



DURHAM COUNTY COUNCIL

A66 NORTHERN TRANS-PENNINE PROJECT

LOCAL IMPACT REPORT

15 DECEMBER 2022

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1.0 INTRODUCTION

- 1.1 This Local Impact Report (LIR) has been produced by Durham County Council (DCC) in response to the A66 Northern Trans-Pennine Project ('the Scheme'). The Scheme is being progressed by an application for Development Consent by National Highways ('the Applicant') that was accepted by the Planning Inspectorate on 19th July 2022.
- 1.2 Under Section 60 of the Planning Act 2008, local planning authorities are invited to submit a LIR as part of the DCO process. Section 60(3) of the Act defines the LIR as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition. Under Section 104 of the Act, the Secretary of State 'must have regard to' the LIR when deciding on a DCO Application.
- 1.3 DCC has had regard to the purpose of LIRs as set out in Section 60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Reports, in preparing this LIR.

Scope

- 1.4 The Scheme comprises the improvement of the A66 between the M6 at Penrith and the A1(M) at Scotch Corner running through the administrative boundaries of Cumbria County Council, Eden District Council, Durham County Council, North Yorkshire County Council and Richmondshire District Council.
- 1.5 The proposed development comprises eight schemes to improve the A66 between M6 J40 at Penrith and A1(M) J53 at Scotch Corner. The scheme as a whole would involve improving the junctions on the M6 and A1(M) as well as improving six separate single carriageway lengths of road to dual carriageway standard and making improvements to the junctions within each of those lengths. The nature of the planned improvements includes online widening (adjacent to the existing road) of the carriageway as well as offline construction (new lengths of road following different routes but reconnecting into existing lengths of the A66 that are already dualled).
- 1.6 The LIR does not describe the proposed development any further, relying on the Applicant's description as set out in Examination Document APP-045.
- 1.7 The Scheme as set out in the DCO application is divided into eight schemes, two of which are located in County Durham with these being:
 - Scheme 7 – Bowes Bypass; and
 - Scheme 8 – Cross Lanes to Rokeby comprising new junctions at Cross Lanes and Rokeby.
- 1.8 This LIR relates to the impact of the A66 North Trans-Pennine Project as it affects the administrative area of DCC.

Purpose and structure of LIR

- 1.9 The primary purpose of the LIR is to identify any potential local impact of the proposed development and identify the relevant local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.
- 1.10 This document does not assess the compliance of the Scheme with the National Policy Statement on National Networks ('NPSNN') and does not seek to replicate the assessments that are contained in the Environmental Statement (ES) that accompanies the application.
- 1.11 Topic based headings set out how DCC considers the proposed development accords with relevant planning policy and any potential local impact of the development. These headings are a combination of the matters raised in DCC's RRs (Application Document RR-073) and topics considered in the ES submitted by the applicant.
- 1.12 DCC's RRs (Application Document RR-073) to PINS dated 31 August 2022 sets out the Council's position with regard to the scheme. This LIR does not seek to repeat those. The Applicant has responded to DCC's RRs (Examination Document RR-073) on 16 November 2022 (Examination Document PDL-013) which DCC has reviewed, and comments are set out in DCC's letter to PINS dated 14 December 2022.
- 1.13 This LIR has sought not to duplicate material covered by the Statement of Common Ground (SoCG) (Examination Document APP-278) or the Principal Areas of Disagreement (PADs) (Examination Document AS-002). It should be noted that the SoCG is a live document and has not yet been finalised and nor have the PADs. It is intended that this LIR will also play a role in informing the content of the SoCG and the PADs that will be agreed between DCC and the Applicant as part of the examination process.

2.0 DESCRIPTION OF THE AREA

General

- 2.1 The A66 roughly follows the line of a Roman road and as a result is straight in alignment for long sections, with notable deviations as it passes around key settlements along the route.
- 2.2 The road within County Durham lies within an area of rolling landscape. Land that surrounding the A66 is predominately agricultural, with a number of farms adjacent to and having direct access onto the A66. The village of Bowes lies directly to the south of the A66. Hulands Quarry and Kilmond Wood Quarry are located to the north and south of the road roughly in the central part of the road within County Durham.
- 2.3 A number of landscape, ecological and designated and non-designated heritage assets are located along the route of the A66 or in the immediate vicinity of it. These include the North Pennines Area of Natural Beauty (AONB), an Area of Higher Landscape Value (AHLV), Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI), Local Wildlife Sites (LWS) and Ancient Woodland. In terms of historic designations these include Conservation Areas, Scheduled Monuments, and a number of Grade I, II* and II listed buildings as well as the Rokeby Park Grade II Park and Garden of Special Historic Interest. There are also a number of Roman remains in the area, some of which will be close to the route of the Scheme but there are no archaeological features worthy of preservation in situ which have been identified along the section of the route lying within County Durham although as this route follows a Roman Road it is possible there may be such items exposed during construction. In addition, there are a number of public rights of way which cross the A66.
- 2.4 The River Greta and a number of tributaries are situated at a distance to the south of the A66 and the areas identified by the proposed Scheme within County Durham lie within Flood Zone 1. The A66 lies within a Groundwater Vulnerability Area as defined by the Environment Agency.
- 2.5 The ES includes a description of the route of the A66 as a whole and within County Durham along with details of the landscape designations.

3.0 RELEVANT PLANNING HISTORY AND RELEVANT PLANNING PERMISSIONS

Planning History

- 3.1 There is no relevant planning history associated with the current Scheme.

Relevant Planning Permissions

- 3.2 With the exception of planning permissions in place for mineral extraction at Hulands Quarry and Kilmond Wood Quarry there are no consents for other significant development in the vicinity of the proposed scheme.
- 3.3 Hulands Quarry and Kilmond Wood Quarry are established quarries with long planning histories but with more recent planning permissions having been granted. Hulands Quarry (6/2008/0003/CM (DCC Ref: CMA/6/36) dated 18 May 2009) Conditions 7 and 8 require mineral extraction to cease no later than 14 September 2024 with restoration by 18 March 2026. Kilmond Wood Quarry (DM/20/03672/VOCMW (dated 28 May 2021) and DM/20/03673/VOCMW (dated 28 May 2021). Planning Permission Nos. DM/20/03672/VOCMW and DM/20/03673/VOCMW (Conditions 4 and 5 of both) both require the winning and working of mineral; and deposition of mineral waste to cease not later than 21 February 2042. Removal of all buildings, plant, machinery, structures and foundations and site restored in accordance with restoration requirements within 18 months of permanent cessation of winning and working of minerals.
- 3.4 Planning application no. DM/22/01533/MIN for Proposed eastward extension to Hulands Quarry for the winning and working of 14.3 million tonnes of Carboniferous Limestone and continued use of the site offices and mineral processing plant including the asphalt plant and the recycling of imported road planeings and road base until 14 September 2072 and the completion of restoration by 14 September 2074. was submitted on 12 May 2022 and is pending consideration.
- 3.5 There is the possibility that other major developments come forward and are determined during consideration of the DCO and these would need to be considered by the Examining Authority.
- 3.6 There are no housing or employment land commitments within the vicinity of the A66 in County Durham. There are a number within Barnard Castle and vicinity of Barnard Castle which are situated over 2km from the Order Limits. These can be viewed on DCC's County Durham Plan Policies Proposals Map- Interactive Map at <https://durhamcc-consult.objective.co.uk/kse/folder/52317> Examination Document APP-058 at Appendix 15.1 of the Cumulative Assessment of Chapter 15 (Cumulative Assessment) of the ES identifies housing planning permissions which are currently being implemented.

4.0 RELEVANT DEVELOPMENT PLAN POLICIES AND OTHER RELEVANT DOCUMENTS

National Policy

- 4.1 As stated above This document does not assess the compliance of the Scheme with the National Policy Statement on National Networks ('NPSNN').

Statutory Development Plan

- 4.2 Examination Document APP-242 (3.9 Legislation and Policy Compliance Statement section 4.10 and Appendix C) set out the development plan position, relevant policies and other relevant documents for County Durham.
- 4.3 DCC's RRs (Application Document RR-073) provided information in relation to the statutory development plan policy for County Durham.
- 4.4 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area in which the proposed development is situated is the County Durham Plan (CDP) (adopted October 2020), together with any 'made' neighbourhood plans and saved policies contained in the County Durham Minerals Local Plan (adopted December 2000) and the County Durham Waste Local Plan (adopted April 2005). There are no 'made' neighbourhood plans within the DCO area within County Durham. The County Durham Minerals Local Plan and the County Durham Waste Local Plan are not applicable to consideration of the Scheme.
- 4.5 DCC consider the following CDP policies to be relevant. The policies themselves are not reproduced and can be found on the Council's website at <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CDP Policy 10 – Development in the countryside

CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources

CDP Policy 21 – Delivering Sustainable Transport

CDP Policy 24 – Provision of Transport Infrastructure

CDP Policy 26 – Green Infrastructure

CDP Policy 28 – Safeguarded Areas

CDP Policy 29 – Sustainable Design

CDP Policy 31 – Amenity and Pollution

CDP Policy 35 – Water Management

CDP Policy 38 – North Pennine Area of Outstanding Natural Beauty

CDP Policy 39 – Landscape

CDP Policy 40 – Trees, Woodlands and Hedges

CDP Policy 41 – Biodiversity and Geodiversity

CDP Policy 42 – Internationally Designated Sites

CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites

CDP Policy 44 – Historic Environment

CDP Policy 56 – Safeguarding Mineral Resources

- 4.6 A number of CDP policies are of particular relevance due to the designations that would potentially be affected, and these are considered in Section 5 of this LIR.

Other relevant policies/guidance

- 4.7 The North Pennines AONB Planning Guidelines (2011), the County Durham Landscape Character Assessment (2008), County Durham Landscape Strategy (2008) and County Durham Landscape Guidelines are relevant and should be taken into consideration by the Examining Authority and the Secretary of State. These can be found at <https://www.durham.gov.uk/article/26342/Landscape>

5.0 ASSESSMENT OF IMPACTS

- 5.1 The following section identifies the relevant local planning policies within the adopted statutory development plan and how the application accords with them. The matters considered are a combination of the matters which DCC commented upon in its RRs (Application Document RR-073) to PINS dated 31 August 2022 the chapters within the ES and reference to the matters identified by the Examining Authority in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Principal of development

Relevant CDP policies

- 5.2 CDP Policy 10 – Development in the Countryside
CDP Policy 24 – Provision of Transport Infrastructure
CDP Policy 29 – Sustainable Design

Commentary / Key Local issues

- 5.3 DCC supports the principle of dualling the remaining single carriageway sections of the A66 between Penrith and Scotch Corner as well as the proposed improvements to key junctions along the route.
- 5.4 This LIR does not seek to repeat those matters contained within DCC's RRs (Application Document RR-073) which sets out the Council's position with regard to the scheme. Notwithstanding this, with regard to Schemes 7 and 8 within County Durham, DCC's relevant representation to PINS dated 31 August 2022 (document RR-073) sets out DCC's position.

In principle, Durham County Council SUPPORTS the proposed route for the Bowes Bypass proposal.

In principle, Durham County Council SUPPORTS the proposed junction at Cross Lanes.

In principle, Durham County Council DOES NOT OBJECT to the proposed junction at Rokeby; however, given the lesser impact of the "Blue" route, referred to in the Statutory Consultation, in relation to increased traffic on the B6277 The Sills, the strong preference of the Council remains for the "Blue" route. The reasons for this are set out in Appendix 1 of the Council's Relevant Representation to PNS dated 31 August 2022.

Furthermore, in terms of cultural heritage in respect of the "Blue" route, the balance of harm derived from the "Black" route (subject of the DCO application) or "Blue" route is nuanced and, as such, whilst the "Blue" route remains the preference for the reasons set out in Appendix 1 to this letter, it is acknowledged that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan provides a reasoned justification for the selected route.

- 5.5 Appendix 1 to the DCC's RRs (Examination Document RR-073) includes DCCs consultee responses to the application. A number of the responses raise queries which DCC considers require addressing in order for further comments to be made. The responses to these queries may impact upon this LIR, the SoCG and the PADS.
- 5.6 NH responded to DCC's RRs (Examination Document RR-073) on 16 November 2022 in Examination Document PDL-013. DCC's comments on these are contained in the Council's letter to PINS dated 14 December 2022 and raise further queries.
- 5.7 DCC considered that a suitably designed scheme offers the opportunity to improve connectivity within and outwith the County, improve road safety and journey time reliability, and also can help to support future economic growth. For these reasons DCC is supportive of the proposed dualling as a matter of principle.
- 5.8 The Applicant has engaged in a statutory and non-statutory consultation process, but there are concerns that the inclusion of the Scheme within Project Speed has resulted in an application that has been submitted against extremely tight deadlines. This has resulted in tight deadlines to consider the application and subsequent information.
- 5.9 The route of the A66 within County Durham is within open countryside. CDP Policy 10 (Development in the Countryside) is therefore of relevance. CDP Policy 10 is permissive to development in accordance with specific CDP plan policies and development which meets specific policy criteria within the policy relating to economic development, infrastructure development and development of existing buildings. In particular, criterion e) is supportive of essential infrastructure where the need can be demonstrated in that location. The policy also includes General Design Principles for all Development in the Countryside which amongst its criterion seeks to ensure that development does not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.

Adequacy of Application / DCO

- 5.10 DCC acknowledges that there would be adverse impacts during the construction phase, but these would be time limited, and for which could be suitability mitigated. Mitigation for any adverse impacts during the operational phase would also require suitable mitigation.

Highways

Relevant CDP policies

- 5.11 CDP Policy 21 – Delivering Sustainable Transport
CDP Policy 24 – Provision of Transport Infrastructure
- 5.12 Although there are no planning policies that relate specifically to the A66 it is part of an integral transport corridor for travel between Penrith and Scotch Corner. CDP Policy 24

(Provision of Transport Infrastructure) is of particular relevance. In particular, CDP Policy 24 requires that proposals should support economic growth; and enhance connectivity either within the county or with other parts of the region. It is also permissive of schemes which are necessary to improve the existing highway network; minimise and mitigate any harmful impact upon the built, historic and natural environment and the amenity of local communities including by incorporating green infrastructure; and makes safe and proper provision for all users.

Commentary

- 5.13 Highways is not a specific chapter in the ES; however, given the nature of the application and information accompanying the application the Council commented upon this matter in its Relevant Representations.
- 5.14 It is noted that the Examining Authority has identified Alternative Route Options Drainage in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Key Local Issues

- 5.15 As a result of the works to the A66 DCC is aware that there would be an increase to the local road network and on The Sills in particular. At the Issue Specific Hearing 1 on 30 November 2022 the Applicant agreed to undertake fine grained detailed modelling in relation to the impact upon The Sills. DCC awaits this information for consideration and comment.

Adequacy of Application / DCO

- 5.16 DCC has commented on this matter in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant (Examination Document PDL-013) and comments are included in DCC's letter to PINS dated 14 December 2022.
- 5.17 There is however a need for the Applicant to continue liaising with DCC regarding the ongoing and final highway design of the scheme in relation matters such as, new or amended local highways, departures from standard, detrunking, stopping-up, construction works, traffic signing on DCC's highway network and legacy matters to include diversion routes, abnormal load routes and winter maintenance. It is expected that matters relating to changes to the highway network will be captured in a Side Roads Order (Highways Act 1980). DCC looks forward to continuing discussions regarding these matters as well as considering the fine grained detailed modelling in relation to the impact upon The Sills.

Access & Rights of Way

Relevant CDP policies

- 5.18 CDP Policy 26 – Green Infrastructure

Commentary

- 5.19 Access & Rights of Way is not a specific chapter in the ES; however, given the nature of the application and information accompanying the application DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.20 There are a number of public rights of way which either are within the Order limits or are immediately adjacent and would be directly or indirectly impacted. CDP Policy 26 is therefore of direct relevance. In particular it advises that, proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be segregated, safe to use, direct, convenient and attractive; and must not have a detrimental impact on environmental or heritage assets.

Adequacy of Application/DCO

- 5.21 DCC has commented on this matter in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant and comments are included in the Council's letter to PINS dated 14 December 2022. It is not considered that the Applicant has clarified satisfactorily that the east-west links would be designed and clearly identified as being for the users of walkers, cyclists and horse-riders. By doing so they would address any potential future bridleways which might be applied for and that would join or intersect with the A66. However, DCC does not envisage any impacts on access and rights of way highways that cannot adequately be controlled through appropriate design and mitigation.

Cultural Heritage

Relevant CDP policies

- 5.22 CDP Policy 44 – Historic Environment

Commentary

- 5.23 Chapter 8 of the ES relates to Cultural Heritage. DCC has commented on this matter in its RRs (Examination Document RR-073)
- 5.24 It is noted that the Examining Authority has identified Traffic and Access and Alternative Route Options Drainage in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Key Local Issues

- 5.25 Much of Bowes is covered by the Bowes Conservation Area and Scheme 7 would encroach into the Conservation Area. Within Bowes there are a number of listed buildings with those associated with the Grade II Stone Bridge Farmhouse being particularly close. The layout of the development should be careful to avoid harm to the setting or significance of these heritage assets.
- 5.26 There are a number of designated heritage assets, and non-designated heritage assets, adjacent to the A66 as well as adjacent to or within the Schemes 7 and 8. Adjacent to Scheme 7 at Bowes is the Scheduled Monuments of Roman Fort (Lavatrae) and Bowes Castle, adjacent to the application area. The DCO boundary appears to encroach into the Bowes Conservation Area. A number of listed buildings within the Conservation Area.
- 5.27 In terms of Scheme 8, at Cross Lanes junction is the Grade II Cross Lanes Farmhouse with Adjacent Outbuildings on West. Grade II Milestone 100 Metres West of Junction with B6277. Whilst there is the Grade II Listed building at Tutta Beck Cottages (Rokeby) and adjacent to the A66 the Grade II listed Milestone 80 Metres West of Entrance to Tutta Beck Farm.
- 5.28 With regard to Scheme 8, the Rokeby junction the Grade II* listed Church of St Mary lies immediately adjacent to the Order limits. Rokey Park Grade II Parks and Gardens of Special Historic Interest is included in the application boundary as is the Scheduled Monument of Greta Bridge Roman fort, vicus and section of Roman road.
- 5.29 With regard to archaeology, no features worthy of preservation in situ have been identified along the section of the route lying within County Durham. It is understood that a mitigation strategy regarding archaeological features of lesser importance, informed by the results of this work, will be produced in due course.

Adequacy of Application/DCO

- 5.30 DCC has commented on this matter in its RRs (Examination Document RR-073). The Council set out in its Relevant Representations why the “Blue” was preferred over the proposed “Black” route however, it is acknowledged that design refinement and the preparation of the heritage mitigation strategy in the Environmental Management Plan provides a reasoned justification for the selected route.

Landscape & Visual Impact

Relevant CDP policies

- 5.31 CDP Policy 38 – North Pennine Area of Outstanding Natural Beauty
CDP Policy 39 – Landscape
CDP Policy 40 – Trees, Woodlands and Hedges

Commentary

- 5.32 Chapter 10 of the ES relates to landscape and visual. DCC commented upon this matter in its RRs dated 31 August 2022 (Examination Document RR-073).
- 5.33 It is noted that the Examining Authority has identified Alternative Route Options Drainage in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Key Local Issues

- 5.34 The North Pennines AONB is located to the western end of the Scheme. In addition, Scheme 7 would encroach into the AONB. CDP Policy 38 (North Pennines Area of Outstanding Natural Beauty) is therefore directly relevant. In particular, it seeks to conserve and enhance the North Pennines AONB, ensuring that great weight will be given to conserving landscape and scenic beauty and that development individually or cumulatively is not harmful to its special qualities or statutory purpose.
- 5.35 CDP Policy 39 (Landscape) is directly relevant to consideration of the Scheme within County Durham. Proposals are not permitted under the Policy which would cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The supporting text (5.414) explains that whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations. DCC agrees broadly with the findings of Chapter 10 of the ES in respect of the significance of the landscape and visual effects of the proposals. It will be for the Examining Authority to determine whether any harm arising from the proposals would be offset by the benefits of the development.
- 5.36 The A66 between Bowes and Greenbrough, including Schemes 7 and 8, lies within an Area of Higher Landscape Value as defined on Map H of the CDP. Proposals are only permitted under Policy 39 where they conserve and, where appropriate enhance, the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. The proposals would entail some localised harm to the special qualities of the AHLV in the short and medium term – particularly in respect of its condition, scenic qualities and historic interest of the landscape. This would diminish progressively over time as landscape features developed in mitigation matured. Taken in the round DCC considers that the proposals would, in respect of its residual effects, conserve and locally enhance the special qualities of the AHLV.
- 5.37 Policy 39 states that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. DCC considers the mitigation measures proposed to be appropriate. Policy 39 also states that proposals should have regard to the County Durham Landscape Character Assessment (CDLCA) and County Durham Landscape Strategy (CDLS) and contribute, where possible, to the conservation or enhancement of the local landscape. DCC considers that the proposals have been informed by the background information in the CDLCA, are consistent with the

objectives of the CDLS, and have been designed where possible to contribute to the conservation or enhancement of the local landscape.

- 5.38 CDP Policy 40 states that development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. It also follows NPPF in stating that where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In the absence of a detailed Arboricultural Impact Assessment it isn't possible to come to a definitive understanding of impacts on trees. The development would clearly entail the loss of some trees that would normally be considered to be of high value in the terms of the Policy. It will be for the Examining Authority to determine whether that harm would be offset by the benefits of the development. DCC is not aware of any ancient or veteran trees affected by the proposals. The proposals have been designed to avoid impacts on trees identified as notable trees on the Ancient Tree Inventory at Rokeby Grange. Policy 40 requires that where trees are lost, suitable replacement planting, including provision for maintenance and management, will be required within the site of the locality. DCC anticipates that the planting proposed in mitigation measures will form suitable replacement for features lost, that the Biodiversity Net Gain calculations will establish the appropriate level of replacement and that the Biodiversity Management plan will secure appropriate provision for maintenance and management.
- 5.39 Policy 40 also states that proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken. Some small areas of woodland would be affected within County Durham – largely young mature woodland within the highway boundary. The mitigation proposals provide for suitable replacement planting. Policy 40 follows NPPF in stating that proposals for new development resulting in the loss or deterioration of ancient woodlands as shown on the policies map, will be refused unless there are wholly exceptional reasons. The proposals would not result in loss or deterioration of ancient woodland identified on the policies map.
- 5.40 Policy 40 also states that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. The proposals would result in the localised loss of sections of hedgerow that would normally be considered to be of high value in the terms of the Policy. It will be for the Examining Authority to determine whether that harm would be offset by the benefits of the development. Policy 40 also requires suitable replacement planting or restoration of existing hedges, within the site or the locality, including appropriate provision for maintenance and management. DCC anticipates that the hedgerow planting and /or management proposed in mitigation measures will form suitable replacement for features lost, that the Biodiversity Net Gain calculations will establish the appropriate level of replacement and that the Biodiversity Management plan will secure appropriate provision for maintenance and management.

Adequacy of Application/DCO

- 5.41 DCC has commented on this matter in its RRs (Examination Document RR-073). DCC considers that the landscape and visual effects of the proposals have been adequately and appropriately assessed in the ES. DCC does not envisage any impacts on landscape and visual impact that cannot adequately be addressed through appropriate design and mitigation.
- 5.42 The policies of the NPSNN in relation to development proposed within nationally designated areas are directly relevant to the determination of the application. The North Pennines AONB Planning Guidance (2011) is also of relevance. It will be for the Examining Authority to determine whether or not exceptional circumstances are demonstrated.

Drainage and Coastal Protection

Relevant CDP policies

- 5.43 CDP Policy 35 – Water Management

Commentary

- 5.44 Chapter 14 of the ES relates to Road Drainage and the Water Environment. DCC has commented on this matter in its RRs (Examination Document RR-073).
- 5.45 It is noted that the Examining Authority has identified Drainage in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Key Local Issues

- 5.46 The River Greta and a number of tributaries lie at distance to the south of the A66 and the areas identified by the proposed Scheme as such the Scheme within County Durham lies within Flood Zone 1. The A66 lies within a Groundwater Vulnerability Area as defined by the Environment Agency.

Adequacy of Application/DCO

- 5.47 DCC has commented on this matter in its RRs (Examination Document RR-073). DCC does not envisage any impacts on drainage that cannot adequately be controlled through appropriate design and mitigation.

Ecology

Relevant CDP policies

- 5.48 CDP Policy 41 – Biodiversity and Geodiversity

CDP Policy 42 – Internationally Designated Sites

CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites

Commentary

- 5.49 Chapter 6 of the ES relates to Biodiversity. DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.50 The North Pennine Moors SAC, North Pennines SPA and Bowes Moor SSSI located to the north west of Scheme 7. Kilmond Scar SSSI is located between Schemes 7 and 8, to the south of Kilmond Wood Quarry. Brignall Banks SSSI lies to the south of Scheme 8 and the Rokeby junction. Rokeby Park/Mortham Wood LWSCDP lies to the east of Scheme 8 and the Rokeby junction. Teesbank Woods, Rokeby LWS lies to the north of this. Ancient Woodland. Kilmond Wood Ancient Woodland. Ancient woodland along River Greta. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and Policy 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance.
- 5.51 The site lies within the Nutrient Neutrality Catchment area of the Teesmouth and Cleveland Coast Special Protection Area as defined by Natural England for the protection of sensitive Habitat Regulation sites. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. It is expected that Natural England will comment upon this matter.
- 5.52 Given the number and nature of the ecological designations along the route of the A66 the impact of the Scheme upon these requires careful consideration. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance. CDP Policy 41 states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
- 5.53 CDP Policy 42 states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following

Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of ‘no alternatives’ and ‘imperative reasons of overriding public interest’ as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

- 5.54 CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. In relation to protected species and their habitats, all development likely to have an adverse impact on the species’ abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species

Adequacy of Application/DCO

- 5.55 DCC has commented on this matter in its DCC has commented on this matter in its RRs (Examination Document RR-073) and in Examination Document PDL-013 the Applicant has sought to address these. The assumption of officers is that the proposed development should meet the net gain requirements; as such all management and monitoring should align with the requirements for net gain. DCC does not envisage any biodiversity impacts that cannot adequately be controlled through appropriate mitigation.

Contaminated land

Relevant CDP policies

- 5.56 CDP Policy 31 – Amenity and Pollution

Commentary

- 5.57 Contaminated land not a specific chapter in the ES, however DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.58 Given the nature of the land that would be developed by the Scheme, contamination may be unlikely to be a major issue.

Adequacy of Application/DCO

- 5.59 DCC has commented on this matter in its RRs (Examination Document RR-073) and in Examination Document PDL-013 the Applicant has sought to address these. DCC does not envisage any impacts relating to contaminated land that cannot be addressed by suitable mitigation.

Population and Human Health

Relevant CDP policies

- 5.60 CDP Policy 31 – Amenity and Pollution

Commentary

- 5.61 Chapter 13 of the ES relates to Population and Health. DCC has commented on this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.62 There are a number of individual properties along the length of the A66 within County Durham and agricultural and retail businesses. Scheme 7 at Bowes is closest to a number of residential properties whereas there isolated properties in the vicinity of Scheme 8. CDP Policy 31 is therefore of relevance. In particular, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. It also states that, development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

Adequacy of Application/DCO

- 5.63 DCC has commented on this matter in its RRs (Examination Document RR-073). DCC provided Public Health Data relevant to the areas where the junctions are located, and this was appended as Appendix 2 to its relevant representations. It is recognised that the scheme has potential to impact upon population and human health receptors within the schemes that fall within the following boundaries of County Durham especially during the construction phase.
- 5.64 DCC does not envisage any impacts that cannot adequately be controlled through appropriate mitigation, but this would need to be implemented, their effectiveness and monitored/reviewed, and that any identified issues are addressed as required. Any delay or failure to address negative population or human health impacts is likely to have

a detrimental effect.

Air Quality

Relevant CDP policies

5.65 CDP Policy 31 – Amenity and Pollution

Commentary

5.66 Chapter 5 of the ES relates to Air Quality. DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

5.67 There are a number of individual properties along the length of the A66 within County Durham and agricultural and retail businesses. Scheme 7 at Bowes is closest to a number of residential properties whereas there isolated properties in the vicinity of Scheme 8. CDP Policy 31 is therefore of relevance. In particular, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. It also states that, development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

Adequacy of Application/DCO

5.68 DCC has commented on this matter in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant (Examination Document PDL-013). Comments relating to the Applicant's response are included in the Council's letter to PINS dated 14 December 2022. Subject to the satisfactory addressing of the queries DCC does not envisage any air quality impacts that cannot adequately be controlled through appropriate mitigation.

Noise and Vibration

Relevant CDP policies

5.69 CDP Policy 31 – Amenity and Pollution

Commentary

- 5.70 Chapter 12 of the ES relates to Noise and Vibration. DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.71 There are a number of individual properties along the length of the A66 within County Durham and agricultural and retail businesses. Scheme 7 at Bowes is closest to a number of residential properties whereas there are isolated properties in the vicinity of Scheme 8. CDP Policy 31 is therefore of relevance. In particular, CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. It also states that, development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

Adequacy of Application/DCO

- 5.72 DCC has commented on this matter in its RRs (Examination Document RR-073). Within County Durham sensitive receptors will be impacted upon during the construction phase to some degree; with regard to the operational phase some receptors will see benefits from the development and others will see adverse impact, the range of the impacts are detailed within the ES.
- 5.73 Appropriate mitigation measures have been identified which should be incorporated within both the development phase and the operational phase, those measures will include use of the Noise Insulation Regulations 1975, that is provision of grants from National Highways, for several properties along the route including several within DCC's area. The environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 have been assessed. In relation to statutory nuisance there is potential for nuisance during the construction phase, however the developer has proposed measures to mitigate such impacts, which if implemented, should ensure that statutory nuisance will not arise. DCC does not envisage any noise and vibration impacts that cannot adequately be controlled through appropriate mitigation.

Climate

Relevant CDP policies

- 5.74 CDP Policy 29 – Sustainable Design
CDP Policy 31 – Amenity and Pollution

Commentary

- 5.75 Chapter 7 of the ES relates to Climate. DCC commented upon this matter in its RRs (Examination Document RR-073).
- 5.76 It is noted that the Examining Authority has identified Carbon Emissions in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

Key Local Issues

- 5.76 In 2019 Durham County Council declared a climate emergency. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020, and this was updated in June 2022 when the Council published its second Climate Emergency Response Plan (CERP2). We have committed to reaching Net Zero by 2030 with an 80% real carbon reduction to our emissions. We have also committed to working with partners and communities to achieve a carbon neutral County Durham by 2045.

Adequacy of Application/DCO

- 5.77 DCC has commented on this matter in its RRs (Examination Document RR-073). Queries were raised and responses received from the Applicant (Examination Document PDL-013) and comments are included in the Council's letter to PINS dated 14 December 2022. Subject to the satisfactory addressing of the queries DCC does not envisage any climate impacts that cannot adequately be controlled through appropriate mitigation.

Geology and Soils

Relevant CDP policies

- 5.78 CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources
CDP Policy 28 – Safeguarded Areas
CDP Policy 56 – Safeguarding Mineral Resources

Commentary

- 5.79 Chapter 9 of the ES relates to Geology and Soils. DCC commented upon this matter in its RRs (Examination Document RR-073).

Key Local Issues

- 5.80 The road within County Durham lies within an area of rolling landscape. Land that surrounding the A66 is predominately agricultural, with a number of farms lying adjacent to and having direct access onto the A66. Agricultural land along the western and central part of the route comprises Grade 5 and Grade 4 under the Agricultural Land Classification whilst that further east is identified as Grade 3.

- 5.81 Mineral safeguarding, specifically in relation to CDP Policy 56 which safeguards mineral resources of local and national importance, specifically in this locality carboniferous limestone and both fluvial and glacial sand and gravels. The proposal would sterilise safeguarded mineral resources including areas of land to the west and east of Cross Lanes junction which it advises constitutes a large significant effect. It then advises that the Project when viewed as a whole outweighs the need to safeguard mineral in this particular location and also advises that this is demonstrated through the overarching benefits and overall need for the Scheme as set out in Examination Document APP-046.2.2.
- 5.82 Hulands Quarry is located within an identified as an HSE Major Hazard Sites Consultation Zone. CDP Policy 28 is therefore of relevance.

Adequacy of Application/DCO

- 5.83 DCC has commented on this matter in its RRs (Examination Document RR-073). Having regard to Examination Document APP-196 'National Highways 3.4 Environmental Statement Appendix 9.5 Agricultural Land Classification (ALC) Factual Soil Survey Report' and to the Plan entitled 'Bowes Bypass Agricultural Land Classification (ALC) Survey Results' appears to show that all of the land within the DCO was surveyed.
- 5.84 The Plan entitled 'Cross Lanes to Rokeby Agricultural Land Classification (ALC) Survey Results' appears to show that a significant amount all of the land within the application area has not been surveyed. It would be appropriate for these areas to be surveyed as the Examining Authority and Secretary of State will need to know whether or not 'best and most versatile' land would be affected by the proposal. Subject to satisfactory surveys and mitigation, DCC does not envisage any impacts upon soil resources that cannot adequately be controlled through appropriate mitigation.

Cumulative Effects

Relevant CDP policies

- 5.85 CDP Policy 31 – Amenity and Pollution

Commentary

- 5.86 Chapter 15 of the ES relates to Cumulative Effects. DCC commented upon Cumulative Effects in this matter in its Relevant Representations in relation to Air Quality.

Key Local Issues

- 5.87 Comments have been made in relation to individual impacts.

Adequacy of Application/DCO

- 5.88 Although the Council generally has no adverse comments to make regarding the methodology, it would appear that the applicant has not referred to two operational quarries adjacent to the A66. Nor are these shown on Figure 15.2 Sheet 5 of 8 and Sheet 6 of 8 as contained in APP-145 'National Highways 3.3 Environmental Statement Figure 15.2 – Cumulative Developments' (Examination Document APP-145) and referred to in Examination Document APP-058. The applicant is aware of the quarries, and a new access to Hulands Quarry is proposed as part of the DCO.
- 5.89 The quarries are established quarries with long planning histories but with more recent planning permissions having been granted. Hulands Quarry (6/2008/0003/CM (DCC Ref: CMA/6/36) dated 18 May 2009) Conditions 7 and 8 require mineral extraction to cease no later than 14 September 2024 with restoration by 18 March 2026. Kilmond Wood Quarry (DM/20/03672/VOCMW (dated 28 May 2021) and DM/20/03673/VOCMW (dated 28 May 2021). Planning Permission Nos. DM/20/03672/VOCMW and DM/20/03673/VOCMW (Conditions 4 and 5 of both) both require the winning and working of mineral and deposition of mineral waste to cease not later than 21 February 2042. Removal of all buildings, plant, machinery, structures and foundations and site restored in accordance with restoration requirements within 18 months of permanent cessation of winning and working of minerals.
- 5.90 Given the proposed timescale for the DCO works there is the potential for cumulative impacts with the operational quarries. This has been raised with the Applicant who has verbally advised that the two quarries are included in the baseline, but written confirmation is awaited.
- 5.91 The two housing sites identified by the applicant in the ES (DM/16/03310/FPA and DM/20/03070/OUT) are under construction with approximately 18 months until completion.
- 5.92 Planning Permission No. DM/21/04293/FPA for the installation of below ground pipeline of 30km in length with compound areas, for Northumbrian Water Limited from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures was approved on 26.07.2022, the development has not yet commenced. This covers a length of 30km with compound areas. The linear site is approximately 3km to the north of the DCO area. Although this is outside of the Applicant's 2000m study area Planning Permission No. DM/20/03070/OUT at a similar distance has been identified and for completeness the Examining Authority may consider it appropriate for regard to be given to Planning Permission No. DM/21/04293/FPA.
- 5.93 Planning application no. DM/22/01533/MIN for Proposed eastward extension to Hulands Quarry for the winning and working of 14.3 million tonnes of Carboniferous Limestone and continued use of the site offices and mineral processing plant including the asphalt plant and the recycling of imported road planings and road base until 14 September 2072 and the completion of restoration by 14 September 2074. was

submitted on 12 May 2022 and is pending consideration.

- 5.94 The Council can only comment upon the robustness of the assessment upon confirmation that the quarries have been considered. Consideration should also be given to potential impacts of Planning Permission No. DM/21/04293/FPA. This may have impacts upon other technical assessments submitted with the DCO.

6.0 OTHER MATTERS

6.1 In relation to the Initial Assessment of Principal Issues, the JLAG letter dated 18 November 2022 seeks assurance that the following matters will be covered during consideration of the three phases of construction, operation and decommissioning:

- Detrunking, stopping-up, new local roads and amendments to the LHN;
- HGV driver facilities
- Accommodation strategy
- Skills, workforce and supply chain/procurement
- Temporary Road Closures and Diversions - impact on local roads
- Technology solutions to planned and unplanned events
- Other concurrent roads works e.g. M6 Lune Gorge, and potential cumulative impacts including diversions
- Walking, cycling and equestrian (NMU) provision
- Post construction phase (Temporary weather closures)
- Compulsory Acquisition - what happens to any land no longer required after construction (e.g. temporary compounds)?
- Environmental impacts – open space, biodiversity, landscape and climate/carbon emissions

6.2 DCC considers that the Applicant should continue to discuss these matters with the Councils to ensure that these matters are adequately addressed through the DCO application, as well as matters such as maximising the socio economic benefits of the Scheme.

7.0 ADEQUACY OF THE DCO

- 7.1 DCC has reviewed the draft DCO and commented as to its adequacy on a topic by topic basis above.
- 7.2 As stated earlier in Section 5 there are concerns that the inclusion of the Scheme within Project Speed has resulted in an application that has been submitted against extremely tight deadlines. This has resulted in tight deadlines to consider the application and subsequent information, and this would appear to continue following determination of the DCO in respect of the proposed short response times are proposed on the Environmental Management Plan (EMP).
- 7.3 Also, at the Issue Specific Hearing 2 held on 1 December 2022 the self-approval procedure for the EMP was discussed. The Applicant stated at the Hearing that planning enforcement would be the appropriate recourse should the Council disagree with the outcome of the self-approval process, but that that would not take place until works were being undertaken. It would appear that during the self-assessment process the only recourse prior to implementation would be judicial review. DCC welcomes further clarification on this matter. Furthermore, if changes are proposed to the EMP is proposed then this should be agreed with the Secretary of State with meaningful consultation with the local authorities.
- 7.4 There is however a need for the Applicant to continue liaising with DCC regarding the ongoing and final highway design of the scheme in relation matters such as, new or amended local highways, departures from standard, detrunking, stopping-up, construction works, traffic signing on DCC's highway network and legacy matters to include diversion routes, abnormal load routes and winter maintenance. It is expected that matters relating to changes to the highway network will be captured in a Side Roads Order (Highways Act 1980). DCC looks forward to continuing discussions regarding these matters as well as considering the fine grained detailed modelling in relation to the impact upon The Sills.

8.0 SUMMARY

- 8.1 DCC has reviewed the Application and considered the impacts of the proposed Scheme in the context of the CDP and other relevant policy referred to above.
- 8.2 DCC's RR dated 31 August 2022 (Examination Document RR-073) summarises the Council's position regarding Schemes 7 and 8. Appendix 1 (contained in the same document) sets out questions which the Council had raised.
- 8.3 In Examination Document PDL-013 ('National Highways Procedural Deadline Submission – 6.5 Applicant's Response to Relevant Representations Part 4 of 4') the Applicant has sought to address in the document. Additional queries have been raised by DCC as a result and these are included in a letter to PINS dated 14 December 2022.
- 8.5 Subject to these being satisfactorily addressed, DCC considers that in combination with agreed and recommended ancillary plans and strategies would seek to ensure that the proposed development would be acceptable in planning terms and would generally accord with relevant local planning policy.