

**A66 Northern Trans-Pennine Project
TR010062**

**4.5 Statement of Common Ground
with the North Pennines AONB
Partnership**

APFP Regulations 5(2)(q)

Planning Act 2008

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

Volume 4

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

**4.5 STATEMENT OF COMMON GROUND WITH THE
NORTH PENNINES AONB PARTNERSHIP**

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010062
Application Document Reference	4.5
Author:	A66 Northern Trans-Pennine project, Project Team, National Highways

Version	Date	Status of Version
Rev 1	13 June 2022	Application Issue

CONTENTS

1	Introduction	1
1.1	Purpose of this document	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology	2
2	Record of Engagement	3
3	Issues	5

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A66 Northern Trans-Pennine project ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4 This SoCG has been prepared by the Applicant and in its view provides an accurate record of discussions to date and a summary of the issues that are either agreed, subject to further discussion or not agreed. Previous iterations of the SoCG have been the subject of discussion between the parties to this SoCG. The Applicant will work to agree and submit joint working drafts of the SoCG as the examination progresses. Prior to the end of the examination, the Applicant intends to submit jointly on behalf of both parties a final SoCG confirming what matters have been agreed and have not been agreed, and if any remain under discussion.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) the North Pennines Area of Outstanding Natural Beauty (NP AONB) Partnership.
- 1.2.2 National Highways (formerly Highways England) is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State.
- 1.2.3 The NP AONB Partnership team works with others to take action to conserve and enhance this special place. For planning, the responsibility includes assessing any development proposed within or affecting the AONB against relevant national and local policies. The Partnership provides a consistent approach to development across the AONB and seeks to help them fulfil their responsibilities set out in the

Countryside and Rights of Way Act 2000 and the National Planning Policy Framework (NPPF).

1.3 Terminology

1.3.1 In the table in the Issues section of this SoCG:

- “Agreed” indicates area(s) of agreement
- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
- “Not agreed” indicates a final position for area(s) of disagreement where the resolution of differing positions will not be possible, and parties agree on this point

1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the NP AONB Partnership, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, unless otherwise raised in due course by NP AONB Partnership.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between National Highways and the NP AONB Partnership in relation to the Application is outlined in table 2.1.

Table 2.1 Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
12.03.2021	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions the Evidence Plan, a scheme-by-scheme overview, viewpoint consultation, Landscape Character Assessment, AONB Management Plan and areas of high landscape value.
26.04.2021	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on Zone of Theoretical Visibility (ZTV), definition of North Pennine Area of Outstanding Natural Beauty (AONB) setting, special qualities of the Greta Bridge and Bowes Conservation Areas.
21.05.2021	Online Meeting	Meeting between NE, the NP AONB Partnership and the A66 IPT to review the Appleby to Brough Scheme. Meeting included discussions on the Appleby to Brough alignment and Alignment at MOD facility.
24.05.2021	Online Meeting	Meeting between NP AONB Partnership and the IPT to at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the M6 Junction 40 Penrith, Kemplay Bank Roundabout, Penrith to Temple Sowerby (east and west), Temple Sowerby to Appleby, Appleby to Brough, Bowes Bypass, Cross Lanes to Rokeby, Stephen Bank to Carkin Moor and options appraisal.
16.06.2021	Online Meeting	Meeting between NE, the NP AONB Partnership and the A66 IPT review the Appleby to Brough Scheme. Meeting included discussions on updates and the alternative Warcop Parish Council route.
28.06.2021	Online Meeting	Meeting between the NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the M6 Junction 40 Penrith, Kemplay Bank Roundabout, Penrith to Temple Sowerby (east and west), Temple Sowerby to Appleby, Appleby to Brough, Bowes Bypass, Cross Lanes to Rokeby and Stephen Bank to Carkin Moor.

Date	Form of correspondence	Key topics discussed and key outcomes
16.08.2021	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the M6 Junction 40 Penrith, Kemplay Bank Roundabout, Penrith to Temple Sowerby (east and west), Temple Sowerby to Appleby, Appleby to Brough, Bowes Bypass, Cross Lanes to Rokeby, Stephen Bank to Carkin Moor and Scotch Corner.
11.11.2021	Online Meeting	Meeting with Natural England, NP AONB Partnership, National Highways and Project Team to discuss environmental impacts and considerations around Warcop.
01.12.2021	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on key findings from Statutory Consultation, LVIA update and the landscape design approach.
20.01.2022	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on LVIA update and a scheme update.
31.01.2022	Online Meeting	Meeting between NP AONB Partnership and the IPT at the regular Landscape TWG (Matters discussed at the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on LVIA update and a scheme Update.

2.1.2 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) National Highways and (2) the NP AONB Partnership in relation to the issues addressed in this SoCG.

3 Issues

Table 3-2 Record of Issue

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
Temple Sowerby to Appleby – Kirkby Thore	NP AONB Partnership Statutory Consultation Response	<p>As there is no southerly alternative due to the conservation (and other) constraints generated by the proximity of the River Eden and the obvious desire to bypass the settlement of Kirkby Thore, the preferred alignment is the most acceptable option if the scheme is to go ahead. There will however be an inevitable impact on the setting of the AONB as a result of this re-alignment. If the scheme proceeds, it will therefore be essential that the impacts of this new alignment on the AONB are fully understood and mitigated through:</p> <ul style="list-style-type: none"> The use of low noise surfacing – though noise impacts ameliorate with distance, they can sometimes reach far into the protected landscape. 	<p>We welcome agreement on the preferred alignment as the most acceptable option.</p> <p>In respect of noise, Chapter 12 (Noise and Vibration) of the Environmental Statement (ES) (Application Document Reference 3.2) confirms at Section 2.8.21 that a low noise surfacing will be used for the construction of the project.</p> <p>In respect of lighting, Chapter 10 (Landscape and Visual) of the ES (Application Document Reference 3.2) confirms in Section 10.5.5 that during operation the majority of the Project would be unlit with lighting columns installed only at M6 junction 40 to Kemplay Bank, Bowes junction and Scotch Corner, where lighting is already part of the baseline environment.</p> <p>In relation to landscaping and planting, principles are set out within the Project Design Principles Report (Application Document Reference 5.11). Principle LL01 confirms a commitment to a landscape-led design, with a series of landscape</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
		<ul style="list-style-type: none"> lighting being used only where absolutely necessary for safety, low colour temperature, fully shielded and turned off when not strictly necessary. The use of landscaping and planting to attempt to ensure that when viewed from obvious receptors within the AONB, the A66 does not present an increased negative intrusion into views out from the AONB and impacting on the experience of being in the Protected Landscape. 	<p>character and integration principles. In particular LI01 which requires: 'Planting design must be grounded in a thorough understanding of the area, context and valued features to retain, respect and enhance, in order to provide an appropriate rationale for proposed planting types and features'.</p> <p>We have sought to address the NP AONB Partnership's issues of concern at Temple Sowerby to Appleby – Kirkby Thore, and discussions will continue once NP AONB Partnership has had full sight of the documents referred to above.</p>		
Temple Sowerby to Appleby – Kirkby Thore	NP AONB Partnership Statutory Consultation Response	It might be noted that with a development of this scale in the setting of the AONB, fully mitigating the impact will be all but impossible and there would then need to be an assessment as to whether the residual impacts were still sufficiently significant and adverse so as to lead to conflict with national policy (and the extent to which those conflicts might be over-ridden by a case for the national need for the development). We would expect a full Landscape and Visual Impact Assessment to be undertaken for the scheme as part of the wider	Chapter 10 (Landscape and Visual) of the ES (Application Document Reference 3.2), includes a full Landscape and Visual Impact Assessment of the route. Discussions will continue once NP AONB Partnership has had full sight of the ES Chapter 10 to confirm whether any residual concerns exist.	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
		Environmental Impact Assessment (EIA) and have commented previously about receptors.			
Appleby to Brough	NP AONB Partnership Statutory Consultation Response	We feel that with careful attention to mitigating along the route and avoiding overengineering of any changes to the local road network links (including verges and boundaries), the preferred alignment could represent the best option in this case should the scheme progress, having fully considered the inevitable localised impact on the AONB.	We welcome NP AONB Partnership's comments that the preferred alignment could represent the preferred option. In relation to the Appleby to Brough scheme, a set of principles are set out within the Project Design Principles Report (Application Document Reference 5.11) to ensure careful design and reflection of the location on the edge of the AONB. This includes 06.07 which requires planting of an: Irregular woodland edge/ blended and 'mosaic' landscape interface with the North Pennines AONB to integrate junctions, the MOD replacement facility and the Scheme with the nationally designated landscape context and its setting.' and 06.10 which requires 'Road infrastructure within the North Pennines AONB is to be designed sympathetically in relation to the AONB and its relevant Special Qualities, and consultation must be sought with the joint advisory committee. They must be designed as rural lanes or tracks '	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
			Discussions will continue to confirm NP AONB Partnership's potential concerns regarding suitable mitigation and design have been addressed.		
Bowes Bypass	NP AONB Partnership Statutory Consultation Response	Whilst the Bowes bypass section sits just outside the NP AONB, we expect careful use of screening with woodland of a type appropriate to landscape character and the settlement (noting it may take a number of years to have a meaningful effect) to minimise impact on the AONB as far as is possible.	Specific design principles in relation to Bowes are set out in the Project Design Principles report, including principle 07.05 which requires the use of native tree and scrub planting on the new bridge's embankment to screen and soften the structure and its abutments in the wider landscape and from the approach from Bowes village. We consider that we have addressed NP AONB Partnerships concerns and that this issue is capable of being agreed.	Under discussion	13.06.2022
Biodiversity Net Gain	NP AONB Partnership Statutory Consultation Response	In the face of a recognised global biodiversity crisis, there is necessity to ensure that the route chosen here does the least possible harm to nature conservation interests and that there is, in so far as this concept is meaningful, net gain for biodiversity. We expect this major infrastructure project to deliver net gain for biodiversity. We anticipate a focus on opportunities for net gain for biodiversity around	Biodiversity net gain is not currently a requirement for Nationally Significant Infrastructure Projects. However, National Highways are committed to maximising biodiversity delivery achieved by the Project. The environmental mitigation design has been developed to ensure mitigation is provided for impacts on protected species and replacement habitats are provided for those lost, achieving a minimum of no net loss. Impacts	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
		<p>expanding and connecting habitats and communities of species, utilising plant material/seed of local provenance, and natural regeneration, alongside using locally appropriate restoration techniques. The opportunity afforded in creating new water bodies should be fully investigated, including the extent to which they might benefit recorded species and complement existing work.</p> <p>Additionally, the species used in that planting, including woodland planting, block planting, native hedgerows and boundary trees, species-rich grassland and wildflower areas are designed to maximise benefit for biodiversity, including species and assemblages of local provenance and absence of those that are not typically associated with the area. We feel that measures outside the development boundary should be considered a key component of accommodating the schemes effectively both for landscape and biodiversity benefit.</p>	<p>and proposed mitigation are detailed within Chapter 6 (Biodiversity) of the ES (Document Reference 3.2) and underpinned by detailed assessments within separate appendices (Appendix 6) within Volume 3 of the ES (Document Reference 3.4).</p> <p>In relation to planting, principles are set out within the Project Design Principles Report (Application Document Reference 5.11). Principle LL01 confirms a commitment to a landscape led-design, with a series of landscape character and integration principles. In particular LI01 which requires: 'Planting design must be grounded in a thorough understanding of the area, context and valued features to retain, respect and enhance, in order to provide an appropriate rationale for proposed planting types and features'</p> <p>Principle BNG 03 also confirms planting required for landscape integration, visual screening or noise and water attenuation will all be reviewed to maximise biodiversity</p> <p>We consider that we have addressed NP AONB Partnerships concerns and that</p>		

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
			this issue is capable of being agreed.		
Landscape Impact to the AONB	NP AONB Partnership Statutory Consultation Response	The A66 Northern Trans-Pennine Project having an impact on the designated landscape of the NP AONB is inevitable. It will therefore be necessary for the developer to evidence the compelling reasons for the enhanced capacity against alternative measures, such as improved safety of junctions, reducing speed limits etc. We expect the developer to have fully explored and scoped out those alternative measures that would be less damaging, before pressing ahead with dualling – it should not be a fait accompli.	<p>A Project Development Overview Report (Application Document Reference 4.1) has been prepared which sets out the extensive route options assessment process which has been undertaken to develop the scheme. It identifies at Appendix 4 that the Northern Trans-Pennine routes strategic study Stage 1 identified the following key challenges for the A66, which cannot be addressed without the resilience provided by dualling the existing single carriageway sections:</p> <ul style="list-style-type: none"> • There are regular closures along the route, due to planned road works and maintenance; incidents and weather impacts (high winds, flooding and snow). • There are sections of the route where there is a higher number of incidents and accidents than the national average, particularly between Greta Bridge and Scotch Corner. • The diversionary routes are either poor or involve long detours, particularly for HGVs due to the weight and height restrictions on the A685. 	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
			We consider that we have addressed NP AONB Partnerships concerns and that the necessity for the scheme as proposed is capable of being agreed.		
Active Travel	NP AONB Partnership Statutory Consultation Response	Ensuring commodious journeys and a well-connected access network for pedestrians, equestrians and cyclists is an important consideration, especially the opportunity to improve the local Public Rights of Way network.	We have prepared a Walking, Cycling and Horse Riding (WCH) Proposals Report (Application Document Reference 2.4) which has been developed to achieve the following objectives: <ul style="list-style-type: none"> • A low-speed, low-traffic route parallel to the A66 for pedestrians and cyclists should be created where possible, in order to replace and connect existing routes affected by the A66 improvements. This could mean utilising the de-trunked sections of single carriageway, where they remain open to traffic. • All facilities for WCH users should be a betterment, where practicable, to those available prior to the improvement project. • Re-establish any WCH routes severed by the proposed works; and where public rights of way (PRoWs) converge at the upgraded A66 carriageway, then a grade- 	Under discussion	13.06.2022

Issue	Document References (if relevant)	North Pennines AONB Partnership Position	National Highways Position	Status	Date
			<p>separated crossing facility is required to cross.</p> <ul style="list-style-type: none"> We continue to work with Local Authorities to explore opportunities for designated funds to improve WCH across the A66 corridor. <p>We consider that we have addressed NP AONB Partnerships concerns and that the nature and extent of our proposals for incorporating active travel are capable of being agreed.</p>		