

**A66 Northern Trans-Pennine Project
TR010062**

**2.1 Understanding the DCO
Application**

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2.1 UNDERSTANDING THE DCO APPLICATION

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1 Purpose of Understanding the DCO Application

1.1 Introduction

- 1.1.1 This document has been produced in support of National Highways' (**"the Applicant"**) application for development consent under the Planning Act 2008 (**"PA2008"**) for the A66 Northern Trans-Pennine Project (**"the Project"**).
- 1.1.2 This Guide is intended to facilitate interested parties' navigation of the development consent order application documentation and to support interested parties' understanding of the nature of the Project for which National Highways seeks development consent, and of the 'envelope' within which, if development consent were granted, the Project could be constructed and operated.
- 1.1.3 In particular, this document seeks to highlight the relationships between certain key DCO application documents (as submitted) and the concepts which underpin them.
- 1.1.4 As such, this document does not change or add to the substance or content of the DCO application documents or the relationships between them.

2 Key concepts underlying the DCO application documents

2.1 The authorised development

2.1.1 The Project is described in Schedule 1 to the draft DCO (Application Document 5.1), where it is referred to as the 'authorised development'. At the DCO application stage, the term 'authorised development' is borrowed from a future scenario in which development consent has been granted, a DCO has been made by the Secretary of State and, accordingly, the development is authorised.

2.2 Numbered works

2.2.1 Schedule 1 is essentially a textual description of the authorised development, in which the Project is divided up into a series of component parts, referred to in the DCO application documentation as 'numbered works'. Like other National Highways DCOs, each numbered work comprises an element of the Project.

2.2.2 Unlike other National Highways DCOs, the Project is divided into different "Schemes":

2.2.3 The Schemes adopt the following numbering convention:

- a. Scheme 0102 – M6 Junction 40 to Kemplay Bank;
- b. Scheme 03 – Penrith to Temple Sowerby;
- c. Scheme 0405 – Temple Sowerby to Appleby;
- d. Scheme 06 – Appleby to Brough;
- e. Scheme 07 – Bowes Bypass;
- f. Scheme 08 – Cross Lanes to Rokeby;
- g. Scheme 09 – Stephen Bank to Carkin Moor; and
- h. Scheme 11 – A1(M) Junction 53 Scotch Corner.

2.2.4 Schemes 01 and 02 have combined to form Scheme 0102 (M6 Junction 40 to Kemplay Bank), and in a similar fashion so have Schemes 04 and 05 (Temple Sowerby to Appleby) leading to a total of 8 Schemes listed in Schedule 1. There is no Scheme 10.

2.2.5 The works are then numbered sequentially within each of the Schemes. For example numbered work 03-1 is the first numbered work within Scheme 03 (Penrith to Temple Sowerby).

2.2.6 There is no prescribed approach for dividing a project into a series of numbered works; it is open to an applicant to do this in whatever way is most appropriate for the project for which it seeks development consent. Accordingly, a variety of contrasting approaches can be seen in DCO applications accepted by the Planning Inspectorate to date.

2.3 DCO plans and other drawings

2.3.1 The elements of the Project (or the authorised development), which are described in Schedule 1 to the draft DCO, in the form of numbered works,

are also represented visually in a series of technical plans and other drawings ("**the DCO Plans**") included in the DCO application. Each set of DCO Plans provides information about a particular aspect of the Project.

2.3.2 The names of the plan sets are informative – for example:

- the Land Plans (Application Document 5.13) show the land required for the Project;
- the Works Plans (Application Document 5.16) show the layout of the numbered works (in headline terms only);
- the Engineering Section Drawings: Plan and Profiles (Application Document 5.17) comprise a series of longitudinal cross-section drawings, and the Engineering Section Drawings: Cross-Sections (Application Document 5.18) comprise a series of transverse cross-section drawings; and
- the Rights of Way and Access Plans (Application Document 5.19) show all of the public rights of way (including the new and improved highway which is the principal element of the Project) and private means of access which would be interfered with in a permanent manner by the construction or operation of the Project (these plans also show how, where necessary, any stopped up rights of way and means of access would be substituted or replaced).

2.3.3 Compliance with certain key DCO drawings is secured by DCO article 54:-

“Detailed Design

54.- (1) Subject to article 7 (limits of deviation) and the provisions of this article, the authorised development must be designed in detail and carried out so that it is compatible with-

(a) the design principles;

(b) the works plans; and

(c) the engineering section drawings (plan and profiles) and the engineering section drawings (cross-sections).

(2) The Secretary of State may approve a detailed design that departs from paragraph (1), following consultation with the relevant planning authority, provided that the Secretary of State is satisfied that any amendments to the design principles, the works plans, the engineering section drawings (plan and profiles) and the engineering section drawings (cross-sections) would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.

(3) Where amended details are approved by the Secretary of State under paragraph (2), those details are deemed to be substituted for the corresponding design principles, works plans, engineering section drawings (plan and profiles) and engineering section drawings (cross-sections) as the case may be and the undertaker must make those amended details available in electronic form for inspection by members of the public.”

2.4 Limits of deviation

- 2.4.1 The draft DCO includes (at article 7) limits of deviation. The limits of deviation are designed to ensure that the development consent, if granted, includes a proportionate and reasonable amount of flexibility, allowing a degree of potential departure from certain aspects of the consented Project as shown in certain DCO drawings – in this case the Works Plans and the Engineering Section Drawings – as these are the documents which set the constraints by reference to which the limits of deviation are subsequently defined.
- 2.4.2 Limits of deviation are necessary because development consent is being applied for before the Project is at the detailed design stage. As part of ‘Project Speed’ National Highways is changing its approach to the appointment of contractors and is seeking to appoint a contractor at an earlier stage than would normally be the case. However, despite this accelerated timeframe the detailed design of the Project is a major undertaking and is unlikely to be completed before the examination of National Highways’ application for development consent. It is therefore imperative that the consent has sufficient flexibility built in to ensure that the Project can be implemented in due course without the risk of a breach of the terms of the DCO.
- 2.4.3 It is also important to ensure that the consent is drafted in terms which can accommodate unforeseeable physical site circumstances such as, for example, geological and ground composition complications, which can give rise to unexpected issues on major civil engineering projects at the project implementation stage. It is prudent to plan for a consent which can accommodate such issues, enabling implementation to proceed without the project promoter having to have recourse to additional consenting procedures, such as applications for material or non-material DCO changes, which inevitably have undesirable budgeting and programming implications with the potential to delay or frustrate implementation of a project.

2.5 Design Principles

- 2.5.1 The Project Design Principles (Application Document 5.11) sets out a framework on which the detailed design of the Project will be based. This document is secured by article 54 of the DCO, which also sets out a mechanism enabling the Secretary of State to approve departures from the design principles, following consultation with the relevant planning authority and only where a departure would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the Environmental Statement (Application Document 3.2).

2.6 Environmental mitigation contained in the Environmental Management Plan

- 2.6.1 The Environmental Management Plan (“EMP”) (Document Reference 2.7) contains a Register of Environmental Actions and Commitments (“REAC”)

that, in short, sets out all of the environmental mitigation measures that the Project must comply with during construction and operation.

2.6.2 These mitigation measures have primarily arisen from the assessments contained in the Environmental Statement (Application Documents 3.1 to 3.4) (“**the ES**”) and are required to mitigate likely significant adverse effects reported in the ES. Because of this, the REAC is structured on a topic by topic basis, to reflect the chapters contained in the ES.

2.6.3 Ultimately, the EMP (and the REAC within it) will ensure that mitigation measures reported and relied upon in the ES must be implemented. Compliance with the EMP is secured by article 53 of the DCO.

2.7 Consistency between environmental assessments carried out and the Project for which development consent is sought

2.7.1 In terms of what has been assessed and reported in the Environmental Statement (‘the ES’), Chapter 2 The Project (Application Document 3.2) of the ES describes the Project and, along with Chapter 4 EIA Methodology (Application Document 3.2), explains the overarching approach taken in the assessment and sets out what has been assessed and reported, namely the likely significant environmental effects arising from a realistic ‘worst case’ scenario based on the works proposed to be authorised in the draft DCO.

2.7.2 This realistic ‘worst case’ approach to the assessment of the likely significant environmental effects arising from the Project is a standard approach employed when assessing the environmental impacts of infrastructure projects. Incorporated into this realistic ‘worst case’ scenario, and so taken into account in the assessment, are the limits of deviation provided for in the DCO, which provide the envelope within which the detailed design of the Project would be able to be constructed (and ultimately operated). As such, there is consistency between the scope of the assessments carried out and the scope of the Project for which development consent is sought.

3 Relationship between the DCO and DCO Plans

3.1 Relationship between the DCO and the DCO Plans

3.1.1 As indicated above the application for development consent for the Project comprises a number of key documents which need to be read in conjunction with one another. In summary terms, the relationships between the submitted documents are as follows:

- DCO Schedule 1 (Application Document 5.1) sets out a description of the Project, broken down into its component parts - see section 2.2 above on 'numbered works' and section 2.1 on the 'authorised development'.
- Each of the numbered works is shown on the Works Plans (Application Document 5.16) by way of a centreline (in the case of linear works, of which the Project is, in the main, comprised and, in the case of non-linear works, by way of a boundary/limit of deviation). In the first instance, the Works Plans should be read in conjunction with DCO Schedule 1.
- The centreline (or non-linear work boundary) shown on the Works Plans is the visual equivalent of a 'headline' in the context of a newspaper – it does not set out all of the detail comprised in a numbered work; nor is it required to. Regulation 5(2)(j) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, which specifies the requirements for the documents comprised in an application for development consent, requires:

“a works plan showing, in relation to existing features—

- (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and*
- (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;”.*

3.1.2 The more detailed component parts of each numbered work are shown on other sets of plans or other drawings as appropriate, e.g.:

- the Engineering Section Drawings: Plan and Profiles (Application Document 5.17) provide more detail than the Works Plans, and show key features of the Project which take the form of built structures, such as compact grade-separated junctions, bridges, underpasses, slip roads and roundabouts, presenting these elements in both plan view and longitudinal cross-section, whilst also linking back to the Works Plans and DCO Schedule 1 by way of references throughout to the 'headline' numbered works shown on the Works Plans (and by reference to 'chainage' (which is a series of measurements running along the length of the Project, and including a marker every 100 metres – see the numbers set out in boxes, arranged perpendicular to the line of the road on the plan)). The Engineering Section Drawings: Plan and Profiles are also linked with DCO article 7 (limits of deviation) as they provide the reference points for the application of

the upwards and downwards vertical limits of deviation applicable to the elements of the works shown on them; they should also be read in conjunction with the other documents mentioned above and below;

- the Engineering Section Drawings: Cross-sections (Application Document 5.18) provide more detail than the Works Plans, and show a series of transverse cross-sections presenting typical features at key locations along the route of the Project. The Engineering Section Drawings: Cross-Sections are also linked with DCO article 7 (limits of deviation) as they provide reference points for the application of the upwards and downwards vertical limits of deviation applicable to the elements of the works shown on them. They should be read in conjunction with the other documents mentioned above and below; and
- the Rights of Way and Access Plans (Application Document 5.19) show the detail of all the public rights of way and private means of access which would be affected by the Project on a permanent basis. These plans show rights of way and accesses which are proposed to be stopped up and, where appropriate, replaced with substitute rights of way or accesses.

3.1.3 The relationships between the various categories of works in Schedule 1 to the DCO and the other application documents can be summarised as follows:

- **centrelines of linear works**, as described in Schedule 1, are shown on the Works Plans and in the Engineering Section Drawings: Plan and Profiles. They are subject to lateral/horizontal limits of deviation as set out in DCO article 7. For the most part, the lateral limits of deviation for linear works are applied to the centreline of the work (i.e. they permit a specified degree of divergence from the centreline shown on the plan); in a small number of instances, lateral limits of deviation are shown by a fine dashed green line and are expressed in article 7 (limits of deviation) as being relative to the centreline of a specific numbered linear work. Compliance with the limits of deviation is secured by article 54, which requires detailed design to be carried out so that it is compatible with the Works Plans, the Engineering Section Drawings: Plan and Profiles and the Engineering Section Drawings: Cross-Sections. Article 54 also secures compliance with the Project Design Principles (Application Document 5.11) and the design commitments contained within it;
- **key elements of the numbered/linear works, e.g. bridge structures and side roads and slip roads** are shown in the Engineering Section Drawings: Plan and Profiles and (in some instances) in the Engineering Section Drawings: Cross-Sections. They are subject to lateral/horizontal and vertical upwards/downwards limits of deviation, as set out in DCO article 7; and
- **new walking, cycling and horse riding provision** ('WCHR provision'), in the form of bridleways, cycle tracks and footpaths (as new public rights of way); and, within the boundary of the new or improved A66, or within the boundary of new or improved side roads: equestrian tracks, cycleways and footways. The Rights of Way and

Access Plans (Application Document 5.19) also show private means of access ('PMAs'). By way of explanation, where WCHR provision or PMAs are to be stopped up and replaced (or not replaced, as the case may be) both the original/existing and the new/substitute provisions are shown on the Rights of Way and Access Plans (this is in contrast to the other sets of plans/drawings comprised in the DCO application, where generally only the new elements of the development for which consent is sought are shown).

3.2 Relationship between DCO Schedule 1 and the Rights of Way and Access Plans

- 3.2.1 The description of the authorised development in DCO Schedule 1 (Application Document 5.1) includes references to the elements of the Scheme which are shown on the Rights of Way and Access Plans (Application Document 5.19). The Rights of Way and Access Plans are based on the preliminary design of the Project and show what is intended to be delivered subject to development at the detailed design stage. The elements of the Project which are shown on the Rights of Way and Access Plans are also described in the corresponding DCO Schedule 2 (Permanent Stopping Up of Highways and Private Means of Access and Provision of New Highways and Private Means of Access) (Application Document 5.1).