

A66 Northern Trans-Pennine Project

TR010062

4.5 Statement of Commonality for Statements of Common Ground

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Planning Act 2008

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A66 Northern Trans-Pennine Project
Development Consent Order 202X

**4.6 Statement of Commonality for Statements of
Common Ground**

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Commonality for Statements of Common Ground ("SoCG") relates to an application made by National Highways (the Applicant) to the Planning Inspectorate (the Inspectorate) under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (a DCO). If made the DCO would grant consent for the Applicant to undertake the A66 Northern Trans-Pennine Project (the 'Project'), A detailed description of the project can be found in Chapter 2 of the Environmental Statement. (Application Document 3.2).
- 1.1.2. This Statement and the SoCGs have been prepared by the Applicant and in its view provide an accurate record of both discussions to date with the interested parties listed at Part 3 and summary of the issues that are either agreed, subject to further discussion or not agreed. Drafts of the SoCGs have been shared with the interested parties and a number of comments on those have been received and taken into account in the preparation of this Statement and the SoCGs. The Applicant will work to agree and submit joint working drafts of the SoCGs as the examination progresses. Prior to the end of the examination, the Applicant intends to submit jointly on behalf of both parties a final version of each of the SoCGs confirming what matters have been agreed and have not been agreed, and if any remain under discussion. This will be accompanied by a final version of this Statement prepared by the Applicant.
- 1.1.3. This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.4. This Statement also provides a current position on the commonality on specific points within SoCGs as of June 2022.

2. Structure of Statements of Common Ground

- 2.1.1. To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2. Each SoCG has the following structure:
 - a. Section 1: provides an introduction to the SoCG and a description of its purpose.
 - b. Section 2: states the engagement that has occurred between the Applicant and other Party.
 - c. Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.

3. List of statements of common ground

- 3.1.1. The parties which the Applicant has prepared SoCG with are listed in Table 3-1 below.
- 3.1.2. Further detail about the current position of each SoCG can be found at Chapter 4, Table 4-1 of this Statement.

Table 3-1 - List of SoCGs under preparation

Stakeholders
Local Authorities
CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL DURHAM COUNTY COUNCIL NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL
Landowners
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE
Prescribed Consultees
HISTORIC ENGLAND NATURAL ENGLAND ENVIRONMENT AGENCY
Non-Statutory Consultees
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP
Community Groups
GYPSY AND TRAVELLER COMMUNITY

4. Summary of current position

- 4.1.1. This section provides the current position of each SoCG.
- 4.1.2. Table 4-1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:
- a. Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
 - b. Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
 - c. SoCG in draft – The SoCG has been drafted by the Applicant and it has been shared with the other party for further comment. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

Table 4-1 – Current Position of SoCG

Document Reference	Party	Position at 13 June 2022
Local Authorities		
TR010062/APP/4.6	CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL	SoCG in draft
TR010062/APP/4.6	DURHAM COUNTY COUNCIL	SoCG in draft
TR010062/APP/4.6	NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL	SoCG in draft
Landowners		
TR010062/APP/4.6	DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	SoCG in draft (to submit early in Examination)
Prescribed Consultees		
TR010062/APP/4.6	HISTORIC ENGLAND	SoCG in draft
TR010062/APP/4.6	NATURAL ENGLAND	SoCG in draft
TR010062/APP/4.6	ENVIRONMENT AGENCY	SoCG in draft
Non-Statutory Consultees & Community Groups		
TR010062/APP/4.6	NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	SoCG in draft
TR010062/APP/4.6	GYPSY AND TRAVELLER COMMUNITY	SoCG in draft

5. Commonality

- 5.1.1. This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.
- 5.1.2. The table is presented to show topics covered within the various SoCGs and how these are relevant to each other party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area.
	Matters subject to further discussion
	There is general disagreement between the parties within this general topic area.
	General topic area not applicable

- 5.1.3. Where a matter is not relevant to the other party, it is not included within the SoCGs and therefore not covered in Table 5-1 and shown as a blank.

Table 5-1 – Table of Commonality at June 2022

Party																					
	Draft DCO	Draft Environmental Management Plan	Design and Engineering	Public Open Space	De-trunking of existing assets	Provision for walking, cycling, horse riding	Impact on Appleby and Brough Hill Fair	Planning Policy	Landscape & Visual Effects	Heritage	Biodiversity	Habitats Regulations Assessment	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and human health	Material Assets and Waste	Cumulative effects	Climate
CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
DURHAM COUNTY COUNCIL	Green	Green	Yellow	Green	Yellow	Yellow	White	Yellow	Yellow	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green
NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL	Green	Green	Yellow	White	Green	Green	White	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	Green	Yellow	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White
HISTORIC ENGLAND	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	Yellow	White	White	White	White	White	White	White	White	White	Yellow	Green
NATURAL ENGLAND	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Green	Yellow	Yellow	Yellow
ENVIRONMENT AGENCY	Yellow	Yellow	Yellow	White	White	White	White	Green	Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow	Green
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	White	White	White	White	White	Yellow	White	White	White	White	White	White
GYPSY AND TRAVELLER COMMUNITY	White	White	White	White	White	White	Red	White	White	White	White	White	White	White	White	White	White	White	White	White	White

6. Position as at June 2022

6.1.1. This section provides a summary of the SoCG position between the Applicant and each interested party as of 13 June 2022. This section will be updated at each deadline during the DCO process and examination stage when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

6.2. Cumbria County Council and Eden District Council Joint SoCG

- 6.2.1. Cumbria County Council (CCC) and Eden District Council (EDC) are supportive of the principle of upgrading the A66 with improvements to existing junctions and the dualling of the remaining single carriageway. However, they retain their position that further works to plans and strategies are needed before they can state whether they support or oppose the project.
- 6.2.2. CCC and EDC have raised concerns on the impact upon Appleby Fair in regard to the impact from transport movements to and from the Fair site by the participants upon the local highways network. The Councils wish to see National Highways improve the de-trunked sections of the roads to provide more stopping spaces either through provision of funding or during the construction of the project.
- 6.2.3. CCC and EDC wish to see de-trunked sections that are turned over to the ownership of the Highways Authority will be of a standard acceptable to the Councils. CCC have provided a de-trunking principles document to National Highways with their list of requirements.
- 6.2.4. CCC and EDC have concerns that the project does not currently provide sufficient plans that allow for active travel for non-motorised users (Walkers, Cyclists and Horse Riders) that would align with DfT policies. The Councils have indicated locations, including (but not exclusive to) J40 and Kemplay Bank, where they believe further action is required by National Highways for the plans to be policy compliant.

6.3. Durham County Council

- 6.3.1. Durham County Council are supportive of the proposed route for Scheme 7 (Bowes Bypass) however object to the option selected for Scheme 8 (Cross Lanes to Rokeby) with an alternate option preferred. The issues relating to the traffic, cultural heritage impact, and the assessment of policy and legislation related to these issues for the Cross Lanes to Rokeby Scheme are under discussion in line with updated approach in Durham County Council SoCG.
- 6.3.2. There have been issues related to the Scheme's traffic modelling and the impact associated with Barnard Castle, however an earlier error in the data provided has been corrected and a position in respect of traffic modelling has been agreed.

- 6.3.3. The majority of environmental matters are either agreed or under discussion. Matters relating to Biodiversity, Climate and Geology and Soils are agreed. Issues related to Minerals and Waste, Social Impacts and Landscape and Visual are under discussion.

6.4. North Yorkshire County Council and Richmondshire District Council Joint SoCG

- 6.4.1. North Yorkshire County Council and Richmondshire District Council are supportive of the proposed route for Scheme 9 (Stephen Bank to Carkin Moore) and Scheme 11 (Scotch Corner).
- 6.4.2. The majority of environmental matters are either agreed or under discussion. Matters relating to Noise, Climate, Landscape, Archaeology and Cultural Heritage are agreed.
- 6.4.3. Matters relating to De-trunking, Construction traffic and impacts, Classification of Roads and HGV Facilities are under discussion.

6.5. Defence Infrastructure Organisation (DIO)

- 6.5.1. Discussions are progressing with the DIO in relation to the SoCG and we are working towards a draft which we will submit early in the Examination.

6.6. Historic England

- 6.6.1. Historic England, during their engagement with National Highways, have highlighted areas of concern over the plans along the route.
- 6.6.2. Concerns by Historic England over the assessment of Construction Compounds have the assessment of their potential impacts have been raised. Historic England note that the plans they have received do not appear to include assessments of the Construction Compounds potential impacts upon cultural heritage resources and their setting.
- 6.6.3. Historic England have noted that the proposed works should not only include archaeology, listed buildings, conservation areas etc., but should also include those which are indirectly impacted as well.

6.7. Natural England

- 6.7.1. Natural England have highlighted issues and areas where further agreement is needed. The areas where further agreement is required include:
- The impact to protected sites and species directly by the scheme and the impact of air pollution and air quality
 - Habitat Loss and Fragmentation
 - The use of DEFRA Metric 2.0 rather than the more recently issued 3.0 guidance issued during the survey period.

6.8. Environment Agency

6.8.1. The Environment Agency have highlighted issues and areas where further agreement is needed. The areas where further agreement is required include:

- The use of DEFRA Metric 2.0 rather than the more recently issued 3.0 guidance issued during the survey period.
- The impact to the River Eden SAC and other waterbodies, the impact to water quality and the impact to aquatic species during construction and operation of the scheme
- We are also seeking to agree with the Environment Agency to disapply relevant permits or consents

6.9. North Pennines Area of Outstanding Natural Beauty

6.9.1. The North Pennine Area of Outstanding Natural Beauty (NP AONB) recognises the need for a section of a section of the route to encroach upon land designated as AONB. However, it is agreed that by allowing this encroachment the overall impact on the setting and views from and of the AONB are less than that of alternative routes that would be south of the designated area. However, the NP AONB in agreement of this principle note that there should be efforts to reduce noise, light and visual impacts.

6.9.2. The NP AONB have noted their expectation of Biodiversity Net Gain (BNG) to be provided by National Highways. They note that any works to the A66 provide opportunities for creating new water bodies and other works benefitting local biodiversity.

6.10. Gypsy and Traveller Community

6.10.1. The Gypsy and traveller community consider the Appleby site to be 'sacrosanct' and no impact is acceptable. However, the eastbound slip road is a good idea and would ease traffic flow and be better for the fair.

6.10.2. The Gypsy community deem the proposed site on the MoD's bivvy site (next door to the current site) is not suitable. The site is considered too close to A66, too small and there are concerns that the field has been used for cattle and they consider it is rutted and uneven.

6.10.3. The proposed alternative site at Brough considered in the supplementary consultation is not suitable. The Gypsy and traveller community consider that it has potential flooding issues. Any reprofiling to mitigate flooding would make the site more dangerous for children and horses. The proximity to Brough is positive as is the access lane which would allow access to the village without using the A66.

6.10.4. The Gypsy and traveller community also comment on another route for Appleby to Brough, commonly known as the 'Billy Welch route' stating this would mean the fair could remain on the current site and the only impact would be on an unattractive area of heathland