

**A66 Northern Trans-Pennine Project  
TR010062**

**4.5 Statement of Common Ground  
with Natural 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

---

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

---

<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

---

## 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>8</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) Natural England (NE).
- 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 NE's role in relation to the DCO process derives from the Planning Act 2008 (the 2008 Act) and secondary legislation made under the 2008 Act. The roles and responsibilities of NE under the 2008 Act fall into the following categories:
- as one of the prescribed consultees under section 42 of the 2008 Act that applicants are required to consult before submitting a Nationally Significant Infrastructure Projects (NSIP) application.

- as one of the consultation bodies that the Planning Inspectorate must consult before a scoping opinion is adopted in relation to any Environmental Impact Assessment (EIA) and as a prescribed consultee for the environmental information submitted pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
- as a statutory party in the examination of DCO applications
- as a statutory nature conservation body under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) in respect of the HRA.
- as a consenting and licensing body/authority in respect of protected species and operations likely to damage the protected features of SSSIs pursuant to the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) and in relation to European protected species under the Habitats Regulations.

1.2.4 National Highways has aimed to address any issues or concerns raised by NE through ongoing dialogue and engagement.

## 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 divergent 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 NE, 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 NE.

## 2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between National Highways and NE 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
08.02.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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, scheme overview and the proposed baselines surveys, modelling and assessment to underpin the HRA.
11.02.2021	Online Meeting	Meeting of the Ecological Impact Assessment TWG with NE 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, scheme overview and the proposed baselines surveys, modelling and assessment to underpin the EclA.
25.02.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE 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	Online Meeting	Meeting between NE 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, area of high landscape value, integrated design and Rochdale envelope.
16.03.2021	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (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 ornithology strategy, bats and red squirrels.
18.03.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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 discussion on site and proximity to schemes, Biodiversity Survey Strategy and HRA Baseline, Baseline Surveys Strategy and introduction to SAC fluvial geomorphology.
25.03.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on the

Date	Form of correspondence	Key topics discussed and key outcomes
		Evidence Plan, project updates, Warcop AONB, Trout Beck and approach to Stat Con and PEIR.
07.04.2021	Online Meeting	Meeting between NE and the IPT at the regular Geology Soils meeting – Natural England.
22.04.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on programme updates, design updates, the Evidence Plan and sifting matrix.
26.04.2021	Online Meeting	Meeting between NE 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.
29.04.2021	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (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 badger bait marking, otter halt monitoring, MoRPH, and air quality and Affected Road Network (ARN).
21.05.2021	Online Meeting	Meeting between NE, the 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 NE 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.
27.05.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on the Evidence Plan and a scheme-by-scheme design walkthrough.
10.06.2021	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (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 bat surveys (overview of methods).
16.06.2021	Online Meeting	Meeting between NE, the AONB Partnership and the A66 IPT review the Appleby to Brough Scheme. Meeting included discussions on updates and the alternative Parish Council route.
24.06.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on



Date	Form of correspondence	Key topics discussed and key outcomes
		design updates, the approach to mitigation, the environmental designated funds process, the Scoping Report and the evidence plans.
28.06.2021	Online Meeting	Meeting between NE 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.
08.07.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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 discussion on proposed route alternatives for scheme 4/5 & 6, site Trout Beck geomorphology modelling, HRA programme and documentation and Sleastenhew restoration.
22.07.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussion on environmental designated funds.
10.08.2021	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (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 ornithology, bats, mammals, terrestrial invertebrates, river corridor survey and macrophytes, aquatic invertebrates, fish surveys, white-clawed surveys and key PEIR findings.
12.08.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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 updates on surveys, HRA documentation programme, HRA screening summary and scheme Details.
16.08.2021	Online Meeting	Meeting between NE 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.
26.08.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on EIA Scoping, PEIR status and assessment process, Statutory Consultation, design updates, Appleby to Brough and Rokeby.



Date	Form of correspondence	Key topics discussed and key outcomes
10.09.2021	Online Meeting	Meeting between NE, NP AONB, Defra, NH and A66 IPT to discuss Position Statement. Meeting included discussions on the summary of the Warcop alignment.
03.11.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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 survey/assessment updates, response to feedback and requests for specific design elements.
03.11.2021	Online Meeting	Meeting between NE and the IPT discuss issues around Warcop
11.11.2021	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (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 habitats, reptiles, ornithology, bats, mammals, freshwater ecology and feedback following Stat Con period.
11.11.2021	Online Meeting	Meeting with Natural England, AONB Partnership, National Highways and Project Team to discuss environmental impacts and considerations around Warcop.
25.11.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on programme updates, design change updates and Stat Con updates.
01.12.2021	Online Meeting	Meeting between NE 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 Stat Con, LVIA update and the landscape design approach.
13.01.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on design change and targeted consultation, approach to environmental mitigation and response to Stat Con design change.
20.01.2022	Online Meeting	Meeting between NE 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 6 -9 update.
26.01.2022	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with NE 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 survey updates, assessment updates, construction mitigation and methods, design mitigation and introduction / spread of INNS.
26.01.2022	Online Meeting	Meeting between NE and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix

Date	Form of correspondence	Key topics discussed and key outcomes
		1.1: Evidence Plan (Application Document Number 3.4). Meeting included discussions on surveys, construction mitigation methods, species specific, design mitigation, scheme-by-scheme mitigation.
31.01.2022	Online Meeting	Meeting between NE 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 1 – 5 Update.
10.02.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on project/programme updates and environmental mitigation approach.
10.03.2022	Online Meeting	Meeting between NE, EA, NH and A66 IPT to discuss issues around Warcop. Meeting included discussions on Warcop design.
24.03.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with NE in attendance. Meeting included discussions on Trout Beck, Warcop and Moor Beck.
04.04.2022	Online Meeting	Meeting between NE, EA, NH, CCC and A66 IPT to discuss issues around Warcop. Meeting included discussions on Warcop design and Trout Beck Crossing design.

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

### 3 Issues

Table 3-2 Record of Issue

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
M6 Junction 40 to Kemplay Bank - Wet Woodland Consideration	Natural England Stat Con Response - 22 October 2021	The construction site is in the floodplain, as is the settlement pond. Consideration needs to be given to creating these above the floodplain. The site has been identified for species rich grassland and wetland; however, it would be worth considering wet woodland in this location, particularly the wetland area to help provide some protection to the road if the river moves.	The environmental mitigation plans (HE56527-AMY—EGN-S00-MP-LX-200002) identify areas for woodland creation as part of the approach to nature conservation and biodiversity for this Scheme. The Applicants will continue to seek agreement on wet woodland proposals at this location.	Under discussion	13.06.2022
Temple Sowerby to Appleby - River Eden Enhancement	Natural England Stat Con Response - 22 October 2021	The area between the new junction and River Eden could be included as mitigation / enhancement and planted with trees. This would provide more long-term resilience to the road network in the event of river movement.	Full details of the outline mitigation measures are included within the Environmental Management Plan (EMP) (Application Document Number 2.7).	Under discussion	13.06.2022
The project	Natural England Stat Con Response - 22 October 2021	NE welcomes the early consideration of space required in the Site Boundary for soil storage, including the programming of material movements to reduce storage periods and subsequent movements after placement.	We are grateful for this feedback regarding the soil storage space within the site boundary. It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.	Agreed	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
<p>Alternatives – Table 3.6</p>	<p>Natural England Stat Con Response - 22 October 2021</p>	<p>The climate section states that the crossings for all routes will be at risk of scour in the future. The design of the crossings, and piers within the floodplain need to be designed such that they can withstand such pressures.</p> <p>It is unclear in the road drainage and water section what the design of a crossing would be over Trout Beck for the Orange route. Would this also be open span across the floodplain with no structures on the floodplain?</p> <p>The Route Development Report Volume 1 discusses the route alternatives at Kirkby Thore in more detail. In terms of the impact on the River Eden SAC/SSSI (and on biodiversity/environment more generally) the Orange is slight better, though there would be a need for some floodplain compensation. It is not clear whether this is because there will need to be an embankment on the floodplain. However, we also note that the primary reason for the Blue route being the preferred route is the lesser impact on the Scheduled Ancient Monuments at Kirkby Thore.</p>	<p>A full Environmental Impact Assessment (EIA) has been undertaken, including a detailed assessment of the potential risks to surface water. Further information can be found within Chapter 14 (Road Drainage and the Water Environment) within Volume 1 of the Environmental Statement (Application Document Reference 3.2). This chapter confirms the following approach has been developed in consultation with both Natural England and the Environment Agency (at Section 1.8.65):</p> <p>The following design principles have been incorporated for the relevant crossings so that the scheme designs will not prevent the SAC achieving its target of restoring natural hydrological processes:</p> <ul style="list-style-type: none"> <li>• Locations and orientation of piers within the floodplain to be placed in order to minimise disturbance to flood flows, sediment transport and biodiversity. This will require an iterative design process to be informed by flood risk and geomorphological modelling (secured in the Environmental Management Plan (EMP))</li> </ul>	<p>Under discussion</p>	<p>13.06.2022</p>

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			<p>(Application Document Number 2.7)).</p> <ul style="list-style-type: none"> <li>The EMP requires flood risk and geomorphological modelling to be undertaken as part of the detailed design process and the outcomes of that will inform the location and orientation of the piers to achieve the necessary outcomes.</li> <li>Specialist geomorphologist input throughout the detailed design of the Project to inform the pier design including shape, alignment relative to the watercourse flow and foundation depth. This will minimise the risk of an interruption of the hydraulic processes should the piers become mid-channel structures following lateral migration of the watercourse.</li> <li>Permanent outfall structures from road drainage into Trout Beck will be set back from the watercourse banks and an open channel used to connect the outfalls to the watercourse. This will allow lateral migration of the river channel and limit damage to outfalls.</li> </ul>		

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
Air Quality	Natural England Stat Con Response - 22 October 2021	NE and National Highways are currently in discussion at national level regarding DMRB LA105. NE do not support the use of LA105, specifically the loss of one species metric. We recommend the use of the published guidance NEA001.	We recognise that NE and National Highways are currently discussing the use of DMRB LA105 nationally. For the purposes of this assessment we have used the existing guidance (DMRB LA105). The Applicants will continue to engage with NE and seek agreement that the air quality assessment in respect of the project is robust.	Under discussion	13.06.2022
Biodiversity Metric	Natural England Stat Con Response - 22 October 2021	Note that the Environmental Masterplans to be submitted with the DCO application will indicate areas of ecology mitigation and enhancement, including watercourse replaced with two for each one lost. An interesting concept, and the A66 improvements should be designed to ensure that no watercourses are lost. The Defra Biodiversity Metric 2.0 has been updated this summer (July 2021) – it is now the Biodiversity Metric 3.0	The project had already commenced on the basis of implementing Metric 2.0, and had completed all of the surveys, when Metric 3.0 was released. The project has therefore continued utilising Metric 2.0. Pending the introduction of secondary regulations (which have recently been consulted upon by Government), a biodiversity net gain assessment is not currently a requirement for Nationally Significant Infrastructure Projects therefore is not included as part of the Application documents. However National Highways does intend to submit such a document prior to the commencement of examination of the Application.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
Crayfish and Water Environment	Natural England Stat Con Response - 22 October 2021	Appropriate measures also need to be taken to prevent the introduction of signal crayfish and crayfish plague into the watercourses, particularly in the Eden catchment.	<p>Environmental Management Plan (EMP) (Application Document Number 2.7) confirms that no part of the project can start until a Landscape and Ecological Mitigation Plan (LEMP) has been prepared and approved (in consultation with Local Authorities). The EMP confirms at D-BD-09 that no part of the Project can start until an Invasive Non-Native Species Management Plan (INNS MP), is developed in detail in substantial accordance with the essay plan included in the EMP.</p> <p>The INNS MP will include details on the measures to be implemented during the works to prevent the spread of INNS. The plan will include, as a minimum, the following measures:</p> <ul style="list-style-type: none"> <li>• Surveys to identify invasive and non-native species will be undertaken to confirm specific locations where INNS are present.</li> <li>• Measures shall be specified to avoid the spread of invasive and non-native plants, such as Himalayan balsam and of species, such as Signal crayfish.</li> </ul>	Under discussion	13.06.2022



Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
Bat Roosts	Natural England Stat Con Response - 22 October 2021	<p>This (PEI Report) states that “limited bat activity survey data was available at the time of writing” and therefore the assessment of impacts on bats has been undertaken based on desk study information and phase 1 habitat surveys. However subsequent sections of the report provide information on the number of bat passes recorded on different parts of the project. In light of the fact that some surveys were undertaken in 2020, it is disappointing that there is no quantitative assessment of bat activity from those surveys to inform potential impacts.</p> <p>The results of the surveys make reference to roosts identified in the desk study, confirmed roosts identified during the Preliminary Bat Roost Assessments and structure and trees within moderate or high potential to support bats, however no information is provided on the proximity of these roosts to the Scheme and the locations of these roosts are not provided on any figures. It is therefore not possible to assess the potential impact on these roosts from the construction or operation of the Schemes.</p>	<p>Figure 6.8 of the Environmental Statement (Application Document Reference 3.2) provides the results of the Preliminary Bat Roost Assessment, including locations. Full survey results for bats are detailed within Appendix 6.11 (Bats) within Volume 3 of the Environment Statement (Application Document Reference 3.4).</p> <p>The surveys undertaken during the 2021 survey season identified 128 individual bat roosts (trees and structures) across 8 different species.</p> <p>We have sought to address the issues of concern and discussions will continue once NE has had full sight of the documents referred to above.</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
	<p>Natural England Stat Con Response - 22 October 2021</p>	<p>The effects of habitat loss and fragmentation in relation to bats is not adequately described. The baseline conditions section of the report notes the identification of a number of potential crossing points along the alignment of the schemes. It is anticipated that habitat clearance works during construction have the potential to affect how bats use the landscape. The potential impacts on bats use of the landscape both on existing road corridors and on new alignments needs to be clearly identified within the Environmental Statement for the Schemes.</p>	<p>Chapter 6 (Biodiversity) of the Environmental Statement (Application Document Reference 3.2) provides an assessment of how the scheme would affect wildlife and habitats and sets out mitigation measures proposed to reduce adverse effects. Full survey results for bats is detailed within Appendix 6.11 (Bats) within Volume 3 of the Environment Statement (Application Document Reference 3.4).</p> <p>We have embedded mitigation into the design of the Project to minimise habitat loss and fragmentation. These commitments are recorded in the Environmental Management Plan (EMP) (Application Document Number 2.7) which confirms that no part of the project can start until a Landscape and Ecological Mitigation Plan (LEMP) has been prepared and approved (in consultation with Local Authorities). The LEMP shall be in accordance with the Outline LEMP essay plan set out in the Appendix B to the EMP which confirms the following embedded mitigation for bats.</p>	<p>Under discussion</p>	<p>13.06.2022</p>

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			<p>Greening of the proposed overbridges which occur near to bat crossing points will provide or maintain north-south connectivity for bats and other species and reduce the risk of collision mortality. The green bridges will incorporate a minimum 1 m wide strip of trees/wooded scrub along one road verge, with connective planting to the north and south aspects of the bridge, providing a continuous green corridor across the new live carriageway.</p> <p>Inclusion of both light and noise deflection screens incorporated into the overbridge design.</p> <p>Planting of woodland habitats, including linear woodland and hedgerows, on both the northern and southern approach aspects to underbridge/culvert structures, will provide flight connectivity across the alignment and encourage bats to cross safely, reducing the risk of collision mortality.</p> <p>Planting of trees on the verges either side of the new live carriageway and as close as possible to the carriageway edge in a departure from standards, will</p>		

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			<p>be required to raise commuting bats over the live carriageway.</p> <p>The final planting plan for each bat crossing point will need to be devised through detailed design in consultation with the Project Ecologist.</p> <p>We have sought to address the issues of concern and discussions will continue once NE has had full sight of the documents referred to above.</p>		
Table 6-4: Helbeck and Swindale Woods	Natural England Stat Con Response - 22 October 2021	Aerial pollution has been identified as one of the threats with regard to this site. The Appleby–Brough routes are 500-700m away from the SAC, and therefore potential impacts have been screened out given the site is >200m away in line with LA 105 DMRB standards. The screening out of this site needs to ensure it has taken into consideration the direction of prevailing winds, the local topography, the greater speed and volume of traffic which could potentially results in impacts further afield.	<p>The Helbeck and Swindale Woods SAC has been scoped out of further assessment as the site is located 427m north of the of the Order Limits of Temple Sowerby to Appleby.</p> <p>For the purposes of this assessment we have used the existing guidance (DMRB LA105). We recognise that NE and National Highways are currently discussing the use of DMRB LA105 nationally which would confirm the scoping out of this SAC. Discussions will continue.</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
	<p>Natural England Stat Con Response - 22 October 2021</p>	<p>NE agree that LSE cannot be ruled out with regards to atmospheric pollution associated with the affected road network (ARN), and therefore this needs to be considered further in an Appropriate Assessment.</p> <p>The potential for SPA birds within the schemes and the red line boundary, to be disturbed at different times of year needs to be taken into consideration here. Agree that there is LSE from the proposals on some designated features of this site.</p>	<p>Full details on the potential impacts to birds can be found within Appendix 6.13 (Breeding Birds) and Appendix 6.14 (Wintering Birds), within Volume 3 of the Environment Statement (Application Document reference 3.4).</p> <p>No North Pennine Moors SPA qualifying species have been recorded breeding within a 500m zone of the order limits.</p> <p>In relation to wintering birds, Golden plover (<i>Pluvialis apicaria</i>) and merlin (<i>Falco columbarius</i>), two North Pennine Moors SPA citation species, were found within a 500m zone of the order limits.</p> <p>Flocks of wintering golden plover have been recorded throughout the central schemes of the Project with notable numbers recorded within the Cross Lanes to Rokeby scheme.</p> <p>A Habitat Regulations Assessment Stage 2 Statement to inform Appropriate Assessment (SIAA) has been prepared (Application Document Reference 3.6). In relation to birds, the North Pennine Moors SPA is designated for four species of bird: hen harrier (breeding), merlin (breeding), peregrine falcon (breeding) and European golden plover</p>	<p>Under discussion</p>	<p>13.06.2022</p>

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			<p>(breeding). The Appropriate Assessment for the site assessed the potential for adverse effects resulting from a reduction in suitable breeding and foraging habitat (as a result of changes in air quality during operation associated with the affected road network).</p> <p>The potential for any adverse effect on the integrity of the River Eden SAC, North Pennine Moor SAC and North Pennine Moor SPA has been ruled out. The SIAA has concluded that no reasonable scientific doubt remains and in 'the light of the best scientific knowledge in the field', the project will not adversely affect the integrity of any European Site, alone or in combination with other plans or projects.</p>		
Agricultural Land	Natural England Stat Con Response - 22 October 2021	Based on the information provided with the application documents, it appears that the proposed development comprises soil supporting agricultural land of ALC Subgrade 3a (Best and Most Versatile (BMV)) and 3b (non-BMV); with some Grade 2 (BMV); Grade 4 (non BMV) agricultural land, non-agricultural land and urban land within the route wide study area. The ALC grades have	ALC field surveys and impacts on agricultural businesses have been undertaken as part of the assessment work to support the completion of the ES. This is reported as part of Appendix 9.5 (3.4 Environmental Statement Appendix 9.5 Agricultural Land Classification (ALC) Factual Soil Survey Report) within Volume 3 of the ES (Application Document Reference 3.4).	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
		<p>been determined from a desk-based assessment using the MAFF 1988 Guidelines. However, the assumptions are not stated for the desktop assessment of ALC grade; nor has the climatic data used been presented.</p> <ul style="list-style-type: none"> <li>- The detailed ALC and soil survey must be undertaken by suitably qualified and experienced individuals.</li> <li>- Representative soil pits need to be dug to support the ALC grades (to determine subsoil structure (for wetness and droughtiness assessment) or subsoil stone content and rooting for which is also a component of soil droughtiness assessment).</li> <li>- Laboratory assessment of soil particle size should be undertaken as appropriate.</li> </ul>	<p>During the survey, soils were examined via a combination of auger borings and soil description pits to a maximum depth of 1.2m. Soils were described using hand texturing to determine the soil type. Laboratory assessment of soil particle size has been undertaken and reported in the survey. The results of the soil survey were used in conjunction with the agro-climatic data given in the sections for each scheme below to classify the land according to the revised guidelines for Agricultural Land Classification issued in 1988 by the Ministry of Agriculture, Fisheries and Food (now Defra). It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.</p>		
Landscape and Visual	Natural England Stat Con Response - 22 October 2021	Our landscape advice in relation to actual effects is at a high level. As a statutory consultee we advise that the views of the North Pennines AONB Partnership are sought and given appropriate consideration and weight given their more detail knowledge of the proposed development sites and their wider landscape setting.	The landscape and visual impact assessment, which will be set out in Chapter 10 (Landscape and Visual) of the ES (Document Reference 3.2), has used representative viewpoints throughout the scheme, as agreed through the Technical Working Groups (which also included attendance from representatives of the North Pennines AONB Partnership). Additional	Under discussion	13.06.2022



Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			viewpoints, including elevated views from the AONB have been reviewed. The ES will also incorporate a description of the interim mitigation due to growth between year 1 and year 15.		