

A66 Northern Trans-Pennine Project

TR010062

1.1 Cover Letter

APFP Regulations 5(2)(q)

Planning Act 2008

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

Volume 1

June 2022

Infrastructure Planning

Planning Act 2008

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

A66 Northern Trans-Pennine Project
Development Consent Order 202x

1.1 COVER LETTER

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Author:	A66 Northern Trans-Pennine Project Team, National Highways

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13 June 2022

National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
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Dear Sir/Madam

We are pleased to enclose an application on behalf of National Highways (the “Applicant”) under section 37 of the Planning Act 2008 (“PA 2008”) for an order granting development consent for the A66 Northern Trans-Pennine Project (the “Project”).

1. Subject of the application

- 1.1 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (“NSIP”) pursuant to sections 14(1)(h) and 22(1)(a) of the PA 2008.
- 1.2 Further detail concerning the project’s qualification as a NSIP can be found in the prescribed form within the Application Form (Application Document 1.3) and in the Explanatory Memorandum (Application Document 5.3).

2. Application fee and documentation enclosed

- 2.1 A fee of £7,488.00 has been submitted by BACS transfer to the account of the Planning Inspectorate.
- 2.2 One electronic file transfer copy of the full DCO Application documentation, as listed in the ‘Acceptance Application Index’ in the form prescribed in the Appendix to Planning Inspectorate’s Advice Note Six: Preparation and submission of application documents (Version 10, June 2021), is provided, as agreed with the Planning Inspectorate.
- 2.3 A number of additional documents have been included in support of the application. These include:

- Cover Letter (Application Document 1.1)
- Section 55 Checklist (Application Document 1.2)
- Guide to the Application Documents (Application Document 1.4)
- Application Glossary (Application Document 1.5)
- Electronic Index (Application Document 1.6)
- Understanding the DCO Application (Application Document 2.1)
- Case for the project (Application Document 2.2)
- Project Design Report (Application Document 2.3)
- Mitigation Schedule (Application Document 2.9)
- Transport Assessment (Application Document 3.7)
- Combined Modelling and Appraisal Report (Application Document 3.8)
- Legislation and Policy Compliance Statement (Application Document 3.9)
- Project Development Overview Report (Application Document 4.1)
- Statement of Commonality and Statement of Common Ground (Application Document 4.5)
- Compulsory Acquisition and Temporary Possession Schedule (Application Document 5.9)
- Schedule of Negotiations (Application Document 5.10)
- Project Design Principles (Application Document 5.11)

2.5 A completed section 55 checklist accompanies this letter.

2.6 The electronic application index was provided to the Planning Inspectorate on 13 June 2022 and the Geographic Information System (GIS) shape file was submitted to the Planning Inspectorate on 30 May 2022.

3. Application formalities

3.1 This Application is made in the form required by Section 37(3)(b) of the PA 2008 and the application documents comply with the requirements in Section 37 of the PA 2008 and those set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- The Department for Communities and Local Government’s ‘Planning Act 2008: application form guidance’ (June 2013);
- The Planning Inspectorate’s ‘Advice Note Six: Preparation and submission of application documents’ (Version 10, June 2021).

3.2 The Applicant agrees that the Planning Inspectorate publishes the application for development consent order with all associated documentation (other than those which are of sensitive content as listed under 3.3.) on the National Infrastructure pages of the Planning Inspectorate website as soon as practicable after submission.

3.3 The Applicant requests that the Planning Inspectorate does not publish the documents listed below due to their sensitive content:

- Environmental Statement (ES) Figure 6.6 Badger Setts, Field Signs and Badger Bait Marking (Application Document 3.3) as this document contains confidential

information pertaining to species protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended)

- ES Figure 6.7 Bat Activity Surveys (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Figure 6.8 Preliminary Bat Roost Assessment – Structures and Trees (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Figure 6.9 Bat Trapping and Radio Tracking Map (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Figure 6.10 Core Sustenance Zones of Bat Roosts Identified from Survey (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Figure 6.11 Bat Roost Survey (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Figure 16.5 Barn Owls (Application Document 3.3) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) ES Appendix 6.8 Badgers (Application Document 3.4) as this document contains confidential information pertaining to species protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (as amended)
 - ES Appendix 6.11 Bats (Application Document 3.4) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017
 - ES Appendix 6.15 Barn Owls (Application Document 3.4) as this document contains confidential information pertaining to species protected under the Wildlife and Countryside Act 1981 (as amended)
- 3.4 The Applicant also advises the Planning Inspectorate of a number of ‘excessive files’ over 150MB. These four files are listed below:
- ES Figure 10.8 Viewpoint Photosheets (Application Document 3.2) 283MB
 - ES Appendix 9.2 Ground Investigation Reports (GIR) (Application Document 3.4) 717MB
 - ES Appendix 9.4 Preliminary Source Study Report (PSSR) (Application Document 3.4) 596MB
 - ES Appendix 14.2 Flood Risk Assessment and Outline Drainage Strategy (Application Document 3.4) 277MB

4 Description of the project

- 4.1 A non-technical description of the project is provided in the Case for the Project (Application Document 2.2). A more detailed and technical description is provided in the Environmental Statement (“ES”) (Application Document 3.2).

5 Consent flexibility

- 5.1 The design has been developed to a level of detail that is sufficient to provide confidence during the DCO Application examination and to enable the Environmental Impact Assessment (EIA) to take place. As expected for a NSIP, there are aspects of the design that have not yet been fixed.
- 5.2 The Applicant has considered the National Policy Statement for National Networks and Planning Inspectorate's 'Advice Note Nine: Rochdale Envelope', along with pre-application discussions with Planning Inspectorate. It is the Applicant's view that the inclusion of flexibility provided for in the draft DCO (Application Document 5.1) is required to deliver the project.
- 5.3 An important element of the flexibility sought within the DCO relates to the positioning of the highway. Flexibility in this regard is necessary to allow for optimal siting of the highway against factors identified during the detailed preconstruction design stage of the project; such factors could include unexpected ground conditions or other unforeseen conditions on site which were not identified prior to an application for development consent.
- 5.4 The Limits of Deviation (LoD) included allow for a small tolerance with respect to any distances and points shown on the Works Plans (Application Document 2.4). This allows a lateral deviation of 3.0 m from the extent of the Project earthworks and a vertical deviation of 1.0 m upwards or downwards. There are a number of exceptions to these standard limits due to environmental constraints or where increased flexibility is required. These exceptions are identified in the 'limits of deviation' article in the draft DCO (Application Document 5.1).
- 5.5 These LoD have been determined based on various design and construction factors and the EIA for the project has considered the LoD sought within the draft DCO.
- 5.6 Further detail on the Applicant's approach to the Rochdale Envelope and flexibility within the draft DCO is provided within 'Chapter 4 – Environmental assessment methodology' of the ES (Application Document 3.2).

6 Habitats Regulations Assessment

- 6.1 This DCO Application includes a Habitats Regulation Assessment (HRA) Report (Application Document 3.5) as required by Regulation 5(2)(g) of the APFP Regulations. The HRA Report was prepared in consultation with the Planning Inspectorate's 'Advice Note Ten: Habitats Regulations Assessments' (November 2017). It identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the project is likely to have an adverse effect on the integrity of any European site.
- 6.2 The Applicant has undertaken screening for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the habitats regulations") and concluded that it cannot rule out likely significant effects on one of the European sites considered. Therefore, this DCO Application is accompanied by a Statement to Inform the Appropriate Assessment (Application Document 3.6) to inform the appropriate assessment to be undertaken by the Secretary of State.

7 Compulsory acquisition

- 7.1 The Applicant is seeking compulsory acquisition powers to acquire land, rights over land and interests in land, and other related powers, including temporary possession powers, to support the delivery of the project.
- 7.2 Details of the powers sought and negotiations to date, including those relating to any Crown land and special category land, are provided in the Book of Reference (Application Document 5.7), Compulsory Acquisition and Temporary Possession Schedule (application document 5.9), Schedule of Negotiations (application document 5.10) and the Statement of Reasons (Application Document 5.8).
- 7.3 Adequacy of the funding for compensation is provided in the Funding Statement (Application Document 5.6).

8 Other consents

- 8.1 Details of other consents and licences not forming part of the DCO which the Applicant (or others) may be seeking in relation to the construction and operation of the proposed project and associated development, are set out in the Consents and Agreements Position Statement (Application Document 5.4).

9 Pre-application consultation

- 9.1 As required by section 37(3)(c) of the PA 2008, a Consultation Report and Appendices (Application Document 4.4) accompanies this application. This document details compliance with sections 42, 47, 48 and 49 of the Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the application for this DCO Application.

10 Pre-application engagement with the Planning Inspectorate

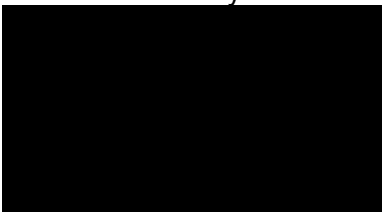
- 10.1 Since September 2020 (up until submission of the DCO application), the Applicant held fortnightly meetings with the Planning Inspectorate, adopting an open approach to sharing information about the Project. The Project has taken this early engagement approach with the Planning Inspectorate to ensure transparency on Project development, as part of the Government's Project Speed initiative.

11 Other matters

- 11.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found on the Engineering Section Drawings: Plan and Profiles (Application Document 5.17) and the Engineering Section Drawings: Cross-Sections (Application Document 5.18).
- 11.2 Under Regulation 5(3) of the APFP Regulations, any plans, drawings or sections shall be no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, shall show the direction of north. These requirements of the APFP Regulations have been followed for the plans prepared and submitted as part of this DCO Application.

- 11.3 The Location Plan (Application Document 5.12) is provided at a scale of 1: 110,000 in order to provide greater context to the landscape setting of the project.
- 11.4 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide (where applicable) a plan with accompanying information identifying: (i) any statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.
- 11.5 The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the project is presented in ES Chapter 7 – ‘Landscape and Visual Effects’, ES Chapter 8 – ‘Biodiversity’, and ES Chapter 13 – ‘Road Drainage and Water Environment’ (all within Application Document 6.2). A Water Framework Directive Assessment is included at ES Appendix 13.2 (Application Document 6.4).
- 11.6 The Applicant will keep all application documents under review and will provide updates on any change to the application documents during the course of the examination after considering questions and comments received from the Examining Authority and any interested parties.
- 11.7 We look forward to hearing from you in relation to a formal acceptance decision of this DCO Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.
- 11.8 In accordance with The Planning Inspectorate’s Advice Note 15, which states that all copies of the draft DCO submitted to the Planning Inspectorate (including the Applicant’s draft DCO submitted with the application) must have been cleared through the validation process and be accompanied by a copy of the Validation Success email which evidences that the draft DCO is error free and on the correct version of the SI template, we are providing to you separately evidence of the successful validation of the draft DCO.

Yours faithfully



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