



Our ref: TR010064/Deadline 8

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

National Highways
Piccadilly Gate
Store Street
Manchester
M1 2WD
0300 123 5000
07/03/2025

Dear Planning Inspectorate Case Team

**TR010064 - M60/M62/M66 Simister Island Interchange
EXAMINATION DEADLINE 8 SUBMISSION**

This submission is made by National Highways (the "Applicant") in accordance with the examination timetable set out in the Rule 8 letter [PD-009] published by the Examining Authority (ExA) on 17 September 2024. The Applicant has set out below responses to the Examining Authority's Rule 17 request for further information [PD-017].

Protective Provisions

National Grid Electricity Transmission Plc (NGET)

The Applicant is in continuing dialogue with National Grid Electricity Transmission PLC (NGET) and has agreed with NGET that the sub-paragraphs requested by NGET in [REP6-016] and [REP7-023] do not need to be included within the Protective Provisions in favour of NGET in Part 4 of Schedule 9 of the Draft Development Consent Order [REP7-005]. The Applicant and NGET have now made significant progress, are continuing to engage positively and are endeavouring to reach agreement to satisfactorily resolve any final matters arising from NGET's representations at the earliest opportunity. Whilst the Applicant and NGET are working to reach agreement before the close of the examination, should that not be achieved for any reason, both parties will jointly update the ExA as soon as possible thereafter.

Cadent Gas Limited

The Applicant and Cadent Gas Limited ("Cadent") have agreed the Protective Provisions included in Part 3 of Schedule 9 of the draft Development Consent Order submitted at Deadline 7 [REP7-005] ("draft DCO"). The Applicant and Cadent have also engrossed a separate agreement between the parties and are coordinating arrangements for execution and completion of that agreement. The Applicant understands that Cadent will provide confirmation of these arrangements in their Deadline 8 submissions.

United Utilities

The Applicant and United Utilities ("UU") are continuing to work together to sign and conclude the final form of the side agreement before the end of the examination. Should that not be achieved for any reason, both parties will jointly update the ExA as soon as possible thereafter.

Hillary Family Submission

The Applicant's approach to environmental mitigation has been to design a holistic Scheme to address adverse effects identified within the Environmental Statement across the various environmental topics. There is overlap between mitigation for different aspects of the environmental assessment, for example screening for visual impacts identified in the landscape assessment also contributes to mitigation for the loss of habitats identified in the biodiversity assessment. Overall, the proposed environmental masterplan delivers the mitigation required in the various commitments to produce effective landscape and biodiversity mitigation, resulting in a mosaic of features which contribute to landscape character, visual and biodiversity mitigation. The Applicant has located these mitigation features appropriately to respond to the Scheme works and maximise the mitigation benefit, co-locating features which need to be specifically located within a particular area with broader mitigation measures, to deliver the optimal mitigation design overall. By siting areas of habitat creation in and around mitigation for specific receptors/impacts, the Applicant maximises the value of these habitats as it is an established ecological principle (Making Space for Nature, Lawton 2010) that habitats which are bigger are more valuable compared to multiple smaller fragments of an equivalent total size. This is an approach which has been followed for a number of previously consented schemes, including the A12 Chelmsford to A120 Widening Development Consent Order 2024, where both the Examining Authority and the Secretary of State supported the use of compulsory acquisition powers to deliver environmental mitigation.

As outlined in Environmental Statement Appendices - Appendix 13.7 Drainage Strategy Report [APP-122], attenuation pond 1 provides highway drainage attenuation for Catchment 1 as shown in Table 4-1 and Figure 4-1 of Environmental Statement Appendices - Appendix 13.7 Drainage Strategy Report [APP-122]. Catchment 1 is the largest catchment area of the scheme and caters for circa 8.3 ha. of impermeable surface and 6.9 ha. of permeable surface. Ultimately, the required capacity and volume of a drainage pond is a function of the drained surface area of the catchment and the discharge rate permitted for the receiving watercourse. Design standards (CG 501 and LA 113) dictate that the permitted discharge rate cannot exceed the existing rate and flood risk should not be increased. Given that there is a significant increase in the flow of water potentially being discharged via the outfall compared to the existing scenario, pond volumes need to be able to detain water based on likely rainfall event intensity including mitigation for 30% climate change uplift, in order to not exceed the existing discharge rate and risk damage to the watercourse, increased flood risk by flooding of the watercourse, or damage the habitat it provides. The depth of water in the pond needs to be controlled in accordance with standards (CD 532) to avoid upstream flooding, and the flow rate to the swale needs to be low enough for effective treatment of pollutants, additionally influencing the required pond size. Furthermore, the swale is required to provide water quality treatment and enable insoluble pollutants to be filtered out as sediment prior to outfall into a watercourse. Swales need to be of a shallow gradient enabling a slow, laminar flow of water in order for pollutants to be filtered out and settle in the swale bed prior to discharge, hence why the swale is of the length and alignment it is. Chapter 8 and specifically Tables 8-1 and 8-2 of Environmental Statement Appendices - Appendix 13.7 Drainage Strategy Report [APP-122], outlines the fundamental numbers behind the proposed pond volumes for the Scheme and discharge rates that have been agreed with the Lead Local Flood Authority which is Bury Metropolitan Borough Council.

With regards to pond shape and footprint, this is a function of the existing topography of the land, the need to maximise distance between inlets and outlets for efficient pollutant removal, and to allow maintenance activities to be carried out.

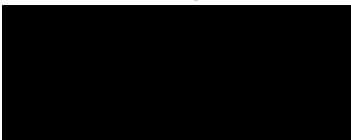
The Applicant has previously provided a detailed explanation and rationale for not locating pond 1 within the Northern Loop in the response to action CAH1-2 documented within Annex A of 7.24 - Applicants response to Action Points from CAH1 and ISH2 [REP4-028]. This justification was objectively explained by reference to matters covering fluid hydraulics, positive drainage,

geotechnical, ecological and habitat creation; and demonstrates that the location of pond 1 is not only necessary outside of the Northern Loop but is optimised when positioned outside rather than inside the Northern Loop.

The Applicant's holistic approach to designing the environmental mitigation areas considers matters beyond landownership and provides the optimal solution to secure the mitigation needed to address the adverse effects identified within the Environmental Statement across various environmental topics. The Applicant contends that the environmental mitigation areas are therefore required to facilitate the Scheme and enable it to be carried out to a satisfactory standard by mitigating the identified adverse impacts, in complete conformity with section 122(2)(b) Planning Act 2008 ("PA 2008") and paragraph 11 of the 'Guidance related to procedures for compulsory acquisition of land' (DCLG, September 2013) (the "CA Guidance"). The land included in the draft DCO is considered to be the minimum land-take required to construct, operate, maintain and mitigate the Scheme necessary to achieve the objectives of the Scheme. The Applicant is satisfied that for these reasons, as further advanced in the Statement of Reasons [REP7-09], there is a compelling case in the public interest to permit the land to be acquired compulsorily which is both proportionate and reduces environmental impacts, thereby minimising costs to the Applicant (and hence the public purse) whilst seeking to mitigate the impact on land interests so far as is possible. The Applicant submits that the Secretary of State can therefore be satisfied that the Scheme as presented fulfils the test in section 122(3) PA 2008 and encourages the Secretary of State to make the order and include compulsory purchase powers.

Please confirm safe receipt and arrange for the Applicant's Deadline 8 submission to be passed to the ExA and uploaded to the Planning Inspectorate website at your earliest convenience.

Yours sincerely,



[Redacted Name]

National Highways Project Manager