently progressing a request for detailed estimate which is expected</p>
				1/34, 2/1at, 2/1au, 2/4b, 2/4f, 2/5d, 2/7c, 2/8d, 2/9, 2/10, 2/13a, 2/16c, 2/16e, 4/2c, 4/3.	Land to be used temporarily and new rights to be acquired permanently.		
				1/1e, 1/3d, 1/3e, 1/3h, 1/5a, 1/5h, 1/5i, 1/5q, 1/5ag, 1/5ah, 1/5ap, 1/5aq, 1/5as, 1/5av, 1/5aw, 1/5ax, 1/5ay, 1/5az, 1/5aaa, 1/5aae, 1/5aaf, 1/6a, 1/7, 1/8a, 1/33a, 2/5a, 2/5b, 2/5e, 2/6, 2/7b, 2/8b, 2/11, 2/12.	Land to be used temporarily.		

Unique reference number	Statutory Undertaker	Examination library reference(s)	Protective Provisions	Type of rights relating to specific plots		Summary of scheme interface	Update on agreement, negotiations and objection
				Plots	Type of rights		
							to be returned in February 2025. The Applicant is planning to progress additional requests for detailed estimates which are expected to be returned in May 2025. The Applicant notes Electricity North West Limited's submission at Deadline 2 [REP2-010].
	National Grid Electricity Transmission Plc	RR-008	TBC	1/1a, 1/1c, 1/1d, 2/1a, 2/1b, 2/1c, 2/1d, 2/3b, 2/14e, 3/1a, 3/2a, 3/2d, 3/4. 1/34 1/1e, 1/1j, 1/3c, 1/3d, 1/3e, 1/5a, 1/5b, 1/5c, 1/5d, 1/5e, 1/5f, 1/5g, 1/5h, 1/5ap, 1/5at, 1/5ay, 1/5az, 1/5aaf, 1/9, 1/10, 1/12, 1/13, 1/14a, 1/14b, 1/14c, 1/15, 1/23, 2/3a, 2/3c,	Permanent acquisition of all interests in land. Land to be used temporarily and new rights to be acquired permanently. Land to be used temporarily.	Close working interfaces: Pond 5 M60 J17-18	The Applicant has included protective provisions in favour of National Grid Electricity Transmission Plc (NGET) in the draft Development Consent Order (DCO) submitted at Deadline 5. The protective provisions mirror the form of provisions accepted by NGET on other approved DCOs. The Applicant is in correspondence with the solicitors acting for NGET with a view securing NGET's approval of those protective provisions and removing its objection before the end of the Examination. The Applicant has also provided a response to NGET's Deadline 6 representation in document reference 7.32 (Applicant's responses to Deadline 6 submissions).
	Openreach	N/A	Schedule 9 Part 1	1/1a, 1/1c, 2/1ab, 2/5c, 2/14b, 2/14c, 2/14e, 4/1a, 4/1b, 4/1c, 4/1e, 4/1f, 4/1h, 4/6. 1/34, 2/1at, 2/4f, 2/7c, 2/8c, 2/8d, 4/6. 1/3d, 1/5a, 1/5c, 1/5h, 1/5q, 1/5s, 1/5u, 1/5w, 1/5ag, 1/5ah, 1/5av, 1/5aw, 1/5ax, 1/5ay, 1/5az, 1/6a, 1/7, 1/8a, 2/5a, 2/5b, 2/7b, 2/8e, 2/11.	Permanent acquisition of all interests in land. Land to be used temporarily and new rights to be acquired permanently. Land to be used temporarily.	Diversions: Simister Lane (W-15) Barnard Ave (W-49) Prestfield Road / Balmoral Ave (W-45)	The Applicant has had ongoing engagement with Openreach throughout the pre-application stage of the Scheme. The Applicant has undertaken preliminary enquiries which were responded to by Openreach. Draft scheme and budget estimates were requested by the Applicant and responded by Openreach in July 2023. The Applicant has undertaken an assessment on the impact of the Scheme on the Openreach infrastructure. Joint discussions have been held between the Applicant and Openreach during the draft schemes and budget estimate development. The joint assessment showed that there are 3 assets that are in close proximity to the works. Budget estimates for these works has been provided by Openreach. The Applicant has included protective provisions in the draft Development Consent Order [REP3-006] which apply to Openreach, which are in a form which has been incorporated into other made DCOs.

Unique reference number	Statutory Undertaker	Examination library reference(s)	Protective Provisions	Type of rights relating to specific plots		Summary of scheme interface	Update on agreement, negotiations and objection
				Plots	Type of rights		
							The Applicant is planning to progress a request for a detailed estimate which is expected to be returned in August 2025.
	United Utilities	RR-015	Schedule 9 Part 1	1/1a, 1/1c, 1/1d, 1/3a, 1/3b, 1/4a, 1/4b, 2/1a, 2/1ab, 2/1ai, 2/1b, 2/1c, 2/1d, 2/5c, 2/14b, 2/14c, 2/14d, 2/14e, 2/16a, 2/17a, 4/1c, 4/1d, 4/1f, 4/1h, 4/2a, 4/5.	Permanent acquisition of all interests in land.	Protection measures: Haweswater Aqueduct Simister Lane Pond 4 outfall Diversion: Prestfield Road / Warwick Close (W-48)	<p>The Applicant has included protective provisions in the draft Development Consent Order [REP3-006] in favour of water undertakers. The Applicant is in correspondence with the in-house legal team for United Utilities with a view to confirming the form of wording is agreed and satisfies United Utilities' previous submissions (Deadline 2 [REP2-011]).</p> <p>The Applicant is aware of the submission made by UU at Deadline 5 [REP5-040] enclosing a draft agreement between UU and the Applicant direct. The Applicant is working with UU to resolve its final comments concerning arrangements for connections, if any, into UUs assets. The Applicant expects to reach agreement with UU before the end of the examination.</p> <p>The Applicant is also currently progressing a request for detailed estimate which is expected to be returned in February. The Applicant is planning to progress a request for an additional detailed estimate which is expected to be returned in November 2025.</p>
				2/4b, 2/4f, 2/7c, 2/16e, 4/2b, 4/2c, 4/3, 4/6.	Land to be used temporarily and new rights to be acquired permanently.		
				1/1e, 1/1f, 1/3d, 1/3e, 1/3f, 1/5a, 1/5b, 1/5c, 1/5d, 1/5e, 1/5f, 1/5g, 1/5h, 1/5i, 1/5j, 1/5k, 1/5l, 1/5m, 1/5n, 1/5o, 1/5p, 1/5q, 1/5r, 1/5s, 1/5t, 1/5v, 1/5ag, 1/5ah, 1/5aq, 1/5as, 1/5at, 1/5av, 1/5aw, 1/5ax, 1/5az, 1/5aaa, 1/6a, 1/7, 1/8a, 1/15, 2/2, 2/7b.	Land to be used temporarily.		
	Virgin Media / Telewest	N/A	Schedule 9 Part 1 Schedule 9 Part 2	1/1c, 1/3g, 2/5c, 2/14b, 2/14c.	Permanent acquisition of all interests in land.	Close working interface: Field off Marston Close Diversion: Balmoral Ave (W-45)	<p>The Applicant has had ongoing engagement with Virgin Media throughout the pre-application stage of the Scheme. The Applicant has undertaken preliminary enquiries which were responded to by Virgin Media. Draft scheme and budget estimates were requested by the Applicant and responded by Virgin Media in September 2023.</p> <p>The Applicant has undertaken an assessment on the impact of the Scheme on the Virgin Media infrastructure. Joint discussions have been held between the Applicant and Virgin Media during the draft schemes and budget estimate development. The joint assessment showed that there are 2 assets that are in close proximity to the works. Budget estimates for these works has been provided by Virgin Media.</p>
				1/3h, 1/5ag, 1/5ah, 1/5av, 1/5aw, 1/7, 1/8a, 2/5a, 2/5b.	Land to be used temporarily.		

Unique reference number	Statutory Undertaker	Examination library reference(s)	Protective Provisions	Type of rights relating to specific plots		Summary of scheme interface	Update on agreement, negotiations and objection
				Plots	Type of rights		
							<p>The Applicant has included protective provisions in the draft Development Consent Order [REP3-006] which apply to Virgin Media and Telewest, which are in a form which has been incorporated into other made DCOs.</p> <p>The Applicant is planning to progress a request for a detailed estimate which is expected to be returned in August 2025.</p>
	Vodafone / Cornerstone	N/A	Schedule 9 Part 1 Schedule 9 Part 2	2/16a	Permanent acquisition of all interests in land.	Close working interface: Mast northeast of J18	<p>The Applicant has had conversations with 'Cornerstone' – a joint venture between Telefonica and Vodafone in relation to the Mast located northeast of Junction 18. The Applicant does not expect to interface with this mast and an exclusion zone will be placed around the mast during construction.</p> <p>There is currently a planning application approved (Bury Council Ref. 66562) for removal of the existing mast and replacing it with a larger 5G mast. Conversations with Cornerstone will continue to ensure that appropriate control measures are used throughout the design and during construction.</p> <p>The Applicant has included protective provisions in the draft Development Consent Order [REP3-006] which apply to Vodafone and Cornerstone, which are in a form which has been incorporated into other made DCOs.</p>
				2/16c, 2/16e.	Land to be used temporarily and new rights to be acquired permanently.		

Appendix C Confirmation received from the Department for Education in respect of Crown Land

Phil Emison

From: WILLIAMS, Oliver <[REDACTED]>
Sent: 27 January 2025 14:31
To: Richard Thurling
Cc: LOWES, Joanne; SEARLE, Marie
Subject: RE: Crown Interest - M60/M62/M66 Simister Island Interchange Development Consent Order [GOWLG-LEGAL02.665067.2721941]

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

This message originated from outside your organisation. [REDACTED]

Dear Richard,

The department has considered the position below and concluded that in relation to this matter it does not have a Crown Interest for the purposes of s227(3)(b) of the Planning Act 2008.

Regards,
Oliver



Department
for Education

Oliver Williams

Head of Land Transactions
Estates Legal, Land and Planning
Education Estates Directorate

E: [REDACTED]

T: [REDACTED]



We are the department for opportunity

From: Richard Thurling <[REDACTED]>
Sent: 23 January 2025 14:18
To: WILLIAMS, Oliver <[REDACTED]>
Subject: RE: Crown Interest - M60/M62/M66 Simister Island Interchange Development Consent Order [GOWLG-LEGAL02.665067.2721941]

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi Oliver

I'm grateful for the call a moment ago. As we briefly discussed the pertinent question in the first instance is whether the Department for Education considers its financial interest in the school land to be a Crown Interest for the purposes of s227(3)(b) of the Planning Act 2008.

Please find a copy of the draft DCO attached as promised. Where the DfE is satisfied its interest amounts to a Crown Interest, Article 34 deals with Crown Rights and consent. Article 30 provides the power (subject to consent in respect of Crown Land) to enter on to land and take temporary possession on notice. Restoration of the land is covered at Article 30(4).

I hope the attached is of assistance but if you need anything further or a discussion with other officers would assist, please let me know.

Kind regards

Richard

Richard Thurling | Legal Director | Real Estate Group | Gowling WLG (UK) LLP | [REDACTED]

From: Richard Thurling

Sent: Thursday, January 9, 2025 9:12 AM

To: TheTreasurySolicitor

Cc: Hannah Jones

Subject: RE: Crown Interest - M60/M62/M66 Simister Island Interchange Development Consent Order [GOWLG-LEGAL02.665067.2721941]

Dear Sirs

Further to the email below, please can you advise when a response can be expected?

The M60 Development Consent Order application is currently at examination and the Examining Authority are keen to understand when the position is likely to be confirmed. We remain happy to organise a video conference call to explain the position in further detail if that would assist.

Kind regards

Richard

Richard Thurling | Legal Director | Real Estate Group | Gowling WLG (UK) LLP | [REDACTED]

From: Hannah Jones <[REDACTED]>

Sent: Wednesday 18 December 2024 16:00

To: TheTreasurySolicitor <[REDACTED]>

Cc: Richard Thurling <[REDACTED]>

Subject: Crown Interest - M60/M62/M66 Simister Island Interchange Development Consent Order [GOWLG-LEGAL02.665067.2721941]

Dear Sirs,

Background

We are instructed on behalf of National Highways in relation to its application for a Development Consent Order for works to improve the M60, M62 and M66 motorways north of Manchester in and around Simister Island at junction 18 of the M60. As part of that application, temporary possession and use of a proportion of the Unsworth academy playing fields, Bury Manchester is required in order to carry out the highway improvement works. The playing fields are owned by Bury Council and leased to The Shaw Education Trust. The Secretary of State for Education is recorded as having a limited interest in the land by virtue of a funding agreement.

The Planning Act 2008 recognises that an interest belonging to a government department may be categorised as a Crown interest. Therefore, we are seeking confirmation as to whether the Secretary of State's interest in the land is a Crown interest for the purposes of the Planning Act 2008.

Previous contact

We have previously contacted the Government Legal Department who advised us to contact Burges Salmon. Burges Salmon have advised that they only deal with interests in land that is subject to escheat, which does not apply in this instance. Burges Salmon confirmed that they were unable to assist with this matter and advised that we should contact Farrer & Co. However, Farrer & Co are similarly only responsible for dealing with matters related to bona vacantia and Escheat, with a particular focus on interests relevant to the Duchy of Lancaster and Duchy of Cornwall rather than interests held by government departments.

Action required

Please could you provide a contact for a legal officer responsible for dealing with interests held by the Secretary of State for Education who we would be able to liaise with on this matter. We are happy to organise a call via video conference to explain in more detail our query if that would assist.

We look forward to hearing from you.

Kind regards,

Hannah

Hannah Jones
Trainee Solicitor

T [REDACTED]

[REDACTED]

Gowling WLG (UK) LLP, Two Snowhill, Birmingham, B4 6WR, United Kingdom



The information in this email is intended only for the named recipient and may be privileged or confidential. If you are not the intended recipient please notify us immediately and do not copy, distribute or take action based on this email. If this email is marked 'personal' Gowling WLG is not liable in any way for its content. E-mails are susceptible to alteration. Gowling WLG shall not be liable for the message if altered, changed or falsified.

Gowling WLG (UK) LLP is a member of Gowling WLG, an international law firm which consists of independent and autonomous entities providing services around the world. Our structure is explained in more detail at [REDACTED]

References to 'Gowling WLG' mean one or more members of Gowling WLG International Limited and /or any of their affiliated businesses as the context requires.

Gowling WLG (UK) LLP is registered in England and Wales as a Limited Liability Partnership, Registered No. OC304378. Registered Office: 4 More London Riverside, London, SE1 2AU. Gowling WLG (UK) LLP is authorised and regulated by the Solicitors Regulation Authority [REDACTED] (SRA number 382961). A list of members of Gowling WLG (UK) LLP is open to inspection at the registered office.

Gowling WLG has offices in Abu Dhabi, Beijing, Birmingham, Brussels, Calgary, Dubai, Frankfurt, Guangzhou, Hamilton, Leeds, London, Montreal, Munich, Ottawa, Paris, Shanghai, Singapore, Stuttgart, Toronto, Vancouver and Waterloo Region (Canada).