

**HABITATS REGULATIONS ASSESSMENT FOR AN APPLICATION  
UNDER THE PLANNING ACT 2008**

**M60/M62/M66 Simister Island Interchange**

**9 September 2025**

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# 1. INTRODUCTION

## Background

- 1.1 This document (“the HRA Report”) is a record of the Habitats Regulations Assessment (“HRA”) that the Secretary of State has undertaken under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) in respect of the Development Consent Order (“DCO”), for the proposed ‘M60/M62/M66 Simister Island Interchange Project’ (“the Development”). The HRA Report includes an appropriate assessment for the purposes of regulation 63 of the Habitats Regulations.
- 1.2 The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (“the 2019 Regulations”) and the amendments were taken into account in the preparation of this HRA Report. Reference to the Habitats Regulations in this HRA Report are therefore to the latest amended version, unless otherwise stated.
- 1.3 National Highways (“the Applicant”) submitted an application for development consent (“the Application”) to the Planning Inspectorate (“the Inspectorate”) which was received in full on 2 April 2024 [ER 1.1.1]. The application was made under section 37(2) of the Planning Act 2008 (“PA 2008”). The Development to which the Application relates is described in more detail in Section 2 of this HRA Report.
- 1.4 The Development is for the construction and alterations of a highway. The Development meets the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in section 14(1) of the PA2008 [ER 1.1.3].
- 1.5 The Application was accepted for Examination by the Inspectorate (under the delegated authority of the Secretary of State) on 30 April 2024 [ER 1.1.1]. The Examination began on 11 September 2024 and concluded on 11 March 2025 [ER 1.4.2].
- 1.6 The ExA submitted the Recommendation Report to the Secretary of State on 9 June 2025.
- 1.7 The Secretary of State’s conclusions in relation to European sites have been informed by the Recommendation Report, documents and representation submitted during the Examination and further clarifications that were requested from the ExA insofar as these have any bearing on the effects of the Development on European sites.

## Habitats Regulations Assessment (“HRA”)

- 1.8 The Habitats Regulations provide for the designation of sites for the protection of certain species and habitats. These are collectively termed “European sites” and form part of a network of protected sites across the UK known as the “national site network”. The UK Government is also a signatory to the Convention on Wetlands of International Importance 1971 (“the Ramsar Convention”). The Ramsar Convention provides for the listing of wetlands of international importance. UK Government policy is to give sites listed under this convention (“Ramsar sites”) the same protection as European sites.
- 1.9 For the purposes of this HRA Report, in line with the Habitats Regulations and relevant Government policy<sup>1</sup>, the term “European sites” includes Special Areas of Conservation (SAC), candidate SACs, possible SACs, Special Protection Areas (SPA), potential SPAs, Sites of Community Importance, listed and proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on any of these sites [ER 4.1.4].
- 1.10 Regulation 63(1) of the Habitats Regulations requires that:

*“(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-*

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of that site,*

*must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives...”*
- 1.11 The Development is not directly connected with, or necessary to, the management of any European sites [ER 4.1.11]. Accordingly, the Secretary of State, as the competent authority for the purposes of Transport NSIPs under the PA2008, has undertaken an assessment in line with the requirements of the Habitats Regulations. This HRA Report (Sections 1 to 5) is the record of the appropriate assessment for the purposes of regulation 63 of the Habitats Regulations.

## Report on the Implications for European Sites (“RIES”) and consultation with the appropriate nature conservation body

- 1.12 The ExA, with support from the Inspectorate’s Environmental Services Team, produced a Report on the Implications for European Sites (“the RIES”) [PD-014]. The purpose of the RIES was to compile, document and signpost information submitted by the Applicant and Interested Parties (“IPs”) during the Examination up to and including Deadline 5 of the Examination (10 January 2025). The RIES was issued to set out the ExA’s understanding on HRA relevant information and the position of IPs, including Natural England (“NE”), in relation to the effects of the Development on European sites at that point in time. The consultation on the RIES ran between 14 January and 11 February 2025. The Applicant [REP6-001] submitted their comments on the RIES by Deadline 6 (11 February 2025).
- 1.13 Regulation 63(3) of the Habitats Regulations requires competent authorities (in this case the Secretary of State), if they undertake an appropriate assessment, to consult the appropriate nature conservation body and have regard to any representations made by that body.
- 1.14 The ExA’s recommendation is that the RIES, and consultation on it, may be relied upon as an appropriate body of information to enable the Secretary of State to fulfil their duties of consultation under Regulation 63(3) of the Habitats Regulations, should she wish to do so [ER 4.1.8].
- 1.15 Therefore the Secretary of State is satisfied that NE, as the appropriate nature conservation body in respect of the Application for the Development, had been formally consulted on Habitats Regulations matters during the Examination.

## Changes to the Application during Examination

- 1.16 There were no changes to the application during the examination [ER 1.4.4].

## Documents referred to in this HRA Report

- 1.17 This HRA Report has taken account of and should be read in conjunction with the documents produced as part of the application and examination available on the Planning Inspectorate website.
- 1.18 The Applicant submitted with the DCO application:
- Environmental Statement Appendix 8.13 Habitats Regulations Assessment Report April 2024 [APP-103] (“Applicant’s HRA Report”).

## Structure of this HRA Report

- 1.19 The remainder of this HRA Report is presented as follows:
- Section 2 provides a general description of the Development.
  - Section 3 describes the location of the Development and its relationship with European site(s).
  - Section 4 identifies the European site(s) and qualifying features subject to likely significant effects, alone or in combination with other plans or project (HRA Stage 1).
  - Section 5 considers adverse effects on the integrity of European site(s), alone or in combination with other plans or projects and summarises the Secretary of State’s appropriate assessment and conclusions (HRA Stage 2).

## 2. DEVELOPMENT DESCRIPTION

- 2.1 A description of the Development is set out in; section 1 of the Recommendation Report [ER 4.1.9], Chapter 2: The Scheme of the Environmental Statement (TR010064/APP/6.1) and section 2 of the Applicant’s HRA report [APP-103].
- 2.2 As summarised by the ExA, the key elements of the Development are [ER 1.3.6]:
- Widening of M60 J17 to J18 from four lanes to five lanes in both directions with a new hard shoulder (work numbers 02 and 03).
  - Construction of a new loop road (the Northern Loop), including a new viaduct (Pike Fold Viaduct) to provide a new free-flow link from the M60 eastbound to the M60 southbound. This would allow drivers to continue along the M60 without having to leave the motorway, navigate the roundabout and re-join the M60 (work number 05).
  - Widening of the M66 southbound through J18 from two lanes to four lanes (work number 22).
  - Widening of the existing M60 northbound to M60 westbound free flow link road from one lane to two lanes (work number 17).
  - Realignment of the M66 southbound slip road to M60 J18 to accommodate the Northern Loop, including a new overbridge (Pike Fold Bridge) where the slip road crosses the Northern Loop and realignment of the left turn lane to the M62 eastbound (work number 39).
  - Realignment of the existing M62 westbound to M60 southbound free flow link (work number 23).
  - Renewal of signs and signals, including new signs and street lighting at M60 J18 and its approaches, renewed traffic signals at the M60 J18 roundabout, and installation of gantries on the M66 southbound side and between M60 J17 to J18 (work numbers 02, 03, 22, 25 and 30).
  - Construction of associated drainage works including new ponds to accommodate surface water run-off from the highway and improve water quality (work numbers 13, 21, 27, 37 and 43).
- 2.3 The Applicant’s HRA Report [APP-103] sets out that construction is currently scheduled to commence with mobilisation to site in Quarter 4 2025 and start of works in Quarter 1 2026. The Applicant considers that construction will take approximately 3 years, with an assumed opening year of 2029 [paragraph 2.1.3].
- 2.4 Areas of land take are shown on the Land Plans (TR010064/APP/2.3). The total permanent land take within the Order Limits is estimated to be 23.08 hectares (ha) and the total temporary land take 11.09ha [APP-103 paragraph 2.1.6].

## 3. LOCATION OF THE DEVELOPMENT AND RELATIONSHIP WITH EUROPEAN SITES

### Location

- 3.1 The Development boundary lies within the administrative area of Bury Metropolitan Borough Council (BMBC) and is wholly in England. The site is close to the administrative areas of Rochdale Borough Council (RBC) and Manchester City Council (MCC) [ER 1.3.1]. The Applicant’s ES chapter 2 [APP-041] provides a detailed description of the surrounding area [ER 1.3.2].

### European sites potentially affected by the Development

- 3.2 Section 1.4 of the Applicant’s HRA Report [APP-103] details that the following guidance documents have been used in completing the HRA report [paragraph 1.4.1]:
- Highways England, et al. (2020a) Design Manual for Roads Bridges LA 115 Habitats Regulations Assessment.
  - Planning Inspectorate (2022) HRA Advice Note 10: HRA relevant to nationally significant infrastructure projects
  - Highways England (2019) Design Manual for Roads and Bridges LA 105 Air Quality).
  - Planning Inspectorate (2019) Advice Note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects
  - Highways England (2020b) Design Manual for Roads and Bridges LA 113 Road drainage and the water environment

- Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001) (NE, 2018)
- 3.3 The matrices from the Design Manual for Road and Bridges LA 115 (Highways England, et al., 2020a) have been completed by the Applicant and are provided in Annex A of the Applicant’s HRA report along with a summary table required by the Planning Inspectorate in accordance with its updated Advice Note 10 version 9 (Planning Inspectorate, 2022) provided as Annex B [APP-103].
- 3.4 The Applicant has set out at section 1.6 of their HRA report the source of data used to inform their HRA report [paragraph 1.6.1] and the evidence based used when describing likely changes to the environment as a result of the Development [paragraph 1.6.2], which includes:
- The predicted changes in the concentrations of NO<sub>x</sub> and NH<sub>3</sub>, and the predicted changes in nitrogen and acid deposition as calculated by the project team according to the methods described in Chapter 5: Air Quality of the Environmental Statement (TR010064/APP/6.1), and
  - The results of the air quality modelling for the construction and operational phase and specifically to European sites as reported in full within Appendix 5.2: Air Quality Results of the Environmental Statement Appendices (TR010064/APP/6.3).
- 3.5 The identification of European sites was undertaken on the following criteria, based on the Design Manual for Roads and Bridges (DMRB) LA 115 Habitats Regulations assessment. The criteria consider whether the Development:
- Is within 2km of any SAC, candidate SAC, potential SAC, SPA, potential SPA or Ramsar site.
  - Is within 30km of any SAC, candidate SAC or potential SAC where bats are one of the qualifying interests.
  - Crosses or lies adjacent to, upstream of, or downstream of a watercourse which is designated in part or wholly as a European site.
  - Has a potential hydrological or hydrogeological linkage to a European site containing a groundwater dependent terrestrial ecosystem (GWDTE) which triggers assessment in DMRB LA 113 Road drainage and the water environment.
  - Has an affected road network (“ARN”) which triggers the criteria for assessment of European sites within DMRB LA 105 Air Quality.
  - Would additional European sites be subject to screening where the existence of ecological connectivity between projects and European sites is identified beyond the screening criteria.
- 3.6 The HRA Report assessed the potential impacts during construction, operation and maintenance.
- 3.7 Decommissioning is not considered within the assessment for the Scheme. It is considered highly unlikely that the Scheme would be decommissioned before the end of its design life of 60 years as the road would have become an integral part of the Strategic Road Network [APP-103 paragraph 1.6.11].
- 3.8 Using the screening criteria set out above the Applicant has identified one European site which has the potential for likely significant effects (“LSE”) [ER 4.2.5] [chapter 4 of the HRA Report APP-103]:
- Rochdale Canal SAC.
- 3.9 Table 1 below presents the proximity of the site to the Development and lists the designated features assessed.

**Table 1 European site and qualifying features screened for potential LSE by the Applicant**

Name of European Site	Distance from DCO boundary (km)	Designated features	Vulnerability
Rochdale Canal SAC UK0030266	Approximately 5km east of the Scheme and within 200m of the ARN at the M62 and M60	Annex II species that are a primary reason for selection of this site: 1831 Floating water-plantain <i>Luronium natans</i>	H04 Air pollution, air-borne pollutants J02 Human induced changes in hydraulic conditions

- 3.10 A plan showing the European site identified in the Applicant’s HRA report and its location relative to the Development is shown as Figure 8.13.1 of the HRA Report [APP-103]. This plan is reproduced as Figure 1 below.
- 3.11 The following potential impact pathways associated with the construction and operation of the Development as having the potential to give rise to LSE on European sites have been assessed by the applicant:
- Reduction of habitat area through changes in air quality from construction vehicle emissions and operational vehicle emissions.
- 3.12 The Secretary of State notes the discussions had during the examination in regards to South Pennines SPA, South Pennines SAC and the Manchester Mosses SAC and accepts NE’s confirmation [REP3-028] that no further assessment is required for these sites based on their distance from the Development. It is NE’s position that for any plan/project that has the potential to have air quality impacts on a European designated site, all European designated sites within 10km must be considered within the assessment. Manchester Mosses SAC is located 13.4km away from the scheme, and South Pennines SPA and South Pennines SAC is 16.2km away from the Development. NE have also confirmed that the proposal does not fall within any of the impact risk zones for South Pennines SPA, South Pennines SAC and the Manchester Mosses SAC, or their underpinning SSSIs [ER 4.2.8RIES Table 2.3].
- 3.13 The Secretary of State notes that NE agreed in its relevant representation [RR-009] and SoCG [REP1-017] that all relevant European sites and European site features that could be affected by the project had been identified by the applicant. In response to ExQ1 BIO.1.1 [PD-011] NE confirmed its position remained the same. BMBC in its SoCG [REP2-006] agreed with NE’s position [RIES paragraph 2.1.6].

3.14 No further matters were raised in the examination in relation to the applicant's screening assessment [ER 4.2.9].

**ENVIRONMENTAL STATEMENT**  
**APPENDIX 8.13 FIGURE 8.13.1**

**Legend**

- Order Limits
- Order Limits Buffer - 2km
- Operational Affected Road Network (ARN)
- Construction 2028 Affected Road Network (ARN)
- Air Quality Operational Study Area (200m)
- Air Quality Construction Study Area (200m)
- Special Areas of Conservation (SAC)
- Special Protection Area (SPA)
- Ramsar

**Map Labels:** Rochdale Canal (SAC), M60, M62, M66, Simister Island Interchange, Rochdale, Bury, Oldham, Middleton, Crumpsall, New Moston, Bardsley, Newton Heath, Miles, Salford, Wigan, Bolton, Burnley, Blackburn, Preston, Manchester, Stockport, Warrington, Liverpool, Merseyside, Cheshire, Greater Manchester, Lancashire, Yorkshire, Derbyshire, Nottingham, Leicestershire, Lincolnshire, East of England, South East, South West, West of England, Wales, Scotland, Northern Ireland, Republic of Ireland, Channel Islands, Jersey, Guernsey, Jersey, Guernsey.

**Scale:** 0 to 25 km

**North Arrow:** Indicated by a red arrow pointing upwards.

**Table 1: Revision History**

Rev	Rev Date	Purpose of revision	Drawn	Checked	Rev'd	App'd
1	10/01/2018	For DCD application	ST	MS	JB	BB

**Table 2: Development Consent Order Numbers**

Development Consent Order Number	Development Consent Order Drawing Number
TR010064	6.3

**Client:** national highways

**Project:** REGIONAL DELIVERY PARTNERSHIP  
M60/M62/M66 SIMISTER ISLAND INTERCHANGE

**Drawing Title:** LOCATION OF EUROPEAN SITES IN RELATION TO THE SCHEME

**Drawing Status:** S4 - SUITABLE FOR STAGED APPROVAL

**Scale:** 1:10,000

**Author:** BMS/01/10

**Client Ref:** HES/000000

**Drawing Number:** HES48642-JAC-LDC-SR\_MLT-SK-LE-0071

4. STAGE 1: ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS (“LSE”)

Potential effects from the development

- 4.1 The Secretary of State has taken into account the ruling of the European Court of Justice (“ECJ”) in *People Over Wind, Peter Sweetman v Coillte Teoranta* (C-323/17) (“the People Over Wind judgment”)<sup>1</sup> in its assessment of LSE to ensure that no mitigation or avoidance measures were taken into account in reaching the HRA screening conclusion. In subsequent case law matters which are properly characterised as integral features or characteristics of the project which incidentally have the effect of avoiding or reducing some or all of the potentially adverse effects of a proposal should reasonably be included in an HRA screening decision.
- 4.2 The Secretary of State has also had due regard to the ruling of the ECJ in *Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw* (C-127/02) (“the Waddenzee judgement”)<sup>2</sup>, and the ‘Wealden Judgement’<sup>3</sup> which prompted NE to make public their own internal guidance on assessing the effects of road traffic emissions on European Sites<sup>4</sup>. The guidance provides further information on the in combination assessment at screening stage with regard to air quality effects.
- 4.3 The Secretary of State notes that consideration has been given to non UK European sites in the European Economic Area (EEA) States, and no significant effects were identified [ER 4.1.13].

Air Quality Assessment

- 4.4 Changes in air quality as a result of vehicle emissions (for both construction and operation of the Scheme), in particular concentrations of oxides of nitrogen (NOx), ammonia (NH3) and the resultant nitrogen and acid deposition, has been assessed by the Applicant at all European sites within 200m of the relevant ARN [APP-103, paragraph 3.1.4].
- 4.5 The construction air quality modelling uses the worst case construction year, 2028 and the operational modelling is for Opening year, 2029 (see Chapter 5: Air Quality of the Environmental Statement (TR010064/APP/6.1) for further details) [APP-103 paragraph 3.1.5].
- 4.6 The use of air quality ‘thresholds’ when determining LSE is explained by the Applicant at paragraph 3.1.6-3.1.9 of the HRA report [APP-103]. In summary, a 1% threshold has been used to determine likely significance where there is an exceedance of 1% of a sites critical level or critical load. In NE’s commentary and advice [REP3-028] they agreed with the Applicant’s methodology and assumptions used to inform the assessment.
- 4.7 The Applicant has used the Air Pollution Information System (“APIS”<sup>5</sup>) website to determine the appropriate critical level/critical load for the designated features of Rochdale Canal SAC [APP-103, paragraph 3.1.7] as set out in Table 3.1 in their HRA report.
- 4.8 The desk study records of floating water plantain (see Annex C of the Applicant’s HRA report) provided by the Greater Manchester Ecology Unit (GMEU) showed that floating water-plantain had been recorded in the Rochdale Canal SAC where it is within 200m of the ARN. The records were taken in 2015 or earlier and the Applicant’s assessment has assumed that the species is still present in these locations [APP-103 paragraph 4.4.2].

Changes in air quality – vehicle emissions

- 4.9 The Rochdale Canal SAC is within 200m of the construction ARN at the M62 and the operational ARN at the M62 and M60. Air quality modelling was undertaken along transects extending up to 200m from the ARN along the Rochdale Canal as shown on Figure 5.5: Modelled Ecological Receptors of the Environmental Statement Figures (TR010064/APP/6.2).

Construction – effects alone

- 4.10 Changes in air quality as a result of vehicle emissions could occur during construction of the Development.
- 4.11 The Applicant has summarised the results in Table 5.1 of the HRA report, providing a summary of the air quality model results for the predicted concentrations of NOx, NH3 and nitrogen deposition as a result of vehicle emissions in the worst-case construction year (2028). The table shows that the predicted changes in air quality during construction are beneficial and therefore no likely significant effect on the Rochdale Canal SAC is predicted to occur as a result of the changes in vehicle emissions during the construction phase [APP-103 paragraph 5.2.6].
- 4.12 Table 2 below replicates the Applicant’s results to set out the modelled change in air quality at the SAC during construction.

Table 2: Summary of the changes in air quality in the part of the Rochdale Canal SAC affected by construction ARN (M62)

Pollutant	APIS CL/LCL	DM Max	DS Max	DS-DM Max	Max change % of CL/LCL
NOx µgm <sup>-3</sup>	30	29.55	29.50	-0.05	-0.17
NH3 µgm <sup>-3</sup>	3	2.01	2.00	-0.01	-0.27
Nitrogen deposition kg N ha <sup>-1</sup> yr <sup>-1</sup>	2	33.06	33.01	-0.02	-2.45

- 4.13 As the effect of the Development is beneficial, for predicted changes in air quality as a result of vehicle emissions during construction, an in combination assessment with other plans or projects is not required [APP-103 paragraph 5.2.7].

<sup>1</sup> ECJ case reference C-323/17, available: <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN> (Accessed 17/04/2025)

<sup>2</sup> Case no: C-127/02. [EUR-Lex - 62002CJ0127 - EN - EUR-Lex](#) (Accessed 06/06/2025)

<sup>3</sup> Case no: CO/3943/2016 [Wealden District Council v Secretary of State for Communities and Local Government and Others Natural England \(Interested Party\) - vLex United Kingdom](#) (Accessed 30/05/2025)

<sup>4</sup> [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#) (Accessed 30/05/2025)

<sup>5</sup> [Site Relevant Critical Loads & Search by Location | APIS](#) (assessed 26.06.2025)

#### Operation – effects alone

- 4.14 Changes in air quality as a result of vehicle emissions could occur during operation of the Scheme. The changes in traffic were predicted on the operation ARN in the area that the Rochdale Canal SAC is within 200m of the M62 and M60 junction 21. Table 5.2 and Table 5.3 within the Applicant's HRA report [APP-103] provide a summary of the air quality model results for the predicted concentrations of NO<sub>x</sub>, NH<sub>3</sub> and nitrogen deposition as a result of vehicle emissions in the Opening year (2029) and provide a comparison with the critical level and critical load for Rochdale SAC.
- 4.15 The results in Tables 5.2 and 5.3 show that vehicle emissions from operation are predicted to result in an exceedance of the 1% threshold used. Therefore LSE on the Rochdale Canal SAC cannot be discounted as a result of the Scheme alone [APP-103 paragraph 5.2.8-5.2.9].
- 4.16 Tables 3 and 4 below replicate the Applicant's results to set out the modelled change in air quality at the SAC during operation.

**Table 3: Summary of the changes in air quality in the part of the Rochdale SAC affected by operation ARN (M62)**

Pollutant	APIS CL/LCL	DM Max	DS Max	DS-DM Max	Max change % of CL/LCL
NO <sub>x</sub> µgm <sup>-3</sup>	30	64.31	64.84	0.53	1.8
NH <sub>3</sub> µgm <sup>-3</sup>	3	3.81	3.84	0.03	1.0
Nitrogen deposition kg N ha <sup>-1</sup> yr <sup>-1</sup>	2	32.97	33.15	0.18	9.1

**Table 4: Summary of the changes in air quality in the part of the Rochdale SAC affected by operation ARN (M60)**

Pollutant	APIS CL/LCL	DM Max	DS Max	DS-DM Max	Max change % of CL/LCL
NO <sub>x</sub> µgm <sup>-3</sup>	30	108.33	108.80	0.471	1.67
NH <sub>3</sub> µgm <sup>-3</sup>	3	5.83	5.85	0.026	0.9
Nitrogen deposition kg N ha <sup>-1</sup> yr <sup>-1</sup>	2	44.25	44.41	0.154	7.7

#### **LSE Conclusion**

- 4.17 The Applicant's screening assessment found:
- No likely significant effects, as a result of the changes in air quality from construction vehicle emissions on the M62, at the Rochdale Canal SAC alone and in combination with other plans and projects because there was a predicted improvement in air quality during construction.
  - Likely significant effects could not be discounted, as a result of the changes in air quality from operational vehicle emissions on the M62 and M60, at the Rochdale Canal SAC, when considered alone and in combination with other plans and projects because the changes in NO<sub>x</sub>, NH<sub>3</sub> and nitrogen deposition were predicted to be greater than 1% of floating water-plantain critical level and critical load threshold.
- 4.18 The applicant has concluded that the Development would be likely to give rise to significant effects alone on the floating water-plantain feature of the Rochdale Canal SAC through changes in air quality during operation, an Appropriate Assessment is required [ER 4.2.10 – 4.2.11].

## **5. STAGE 2: APPROPRIATE ASSESSMENT**

- 5.1 As LSE cannot be excluded, the Secretary of State as the competent authority is required to undertake an appropriate assessment to determine the implications for the conservation objectives of the affected European sites. In line with the requirements of regulation 63 of the Habitats Regulations:

*“(5)...the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”; and*

*“(6) In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given”.*

#### **Conservation objectives**

- 5.2 As mentioned in paragraph 1.10 above, where an appropriate assessment is required in respect of a European site, regulation 63(1) of the Habitats Regulations requires that it be an appropriate assessment of the implications of the plan or project for the site in view of its conservation objectives. Government guidance<sup>6</sup> also recommends that in carrying out the stage one assessment (screening), applicants must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.
- 5.3 The conservation objectives for the Rochdale Canal SAC are set out at Table 4.2 and the attributes and targets in Table 4.3 of the Applicant's HRA report [APP-103 paragraph 6.1.1]. For clarity the conservation objectives relevant to this HRA Report, as published by NE, are also set out in Annex 1 of this HRA Report.

<sup>6</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site> (Accessed 07/05/2025)

## Air Quality

- 5.4 The Applicant's statement to inform an appropriate assessment is set out at section 6 of the HRA report [APP-103].
- 5.5 Although LSE in relation to air quality were identified for Rochdale Canal SAC, alone and in combination, Adverse Effects on Integrity ("AEol") were ruled out.
- 5.6 For clarity the Secretary of State has reproduced paragraph 6.1.1 – 6.1.4 of the Applicant's HRA report [APP-103] which sets out how the conclusion of no AEol has been made:
- "6.1.1 'The Site Improvement Plan (NE, 2014) lists atmospheric nitrogen as one of the two prioritised issues for the SAC and includes an action to develop and implement a Site Nitrogen Action Plan to control, reduce and ameliorate atmospheric nitrogen impacts. However, although the Site Improvement Plan states that the 'Nitrogen deposition exceeds site-relevant critical loads for the supporting habitat which is in unfavourable condition', APIS (Centre for Ecology & Hydrology (CEH), 2019) does not appear to support a site relevant critical load for the qualifying species at this SAC. With regard to the nitrogen critical load APIS states that:
- 'This critical load only applies if the interest feature is associated with softwater oligotrophic or dystrophic lakes at the site. If the feature is not depending on these lake types, there is no comparable critical load available. The critical load for EUNIS Habitat Code C1.1 (Permanent oligotrophic lakes, ponds and pools) and C1.4 (Permanent dystrophic lakes, ponds and pools) is 2-10 kg N ha<sup>-1</sup> yr<sup>-1</sup>. The lower end of the range is intended for boreal and alpine lakes, and the higher end of the range for Atlantic softwaters. Site specific advice should be sought from the conservation agencies as to which part of the range is relevant. Note that the critical load should only be applied to oligotrophic waters with low alkalinity with no significant agricultural or other human inputs.'*
- 6.1.2 With regard to the airborne pollutants NO<sub>x</sub> and NH<sub>3</sub> the habitat/pollutant impact page on APIS states that '*there are no studies that have looked at the effects of gaseous nitrogen oxides on freshwaters*', and there is no record within the database relating to ammonia effects on freshwater habitats.
- 6.1.3 Therefore, even though site relevant critical levels and loads have been assigned on the APIS website to the Rochdale Canal SAC they are considered to only be relevant to an oligotrophic water body. The citation for the underlying Rochdale Canal SSSI (NE, 2000) clearly describes the Rochdale Canal as having mesotrophic water quality and moderately nutrient rich and therefore the critical levels and loads applied are not considered to be relevant for this location.
- 6.1.4 Furthermore, the detailed literature review presented in the HRA of the Places for Everyone Joint Development Plan (Greater Manchester Combined Authority, 2022) found that Luronium natans appears to have a wide tolerance of nutrient levels, which further supports the lack of relevance of the critical level and load given within APIS for this SAC. No alternative threshold was available or considered appropriate for assessment purposes.
- 6.1.5 The Applicant has also received specific feedback from NE supporting the stance that the APIS critical load is not appropriate for the Rochdale Canal given that it is a mesotrophic waterbody. NE identified that the specific caveat provided on the APIS website relating to the use of the critical load for nitrogen on the Rochdale Canal SAC applies i.e. the APIS webpage for standing open water and canals explains that a critical load cannot be given for nitrogen."
- 5.7 As set out at page 6.3.2 of the Applicant's HRA report [APP-103], there will be no AEol of Rochdale SAC, nor will the project go against the conservation objectives for the site, on the basis that the qualifying features of Rochdale SAC are tolerant to a wide range of nutrient conditions, and that the canal, as a mesotrophic water body, is not sensitive to changes in air quality. NE concurs with this conclusion, and the justification for reaching this conclusion and are satisfied the project will have no AEol on Rochdale Canal SAC alone and in combination [REP3-028]. The Secretary of State is content to agree with the conclusion of no AEol [ER 19.4.9].

## Conclusion of the Appropriate Assessment

- 5.8 The Secretary of State has undertaken an objective scientific assessment of the implications of the Development on the qualifying features of the European site, using the best available scientific knowledge. The assessment has been made in light of the conservation objectives for the SAC. A summary of the Secretary of State's appropriate assessment is presented above.
- 5.9 The Applicant's HRA Report [APP-103] concluded that the Development will not result in AEol of Rochdale Canal SAC, alone or in combination. The conclusion of no AEol does not require the delivery of mitigation and neither NE or any other IPs raised concerns in relation to the Applicant's conclusion [REP3-028].
- 5.10 The Secretary of State is content to agree with the ExA [ER 4.5.5] that AEol on Rochdale Canal SAC can be excluded.
- 5.11 The Secretary of State has therefore concluded that it is permissible for her to give consent for the Development and that given the relative scale and magnitude of the identified effects on the qualifying features of the European sites, and the location of the affected road network in relation to the qualifying features, there would not be any implications for the achievement of the conservation objectives for Rochdale Canal SAC.

## **Annex 1: Conservation objectives**

The conservation objectives for Rochdale Canal SAC is available from: Natural England Access to Evidence - Conservation objectives for European Sites: North West (accessed 25.06.2025).

The Conservation Objectives are to be read in conjunction with the accompanying Supplementary Advice documents, which provides more detailed advice and information to enable the application and achievement of the Objectives set out.

### **Rochdale Canal SAC (UK0030266)**

[European Site Conservation Objectives for Rochdale Canal SAC - UK0030266](#)

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of the qualifying species, and
- The distribution of the qualifying species within the site.

### **Qualifying Features:**

S1831. Luronium natans; floating water-plantain