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| <b>Classification:</b><br>Open | <b>Decision Type:</b><br>Non-Key |
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| <b>Report to:</b> | Cabinet  | <b>Date:</b> 14 February 2024 |
| <b>Subject:</b>   | Simister Island Development Consent Order      |                               |
| <b>Report of</b>  | Leader and Cabinet Member for Strategic Growth |                               |

## 1.0 Summary

- 1.1 National Highways is intending to undertake a major infrastructure development to improve Junction 18 of the M60 (Simister Island) and also widening to five lanes of the M60 between Junction 17 and Junction 18 to facilitate smoother flows of traffic along the connecting motorways, contributing to more reliable and safer journeys into and around Greater Manchester.
- 1.2 The proposal is a “Nationally Significant Infrastructure Project” (NSIP). This means that planning consent for the scheme is determined by the Secretary of State through an application process known as a Development Consent Order (DCO).
- 1.3 A DCO automatically removes the need to obtain several consents that would otherwise be required for development, including planning permission, highway consent and compulsory purchase orders. The idea of this regime is that it is a quicker process for large scale development projects to get the necessary planning permission and other related consents that they would require, rather than having to apply separately for each consent.
- 1.4 A DCO application is submitted to the Planning Inspectorate who will examine the application and make a recommendation to the Secretary of State, who will decide on whether consent should be granted for the proposed scheme.
- 1.5 As the proposed development is within Bury’s administrative area, Bury Council has a vital role in the examination of the scheme. The Council will not decide whether the scheme goes ahead but will automatically be an “Interested Party” and will be required to provide evidence and opinion on the proposal and its impacts within prescribed timetables.
- 1.6 To ensure the views of this Council can be submitted in accordance with these timescales, this report sets out a recommendation to delegate authority to the Executive Director (Growth), in consultation with the Monitoring Officer and the Cabinet Member for Strategic Growth to respond to the relevant stages of the DCO process.

## **2.0 Recommendations:**

That Cabinet:

- 2.1 Delegate authority to the Executive Director (Growth), in consultation with the Monitoring Officer and Cabinet Member for Strategic Growth, to respond to all consultations and engagement as part of the Simister Island Development Consent Order application process.

## **3.0 Reasons for recommendations:**

- 3.1 Without delegated authority it is unlikely that the Council will be able to effectively engage with the DCO process. If responses are not submitted in accordance with the statutory timescales, they cannot be taken into account. Without the requested delegation in place, this could result in a recommendation made to the Secretary of State which does not fully take account of impacts upon Bury.

## **4.0 Alternative options**

- 4.1 *Option 2* – Not to delegate authority. This is not recommended for the reasons sets out at paragraph 3.1 above.
- 4.2 *Option 3* – Not to participate in the DCO process. This is not recommended for the reasons set out at paragraph 3.1 above.

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## **5.0 Background**

- 5.1 Simister Island Interchange is one of the busiest motorway junctions in the north-west used by around 90,000 vehicles each day. The junction struggles with such high volumes of traffic above what it was designed for, and as a result suffers from congestion and poor journey time reliability.
- 5.2 In January 2021 National Highways announced proposals for the “Northern Loop” option to improve junction 18 of the M60. Following public consultation, the design has been updated and the proposed development is shown on the plan attached within the Preferred Route Announcement (Appendix 1). The main components of the scheme are:-
  - Construction of a new loop road (the ‘Northern Loop’) to provide a new link between the M60 eastbound to the M60 southbound. This will allow

drivers to continue along the M60 without having to leave the motorway, navigate the roundabout and re-join the M60.

- Widening of the M66 southbound through J18 from two lanes to four lanes.
- Widening of the existing M60 northbound to M60 westbound link road from one lane to two lanes.
- Realignment of the M66 southbound slip road to M60 J18 to accommodate the Northern Loop structure, including a new overbridge where the slip road crosses the Northern Loop and realignment of the left turn lane to the M62 eastbound.
- Conversion of the hard shoulder along the existing four-lane Controlled Motorway between M60 J17 to J18 into a running lane (both sides).
- Construction of a new hard shoulder on the M60 between J17 and J18 in the existing verge (both sides).
- 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 new gantries on the M66 southbound side and between M60 J17 to J18.
- Construction of associated drainage works including new attenuation ponds to accommodate surface water run-off from the highway and improve water quality.

5.3 The proposal will mean less traffic has to travel through and stop at the roundabout because of the new free flow links. The main aims of the scheme are:

- Improve the journey experience for users of this section of network by:
  - reducing peak congestion
  - reducing journey times
  - delivering more reliable journey times
- Provide an option which is safe for all road users
- Minimise the impact of the project on the surrounding environment including within Noise Important Areas and Air Quality Management Areas

- Support future economic growth across the Greater Manchester area by delivering against local aspirations set out in regional and local authorities' transport strategies and local plans.

## **6.0 The DCO Process & The Council's Role**

- 6.1 As outlined, the proposed development by National Highways is of a scale which means it is classified as a NSIP and planning consent (and other consents) must be obtained through the DCO process. The application is submitted to and examined by the Planning Inspectorate and the decision on whether to approve the development is taken by the relevant Secretary of State. As the host authority for the development, the Council has a key role in the DCO process as an "Interested Party".
- 6.2 The DCO process comprises six key stages, covering pre-application, acceptance, pre-examination, examination, decision and post-decision stages. Upon receipt of an application for development consent, the Planning Inspectorate has 28 days to decide whether or not to accept it. There is a period of 6 months for the Planning Inspectorate to examine an application and 3 months for the Planning Inspectorate to make its recommendation to the Secretary of State. The Secretary of State has a further period of 3 months in which to issue a decision. From accepting an application to making a decision, the whole process should last in the region of 15 months.
- 6.3 The Development Management team in the Planning Service have already been working closely with National Highways at pre-application stage and, they will be the lead Service to be involved in the DCO process and will consider and present issues on behalf of the Council. They will seek to ensure that any potential harmful impacts of the scheme are mitigated. This is done through the use of Requirements imposed on a NSIP (similar to planning conditions) which the Council is likely to become responsible for discharging, monitoring and enforcing.
- 6.4 The Development Management team have also assisted in identifying those homes and businesses located within the vicinity of the development site who will be affected by the proposal and consultation documents have been sent out in the post to these properties. This was carried out between February and March 2023. A number of consultation events have also been carried out.
- 6.5 During the next stage of the DCO process (examination), the Council will be required to submit evidence and make representations to ensure relevant impacts of development are addressed. This will be led by the Development Management team who will liaise with other departments such as Environmental Health and Highways. This will include:
- Providing a statement on the adequacy of the applicant's consultation.
  - Submitting a Relevant Representation on the initial issues relevant to the scheme.

- Attendance at a Preliminary Meeting to discuss procedural issues and agree a timetable for examination.
  - Preparing a Local Impact Report assessing the potential impacts of the scheme and providing evidence about the characteristics of the area.
  - Submitting Written Representations, respond to the Examining Authority's questions and commenting on other submissions.
  - Attending hearings and site visits.
  - Agreeing a Statements of Common Ground to set out areas of agreement.
- 6.6 The submission of many of the reports and representations have very short timescales (typically 7, 14 or 28 days) and much of the work will be of a technical nature, requiring professional knowledge and understanding of planning and highways.
- 6.7 Given the detailed nature of the work required, together with the tight timescales, it is not considered it will be possible to gain Cabinet consent for officers to make representations at the required times within the DCO process.
- 6.8 The Cabinet is therefore asked to delegate authority to the Executive Director (Growth), in consultation with the Monitoring Officer and Cabinet Member for Strategic Growth to ensure that the Council can respond to the consultation or engagement aspects of the DCO process in accordance with the relevant timescales.
- 6.9 This will ensure the Council is in a position to fully engage with the DCO process and ensure the potential impacts of the scheme are understood and taken into account, prior to the decision by the Secretary of State.
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### **Links with the Corporate Priorities:**

The NSIP scheme is a Government proposal, submitted by National Highways. The proposals have gone through a pre-application and consultation process with Council officers and the public. Corporate aims of improved air quality and access would be one of the key aims of the project and part of the requirement of the DCO process is to enable the Council to make representations as a host and consultee authority. It is anticipated that issues of local traffic impacts, ecology, hydrology and planning inputs will reflect local and national planning concerns to underpin the Council's corporate priorities of improved access, air quality and economic opportunity to its residents.

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### **Equality Impact and Considerations:**

National Highways are required to submit an Equalities Impact Assessment as part of the submission documentation to the Planning Inspectorate (which is currently

scheduled for the end of February 2024). This will be reviewed as part of the Examination process.

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**Environmental Impact and Considerations:**

The decision of the scheme will rest with Central Government’s Planning inspectorate and the Secretary of State. The process is assessing all elements of the environmental impact and representations made by the Council in the decision making process would be undertaken by the council’s professional officers representing their own disciplines.

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**Assessment and Mitigation of Risk:**

| Risk / opportunity | Mitigation |
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**Legal Implications:**

The legal requirements governing the determination of DCO applications are set out in the Planning Act 2008. As set out in the main body of this report, the DCO process sets out response timescales in statute. Having the appropriate delegation of authority in place will ensure that the Council will be in a position where it can respond to the legal obligations placed upon the authority in its role as host authority.

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**Financial Implications:**

Officer time for the production and response to issues set out to evidence the case. This will include attendance at the hearings when they take place. Overall time frames for the main hearings element will run from Spring to end of summer 2024.

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**Appendices:**

**Appendix 1 – Preferred Route Announcement**

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**Background papers:**

None.

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

| <b>Term</b> | <b>Meaning</b>                                |
|-------------|---|
| NSIP        | Nationally Significant Infrastructure Project |
| DCO         | Development Consent Order                     |