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Your ref: TR010062



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BY EMAIL ONLY

Dear Mr. Allen,

NSIP Reference Name / Code: A66 Northern Trans-Pennine

Title: Natural England's comments in respect of the A66 Northern Trans-Pennine Dualling, promoted by National Highways

Examining authority's submission deadline 04 September 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our initial representations are included in subsequent parts of this letter.

For any further advice on this consultation please contact the case officer Niamh Keddy and copy to consultations@naturalengland.org.uk.

Yours sincerely

Niamh Keddy

Sustainable Development Lead Advisor

Natural England's Relevant Representations

PART I: Summary and Conclusions of Natural England's advice.

PART II: Natural England's detailed advice (starting on page 9)

PART III: Natural England's detailed comments on the Development Consent Order (DCO) (starting on page 15)

Appendices

Appendix A: Previously provided comments on the Environmental Management Plan and Design Principles (starting on page 30)

Appendix B: Draft Habitats Regulations Evidence Plan (starting on page 33)

Appendix C: Draft Statement of Common Ground (starting on page 34)

Part I: Summary and Conclusions of Natural England's advice

Summary of Natural England's Advice

Natural England welcome the opportunity to comment on the DCO for the A66 and welcome the inclusion of the mitigation and biodiversity principles. Natural England are disappointed that our advice surrounding the use of LA105 for assessing the air quality impacts has not been taken on board, we still have fundamental concerns with the air quality assessment section within the environmental statements and do not support the use of LA105. Therefore, Natural England do not agree with the conclusions of the Habitats Regulations Assessment in regard to air quality as we do not agree with the loss of one species that LA105 allows for.

We have also provided comments on the mitigation proposed for the River Eden SAC below in Table 1 and Table 2 and are satisfied that if our comments are taken on board and the biodiversity priorities are secured, and the design and mitigation principles are adhered to (and not subsequently amended) then there should be no adverse effect on integrity of the River Eden SAC. Further information is needed to understand the impacts and design of the construction works and any temporary structures (in particular the temporary bridge over Troutbeck) in relation to the River Eden SAC and its designated features. It should be noted that our conclusion of no adverse effect on integrity may change if the guidance we have provided on the mitigation and design principals is not followed appropriately.

Natural England's advice in these relevant representations is based on information submitted by National Highways in support of its application for a Development Consent Order ('DCO') in relation to dualling the A66 Northern Trans-Pennine (*the project*).

Part I of these representations summarises what Natural England considers the main issues¹ to be in relation to the DCO application and indicate the principal submissions that it wishes to make at this point. Natural England will develop these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.

Our comments are set out against the following sub-headings which represent our key areas of remit:

- Internationally designated sites & nationally designated sites
- Protected species
- Biodiversity net gain
- Nationally designated landscapes
- Soils and best and most versatile agricultural land
- Ancient woodland and ancient/veteran trees
- Connecting people with nature (National Trails, open access land and England Coast Path)

Our comments are flagged as red, amber or green:

- Red are those where there are fundamental concerns which it may not be possible to overcome in their current form.

¹ PINS NSIP Advice Note 11 Annex C sets out Natural England's role in infrastructure planning.

https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

- Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

Natural England has been working closely with National Highways and Arup to provide advice and guidance since the start of the pre-application process. Natural England has also been working with the Environment Agency and the North Pennines AONB to provide coordinated advice. We have participated in the Technical Working Groups, Statutory Environmental Bodies monthly calls, discussions about specific aspects of the developments such as HRA and EclA discussions to ensure we have provided timely and detailed advice to aid the applicant.

Natural England have also worked closely with National Highways and Arup to produce a Statement of Common Ground, leading up to the submission date of the DCO we have had regular contact with Arup to continue our discussion and keep the Statement of Common Ground updated.

Part I of these representations provides an overview of the issues and a summary of Natural England's advice. Section 2 identifies the natural features relevant to this application. Section 3 summarises Natural England's overall view of the application and the main issues which it considers need to be addressed by the Secretary of State.

Part II of these representations sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by National Highways and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to determine the effects of the project and to flesh out mitigation proposals and to consider compensation proposals to provide a sufficient degree of confidence as to their efficacy.

Natural England will continue discussions with National Highways to seek to resolve these concerns and agree outstanding matters in a statement of common ground. Failing satisfactory agreement, Natural England advises that the matters set out in Section 4 will require consideration by the Examining Authority as part of the examination process.

The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.

Section 2. The natural features potentially affected by this application

2.1 Internationally and Nationally designated sites

Our position regarding impacts on internationally and nationally designated sites is summarised below. Further detail on our reasoning for this is given against each impact pathway within Part II.

Natural England is not yet satisfied for 'amber' and 'red' issues identified in the text below that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the following internationally and nationally designated sites: River Eden SAC, River Eden and

Tributaries SSSI, Temple Sowerby Moss SSSI, North Pennines SAC, North Pennines SPA and Bowes Moss SSSI and Asby Complex SAC and Ravensworth Fell SSSI

Natural England have several 'red' and 'amber' issues in relation to the above designated sites, we have provided more detail in Part II and Part III about these issues and what further information is needed to ensure they can be overcome.

Natural England is disappointed that our advice regarding the use of LA105 has not been taken on board, we do not support the use of LA105 as it is not compliant with the Habitats Regulations Assessment. We have provided further comments on the Air Quality assessment in both Part II and Part III of this letter. There are three 'red' issues relating to the methodology type, the conclusions of the assessments and a lack of information surrounding the assessment of the direct effect of pollutants on habitat types. There are also several 'amber' issues relating to the concluding statements in the Habitats Regulations Assessments which are reliant on the scoping out of "imperceptible" emission concentrations, Natural England are in the process of collating advice regarding an approach to assessing these emissions in combination and will feed this into National Highways new guidance.

Natural England has several 'amber' issues relating to the construction around the River Eden SAC and River Eden & Tributaries SSSI, we have discussed these in more detail in Part II and Part III of this letter. Our comments highlight the need to secure the design principles and mitigation measures and ensure these are secured through an updated CEMP. Natural England require detailed design information for any temporary construction works to be included in the application and secured to ensure that the Habitats Regulations Assessment (HRA) can conclude no adverse effect on integrity of the site, at present the information that is missing means that Natural England cannot concur with the conclusions of the Habitats Regulations Assessment (HRA).

Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity (AEoI) of the internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being secured adequately.

2.2 Protected species

Natural England is still awaiting submission of draft protected species licence applications for review. Without draft protected licence applications, we are unable to issue Letters of No Impediment (LoNI). Natural England expect the draft licence applications to come in once the detailed mitigation and construction work areas are agreed and finalised and will continue to support the selection of appropriate mitigation and compensation in regard to protected species.

Natural England will provide further advice for the impacts to protected species in our Written Representations once all of the detailed design and mitigation information is available, for example, in section 6.10.509 – 6.10.514: the provision of obstacle planting locations to deter barn owl flight paths to the carriageway will be commented on, if necessary, once detailed design plans are available to ensure the impacts to barn owls are properly mitigated.

2.3 Biodiversity Net Gain

Natural England's position regarding provision of biodiversity net gain is summarised below.

Natural England have been involved in several discussions regarding the use of Biodiversity Net Gain within this project. Natural England accept the use of the Biodiversity Metric 2.0, given the start time of the project and how advanced these calculations were before the Metric 3.0 was released.

Natural England note that the project is aiming a 'no net loss' and in some sections of the road reporting a gain, Natural England have encouraged the project team to ensure that any habitat loss is first avoided, then mitigated and then compensated. Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies.

Natural England will continue to engage with Biodiversity Net Gain plans and provide comments on detailed mitigation and delivery plans once they become finalised.

2.4 Nationally designated landscapes

Natural England's position regarding nationally designated landscapes is summarised below.

Natural England support the North Pennines AONB thoughts and views when it comes to the protection of the AONB, we have provided high level comments on the Landscape Visual impact Assessment in Part II and Part III.

Natural England welcome the selected route and favour it over any alternative route that would take the road further into the AONB; our advice is in line with both the NPPF and the government's Planning Practice Guidance. That the project would be delivered within the area currently affected by the A66 is also regarded positively because this avoids directly impacting landscape character either across the wider AONB or parts of its setting which, from a landscape and visual perspective and in complementing the AONB, is more sensitive to this type of development. The proposed route also appears to offer good opportunities for vegetative screening to visually manage its effect on the AONB.

2.5 Soils and best and most versatile agricultural land

Natural England's position regarding soils and the best and most versatile agricultural land is summarised below. Further detail on our reasoning for this is given in Part II.

Natural England welcome the reference to Defra's 2009 Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, Natural England also welcomes the preparation of a Soil Management Plan. We have provided further comments regarding the Agricultural Land Classification assessment in Part III of this letter.

2.6 Ancient woodland and ancient/veteran trees

Natural England's position regarding ancient woodland and ancient/veteran trees is summarised below.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. It is a scarce resource, covering only 3% of England's land area. Veteran trees can be hundreds of years old, provide habitat for many different species and are a part of our landscape and cultural heritage.

Natural England acknowledges the potential impacts to the ancient woodland and individual ancient/veteran trees from the A66 project. As in our standing advice we recommend that any impacts are considered alongside the legislation in the NPPF (paragraph 180) and in line with standing advice in relation to ancient woodland and ancient and veteran trees produced by Natural England and Forestry Commission. Natural England will provide further advice on ancient woodland impacts, if necessary, at the Written Representations stage.

2.7 Connecting people with nature (National Trails, open access land and England Coast Path)

Natural England's position regarding access is summarised below.

Natural England are part of the Pennine Trails Partnership and notice that while the Pennine Way has been acknowledged in document 2.4 Walking, Cycling and Horse-Riding proposal there is no mention of the Pennine Bridleway Northern Extension. Natural England support the Yorkshire Dales National Parks comments surrounding the need to include the extension way in the assessment, we have provided these comments in full in Part III of this letter.

Section 3. Natural England's overall conclusions

The main issues raised by this application are the use of LA105 in the air quality assessment to justify the loss of one species lost in the HRA as an acceptable metric to assess the significance of possible impacts to a designated site. Natural England do not agree that just because a designated site is already over its critical threshold for certain pollutants it can then withstand additional emissions and be classified as an insignificant impact in the HRA. The in-combination assessment in the HRA also needs to show a that a reasonable search has been made to identify other plans and projects that may exacerbate the impact to the designated sites, especially in relation to the agricultural sector and farming emissions. Natural England can therefore not concur with the conclusions of the HRA for air quality as it is still not clear what assessment method has been used throughout the DCO and it is also not clear why the impacts that have been discussed require no mitigation.

The River Eden SAC sections in the biodiversity chapter and HRA include mitigation and compensation measures for the identified effects, it needs to be made clear that these are now deliverable and secured. The applicant needs to be aware that while, Natural England currently agree that the proposed mitigation will mitigate the impacts on the River Eden SAC which have been identified, if the plans/detailed design of any construction or operational works change that these will need to be reassessed through the HRA – this may result in different mitigation being required and the need to consult Natural England again.

Natural England have also highlighted the lack of detail surrounding some of the temporary works near and above the River Eden SAC. In order to provide complete and detailed comments on the HRA conclusions and potential impacts from these works we need to see the full detailed design of all of these structures, without this we cannot agree there will be no adverse effect on integrity of the site.

Natural England have provided written advice through all of the formal and informal consultations, we would be happy to provide further written responses through the examination process but do not at this time feel it is necessary to make oral representations.

Natural England's Relevant Representations

Section 4. Part II: Natural England's detailed advice

Part II of these representations expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues where a resolution has been reached as set out in the Statement of Common Ground and subject always to the appropriate requirements being adequately secured.

Natural England's advice is that in relation to the aforementioned designated sites issues within its remit, there is a number of fundamental reasons of principle, which the project should aim to resolve as the applicant has provided insufficient evidence to establish that there will be no adverse effect on the integrity of several designated sites.

Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the River Eden SAC, North Pennines SAC and North Pennines SPA, Asby Complex SAC; nor that the criteria for derogating from the Habitats Regulations are fulfilled.

Natural England is not satisfied that the project is not likely to damage features of interest of River Eden SAC, North Pennines SAC, North Pennines SPA and Asby Complex SAC

Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.

Natural England's advice is that there are a number of matters which have not been resolved satisfactorily as part of the pre-application process that must be addressed by National Highways and the Examining Authority as part of the examination and consenting process before development consent can be granted. Some of these matters, set out within the following table (Part II, Table 1), are important enough to mean that if they are not satisfactorily addressed it would not be lawful to permit the project due to its impacts on the SAC, SPA, Ramsar and SSSI interests.

Joint Position Statement from Natural England, Environment Agency and Historic England.

The Statutory Environmental Bodies (NE/EA and HE) share general concerns over the NH self-approval process as there are many elements of the project still to be worked up. Further clarification is needed as to what this will entail to enable a fuller assessment of the proposals against our respective statutory remits.

We will submit further detail in our individual relevant representations responses and will all continue engage with NH to work through and advise on these.

Natural England have provided Part II, Table 1, to clearly explain our main outstanding issues which are registered as either 'Red' or 'Amber' risks, we have set out whether the issues takes place within the construction or operational phase, what further details we need to see in order to be able to assess for impacts fully, our comments on the mechanism for securing the appropriate mitigation / compensation measures and have concluded by stating how the matter should be secured. We have split the table into appropriate sections to determine whether the issues are site specific or with an overarching methodology or assessment method.

Natural England have provided further detailed advice on these topics, including topics that we are satisfied with, in Part III, Table 2. This table allows us to give specific detail about specific sections / paragraphs of the Environmental Statement as well as the ability to make more generalised comments about whole chapters. Both tables should be read in conjunction to understand Natural England's relevant representations on each topic.

Natural England will continue engaging with the applicant to seek to resolve outstanding concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.

Natural England's main issues, in Part II, Table 1, include comments on the air quality methodology and in-combination assessment, the requirement to provide detailed design information for temporary construction works near the River Eden SAC and the need to secure mitigation for the SAC's designated features and the need to ensure that designated landscapes are giving the correct weighting in accordance with the Landscape Value Criteria.

Natural England's Relevant Representations, Part II, Table 1

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary: (C) – Construction phase (O) – Operational phase	NE commentary and advice on: <ul style="list-style-type: none"> Further details about the project in order to enable assessment Further evidence or assessment work required 	NE comment on mechanism for securing resolution – e.g., mitigation/compensation	Matters that must be secured in the DCO	Risk Red/ Amber /Green
1.1	Air Quality	Operation Phase: Natural England do not support the use of LA105, as it is not HRA compliant. We therefore cannot not concur with the conclusions drawn in the HRA.	Natural England require further clarification to explain the use of LA105 despite our previous written advice stating that we do not support the use of it as an assessment method.	Natural England need to be able to understand the impacts to the protected sites within 200m of the Affected Road Network (ARN), when assessed by the appropriate assessment method. For example, we	The DCO needs to include clarity on the Air Quality impacts and provide clarification for where the mitigation / compensation will be if detrimental effects are found.	Red

			We recommend the use of the published Natural England guidance: NEA001 Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations.	do not agree with the conclusions of the HRA as we do not support the use of loss of one species as a metric to identify an adverse effect.		
1.2	Air Quality	<p>Operation Phase: The in combination impact in the HRA Appropriate Assessment scopes out any NOx changes that are less than 1% of 30µg/m³ for vegetation.</p> <p>Natural England are in the process of collating advice regarding the approach above in light of the Wealden judgement and potential for multiple "imperceptible" emission concentrations to combine into a significant effect. We recognise and understand the argument made regarding the limits of modelling. This advice will also feed into National Highways new guidance.</p>	Natural England will continue to discuss this topic with National Highways and feedback into this project with the updated evidence and guidance on this topic.	The assessment should continue to use the best available evidence, ensuring the guidance and parameters set out within recent case law are followed.		Amber
1.3	Air Quality	<p>Operation Phase: Section 1.5.297 states that: <i>"The air quality assessment is inherently in combination as it considers other plans and projects when determining the future baseline (do minimum) scenario."</i></p>	The in-combination approach needs to include details of all of the emissions sources identified and screened in/out to ensure the assessment has considered the impacts to the protected sites fully.	If impacts are found, then the appropriate mitigation / compensation should be included in the HRA, and mitigation measures will need to be secured in the CEMP.	The DCO needs to ensure that all proposed mitigation / compensation is detailed, deliverable and secured.	Amber

		Natural England require clarification that the in combination assessment includes a reasonable search for sources of emissions to air from other sectors; particularly, agricultural. This will not already be captured in the background or modelling approach				
2.1	River Eden SAC & SSSI	Construction Phase: The assessments of significant impact, particularly for the SAC and SSSI habitats and species are generally based on draft mitigation measures within a draft CEMP design and mitigation principles, rather than specific design and mitigation.	If these principles are not strictly adhered to, then this could change the outcome of the assessments. For example, if the bridge designs were to change over the Troutbeck, within the River Eden SAC, this could change the outcome of the assessments and HRA.	The design principles and mitigation measures within the CEMP need to be secured and adhered to during the construction phase of the works.	The mitigation measures need to progress past the draft stage and be updated to include all of the detailed design information required to understand the impacts of the designated features of the River Eden SAC & SSSI.	Amber
2.2	River Eden SAC & SSSI	Construction Phase: The temporary works as part of the construction phase of the project need to be assessed and show detailed design information so that the potential impacts can be considered fully. The biodiversity chapter does not currently detail how and where the temporary bridges will be built, and they have therefore not been fully assessed for impacts in the HRA.	The designs of the temporary bridge also need to be included and assessed further within the biodiversity chapter. There is a little more additional information in the HRA, however further specific information is required.	Additional information is required in the Environmental Statement, as mentioned; detailed design information, location and methodology for the construction of the temporary works. Required mitigation must be secured in the final CEMP.	The Mitigation measures and CEMP need to progress past the draft stage and be updated to include all of the detailed design information required to understand the impacts of the designated features of the River Eden SAC & SSSI.	Amber

2.3	River Eden SAC & SSSI	<p>Construction Phase: Sections 6.7.151 and 6.7.158 conclude that the assemblages of aquatic macrophytes and aquatic invertebrates within the Zone of Influence are considered of Local importance / Low Sensitivity and therefore are scoped out of further assessment.</p>	<p>However, given that the macrophyte assemblages present are within SAC habitats their importance should be higher. They are also sensitive to changes in the physical and chemical aspects of the river habitats. Section 6.7.156 states that sites with a macroinvertebrate assemblage indicative of a high conservation value were recorded. Aquatic invertebrates are a key ecological component of SAC/SSSI habitats, and therefore should be given higher importance in the assessment.</p>	<p>Given the need to increase the importance of the macrophyte and invertebrate assemblages in relation to the River Eden SAC, they should be brought forward into further assessments to ensure that they are thoroughly assessed, so that the proper conclusions are drawn on their impacts. Once assessed properly, the appropriate mitigation should be secured if there are impacts to the aquatic assemblages.</p>	<p>If needed mitigation measures and compensation measures should be recommend in the HRA and secured in the CEMP.</p>	Amber
2.4	River Eden SAC & SSSI	<p>Construction and Operational: Within Table 6-11: Embedded mitigation otter crossings.</p> <p>The table states that the <i>“Bridge with no impact on banks - preferred option. Box culvert second option”</i>.</p> <p>Natural England requires the detailed design of all bridges and crossings to be presented and discussed in order to assess the potential impacts to the designated features and protected species.</p>	<p>The detailed design of all crossings and bridges needs to be shown and be part of the application in order to be able to assess the potential impacts to the designated features.</p>	<p>Natural England need to understand the design of the crossings to understand whether mitigation and compensation is necessary.</p> <p>For the crossing at NY 75040 16117, if the otter holt is destroyed then alternatives need to be provided. 6.10.275 states that two replacement holts will be constructed.</p>	<p>The DCO needs to hold detailed design and evidence of each constructed structures – these all need to be assessed for potential impacts.</p> <p>The provision of replacement Otter habitat needs to be secured within the DCO to ensure no long term affects to the local otter population.</p>	Amber
3.1	Habitat Regulations Assessment	<p>Construction Phase: At present the EMP is in draft form, and specific and detailed</p>	<p>Natural England require the design principles and mitigation measures in the draft CEMP to be secured and not</p>	<p>The mitigation measures have already been drafted</p>	<p>Any measures used to inform the decision about the effects on the</p>	Amber

	Appropriate Assessment Section 1.4.22	<p>mitigation measures are not finalised. Reassurance is also needed that if the project design principles are not adhered to (e.g., the design for an open span bridge with piers across the Troutbeck Floodplain) then the outcomes of the HRA may change.</p> <p>Whilst we agree the outcome of the HRA – that there will be no adverse effect on the integrity of the River Eden SAC, this is dependent on the design principles and mitigation measures in the draft CEMP not changing.</p>	change in order for us to agree to the outcomes in the HRA	but they need to be secured.	integrity need to be sufficiently secured and likely to work in practice. In the case of the DCO, measures used to inform the decision about the effects on the integrity will be secured through DCO itself, via (for example) the DCO Order Limits, Project Design Principles or Environmental Management Plan (EMP).	
4.1	Asby Complex SAC and Ravensworth Fell SSSI	Justification needs to be given to understand why the Asby Complex SAC and Ravensworth Fell SSSI has been scoped out of the air pollution assessments given that they are within 200m of the Affected Road Network.	Further evidence needs to be provided to understand why this SAC and SSSI have been scoped out and needs to be referenced within section 6.10.469	Natural England will be able to comment on mitigation / compensation if it is needed once the evidence asked for is provided.	If needed mitigation and compensation measures will need to be assessed in the HRA and secured within the DCO.	Amber
5.1	Landscape and Visual Impact Assessment (LVIA)	Operational Phase: Table 1 Landscape Value Criteria affords a Very High value to the landscapes of National Parks but only a High value to those of AONBs. This is not correct.	The English National Parks and AONBs are designated on the basis of having the same level of outstanding natural beauty and their landscape and scenic beauty have the exact same level of national planning policy protection. They both have a statutory purpose for conserving and enhancing the area's natural beauty,	AONBs are not explicitly referenced in the table but need to be included in the Very High value category. It isn't clear how the North Pennine AONB has been treated in tables 5 and 6 dealing with Visual value and Visual Susceptibility	Natural England advise that the DCO documents ensure they give the correct weighting to the designated landscapes, to ensure they are assessed correctly.	Amber

			but the National Parks have a secondary purpose of helping people to understand and enjoy their special qualities (usually referred to as their recreation purpose). This principle of equivalence should also be applied to the LVIA's consideration of landscape sensitivity.	Criteria. We therefore advise that this is corrected with the AONB being rated as very high for all assessments and that the LVIA's assessments of significance of effects are reviewed and adjusted where necessary.		
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Natural England's Relevant Representations

PART III: Natural England's detailed comments on the **Development Consent Order (DCO)** and associated documents

DCO or omission ref	Page / Paragraph / Section	Natural England's comments	Risk (Red/Amber/Green)
River Eden SAC and River Eden & Tributaries SSSI			
Environmental Statement Chapter 6: Biodiversity	6.7.170	<p>This section states: <i>“that it might be expected that there would be an overall reduction in the extent of the heavily farmed agricultural land in the surrounding landscape, potentially alongside increases in woodland cover. This is unlikely to increase the value of biodiversity features currently identified by 2029 due to the time taken for newly created habitats to mature”</i>.</p> <p>There are current plans to carry out river restoration work at Troutbeck, with evidence that suggests that the biodiversity and geomorphology generally recovers very quickly after restoration and will therefore be improved by 2029. Further clarification is needed to understand if there is evidence that shows why the decrease in intensely farmed agricultural land would not have a positive effect on biodiversity features as mentioned in this paragraph.</p>	Amber
	6.9.25	<p>This section details some enhancement opportunities that may be possible. Many of these will have biodiversity benefits and will provide indirect benefits to the River Eden SAC, including some of its designated species. However, the Environmental Statement does not say whether these measures will definitely be carried out.</p> <p>The environmental statement needs to state which mitigation and enhancement opportunities that will be carried out and secured in order for Natural England to be able to assess whether the mitigation and compensation is appropriate.</p>	Amber
	6.10.11	<p>When discussing the air quality impacts to the River Eden, this section states that:</p> <p>“When considering the results of the air quality modelling it should be noted that whilst change in deposition rate is a useful metric to understand the net increase in pollutants in the air, this metric is less applicable to this aquatic habitat type. Aquatic plants that are a component of the vegetation community</p>	Amber

	<p>are submerged for the majority of the year due to their growth form, consequently they are regularly inundated and flushed during modest flood events.”</p> <p>Natural England understand the argument made, but find this comment to be quite vague, can scientific evidence that can support this comment and highlight why in this case N depositions will not lead to a nutrient impact on the river be provided.</p>	
6.10.16	<p>This section states that “<i>The potential for hydrological impacts has been reviewed and is identified as not likely, due to the new alignment cuttings being lower than the site, and therefore it is not possible for a hydrological impact upon this site</i>”.</p> <p>Evidence should be provided here that shows that the assessment has assessed whether there will be an impact on the local water table, and thus having a hydrological impact on the Temple Sowerby Moss SSSI</p>	Amber
6.10.27	<p>This section refers to loss of woodland at Skirsgill, including trees on the banks of the River Eden. This ought to be reflected in the River Eden SAC/SSSI section, given that is a loss of river bank habitat.</p> <p>6.10.28 states that mitigation will be in place, including fencing to protect the remaining trees. In addition, any river bank trees that are lost should be replaced to continue to provide dappled shade conditions along the river (though not necessarily at the new outfall location). The provision of replaced habitat / trees should be secured within the mitigation and compensation measures.</p>	Amber
6.10.315	Natural England do not support the use of LA105 as it not HRA compliant, please see comments above in Table 1 for our comments on Air Quality.	Red
6.10.335	Please see our comments in the Table below for the Habitats Regulation Assessment, which are relevant to this section of the Biodiversity Chapter.	Amber
6.10.359 – 6.10.466	<p>These sections assess the impact of air pollution on many woodland designated sites and priority habitats. Whilst the comments about the woodland and individual trees are discussed, the trees/woodland need to be assessed for their lichen and lower plant communities, which are much more susceptible to nitrogen deposition.</p> <p>Other woodland sites in the vicinity (beyond 200m of the ARN or red line boundary) do have important lichen and lower plant communities. They comprise similar woodland communities and underlying geology to those sites assessed in the Environmental Statement, therefore there is the potential for these sites to also have important lichen and lower plant species present, which should be assessed.</p>	Amber
6.10.478	Whilst the main permanent bridges have been designed to be open plan (across the whole floodplain in the case of Troutbeck and a couple of becks in the Appleby – Brough scheme), the impact of the temporary bridge across Troutbeck needs to be assessed.	Amber

		Natural England requires the detailed design and whether a temporary causeway across the floodplain will be necessary to assess the impacts to Troutbeck.	
	6.11.5	Natural England acknowledge that National Highways recommends monitoring visits during the construction phase be carried out every six months. Natural England suggest that these monitoring visits should be much more frequent through the construction areas with the highest impacts and impact pathways the designated sites. The water quality in terms of sediment and turbidity will need regular, frequent monitoring to ensure that the mitigation measures that are in place are preventing sediment run-off and pollution incidents.	Amber
	6.11.7	Natural England welcome the need to monitor habitat creation schemes and recommend that the effluent from the attenuation ponds needs to be monitored to ensure that the ponds continue to function as they should.	Amber
Air Quality Chapter 5			
Environmental Statement Air Quality Chapter 5	General Comments	Natural England note that it was confusing to find the air quality conclusions spread throughout several different documents, it is also difficult to identify which stage of operation is being referred to in each of these conclusions as it is not clear which approach has been taken in which section. Natural England recommends that the air quality chapter includes references to all conclusions drawn in relation to air pollution – describing which stage of the HRA these assessments have been carried out for or whether they are assessing for particular pollution types against certain habitat types. The process contribution of ammonia, NOx and N deposition are not always presented and there seems to be no consideration of direct toxic effects of ammonia and NOx against the critical levels. Natural England recommends that both the process contribution and direct toxic effects are assessed for all three pollutants and included in the assessments within the air quality chapter. The HRA includes assurance that because there is already an existing exceedance that a further breach from additional emissions is okay – this is not the case and should be corrected. The Dutch Nitrogen Case explains that every breach of emissions thresholds should be assessed for detrimental impacts to the protected sites.	Red
	General	The air quality assessment concludes there will be various impacts through its chapter, even though there is a conclusion of no adverse effect on integrity in the appropriate assessment. Where impacts are found and assessed mitigation needs to be provided, this mitigation needs to ensure it is modelled and effective at providing appropriate mitigation for the specific pollutant type.	Red

		Consequently, it is not yet clear as to whether the assessment will capture, with scientific certainty/no reasonable scientific doubt, all the potential impacts of the project to sensitive ecological features/ prevent or significantly slow restoration to the conservation objectives. Further clarification is needed within the air quality chapter and appropriate assessment to ensure the conclusions can be drawn and are of sound scientific evidence.	
Habitats Regulations Assessment: Appropriate Assessment			
3.6 Habitats Regulations Assessment: Stage 2 Statement to Inform Appropriate Assessment	1.4.5	Further clarification is needed here to understand why all of the ecological receptor locations have been modelled at 0m.	Amber
	1.4.19	Natural England would expect no deterioration in water quality, further information is required here to understand whether the Highways England Water Risk Assessment Tool (HEWRAT) takes into consideration water quality when implementing suitable drainage system and mitigation measures.	Amber
	1.5.17	The temporary bridge over Troutbeck is mentioned here but there are no available details. Natural England required the detailed design of the bridge and information regarding whether it will affect the natural function of the river to be presented and referred to in the HRA. The temporary and construction phase works do have the ability to have a detrimental effect on the SAC and therefore should be discussed in the HRA.	Amber
	1.5.24 – 1.5.25	This section concludes no land take is required inside the SAC boundary however section 6.10.27 in the Environmental Statement refers to the loss of woodland at Skirsgill, including riparian trees, this should be discussed here.	Amber
	1.5.92	The statement is vague and whilst a reasonable argument, this requires some evidence/reference/detail to have the necessary level of confidence. However, if we use this argument for all the Diffuse and point source pollution in the river i.e., that it will all be flushed out of the system and therefore not be a problem, why are our rivers unfavourable for nutrient pollution, which can cause changes in macrophyte composition, reduction in Biological Oxygen Demand (BOD), increase in algae which can then have adverse effects on dependent species etc. But Phosphorus tends to be the limiting factor in these freshwater river systems, and the nutrient input from the air pollution is mainly Nitrogen.	Amber
	1.5.98	An existing exceedance of Nitrogen is not a justification to permit further additional emissions (see Dutch Nitrogen Judgement). However, further evidence and discussion needs to be supplied with regards to the impact on the ecology / biodiversity of Nitrogen in comparison to Phosphorus. Phosphorus is likely to be the limiting factor.	Amber
	1.5.514	Please see our comments for section 1.4.19	Amber
	1.5.157	The temporary bridge design principles have been included and discussed here, clarification is needed to understand whether these have been secured and firmly agreed	Amber
	1.5.519	Importantly, the bridge design should not prevent the river (Troutbeck) achieving favourable condition, and there is a proposed river restoration scheme, that should not be compromised by the design. The design principles described should ensure that this is the case.	Amber

	1.5.182	The shape of the flood compensation storage area is very rectangular / regular. Natural England recommend that this takes a much more natural shape, however if it is changed, it should be taken into consideration that this may impact all of the geomorphological and hydrological modelling	Amber
	1.6.31	Please see above 'red' issue in relation to Air quality, a pre-existing breach of 1% does not mean the site can be scoped out of further assessments.	Amber
Landscape Visual Impact Assessment (LVIA)			
3.4	The Scope of our comments on the LVIA		
Environmental Statement Appendix 10.2	<p>Natural England only provides landscape planning advice for proposed development schemes or the parts of those schemes which affect nationally designated landscapes i.e., National Parks and AONBs. This includes development with the setting of a protected landscape which may impact significantly on the ability of the area to deliver its statutory purpose of conserving and enhancing natural beauty. For the A66 Northern Trans-Pennine Project our focus is on the two sections of the scheme which are in the immediate setting of the North Pennines AONB, including abutting the AONB boundary and with ancillary works within the AONB. Those are the Appleby to Brough and Bowes Bypass schemes. Of these two schemes we are focused primarily on the Appleby to Brough scheme because the Bowes Bypass would barely encroach on the AONB itself and, from the information provided, altogether involves a much lower level of change to the setting of the AONB.</p> <p>Our expectation is that the other schemes deeper within the setting of the AONB, particularly the Temple Sowerby to Appleby section, would not have a significant effect on the AONB. We would stress however, that we cannot be definitive on this point and other parties, notably the AONB Partnership, may advise differently based on their direct knowledge of the site and its relationship, visually and in terms of landscape character, to the AONB.</p> <p>We are not providing advice on whether and how any of the schemes comprising the overall project may affect the Lake District National Park or the Yorkshire Dale National Park. The risk of a significant effect on either of these designated areas appears to be small given the distance from their respective boundaries. Again, however we cannot be definitive about this, and we would defer to the two National Park Authorities regarding this matter.</p> <p>Natural England's landscape advice for this road project and regarding the LVIA is high level. Our intention is to highlight issues and potential concerns about how the project might affect the ability of the AONB to deliver its statutory purpose. As the national landscape agency and designating authority for AONBs and National Parks our priority in planning matters is to uphold the delivery of that statutory purpose. We hope that our higher level commentary on the LVIA and the relationship of the project to the AONB will be helpful and complement the advice from local partners</p>		Amber

	<p>which could deal with those individual effects and site/viewpoint specific conclusions of the LVIA in more detail as they are more familiar with the site.</p> <p>We are also primarily focused on the effects of the operational scheme because this will of course produce permanent effects on the AONB. This does not downplay the importance of addressing the construction phase effects, but it is more helpful given our approach to this project to accept that the construction phase, inevitably for any major construction project, will have significant effects even if they are localised in terms of landscape character and may only be notably adverse from specific viewpoints or particular areas for a given period.</p> <p>Policy context and steer</p> <p>We are largely content that the LVIA has drawn on all the relevant national and local policies and relevant sources of information, although:</p> <ul style="list-style-type: none"> • The relevance and importance of the AONB Management Plan (which is a material consideration in planning matters) doesn't appear to be referenced until paragraph 10.7.33. The role of the management plan could be usefully highlighted in the earlier section alongside the national and local policies. The management plan is especially relevant in articulating the defining characteristics and attributes of the AONB or its 'special qualities' and how these are expressed across the designation. Any significant effect on one of those special qualities is likely to translate into a significant effect on the area's statutory purpose. 	
	<p>The benefits of the selected route</p>	
	<p>National planning policy, set out in both the National Planning Policy Framework (NPPF) and the National Policy Statements for infrastructure schemes, provides the highest level of protection for the AONB. The NPPF establishes a default of no major development within an AONB unless exceptional circumstances can be demonstrated, including the scope for 'moderating' (aka mitigating) the impact of the scheme. Both the NPPF and the government's Planning Practice Guidance confirm that the careful location and sensitive design of schemes in the setting of a protected landscape is also a requirement. In relation to this policy framework, we clearly favour the proposed scheme over any alternative which would take the road further into the AONB. That the project would be delivered within the area currently affected by the A66 is also regarded positively because this of course avoids directly impacting landscape character either across the wider AONB or parts of its setting which, from a landscape a visual perspective and in complementing the AONB, is more sensitive to this type of development. The proposed route also appears to offer good opportunities for vegetative screening to visually manage its effect on the AONB.</p>	<p>Amber</p>

	<p>Natural England support the current selected route of the Appleby to Brough scheme as the alternative route would lead the scheme further into the AONB. We contend that:</p> <ul style="list-style-type: none"> • The use of the area by the military has limited the scope for modern and intensive agriculture thereby providing a more ecologically rich landscape. This may contrast with the expectations some may have of a 'tidier' farmed landscape but does not mean that it is a degraded one. • The statutory purpose of the AONB is to conserve and <u>enhance</u> the area's natural beauty. So even if the area had been degraded this would not justify further damaging development or other changes which would limit or completely close down opportunities for its enhancement. 	
	<p>Application of LVIA methodology</p>	
	<p>Reference Document 3.4 Environmental Statement Appendix 10.2 Landscape and Visual Impact Assessment. Table 1 Landscape Value Criteria affords a Very High value to the landscapes of National Parks but only a High value to those of AONBs. This is not correct. The English National Parks and AONBs are designated on the basis of having the same level of outstanding natural beauty and their landscape and scenic beauty have the exact same level of national planning policy protection. They both have a statutory purpose for conserving and enhancing the area's natural beauty, but the National Parks have a secondary purpose of helping people to understand and enjoy their special qualities (usually referred to as their recreation purpose). This principle of equivalence should also be applied to the LVIA's consideration of landscape sensitivity. AONBs are not explicitly referenced in the table but need to be included in the Very High category. It isn't clear how the North Pennines AONB has been treated in tables 5 and 6 dealing with Visual value and Visual Susceptibility Criteria. We therefore advise that this is corrected with the AONB being rated as very high for all assessments and that the LVIA's assessments of significance of effects are reviewed and adjusted where necessary.</p> <p>In relation to the above para 10.4.22 of the LVIA says: <i>Visual sensitivity is a combination of a visual receptor's susceptibility to change and the value of the view. Both of these values can be tempered with professional judgment due to context.</i> Whilst we agree with this, we would expect the AONB designation to contribute heavily to 'context' in rating the sensitivity of a receptor within the AONB.</p>	<p>Amber</p>
	<p>Appleby to Brough</p>	
	<p>This scheme includes a new Warcop junction requiring an overbridge and wider road infrastructure. Para 10.8.14 lists the likely effects of this scheme, including not insignificant elements encroaching on the AONB and altering the</p>	<p>Amber</p>

character of the area, but also the '*introduction of woodland blocks and belts, hedgerows, stone walls and individual trees in order to reduce landscape and visual impacts and restore local character*'. We are pleased that the LVIA's description of changes clearly recognise the type and extent of change to this area within the AONB boundary and in its immediate setting.

We welcome the recognition at para 10.9.48 that: *Environmental design is particularly important for this scheme which passes adjacent to and partly in the North Pennines AONB. As mentioned in section 10.6 the purpose of the North Pennines AONB is the conservation and enhancement of the natural beauty of the area. It is therefore of key importance that the scheme alignment, junction configurations, link roads and alterations to the existing minor roads and lanes and new detention ponds are designed to minimise potential negative impacts on the North Pennines AONB and its setting. DCO document 5.11 Project Design Principles lists specific design considerations for sensitive areas within the project. The potential impacts on areas outside the North Pennines AONB are also a consideration with regard to setting of the North Pennines AONB, landscape character and visual amenity.*

Mitigation

Paras 10.8.53 to 10.8.66 describe the maturing of mitigation measures from year one of the scheme's operation to year 15 particularly from the perspective of a road user. Particularly important statements here are made at:

- Para 10.8.63 '*The boundary of the North Pennines AONB that runs along the northern edge of the road at Warcop would benefit from the establishment of woodland belts and effective screen planting. The buildings, signage and other MoD paraphernalia would be rationalised to create a neater and more contiguous boundary to the North Pennines AONB*'.
- Para 10.8.64 '*In year 15 screen planting would be established at the new junction at Warcop which together with the slackened side slopes would help to fit the junction into the landscape*'.

We note that the assessment of effects and therefore the effectiveness of mitigation measures is only considered for the operational scheme at year one and year fifteen. We recognise that it is the regular practice of an LVIA to present the effectiveness of mitigation measures in the first year of a scheme's operation and typically at year fifteen. It would however be helpful, given that this scheme would involve major changes even if localised, to part of an AONB and its setting, to present how the mitigation would have matured and its effectiveness at a mid-term point.

Effect on special qualities

	<p>We welcome the assessment of effects of this scheme on the management plan's defined special qualities of the AONB summarised in paras 10.10.138 to 10.10.148. The LVIA concludes that there would be no significant impacts on those special qualities, and this is supported by reference to the presence of existing built development and the current A66. We can <u>very tentatively</u> support this conclusion recognising the character of the current baseline environment particularly in relation to the current impact of the A66 on a sense of wildness and remoteness, and the apparent potential to contain the effects of the scheme through mitigation. We would qualify this however, by deferring to the AONB Partnership should their knowledge of the site, its landscape setting and the sensitivity / vulnerability of any of the special qualities challenges that conclusion.</p> <p>The Non-technical summary document says of this scheme that: <i>During construction, this scheme is expected to result in significant temporary adverse effects to landscape character areas, residences, users of recreational sites and PRoW and road users within and in proximity to the Order Limits.</i> It would be helpful to identify which of these effects would occur within or affect the AONB. This point also applies to the Bowes Bypass.</p>	
	<p>Specifically in relation to Bowes Bypass</p>	
	<p>Para 10.8.15 lists the likely landscape and visual effects of the scheme.</p> <p>We accept the conclusion at 10.10.203 that: <i>The scheme will present a minor incursion into the western extents of the North Pennines AONB at the western entrance to Bowes and therefore physical change to the landscape features within the designated landscape will be very limited.</i> We also believe that it is safe for us to accept (subject to the AONB Partnership advising differently) the contention at 10.10.205 that: <i>In relation to the above, the presence of Bowes and the existing A66 negate any sense of relative wildness or remoteness from across the North Pennines AONB within the study area.</i></p> <p>We cannot confirm whether any of the other defined special qualities of the AONB would be adversely affected to a significant degree. The statement at 10.10.207: <i>The study area is therefore considered not to be fully representative of the stated special qualities of the North Pennines AONB</i> is potentially misleading because it suggests that the special qualities of the AONB are all expected to be expressed across every part of the designated area, which both not the case and certainly not an expectation of the area's designation as an AONB.</p>	<p>Amber</p>
<p>Noise and Vibration</p>		

3.2 Environmental Statement Chapter 12 Noise and Vibration	<p>We have also consulted the Noise and Vibration assessment and make the following comments.</p> <p>We support the principle set out at para 12.8.21: <i>Traffic noise reduction measures have been incorporated into the design of the Project by means of the vertical and horizontal alignment and through the proposed use of a low noise surfacing, which results in lower levels of noise generation than a standard Hot Rolled Asphalt surface. The need for further measures, such as noise barriers, has been determined in conjunction with other environmental disciplines, to avoid secondary impacts (including, for example, upon landscape and visual) and discussed in section 12.9: Essential mitigation and enhancement measures.</i> This is of course particularly important with regard to the AONB and its setting.</p> <p>Para 12.9.11 says: <i>Further to the mitigation integrated within the Project design, consideration will be given to developing enhancements during detailed design of the Project.</i> We would encourage full consideration of the AONB in considering what noise adaptive enhancements can be included within the project, especially measures to reduce traffic noise as far as practicable using specialised road surfacing. Although expected road noise increase produced by the project and affecting the AONB are deemed negligible or minor (but with a moderate increase at Hayber Lane and Felt Lane within a relatively small area of the AONB) this project does represent a once in a generation opportunity to perhaps take traffic noise levels in the AONB to a lower level. This enhancement would be fully commensurate with the national designation status of the AONB.</p>	Amber
Agricultural Land and Soils		
Environmental Statement Appendix 9.5	<p>Soils and Agricultural Land Quality</p> <p>Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.</p> <p>The A66 Northern Trans Pennine Project DCO application Site is approximately 920 ha. Based on the information provided within the ES (Appendix 9.5; ALC Factual soil survey Report), an ALC survey has been undertaken on 797.5 ha of the site, of which 593.7 ha is agricultural land (a further 122.8 ha of the site was not surveyed due to access constraints). Please note there are discrepancies in the total areas between Chapter 9 and Appendix 9.5.</p> <p>The proposed development will result in the permanent loss of 313.9 ha agricultural land, of which 142.9 ha is BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system) agricultural land. Furthermore, the</p>	Amber

	<p>proposed development will result in the temporary loss of 185.3 ha agricultural land, of which 112.6 ha is BMV agricultural land.</p> <p>A soil survey has been completed along the route to compliment desk study information and confirm soil conditions, quality and ALC Grades and location.</p> <p>The information has been used to assess impacts to permanent and temporary land take and identify measures to avoid and / or minimise adverse impacts.</p> <p>It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation and landscaping, as described in the Outline Landscape and Ecological Plan, Annex B1), and that a proportion of the agricultural land will experience temporary land loss or disturbance (for example as a result of temporary construction compounds and access etc). In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration of how adverse impacts on soils and their functions can be avoided or minimised.</p>	
	<p>Appendix 9.5 Factual Soil Survey report</p>	
	<p>The ALC field survey has been undertaken by ADAS in line with the MAFF 1988 'Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land'.</p> <p>Detailed comments on the ALC</p> <ul style="list-style-type: none"> • The ALC survey has been undertaken in line with the MAFF 1988 'Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land', at an approximate sampling density of one observation per hectare or one observation per 100 m along the proposed road corridor. • The name, qualification and experience of the lead surveyor undertaking the ALC survey work is not given. This is important to demonstrate the likely competence of the lead surveyor. See Section 6.2 in the Guide to assessing development proposals on agricultural land. • Soil profile pits have been excavated in the majority of the main soil types to give additional information on the structural characteristics of the soil. 	<p>Amber</p>

	<ul style="list-style-type: none"> • It is not clear whether the unsurveyed areas will be subject to subsequent ALC field survey to inform the SMP. • Droughtiness calculations should be shown in this section. • The ALC data and calculations presented in the Appendices are inconsistent between, and sometimes within each section. A consistent means of presenting the complete data would be clearer, including arranging the auger samples in numerical order. <p>Data on the laboratory assessment of particle size (PSD) is provided (Appendix 9); however, information is not provided on the sand size (fine, medium, coarse) and information is also needed about how this limited point information has been used in identifying soil texture for the wider site.</p>	
Agricultural Land and Soils	<p>2.7, Environmental Management Plan</p> <p>An Environmental Management Plan (EMP (Application Document 2.7)) has been prepared and mitigation measures appropriate to geology and soils have been included, making reference to the Defra 2009 <u>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</u>. Natural England welcome the preparation of a Soil Management Plan (SMP; Annex B9), however the available site-specific soil data should have been incorporated into the SMP at this stage. In addition to the commitments provided in Table 3-2 (EMP) and the SMP (Annex B9), the SMP should also include:</p> <ul style="list-style-type: none"> • The SMP should include the type and volume of each soil type to be stripped and stockpiled. Stockpile details including slope angle and height, as well as stockpile locations and content (i.e., soil type) should be included. • A soil balance should be included, to identify the amount of each soil resource available for re-use, to inform restoration and landscaping • The nutrient status of the anticipated surplus soil units should be included to inform the potential suitability for biodiversity enhancement; and where required, the location of soil storage and restoration, derived from the ALC survey. • Mitigation measures should include the provision of an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. • For areas of temporary development, the ALC grade determined from the soil survey should be used to inform the restoration criteria, with temporarily disturbed BMV land returned to the same quality as far as practicable to minimise potential loss. 	Amber

		<ul style="list-style-type: none"> For the area of permanent development, the SMP should demonstrate the sustainable, beneficial soil re-use of potential surplus soil resources. No soil should be disposed of. Please note the British Standard for topsoil (BS 3882:2015) are specific to imported or exported soil resources only, and not for site-won soil resources. The SMP should include an aftercare programme which would enable a satisfactory standard of agricultural after-use to be reached, with regards to cultivating, reseeded, draining or irrigating, applying fertiliser, or cutting and grazing the site. Consideration regarding the soil handling and mitigation measures potentially required for peaty and peat soils. Figures of the soil types; stockpile locations and restoration should be included in addition to the soil drawings suggested in Annex B1 LEMP (3001: Soil stripping & Soil Storage and 3002: Soil Spreading) 	
Agricultural Land and Soils	Landscape and Environmental Management Plan, Annex B2		
	<p>The Landscape and Environmental Management Plan (Annex B2) currently suggests a potential option of topsoil stripping for the species rich grassland.</p> <ul style="list-style-type: none"> This would result in the disturbance or potential loss of soil which is not currently considered in the EIA (Chapter 9). Topsoil stripping will result in a surplus of the finite soil resource. All soil should be reused on site, as stated in B9.3.8 (SMP; Annex B9). Natural England welcome the commitment to include soil testing for nutrient status across the site (B9.2.3; Annex B9) and advise that the landscaping and seed mix is tailored to the soil resource present on site, avoiding the need for topsoil stripping. Given the proposed area of permeant land take, the importation of topsoil seems inappropriate. A soil balance should be prepared to identify the surplus of different soil types across the Site and identify opportunities for the sustainable re-use of this resource on site. 		Amber
Agricultural Land and Soils	General Comments	<p>Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled.</p> <p>Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design. Defra has published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which may be helpful when setting planning conditions for development</p>	Amber

		<p>sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed.</p> <p>The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.</p>	
Pennine Bridleway Northern Extension			
Document 2.4 Walking, Cycling and Horse-Riding Proposals	2.4	<p>Natural England support the Yorkshire Dales National Park's comments on the need to include the Pennine Bridleway Northern Extension and the suggested mitigation measures to improve access:</p> <p>The Pennine Way crosses the A66 in two places at Bowes, and the Pennine Bridleway Northern Extension is also proposed to cross between Appleby and Warcop.</p> <p>The Pennine Way has been acknowledged in document 2.4 Walking, Cycling and Horse-riding Proposals, and sufficient provision has been made for the route to be retained after dualling is complete.</p> <p>There is no mention of the Pennine Bridleway Northern Extension in the aforementioned document, nor it's need to cross the A66. The Northern Extension was approved by the Secretary of State for the Environment, Transport and the Regions, but has not yet been implemented. As the route will carry pedestrians, cyclists and horse riders, a suitable grade-separated crossing is required, along with potential to link to existing or newly created bridleways/byways or minor roads to the north and south. The approved route of the Northern Extension did not consider the dualling of the A66 and utilised the only grade-separated crossing which was available at the time (at Coupland). This route is not ideal for a number of reasons, including the need for a substantial new bridge over the river Eden at Great Ormside.</p> <p>The dualling of the A66 provides an opportunity for the Northern Extension to utilise the existing river bridge at Sandford, and the proposed accommodation underpass near to Café 66 or the grade separated junction west of Warcop. Both of these grade separated crossings link to the east-west shared cycleway/footway on the north side of the carriageway. However:</p> <ul style="list-style-type: none"> The east-west shared cycleway/footway does not extend all the way to the Coupland Beck underpass. Extending this to connect with the underpass would provide greater opportunity for connectivity of walking, cycling and horse riding routes. Especially, the opportunity for the Pennine Bridleway Northern Extension to use the Sandford bridge over the River Eden, and a new grade- 	Amber

		<p>separated crossing of the A66, and then connect up with the approved route northwards at Coupland.</p> <ul style="list-style-type: none">• The east-west shared cycleway/footway makes no mention of horse riders or mobility devices such as trampers. These user groups are just as valid, especially with the potential of a National Trail using the route in future. The east-west route should be designed as a truly multi-user corridor.• The design of the grade-separated crossing at Warcop only refers to pedestrians. With the future potential of carrying the Pennine Bridleway National Trail, this junction should be designed with horse riders and cyclists in mind. The junction will provide connectivity for these users from a minor road to the east-west shared cycleway/footway regardless of the future presence of the Pennine Bridleway.	
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Appendices A: Environmental Management Plan comments

Document 2.6, Environmental Management Plan

Natural England sent these comments to National Highways consultants Arup on the 26th of July 2022, they are attached below to ensure all of Natural England's up to date advice is easily accessible.

Section	Comment
General	Many of the biodiversity (and other) sections refer to detailed method statements to be agreed in the future, and the detail is not included in the EMP at this stage – only principles that will be followed. This approach still leaves lot to be agreed at a later stage. It needs to be ensured that all of the methodologies are picked up in the HRA, and that all mitigation measures in the HRA are included in the EMP, Method Statements and other documents. There needs to be a process in place to reassess the impacts on the River Eden SAC if the plans materially change between approval and construction.
MW-BD-02	Fish and crayfish rescues will need to be carried out whenever there are in river works, not only when the entire watercourse is dewatered.
D-BD-02	If macrophyte beds (outside the SAC/SSSI) will be lost, translocation will be worth considering, though would need to do some research on this to have the best chance of success.
D-BD-04	For the Troutbeck crossing this section is ambiguous. The crossing needs to span the whole flood plain (with piers), but the paragraph refers to bridge abutments 5 or 8m from the river bank. This may be acceptable for some of the smaller tributary crossings, but not the Troutbeck Crossing (within the River Eden SAC), where there should be a minimum number of piers, no abutments in / adjacent to the river, and no embankment across the floodplain. The design principles for the bridge in document 5.1.1 are much clearer.
D-BD-08	In addition, an NE licence will be required to carry out white-clawed crayfish rescue. EA licence also required for electrofishing/fish rescue.
MW-BD-15	The document states that project will not start in the vicinity of the River Eden SAC until a method statement is developed in detail, though at present Annex C1 of the EMP, does to contain that much more detail. Mechanisms need to be in place to reassess proposals if the principles in the EMP and Annex CA are materially changed.
MW-BD-18	The surveys that have been carried out should be able to ascertain whether the scheme is within 30m of a badger set, and therefore know at this stage

	whether suitable measures are included in a method statement, and determined now, rather than later.
D-RDWE-05	<p>This paragraph states that the mitigation for the design of the water crossings is in Appendix 14.4: Hydromorphology assessment App document 3.4. This section states that the minimum requirement for the Troutbeck Crossing Bridge design will be determined by further hydraulic modelling and geomorphological input.</p> <p>Exploration of potential to re-naturalise watercourses is stated. However, the Troutbeck crossing design and method statements need to ensure that the proposed river restoration scheme at Sleastonhow is achievable. i.e., the potential for the River Eden SAC to be in favourable condition is not compromised.</p>
D-RDWE-06	Note that the impact on Dyke Nook Fen needs further detailed surveying and assessment, and mitigation design. This will require further consultation with NE re this priority habitat.
D-RDWE-11	This refers to the potential requirement of flow control structures and that they should not adversely affect upstream and downstream continuity (e.g., fish passage). They should also not impact on sediment movement or alter the geomorphology e.g., create scouring etc. What are the locations of these? Will there be any located in the River Eden SAC or its tributaries?
D-RDWE-12 (and 13, 14)	This states that there will be consultation with the relevant authorities in relation to detailed hydrological, geomorphological, flood risk and drainage designs. To be able to assess the project (and particularly where these may impact the SAC), these detailed designs need to be developed.
MW-RDW-09	In order to be assessed appropriately the detail of the method statements and the EMP need to be known – this section does not provide enough detail on the proposed methods for the establishment and decommissioning of the temporary infrastructure in the vicinity of the River Eden.
M-RDWE-04	The design for the piers needs to ensure that they will withstand movement of the river and possible incision of the river bed in the future, are resistant to scouring and will not need remedial protection work in the future.
2.7 EMP Annex C1 Working in and near SAC method statement	
C1.3.1	This section states that there <i>is the requirement to construct a large overbridge over the Trout Beck, using a multi-span solution with multiple piers located in the Trout Beck to cover a distance of approximately 400m (in order to prevent disruption of flood flows and geomorphological processes)</i> . This should read that there will be no piers located within Troutbeck itself, and there will be multiple piers within the floodplain.
C1.2.9	The introduction of crayfish plague is also a key risk.

C1.3.7	Whilst the subsequent paragraphs state that the haulage road and working platforms will be constructed at ground level, will this be the same for the temporary bridge or will a causeway/ramp be needed to access the bridge?
C1.3.10	The methods used to build the foundations for the piers should ensure that the piers will withstand movement and incision of the river in the future, are resistant to scouring and will not need remedial protection work in the future.
C1.4.10	There is no mention of other forms of sediment control such as silt fences and bunds etc, which are also likely to be needed.
C1.4.17	Whilst important to limit movement of vehicles from the eastern schemes to those in Cumbria, also need to ensure that full biosecurity measures are carried out for plant and personnel from other parts of the county/country.
C1.4.18	Does there need to be any storage of materials in areas likely to flood?
C1.4.19	Bank stability – if this is required that there need to be some principles to govern it e.g types of material to be used, temporary or permanent, when is it required, are green solutions a possibility?
2.7 EMP Annex C2 Working in watercourses Method Statement	
General	The comments we have on this Annex are covered in Annex C1
2.7 EMP Annex B1 Outline Landscape and Ecology Management Plan	
Table 5 and 6	<i>Sorbus torminalis</i> and <i>Sorbus aria</i> are not particularly appropriate for the Eden catchment part of the project. Whilst there are a couple of black poplar <i>Populus nigra</i> present in the Eden valley, it would be good to increase the population, particularly in the Kirby Thore area.
B1.21.51	We would like to see the identified mitigation in the section for watercourses implemented.

5.1.1 Project Design Principles

Section	Comment
Table 4-2. 0102.06	Whilst we recognise that the siting and profiling of the attenuation pond at Carleton Hall Park needs to ensure that there is no adverse effect on the parkland setting, equally, the pond should not be located within the flood plain of the River Eamont, and not in a position where it is at risk from lateral movement of the river (and hence need protecting) in the future.

Table 4-6. 0405.11	Further discussion is needed about the design of the flood compensation on the Trout Beck flood plain. It also needs to have regard to any future river restoration that is carried out in this location.
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Appendices B Draft Habitats Regulations Evidence Plan

Natural England have worked closely with Arup and National Highways during the pre-application stage and are aware of the draft habitat's regulations evidence plan. We will continue to work with Arup to ensure that our outstanding issues can be resolved, continuing to update the evidence plan as necessary.

Appendices C: Draft Statement of Common Ground

Natural England and National Highways have worked together to create the Statement of Common Ground, our latest update was sent on the 4th of July 2022 and is attached to the email sent to PINs on the 3rd of September. We will continue to work through our outstanding issues with National Highways.

The principle issue in question	The brief concern held by Natural England which will be reported on in full in WR / LIR	What needs to; <ul style="list-style-type: none"> • change, or • be included, or • amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
Air Quality – the use of LA105.	Natural England do not support the use of LA105 as it is not Habitat Regulations Assessment compliant.	Natural England require further information to understand how the assessment has been carried out, what the concluding statements are for the environmental statement and clarification of the methodology for assessing in-combination emission sources.	Natural England and National Highways are in discussion and working together to produce a new assessment method/ guidance method for assessing road traffic air pollution emissions. Natural England recommend that projects use NEA001 Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations, while the new guidance is being prepared.
The production of mitigation measures and the draft CEMP are welcomed but provide no assurance that they will be secured and therefore mitigate the impacts to the various designated sites	<p>Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice. In the case of the DCO, measures used to inform the decision about the effects on the integrity will be secured through DCO itself, via (for example) the DCO Order Limits, Project Design Principles or Environmental Management Plan (EMP).</p> <p>At present the EMP is in draft form, and specific and detailed mitigation measures are not finalised. Reassurance is also needed that if the project design principles are not adhered to (e.g., the design for an open span bridge with</p>	The proposed mitigation and design principles need to be secured and included in a finalised CEMP to ensure we can agree with the outcomes of the HRA	The mitigation measures and design principles should be able to be finalised and secured during the examination. Natural England will continue to work with National Highways to ensure these are appropriate.

	<p>piers across the Troutbeck Floodplain) then the outcomes of the HRA may change.</p> <p>Whilst we agree the outcome of the HRA – that there will be no adverse effect on the integrity of the River Eden SAC, this is dependent on the design principles and mitigation measures in the draft CEMP not changing.</p>		
NSIP Self-Approval Process	<p>The Statutory Environmental Bodies (NE/EA and HE) share general concerns over the NH self-approval process as there are many elements of the project still to be worked up. Further clarification is needed as to what this will entail to enable a fuller assessment of the proposals against our respective statutory remits.</p>	<p>Natural England will continue to discuss with National Highways and their consultants on what further information is needed to overcome our concern surrounding the self-approval process and the missing detailed design information required for this project.</p>	<p>Natural England will continue to work with National Highways to understand the new self-approval process and continue to work with their consultants on specific areas of disagreement as set out in our Relevant Representation letter.</p>

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

07 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**

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

Version	Date	Status of Version
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Rev	Suit. Code	Suitability		Purpose of Issue		
C01	A	Approved for Stage Complete		For DCO Submission		
		Created	Checked	Reviewed	Approved	Authorised
	Name	S.Reeson	H.Smith	M.Smith	P.Carey	A.Johnson
	Date	07/06/22	07/06/22	07/06/22	07/06/22	07/06/22

Rev	Suit. Code	Suitability		Purpose of Issue		
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		Created	Checked	Reviewed	Approved	Authorised
	Name	Error! Unknown document property name.	Error! Unknown document property name.	Error! Unknown document property name.	Error! Unknown document property name.	Error! Unknown document property name.
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Rev	Suit. Code	Suitability		Purpose of Issue		
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STATEMENT ON COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1)
National Highways Company Limited and (2) Natural England

Signed.....

[NAME]

Head of Design & DCO

On behalf of National Highways

Date: **[DATE]**

Signed.....

[NAME]

[POSITION]

On behalf of Natural England

Date: **[DATE]**

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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
Appleby to Brough	Natural England Stat Con Response - 22 October 2021	Crossing of Tributaries of the Eden SAC need to be passable for freshwater species such as Salmon, Otter and Lamprey species to avoid species fragmentation.		Under discussion	04.07.2022
Long Marton Land End Junction	Natural England Response – January 2022	Natural England note that the new road design will be much closer to Troutbeck (River Eden SAC) and that there will be a discharge to		Under Discussion	04.07.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
		<p>the beck. The revised PEIR section should acknowledge this. The Habitats Regulations Assessment will need to assess the new road design to ensure it avoids adverse impacts to the River Eden SAC.</p>			
Design and function of balancing ponds	Verbal comments in Technical Working Groups	Need reassurance that all of the balancing ponds will be wildlife friendly and can accommodate surface water run-off and that there will be no pollutants entering the SAC watercourse.		Agreed?	04.07.2022
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
Alternatives – Table 3.6	Natural England Stat Con Response - 22 October 2021	<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</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	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
		<p>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>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"> • 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) (Application Document Number 2.7)). • 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. • Specialist geomorphologist input throughout the detailed design of the Project to inform 		

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			<p>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.</p> <ul style="list-style-type: none"> 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. 		
Biodiversity 6.8.2	Natural England Stat Con Response – 22 October 2021	With regards to Troutbeck, within the River Eden SAC, the design of the crossing would need to have a clear span (with piers) across the whole floodplain i.e., not just set back 5m from the river's edge.		Under Discussion	04.07.2022
Table 6-3	Natural England Stat Con Response – 22 October 2021	There will be land take of functionally linked land to the River Eden for additional schemes than has been identified – M6 Junction 40 to Kemplay Bank. There are minor water course crossing and likely discharges that may impact on the SAC.		Under Discussion	04.07.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
		<p>Temple Sowerby to Appleby: Extra care must be given if land inside the red line boundary is functionally linked land. Given that there will be a clear span bridge over the Troutbeck, there should not be any land take within the boundary. The temporary land take e.g., for compound area etc, should not be located within the floodplain of Troutbeck or the Eden.</p> <p>HRA should consider Competition from non-native species/ introduction of disease, Change in flow or velocity regime, creation of barriers Habitat/community simplification.</p> <p>This in turn can impact upon the extent and distribution of habits and species; structure and function of the watercourses, habitat mosaics, riparian zone, floodplain, natural flow regimes, natural sediment regimes, thermal regimes; biological connectivity, invasive/introduced species, key distinctive species (in addition to those designated in their own right), vegetation structure of riparian zone and macrophytes, water chemistry and quality and air quality. Table 4.1 does discuss</p>			

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		some of these issues, and we agree with the conclusions where a likely significant effect has been identified, however the structure of the table is not that straightforward to follow.			
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.	Not Agreed	04.07.2022
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	Under discussion Agreed	13.06.2022 04.07.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			National Highways does intend to submit such a document prior to the commencement of examination of the Application.		
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"> • Surveys to identify invasive and non-native species will be undertaken to confirm specific locations where INNS are present. • Measures shall be specified to avoid the spread of invasive and non-native plants, such as Himalayan balsam and of 	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			species, such as Signal crayfish.		
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</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
		construction or operation of the Schemes.			
	Natural England Stat Con Response - 22 October 2021	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.	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). 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	Under discussion	13.06.2022

Issue	Document References (if relevant)	Natural England Position	National Highways Position	Status	Date
			<p>confirms the following embedded mitigation for bats.</p> <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</p>		

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			<p>possible to the carriageway edge in a departure from standards, will 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"> - The detailed ALC and soil survey must be undertaken by suitably qualified and experienced individuals. - 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). - Laboratory assessment of soil particle size should be undertaken as appropriate. 	<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.		
Landscape and Visual	Natural England response, Jan 2022	The Appleby to Brough section of the widened road will of course be within the immediate setting of the AONB with some consequential effects on views from and to the designated landscape. That changes to the design, particularly more elevated river crossings, will increase the visibility of the road within the landscape is noted. We look forward to receiving more information on how reinstated planting, and potentially additional vegetation screening, can help to manage and reduce that impact.		Under Discussion	04.07.2022
District Level Licensing		Natural England have agreed the location and payments of the compensatory ponds through the District Level Licensing Team		Agreed	04.07.2022

4 APPENDICES