



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Customer
Services: 0303 444 5000
E-mail: A66Dualling@planninginspectorate.gov.uk

To:

The Applicant

Your Ref:

Our Ref: TR010062

Date: 29 July 2022

Local Authorities:

Durham County Council
Eden District Council
Cumbria County Council
Richmondshire District Council
North Yorkshire County Council

Statutory Parties:

Environment Agency
Natural England
Historic England

Other parties:

The North Pennines AONB Partnership
The Gypsy and Travellers Representatives

Dear Applicant and above-named local authorities, statutory, and other parties,

**Planning Act 2008 (as amended) - Section 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 - Rule 9**

**Application by National Highways for an Order Granting Development Consent for
the A66 Trans-Pennine Dualling Project**

Procedural Decision made under Section 89

As you will have seen from the [Rule 4 letter](#) published on 20 July 2022, I have been appointed by the Secretary of State (SoS) to be the lead member of the Examining Authority (ExA) who will examine and make a recommendation to the Secretary of State for Transport on the A66 Trans-Pennine Dualling project.

Following the decision of the SoS to accept the application for examination on 19 July 2022, the ExA has decided to make a number of Procedural Decisions concerning requests for additional information as well as for the clarification and correction of others. The aim is to better utilise the pre-examination stage of this process and to obtain the information needed as early as possible in the overall process.

These requests follow the [Decision to Accept notification](#) and [Section 55 Checklist](#) of 19 July 2022.

Principal Areas of Disagreement Summary Statement

The ExA has noted the draft Statements of Common Ground (SoCGs) submitted with the Application. Whilst these documents are useful and have a place in the Examination, SoCGs can often overlap and duplicate respective Written Representations (WRs) and/or Local Impact Reports (LIRs) particularly on areas of agreement or no concerns. Conversely, matters of disagreement are generally not reported in any great detail at the Pre-examination stage, if they are at all.

The ExA considers that the Examination would benefit, at an early stage in the process, the identification of the principal areas of disagreement. This need only be a summary position at the Pre-examination stage, and the ExA would anticipate that matters raised here would be expanded upon within a local authority's LIR/WR and other parties' WR. The ExA considers that an early identification of the principle disagreeable matters, read alongside other submissions, would assist in the identification of the principal issues and provide a clear focus for the Examination and subsequent written questions to be asked.

With this in mind, for both the Pre-examination and Examination stages, the ExA has made a Procedural Decision to request from each named **local authority and statutory party, together with the North Pennines AONB Partnership and the Gypsy and Travellers Representatives** to prepare and submit a Principal Areas of Disagreement Summary Statement. The ExA requires this to be **in a table format** (similar to a Scott Schedule¹), addressing the following matters:

- The principal issue in question;
- the brief concern held by the party which they will report on in full in LIR/WRs;
- what, in their view, needs to change/be amended/included so as to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

The ExA requests the Principal Areas of Disagreement Summary Statements are **submitted alongside respective Relevant Representations** (RRs). The deadline for both will be notified to you by the Applicant in due course and the statements will be published alongside the RR.

The ExA would like this to be a live document and regularly updated throughout the Examination stage. The Rule 6 Letter will set this out and the ExA will engage the relevant parties' views on this at the Preliminary Meeting.

Joint Engagement Statement

The ExA is aware that from 1 April 2023, the current two shadow authorities of Westmorland and Furness Council and North Yorkshire Council will inherit the roles and functions of, and subsequently replace Cumbria County Council and Eden District Council,

¹ <https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/scott-schedule-note>

and North Yorkshire County Council and Richmondshire District Council respectively. Given the important role of the local authorities in the DCO process, we wish to facilitate a smooth exchange of information given that the examination and decision process is running during the transition period. The ExA has therefore made a Procedural Decision to request a Joint Engagement Statement from:

- a) Eden District Council, Cumbria County Council and Westmorland and Furness Council; and
- b) Richmondshire District Council, North Yorkshire County Council and North Yorkshire Council

on how the existing and replacement authorities will engage in the Pre-examination and Examination stages of the Application process. This is particularly in regard to the submissions of documents such as LIRs, WRs, SoCGs and Principal Areas of Disagreement Summary Statements as the shadow authorities transition into the respective local authorities.

The ExA requests the Joint Engagement Statements be submitted **alongside each authorities' RR**, both of which will be published.

Separate draft Development Consent Order

The ExA has made a Procedural Decision to request the Applicant produce a separate draft Development Consent Order which identifies the current shadow authorities as local authorities for each of the Works identified in Schedule 1 of that document. The ExA also request the Applicant undertake a check of the draft Development Consent Order to ensure the other Schedules align with the new authorities. This document should be submitted by **Deadline 1**. The date for Deadline 1 will be set out in draft in our Rule 6 letter and confirmed in our Rule 8 Letter once the Examination has begun.

The Applicant is also requested to consider whether all future iterations of the draft Development Consent Order should refer to the current shadow authorities as local authorities as the conclusion of the DCO process may include 1 April 2023.

Matters Arising from Acceptance

The [Section 55 Checklist](#) of 19 July 2022 identified a number of possible omissions and errors in the application documentation. The ExA has made a Procedural Decision to request the Applicant to review the list below and consider whether corrections and resubmission are needed. These are set out in Annex A to this letter. The ExA requests this exercise is completed and submissions made by the closing date for RRs.

The Application documents are published on the [project webpage](#).

Yours sincerely

Richard Allen

Richard Allen
Lead Panel Member for the Examining Authority

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ANNEX A – Matters Arising from Acceptance

App Document No	Document	Comments
Document 2.5	General Arrangement Plans	<p><u>Scheme 09 Stephen Bank to Carkin Moor</u></p> <p><i>Sheet 9:</i></p> <p>Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to “Dick Scott Lane” General Arrangement Plans states “Dick Scot Lane”. Please check.</p>
Document 3.2	Environmental Statement Chapter 2	<p>Paragraph (Para) 2.5.7 – references Figures 2.1 to 2.8 but it is actually Figure 2.1, sheets 1 to 8.</p> <p>Para 2.5.8 – references Figures 2.9 to 2.16 but it is actually Figure 2.2, sheets 1 to 8.</p> <p>Para 2.5.9 – references Figures 2.17 to 2.24 but it is actually Figure 2.3, sheets 1 to 8.</p>
Document 3.2	Environmental Statement Chapter 16	Both the Noise and Drainage sections fail to mention whether the identified likely significant effects are either temporary or permanent. While the ExA is content that this information is set out in Chapters 12 and 14, the Applicant is requested to update Chapter 16 and submit during the Examination.
Document 3.2	Environmental Statement Chapter 9	Para 9.7.209 – there is a stray bullet point at the end of the paragraph, and it is not clear whether there is missing text or the bullet is unintended.
Document 5.4	Consents and Agreed Position Statement	Para 2.3 – Richborough Borough Council should be Richmondshire District Council.
Document 5.8	Statement of Reasons (SoR)	<p>Para 2.1.9 – Please check whether the mentioned carriageway separation for the left turn facility's own signal phase at M6 Junction 40 are shown on the General Arrangement Plans.</p> <p>Para 2.1.17 – Please check whether the mentioned police observation point at the Kemplay Bank overbridges are shown on the General Arrangement Plans.</p> <p>Para 2.1.43 – Please check whether the aforementioned brideway is in fact a footpath overbridge as shown on the General Arrangement Plans.</p> <p>Para 2.1.69 – Please check whether the reference to 18 ponds is correct as 20 drainage treatment ponds and flood compensation features for Scheme 06 are shown on the General Arrangement Plans.</p>

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		Para. 7.2.10 and accompanying table – listed Plot 0102-02-54 on the relevant Special Category Land Plan isn't in the SoR table. Please check.
Document 5.7	Book of Reference (BoR)	Applicant is required to check that all plots are contained within the Book of Reference. The search functionality did not consistently identify the plots.
Document 5.13	Land Plans	<p><u>Scheme 0102: M6 Junction 40 to Kemplay Bank</u></p> <p><i>Sheet 1:</i></p> <p>Plot 0102-01-25 parcel of land to the NW of 0102-01-25 looks to be separate with no label.</p> <p><i>Sheet 2:</i></p> <p>Plot 0102-02-01 not immediately clear that parcel of land to the West is included.</p> <p>Plot 0102-02-35 land to SW is not clear if it forms part of Plot 0102-02-35 or is a separate plot.</p> <p>Inset 2a is missing plot labels.</p> <p><u>Scheme 0405: Temple Sowerby to Appleby</u></p> <p><i>Sheet 1:</i></p> <p>Plot 0405-01-51 boundaries are unclear.</p> <p><i>Sheet 3:</i></p> <p>Inset 3F Plot 0405-03-49 is labelled twice, unclear if it's a different plot.</p> <p><i>Sheet 4:</i></p> <p>Plot 0405-04-34 is listed in BoR but does not appear to exist in the Land Plans.</p> <p><i>Sheet 5A:</i></p> <p>Plot 0405-05-09 is marked on Insert 5D but is not contained within the BoR.</p> <p><i>Sheet 7:</i></p> <p>Plot 0405-07-37 – Check whether this extend into Insert 7A and should be marked up as such.</p> <p><u>Scheme 06 Appleby to Brough</u></p> <p><i>Sheet 1:</i></p> <p>Plot 06-01-10 lists plot size as 2435 square metres. This may be incorrect, and the Applicant is asked to check.</p> <p>Plot 06-01-39 is keyed in the land plans as 'Permanent Acquisition of Land – Replacement Land', while the 'replacement land' bit isn't mentioned in the BoR.</p>

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		<p><u>Scheme 09: Stephen Bank to Carkin Moor</u></p> <p><i>Sheet 1:</i></p> <p>Plot 09-01-22 refers to plot Northeast of Sykelands Farm, Dalton, Richmond DL11 7HE. Applicant is asked to check this as no reference to Sykelands Farm is found.</p> <p><i>Sheet 9:</i></p> <p>Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to “Dick Scott Lane”. Land Plans states “Dick Scot Lane”. Please check.</p>
Document 5.19	Rights of Way and Access Plans	<p><u>Schemes 03 Penrith to Temple Sowerby; Scheme 07 Bowes Bypass; Scheme 08 Cross Lanes to Rokeby and Scheme 09 Stephen Bank to Carkin Moor</u></p> <p>Footpath and Bridleway names are difficult to read on the plans. The Applicant is requested to improve this if possible and update the plans if and when new iterations are to be submitted.</p> <p><u>Scheme 03 Penrith to Temple Sowerby</u></p> <p>Draft DCO Schedule 2 Part 4 (page 177) refers to Reference J “Access to a garden at Lightwater Cottages.” Please check whether this should be shown on the plans as it is absent.</p> <p><u>Scheme 0405 Temple Sowerby to Appleby</u></p> <p><i>Sheet 3:</i></p> <p>Typo “Existing Winthorn to be emolished”</p> <p><i>Sheet 7:</i></p> <p>Draft DCO Schedule 2 Part 3 (page 148) refers to Reference 67 and the “B6552”. The road is not on the corresponding plans. This may be a typographical error.</p> <p><u>Scheme 07: Bowes Bypass</u></p> <p><i>Sheet 3:</i></p> <p>Draft DCO Schedule 2 Part 3 (page 167) refers to Reference 16 as part of Reference R. Reference 16 is not in existence on plans.</p> <p><u>Scheme 09: Stephen Moor to Carkin Moor</u></p> <p>Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to “Dick Scott Lane” Corresponding Plans states “Dick Scot Lane”. Please check.</p>
Document 5.16	Works Plans	<p>Work Plans refers to schemes 01 to 11 (with no 10) whereas the ES refers to schemes 1 to 8. Please align</p>

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		<p><u>Scheme 06 Appleby to Brough</u></p> <p><i>Work No.06-2B:</i></p> <p>These Works do not appear to correspond with Land Plans Plot 06-02-12. Please check.</p> <p><u>Scheme 08 Cross Lanes to Rokeby</u></p> <p><i>Work No.08-2:</i></p> <p>Schedule 1 Part 6: Scheme 08 Cross Lanes to Rokeby reference is made to "Bowes Footpath 7". The Works Plans suggests this should be "Rokeby Footpath 7". Please check.</p> <p><u>Scheme 09 Stephen Bank to Carkin Moor</u></p> <p><i>Sheets 3 and 4 - Work No. 09-9:</i></p> <p>Work No. 09-9 is shown on sheets 3 and 4. Schedule 1 Part 7 of the draft DCO only refers to the work being on sheet 3.</p> <p><i>Sheet 3:</i></p> <p>Draft DCO Schedule 2 Part 3 (pages 173 and 174) refers to "Dick Scott Lane". Works Plans states "Dick Scot Lane". Please check.</p>
Document 5.14	Crown Land Plans	<p><u>Schemes 03 Penrith to Temple Sowerby; Scheme 07 Bowes Bypass; Scheme 08 Cross Lanes to Rokeby and Scheme 09 Stephen Bank to Carkin Moor</u></p> <p>Footpath and Bridleway names difficult to read on plans. The Applicant is requested to improve this if possible for the any updates to the plans to be submitted.</p> <p><u>Scheme 03 Penrith to Temple Sowerby</u></p> <p>Draft DCO Schedule 2 Part 4 (page 177) refers to Reference J "Access to a garden at Lightwater Cottages." Please check whether this should be shown on the plans as it is absent.</p> <p><u>Scheme 0405 Temple Sowerby to Appleby</u></p> <p><i>Sheet 3:</i></p> <p>Typo "Existing Winthorn to be emolished"</p> <p><i>Sheet 7:</i></p> <p>Draft DCO Schedule 2 Part 3 (page 148) refers to Reference 67 and the "B6552". The road is not on the corresponding plans. This may be a typographical error.</p> <p><u>Scheme 07: Bowes Bypass</u></p> <p><i>Sheet 3:</i></p>

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