

Date: 16 December 2022
Our ref: 415176
Your ref: TR010062.



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BY EMAIL ONLY

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Dear Mr, Allen,

NSIP Reference Name / Code: A66 Northern Trans-Pennine Project
User Code: A66D-EIA006

Title: Natural England's Written Representations Summary

Examining authority's submission deadline 18th December

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.

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

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. We have 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 have provided further advice on the air quality issues last discussed in our relevant representations. We note that National Highways have committed to producing a further technical note, regarding the use of aspects from LA105 and NEA001, the assessment of ammonia and further information about emission sources in the in-combination assessment.

Natural England have responded to National Highways response to our relevant representations for the EMP; stating where we agree or where we need further information entering into the EMP. We have provided a response to National Highways in our Landscape section about the rating of the AONB and provided an additional comment on the droughtiness scores.

The Statutory Environmental (Natural England, Environment Agency and Historic England) share general concerns over the National Highways self-approval process as there are many elements of the project still to be worked up. The self-approval process may pose a risk of detrimental impacts to the environment without sufficient regulatory review. We will all continue to engage with National Highways to work through and advise on the proposed self-approval process and seek further clarification as to what the National Highways self-approval process will entail to enable a fuller assessment of the proposals against our respective statutory remits.

We were reassured by the Examining Authority (ExA) during Issue Specific Hearing 2 on 1 December 2022 that the self-approval proposals proposed by the applicant will be considered in depth during the examination process. We have made specific comments regarding timescales for the review of material submitted under the EMP self-approval process so while the comments from the applicant in PDL-013 about pre-application engagement are noted, we do not consider that they wholly address our concerns, and we will continue to engage with the applicant during the ExA in relation to the self-approval process as a whole. We want to ensure that if this process is accepted by the ExA and it becomes a template for other DCO applications in the future, we have a clear role in the decision making processes set out in the EMP and there is flexibility around our consultation arrangements where necessary. We also consider that the significance of any changes proposed to later versions of the EMP that the Secretary of State is asked to consider should be informed by the views of all relevant statutory parties and we would hope to see this reflected in the DCO.