



A66 NORTHERN TRANS-PENNINE DCO

**Written Submission of case put orally at the Hearings held from 29 November 2022
to 2 December 2022**

**Cumbria County Council, Eden District Council, North Yorkshire County Council and
Richmondshire District Council**

18 December 2022



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1 INTRODUCTION

This document summarises the case made orally by Cumbria County Council (CCC), Eden District Council (EDC), North Yorkshire County Council (NYCC) and Richmondshire District Council (RDC), together for the purposes of this document only, “the Councils” who are 4 of the host authorities for the National Highways’ (NH) A66 Northern Trans–Pennine DCO (**the Project**) at the Hearings which commenced on 29 November 2022.

Michelle Spark, Partner at Weightmans LLP represented the Council’s at the Hearings.

2 OPEN FLOOR HEARING 1

The Councils offered no comments during Open Floor Hearing.

3 ISSUE SPECIFIC HEARING 1

The Councils offered no comments during Issue Specific Hearing 1.

4 ISSUE SPECIFIC HEARING 2

4.1 Agenda Item 2.2 – The Approval Process

The ExA questioned the representatives of the local authorities as to whether they were content with the proposed consultation arrangements prior to the approval of the second iteration of the Environmental Management Plan (EMP) as set out in the draft Development Consent Order (DCO).

Approval Process for the Second Iteration of the EMP

The Examining Authority asked the local authorities whether they accepted that the draft DCO required the Secretary of State to approve the second iteration of the EMP and whether the local authorities were content with the proposed process. MS indicated that the authorities were not currently fully content, particularly regarding the consultation timescales involved as the second iteration consultations will be provided on a scheme by scheme basis. MS also indicated that there were concerns regarding the self –approval process which would be discussed next. MS stated that it was the intention for the authorities to make written representations on this matter at Deadline 1. MS did confirm however that in terms of the



generality of the proposed process for referring the second iteration to the Secretary of State for approval the local authorities were content with this.

Approval Process for making changes to the second iteration of the EMP

The ExA discussed with the NH the process for making amendments to the second iteration EMP and the self-approval process that was proposed. The process as currently set out in the draft DCO required major changes to be referred to the Secretary of State for approval but allowed minor changes to be approved by National Highways without recourse to the Secretary of State.

MS sought clarification on what regulatory mechanism existed to resolve disputes between the authorities and NH in circumstances where there wasn't agreement as to whether a particular change needed to be referred to the Secretary of State and how the issue as to whether or not a matter was considered substantial would be determined.

Following a discussion between NH and the ExA, the ExA asked MS to confirm that the local authorities were looking for a regulatory check which meant that NH would be required to notify the Secretary of State that a proposed change to the EMP was contemplated and that they believed didn't require formal Secretary of State approval and for the Secretary of State to be able to consider whether this was the case or otherwise.

MS confirmed that this was indeed the sort of regulatory check that the local authorities would wish to see incorporated into the text of the draft DCO.

4.2 Agenda Item 3 – Environmental Matters

3.3 – Flooding and Drainage

The ExA asked for the current status of any discussions and agreement with the local authorities and any Lead Local Flood Authorities.

MS advised that for NYCC and CCC, that her instructions were that there had been limited engagement from NH to date and that they would welcome further engagement on this issue ASAP.



5 COMPULSORY ACQUISITION HEARING 1

5.1 Agenda Item 2.4

MS stated that she was acting on behalf of CCC on this matter.

MS stated that she had instructions that from CCC in relation to Plot 0102-01-35. MS indicated that there had been negotiations with NH in relation to this plot and others over a number of months. It was currently shown on plans that the offices in question were required on a permanent basis. The offices were used for essential childcare related services and while it was now understood they may only be required on a temporary basis there was a need for urgent engagement with NH on this matter and MS wished to put this fact on the record.