

**A66 Northern Trans-Pennine Project  
TR010062**

**4.5 Statement of Common Ground  
with Historic England**

**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

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**4.5 STATEMENT OF COMMON GROUND WITH  
HISTORIC ENGLAND**

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

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	13 June 2022	DCO Application

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## CONTENTS

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Purpose of this document .....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology .....	2
<b>2</b>	<b>Record of Engagement</b> .....	<b>3</b>
<b>3</b>	<b>Issues</b> .....	<b>6</b>

## **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) Historic England (HE).
- 1.2.2 National Highways (formerly Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It 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 Historic Buildings and Monuments Commission for England is generally known as "Historic England". HE was established under the National Heritage Act 1983 and is the lead body for the heritage sector and the Government's principal adviser on the historic environment. It is a statutory consultee on all Nationally Significant Infrastructure Projects. HE administers the consent system for Scheduled Monument Consent on behalf of its sponsoring department the Department for Digital,

Culture, Media and Sport (DCMS), and also advises DCMS who acts on behalf of Government as State Party on meeting and complying with the requirements of the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.

### 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 HE, 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 HE.

## 2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between National Highways (NH) and Historic England (HE) 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
09.02.2021	Microsoft Teams	Discussions with HE as part of the Heritage Technical Working Group (TWG) (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on the Evidence Plan, project overview, update on report for geophysics, design development and archaeological trenching.
25.02.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the Evidence Plan, environment surveys, approach to mitigation and environmental designated funds.
12.03.2021	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on the research agenda, designated funds opportunities, discussion of developing design at Brougham and archaeological trenching.
25.03.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on the Evidence Plan, project updates, Warcop AONB, Trout Beck and approach to statutory consultation and PEI Report.
14.04.2021	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussion on Evidence and survey strategy documents, Environmental Scoping Report, further options assessment and research framework and geo modelling.
22.04.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on programme updates, design updates, the Evidence Plan and sifting matrix.
05.05.2021	Microsoft Teams	Discussion with HE about the National Highways Geoarchaeological model.
11.05.2021	Microsoft Teams	Discussion with HE about the use of trenching.
13.05.2021	Microsoft Teams	Discussion with HE regarding the research agenda.
27.05.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on the

Date	Form of correspondence	Key topics discussed and key outcomes
		Evidence Plan and a scheme-by-scheme design walkthrough.
08.06.2021	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting discussions include research framework, option appraisal, evidence and survey strategy and geoarchaeological modelling.
17.06.2021	Microsoft Teams	Discussion with HE regarding Roman Roads along the A66.
18.06.2021	Microsoft Teams	Discussion with HE and the Milestone Society.
24.06.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on design updates, the approach to mitigation, the environmental designated funds process, the Scoping Report and the Evidence Plans.
25.06.2021	Microsoft Teams	Interim discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on built environment, overall approach, desk based assessment, geophysical surveys, field walking, remote sensing, geoarchaeological modelling, setting assessment, trenching and research framework.
06.07.2021	Microsoft Teams	Discussion with Kirkby Thore concerning heritage discussion.
08.07.2021	Microsoft Teams	Discussion with HE concerning Carkin Moor.
22.07.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussion on environmental designated funds.
18.08.2021	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on key PEI Report findings and a scheme-by-scheme review.
24.08.2021	Microsoft Teams	Discussion with HE concerning Rokeby.
26.08.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on EIA Scoping, PEI Report status and assessment process, statutory consultation, design updates, Appleby to Brough and Rokeby.
02.11.2021	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on feedback to statutory consultation, updates on research framework, geoarchaeological modelling and surveys.
11.11.2021	Microsoft Teams	Discussion with HE concerning Carkin Moor design.
25.11.2021	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on

Date	Form of correspondence	Key topics discussed and key outcomes
		programme updates, design change updates and statutory consultation updates.
02.12.2021	Microsoft Teams	Meeting to discuss issues around Warcop with HE. Meeting included discussions on flood modelling and updates.
13.01.2022	Microsoft Teams	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on design change and targeted consultation, approach to environmental mitigation and response to statutory consultation design change.
18.01.2022	Microsoft Teams	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussion on geoarchaeological modelling exercise, survey updates and design updates.
10.02.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on project/programme updates and environmental mitigation approach.
10.03.2022	Online Meeting	Discussions with HE as part of the Heritage TWG (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on delivery partners, research framework, delivery plan and survey updates.
24.03.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with HE in attendance. Meeting included discussions on Trout Beck, Warcop and Moor Beck.

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) HE in relation to the issues addressed in this SoCG.



### 3 Issues

Table 3-1 Record of Issue

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
<p>General comments</p> <p>Construction compounds and assessment of potential impact</p>	Historic England Response to Consultation (Appendix)	Compounds are shown on General Arrangement map sheets for all schemes. There appears to be no assessment of likely impacts in the PEI Report. Compounds may have a temporary setting impact while in use, but they could have a permanent physical impact during construction to cultural heritage resources. We recommend that assessment of potential other impacts is fully addressed in the final ES.	<p>The impact of the proposed temporary compounds is assessed in detail Appendix 8.10 (Impact Assessment Table) within Volume 3 of the ES (Application Document 3.4). This has concluded that these works would be temporary, of limited duration and reversible.</p> <p>Together NH has sought to address the issues of concern and discussions will continue once HE has had full sight of the document referred to above.</p>	Under discussion	13.06.2022
<p>General comments</p> <p>Clear assessment of impact on Cultural heritage resource</p>	Historic England Response to Consultation (Appendix)	Potential ecological mitigation areas are shown on the General Arrangement map sheets for all schemes. However, it is not clear that the potential impacts on the cultural heritage resources have been assessed to help inform their locations nor potential mitigation proposed in the PEI Report. We recommend that this is fully addressed in the final ES.	<p>The impact of the scheme on Cultural Heritage Resources are detailed within Appendix 8.10 (Impact Assessment Table) within Volume 3 of the ES (Application Document 3.4).</p> <p>Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document Reference 2.7). These mitigation measures seek to fulfil the following objectives:</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<ul style="list-style-type: none"> <li>• To manage and minimise impacts on the historic environment.</li> <li>• Maintain historic form fabric significance and qualifying features of listed buildings/structures.</li> <li>• To consult with the relevant authority on the detailed design of the Project to ensure it meets Cultural Heritage objectives.</li> <li>• To ensure that a record is made of archaeological deposits that will be removed by the Project, and that the results of these investigations are published, in accordance with NPSNN 5.120 - 5.142.</li> <li>• To ensure that a record is made of historic buildings or structures prior to demolition or relocation, to develop a better understanding of the structures in question and create a lasting record.</li> <li>• To ensure that post-medieval milestones, boundary stones and the Countess Pillar and adjoining alms table will be relocated or protected in situ from accidental damage or loss during construction, in</li> </ul>		

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<p>accordance with NPSNN 5.120; and</p> <ul style="list-style-type: none"> <li>To protect archaeology of Scheduled Monuments.</li> </ul> <p>Together NH has sought to address the issues of concern and discussions will continue once HE has had full sight of the documents referred to above.</p>		
M6 junction 40 to Kemplay Bank	Historic England Response to Consultation (Appendix)	The adoption of an underpass beneath the Kemplay Bank roundabout has the potential to impact upon any surviving archaeological remains in this area. While it is assumed that these will already have been significantly impacted by the construction of the existing roundabout, further work may be required to confirm that this is the case.	A programme of archaeological trenching was undertaken by Wessex Archaeology wherein a total of 276 trenches were excavated between September AD2021 and December AD2021 across the schemes from M6 junction 40 to Kemplay Bank and Penrith to Temple Sowerby (Center Parcs). The most notable features identified by trenching within this section of the scheme were palaeochannels thought to be associated with the River Eamont. The information they contain was incorporated into the baseline and any newly identified heritage resources were added to ES Appendix 8.8 (Gazetteer) (Application Document Reference 3.4) and assessed in Table 17 of Appendix 8.10 (Impact Assessment Table) within Volume 3 of the ES (Application Document Reference 3.4).	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<p>It has been concluded that the proposed groundworks will remove archaeological or geoarchaeological remains associated with these medium value features to formation levels, which will result in major adverse impacts and a large adverse effect, becoming a moderate adverse effect following essential mitigation.</p> <p>Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document Reference 2.7). This includes the provision that no part of the Project can start until the Detailed Heritage Mitigation Strategy (HMS) is further developed, and subject to stakeholder consultation. This will include:</p> <ul style="list-style-type: none"> <li>• The strategy for the archaeological works, summarising the work undertaken to date, the research agenda and the approach to mitigation proposed.</li> <li>• The Overarching Written Scheme of Investigation (OWSI) which will set out the framework for the archaeological works and will be used as a reference for the</li> </ul>		

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<p>Site-Specific Written Schemes of Investigation (SSWSI) which will be produced in advance of the commencement of the work.</p> <ul style="list-style-type: none"> <li>• Requirements for SSWSI to be prepared, detailing type and location of mitigation required.</li> <li>• Standards and guidance.</li> <li>• Details of the proposed mitigation across each of the schemes, showing the specific mitigation proposed and the justification for the work.</li> <li>• Requirements for post excavation assessment reports to be produced once site (archaeology) works are completed.</li> </ul> <p>Together NH has sought to address the issues of concern and discussions will continue once HE has had full sight of the documents referred to above.</p>		
M6 junction 40 to Kemplay Bank	Historic England Response to Consultation (Appendix)	The PEI Report identifies little of cultural heritage interest within the scheme boundary. No likely significant effects on cultural heritage resources are anticipated during construction or operation of the scheme, although temporary impacts on the Grade II* listed Carleton Hall	<p>The impact of the scheme on Carleton Hall is detailed within Appendix 8.10 (Impact Assessment Table) within Volume 3 of the ES (Application Document Reference 3.4).</p> <p>The Grade II* listed Carleton Hall is directly adjacent to the Order Limits. Activities associated with</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>during the construction phase are predicted. We would want to explore whether it would be possible to mitigate these impacts.</p>	<p>the proposed widening of the existing A66 to the north and northwest, the construction of a pond and associated access track to the east, a temporary haul route to the south of the resources, and the use of land to the east as a construction compound storage area will result in temporary moderate adverse impacts during the construction phase, including associated noise, lighting and traffic movement.</p> <p>Dust and noise abatement measures have been proposed and detailed with the submitted Environmental Management Plan (Application Document Reference 2.7).</p> <p>This includes ensuring that an Air Quality and Dust Management Plan (AQDMP) and a Noise and Vibration Management Plan is developed in detail and subject to stakeholder consultation. We have sought to address the issues of concern and discussions will continue once HE has had full sight of the documents referred to above.</p>		
<p>Penrith to Temple Sowerby</p>	<p>Historic England Response to Consultation (Appendix)</p>	<p>The adoption of an overbridge to facilitate the movement of farm traffic between the two sides of the road has the potential,</p>	<p>We welcome the comments from HE regarding the adoption of the overbridge into the scheme.</p>	<p>Under discussion</p>	<p>13.06.2022</p>

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>through careful design, to limit impact upon scheduled archaeology. For this reason, HE supports this proposal, although it would have a greater impact on the setting of the Scheduled Monument than an underpass.</p>	<p>Mitigation measures have been proposed to limit the impact to Scheduled Monuments and are detailed with the submitted Environmental Management Plan (Application Document Reference 2.7). MW-CH-03 ensures that no part of the Project can start until a Method Statement for working in and near scheduled monuments. The Method Statement shall include:</p> <ul style="list-style-type: none"> <li>• Details of the scheduled monument(s) present and key sensitivities associated with it.</li> <li>• Construction methodology for all works proposed in or adjacent to scheduled monuments.</li> <li>• Control measures to be implemented to ensure protection of scheduled monuments.</li> </ul>		
<p>Penrith to Temple Sowerby</p>	<p>Historic England Response to Consultation (Appendix)</p>	<p>The PEI Report identifies a range of heritage assets, both designated and un-designated, which will be impacted by the construction of the new road. The Consultation Brochure erroneously describes the ring ditches at Brougham and the site of the Hartshorn Tree as scheduled monuments (p31), but in fact neither site is scheduled. This needs to be rectified.</p>	<p>We thank HE for bringing this to our attention.</p> <p>It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.</p>	<p>Agreed</p>	<p>13.06.2022</p>

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
Penrith to Temple Sowerby	Historic England Response to Consultation (Appendix)	<p>There will be significant adverse impacts on NHLE 1007186 (Brougham Roman fort and civil settlement and Brougham Castle and NHLE 1007203 (Settlement 1/3 mile – 540m - ENE of Brougham Castle). The PEI Report suggests a range of mitigation measures, mainly involving preservation by record. Assuming that impacts cannot first be mitigated by design (for example by raising the level of the carriageway), we will expect the footprint of the new road to be fully recorded in advance of construction.</p>	<p>The Scheduled Monument of Brougham Roman fort (Brocauvm) and civil settlement and Brougham Castle lies partially within the Order Limits. Although temporary construction activities would occur within the setting of the Scheduled Monument, including moving plant, lighting and noise, these are mainly screened from the upstanding sections of Brougham Castle and it is considered that these would not have a significant effect on the significance of the monument.</p> <p>However, the northern part of the easternmost Scheduled area is located within the Order Limits. The scheme at this location will include the creation of a hardstanding cycle path with associated verges and earthworks along the route, and areas of environmental mitigation consisting of species rich grassland and marsh and wet grassland. Any below ground works will result in the loss of associated physical evidence in the area within the Order Limits and a moderate adverse impact to the overall Scheduled Monument resulting in a large adverse effect, resulting in a</p>	Under discussion	13.06.2022



Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<p>moderate adverse effect following essential mitigation.</p> <p>Operational impacts are anticipated to be comparable to the baseline and would not result in a significant effect.</p> <p>Mitigation measures have been proposed to limit the impact to Scheduled Monuments and are detailed with the submitted Environmental Management Plan (Application Document Reference 2.7). MW-CH-03 ensures that no part of the Project can start until a Method Statement for working in and near scheduled monuments. The Method Statement shall include:</p> <ul style="list-style-type: none"> <li>• Details of the scheduled monument(s) present and key sensitivities associated with it.</li> <li>• Construction methodology for all works proposed in or adjacent to scheduled monuments.</li> </ul> <p>Control measures to be implemented to ensure protection of scheduled monuments.</p> <p>We have sought to address the issues of concern and discussions will continue once HE has had full sight of the documents referred to above.</p>		

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
Temple Sowerby to Appleby – Kirkby Thore	Historic England Response to Consultation (Appendix)	All three route options have the potential to impact upon previously unknown archaeological sites to the west and north of the village. All three would have a beneficial impact in diverting HGV traffic from the gypsum works away from the centre of the historic village. We support the adoption of the Blue route at Kirkby Thore as overall it will have less impact on cultural heritage resources in comparison to the other two options.	We thank HE for their comments and wish to confirm that the Blue Route has been selected to be put forward to DCO. It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.	Agreed	13.06.2022
Temple Sowerby to Appleby – Crackenthorpe	Historic England Response to Consultation (Appendix)	At its eastern end, the Orange Route would follow the existing line of the A66, unlike the Blue and Red Routes. The Orange Route has a direct impact on NHLE1007189 (Roman camp 350m east of Redlands Bank). The Blue Route may impinge on features associated with NHLE 1007189 (Roman Camp at Redlands Bank). We anticipate that this can be mitigated by careful alignment of the Blue Route at this point.	The preferred Blue Route has been realigned to avoid direct impacts upon NHLE1007189 (Roman camp 350m east of Redlands Bank). It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.	Agreed	13.06.2022
Appleby to Brough	Historic England Response to Consultation (Appendix)	The plan of the 'Warcop eastbound' junction on sheet 2 of the General Arrangement Drawings shows a construction compound immediately to the east of NHLE 1019208 (Warcop	The construction compound identified by HE (to the east of NHLE 1019208) does not sit on a scheduled area and consequently, it is not believed that there will be significant.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>Roman camp and length of Roman road, 285m southwest of Moor House). The potential of this compound to impact on archaeological features associated with the Roman camp needs to be investigated before its location can be confirmed.</p> <p>The PEI Report identifies significant adverse impacts on NHLE 1019208 (Warcop Roman camp and length of Roman road, 285m south west of Moor House). We would be looking for mitigation of these impacts, as far as possible, by design; failing this, through preservation by record.</p>	<p>impacts associated with the location of this compound.</p> <p>Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document Reference 2.7). This includes the provision that no part of the Project can start until the Detailed Heritage Mitigation Strategy (HMS) is further developed, and subject to stakeholder consultation. This will include:</p> <ul style="list-style-type: none"> <li>• The strategy for the archaeological works, summarising the work undertaken to date, the research agenda and the approach to mitigation proposed.</li> <li>• The Overarching Written Scheme of Investigation (OWSI) which will set out the framework for the archaeological works and will be used as a reference for the Site-Specific Written Schemes of Investigation (SSWSI) which will be produced in advance of the commencement of the work.</li> <li>• Requirements for SSWSI to be prepared, detailing type and location of mitigation required.</li> </ul>		

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<ul style="list-style-type: none"> <li>Standards and guidance.</li> <li>Details of the proposed mitigation across each of the schemes, showing the specific mitigation proposed and the justification for the work.</li> <li>Requirements for post excavation assessment reports to be produced once site (archaeology) works are completed.</li> </ul>		
Bowes Bypass	Historic England Response to Consultation (Appendix)	Neither the PEI Report (although it is record in Table 8-10) nor the Figures record that there is a Conservation Area at Bowes. This needs to be rectified and assessed appropriately in the ES.	We thank HE for bringing to our attention the omission of reference of the Conservation Area at Bowes in the PEI Report, this has been rectified in the ES. It has been concluded that whilst the Order Limit extends into the northern extent of the conservation area the temporary lane take will be to facilitate site access and the connection of services only. There will be but no long-term impacts from the construction of the activities undertaken within the conservation area and those changes to its setting will not cause any greater impact than the existing road arrangement.	Agreed	13.06.2022
Cross Lanes to Rokeby	Historic England Response to Consultation (Appendix)	Section 10.4 of the submitted Traffic Report indicates that there could be a preference for car traffic to use the Moorhouse Lane	As reported within the Transport Assessment (Application Document Reference 3.7) the traffic flow in Barnard Castle is	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>route to access Barnard Castle. However, whilst Figure 13-30 does indicate a preference for cars to use Moorhouse Lane, the traffic is not predicated to increase over Barnard Castle Bridge or past the Castle into the town. Indeed, it appears suggests a small decrease.</p> <p>On this basis, we do not believe that changes to traffic patterns will lead to a harmful impact on the highly designated assets within Barnard Castle. Therefore, we do not believe that this represents a significant historic environment factor which could influence the choice of junction options at Rokeby.</p> <p>We do, however, recommend that the impacts are understood and assessed appropriately in the cultural heritage section of the ES to ensure that all effects are fully understood to ensure that this is valid.</p>	<p>expected to reduce due to the lower flows on the A67, of around 400 vehicles AADT, including on Barnard Castle Bridge. This reduction on the A67 occurs due to the improved A66 attracting more longer distance east west traffic from the A67.</p> <p>Chapter 8 (Cultural Heritage) of Volume 1 of the ES (Application Document Reference 3.2) has concluded that no significant effects will occur during the operation phase of the Project.</p>		
Stephen Bank to Carkin Moor	Historic England Response to Consultation (Appendix)	Proposed designs are yet to finalised, but we have been consulted on initial proposals. The connecting route to Warrener Lane and the associated attenuation ponds required in this area potentially may impact on unknown cultural heritage	Chapter 8 (Cultural Heritage of Volume 1 of the ES (Application Document Reference 3.2) has concluded that the combination of physical impacts from the construction of the scheme and the changes to the asset's setting would, without mitigation, result in	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		resources associated with the activity at the fort and settlement. We continue to engage with National Highways over the designs for this scheme.	a moderate adverse impact, resulting in a moderate adverse significance of effect. As contained within the Environment Management Plan EMP) (Application Document Reference 2.7) a programme of archaeological mitigation would be put in place to ensure preservation by record of any archaeological remains within the footprint of the works. This preservation by record of any archaeological features will reduce the physical impacts on the resource alone from a moderate adverse impact to a minor adverse impact. However, the combination of impacts including changes to the resource's setting, outlined above, will result in a moderate adverse impact on this high value resource, resulting in a moderate adverse significance of effect. Together NH has sought to address the issues of concern and discussions will continue once NE has had full sight of the ES.		
Stephen Bank to Carkin Moor	Historic England Response to Consultation (Appendix)	The PEI Report identifies a number of impacts to cultural heritage on this scheme. A potential worst-case scenario for is identified for NHLE 1015418 (Roman fort and prehistoric enclosed settlement 400m west of Carkin Moor Farm) which would result, without mitigation, in a moderate adverse impact on the resource. We acknowledge that the design is currently being developed to seek to minimise this and the results will be reported in the ES.	As contained within the Environment Management Plan EMP) (Application Document Reference 2.7) a programme of archaeological mitigation would be put in place to ensure preservation by record of any archaeological remains within the footprint of the works. This preservation by record of any archaeological features will reduce the physical impacts on the resource alone from a moderate adverse impact to a minor adverse impact. However, the combination of impacts including changes to the resource's setting, outlined above, will result in a moderate adverse impact on this high value resource, resulting in a moderate adverse significance of effect. Together NH has sought to address the issues of concern and discussions will continue once NE has had full sight of the ES.	Under discussion	13.06.2022
Monitoring	Historic England Response to Consultation (Appendix)	It is unclear what this section specifically refers to. HE anticipates that there will be a need for monitoring on some or all schemes. More clarification is	The purpose of the mitigation to be proposed within the Historic Environment Strategy is to ensure the impacts from the scheme are minimised during	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>required to understand why it says: “monitoring is not proposed in connection with cultural heritage resources anywhere along the route.”</p>	<p>construction for the following cultural heritage resources:</p> <ul style="list-style-type: none"> <li>• The Countess Pillar and associated Alms Table.</li> <li>• Grade II listed Milestone East of Whinfell Park, and</li> <li>• Carkin Moor Roman fort.</li> </ul> <p>Monitoring will not be required post-construction of the A66 as the mitigation to minimise impacts on the Historic Environment will be in place. We will continue to engage with HE regarding the proposed monitoring arrangements.</p>		
Ecological Mitigation	Historic England Response to Consultation (Appendix)	<p>We would like to raise this issue to ensure that the potential heritage impacts are appropriately assessed before final mitigation locations are agreed. It did not appear to be specifically addressed in the PEI Report. This should be done for both on- and off-route ecological mitigation.</p>	<p>The location of ecological mitigation has been undertaken with the cooperation from all environmental disciplines to ensure its proposed location does not cause further impacts to heritage features.</p> <p>We will continue to discuss this with HE once they have had full sight of the ES to ensure all concerns have been appropriately addressed.</p>	Under discussion	13.06.2022
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	<p>Whilst noting that the EMP is likely to evolve throughout construction, there does need to be certainty regarding the parameters of the provisions, so</p>	<p>Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document Reference 2,7). These mitigation measures</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>as to ensure that the mitigation and management is being delivered during the course of construction, as well as during the operation and maintenance. The parameters and level of detail to be provided within the EMP will need to be carefully considered when dealing with the historic environment so that the impact on the significance of the heritage assets can be appropriately dealt with. Any mitigation that is required must be secured and delivered.</p>	<p>seek to fulfil the following objectives:</p> <ul style="list-style-type: none"> <li>• To manage and minimise impacts on the historic environment.</li> <li>• Maintain historic form fabric significance and qualifying features of listed buildings/structures.</li> <li>• To consult with the relevant authority on the detailed design of the Project to ensure it meets Cultural Heritage objectives.</li> <li>• To ensure that a record is made of archaeological deposits that will be removed by the Project, and that the results of these investigations are published, in accordance with NPSNN 5.120 - 5.142.</li> <li>• To ensure that a record is made of historic buildings or structures prior to demolition or relocation, to develop a better understanding of the structures in question and create a lasting record.</li> <li>• To ensure that post-medieval milestones, boundary stones and the Countess Pillar and adjoining alms table will be relocated or protected in situ from accidental damage or</li> </ul>		



Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<p>loss during construction, in accordance with NPSNN 5.120, and</p> <ul style="list-style-type: none"> <li>To protect archaeology of Scheduled Monuments.</li> </ul> <p>We have prepared a Historic Environment Mitigation Strategy as an appendix to the EMP. This has been informed by engagement with Historic England as part of the Technical Working Groups. The documents will be provided to the Principal Contractor, who will be working on behalf of National Highways. The Principal Contractor will be required by National Highways to comply with the requirement set out in the EMP. It is the intention that the EMP will be certified in the DCO.</p>		
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	It is unclear what is proposed regarding “overall approach to construction and detailed planning will develop after statutory consultation.” The DCO is the consent, and whilst there will be requirements which are likely to require engagement with certain parties, this will not be the usual statutory consultation process. The ES will need to have assessed impact, and it should not be considered that the DCO is an outline scheme. There	We note the comments from HE. We will continue to engage with relevant stakeholders and regulatory bodies as the detailed design develops post DCO within the envelope permitted by the DCO.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		will be some details that will need to follow, but key aspects, and in this regard, we would suggest impact on heritage, there will need to be detail provided so as to ensure the statutory duties can be discharged and there is understanding of the impact on significance and how this will be managed.			
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	If the detailed construction programme is to be finalised in advance of the works and it is to be based on the EMP, then the EMP will have to be signed off much earlier in the process to provide the basis for the construction programme. This appears to be contrary to the earlier reference to it being a “live” document which continues to evolve throughout construction (para. 4.1.3) and the potential difficulties this will give rise to as to lack of certainty and usability of the document. It could also give rise to queries regarding the Requirements in the DCO, as the EMP is likely to have been a document that is approved by the SoS, not the construction programme.	Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document reference 2.7) and has been prepared and submitted to support the DCO. The detailed plans which are secured within the EMP, such as Detailed Heritage Mitigation Strategy will be subject to formal consultation with HE, as well as County Archaeologists and local planning authorities.	Under discussion	13.06.2022
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	Environment (in table 4-1), should this not reference “avoid	We note this comment and we have addressed this as part of the revised Environmental	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		adverse impacts, and where not possible to minimise”?	<p>Management Plan (EMP) (Application Document Number 2.7) which has been submitted as part of the DCO.</p> <p>It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.</p>		
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	If seeking to approve EMP within the decision to grant the DCO there must be certainty as to what the SoS will be granting, so more, not less detail will be required. It also gives rise to the query as to it being a “live” document, as the more the document evolves, the more it strays from where the SoS was content to approve it at the DCO consent stage (see comment about 4.1.7).	Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) (Application Document Reference 2.7) and has been prepared and submitted to support the DCO. The detailed plans which are secured within the EMP, such as Detailed Heritage Mitigation Strategy will be developed by the Principal Contractor and will be subject to formal consultation with HE, as well as County Archaeologists and local planning authorities. The EMP will be subject to approval by the Secretary of State.	Under discussion	13.06.2022
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	Table (in paragraph 4.1.19) only deals with archaeological assets, and not heritage assets more generally. There needs to be recognition that transport schemes do not only result in impacting on archaeology, but also listed buildings, conservation areas, WHS etc., and not only through direct impact, but indirect	Chapter 8 (Culture Heritage) of Volume one of the ES (Application Document Reference 3.2) has assessed the impact upon cultural heritage assets across the scheme including designated and non-designated, Conservation Areas and Historic Landscapes character areas.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		<p>impact of development in the setting of heritage assets.</p>	<p>Cultural Heritage mitigation is detailed within the Environmental Management Plan (EMP) Application Document Reference 2.7). These mitigation measures seek to fulfil the following objectives:</p> <ul style="list-style-type: none"> <li>• To manage and minimise impacts on the historic environment.</li> <li>• Maintain historic form fabric significance and qualifying features of listed buildings/structures.</li> <li>• To consult with the relevant authority on the detailed design of the Project to ensure it meets Cultural Heritage objectives.</li> <li>• To ensure that a record is made of archaeological deposits that will be removed by the Project, and that the results of these investigations are published, in accordance with NPSNN 5.120 - 5.142.</li> <li>• To ensure that a record is made of historic buildings or structures prior to demolition or relocation, to develop a better understanding of the structures in question and create a lasting record.</li> </ul>		

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
			<ul style="list-style-type: none"> <li>To ensure that post-medieval milestones, boundary stones and the Countess Pillar and adjoining alms table will be relocated or protected in situ from accidental damage or loss during construction, in accordance with NPSNN 5.120, and</li> <li>To protect archaeology of Scheduled Monuments.</li> </ul> <p>Together NH has sought to address the issues of concern and discussions will continue once HE has had full sight of the documents referred to above.</p>		
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	We have concerns about National Highways being both the applicant and the determining body. We suggest that the LPA is best placed to consider and deal with the determination of matters and have the enforcement remit to address breaches. The scope and nature of NSIP requires there to be separate oversight to provide the confidence in the system, as the issues of EMP are not in relation to highway safety and operation of the road, but the impact it will have on the environment – the LPA having the administration of its area	We note the comments from Historic England in relation to this matter. It has been agreed that the EMP will be subject to approval by the Secretary of State (SoS) for Transport.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Historic England Position	National Highways Position	Status	Date
		means that it has the holistic approach that will be required in the determination of the scheme.			
Outline of Environmental Management Plan (EMP)	Historic England Response to Consultation (Appendix)	The list of possible consents, licenses and permissions for the project should also include Scheduled Monument Consent (SMC) as this is subsumed within a DCO permission.	Scheduled Monument Consents will be sought where necessary, as part of the DCO application. Consents within the draft DCO are set out within the Consents and Position Statement (Application Document Reference 5.4).	Agreed	13.06.2022