

# **A66 Northern Trans-Pennine Project**

**TR010062**

## **4.5 Statement of Commonality for Statements of Common Ground (Rev2)**

**APFP Regulations 5(2)(q)**

**Planning Act 2008**

**Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009**

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A66 Northern Trans-Pennine Project  
Development Consent Order 202X

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**4.6 Statement of Commonality for Statements of  
Common Ground**

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## 1. Introduction

### 1.1. Purpose of this document

- 1.1.1. This Statement of Commonality for Statements of Common Ground ("SoCG") relates to an application made by National Highways (the Applicant) to the Planning Inspectorate (the Inspectorate) under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (a DCO). If made the DCO would grant consent for the Applicant to undertake the A66 Northern Trans-Pennine Project (the 'Project'), A detailed description of the project can be found in Chapter 2 of the Environmental Statement. (Application Document 3.2).
- 1.1.2. This Statement and the SoCGs have been prepared by the Applicant and in its view provide an accurate record of both discussions to date with the interested parties listed at Part 3 and summary of the issues that are either agreed, subject to further discussion or not agreed (from its perspective). Drafts of the SoCGs have been shared with the interested parties and a number of comments on those have been received and taken into account in the preparation of this Statement and the SoCGs. The Applicant will work to agree and submit joint working drafts of the SoCGs as the examination progresses. Prior to the end of the examination, the Applicant intends to submit jointly on behalf of both parties a final version of each of the SoCGs confirming what matters have been agreed and have not been agreed, and if any remain under discussion. This will be accompanied by a final version of this Statement prepared by the Applicant.
- 1.1.3. This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between the Applicant and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.4. This Statement also provides a current position on the commonality on specific points within SoCGs as of January 2023
- 1.1.5. The Applicant commented on written representations and local impact reports that were submitted at Deadline 1 of the examination (submission 18 December 2022). The Applicant's response was submitted at Deadline 2 of the examination (submission 15 January 2023). There are issues within these representations which are not, in every case, included within the SoCGs. The Applicant is in the process, through ongoing engagement, of confirming the status of these issues (agreed, not agreed, under discussion) following the submission of our recent comments on 15 January 2023. The Applicant will submit updated SoCGs and an updated Statement of Commonality at Deadline 5.

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## 2. Structure of Statements of Common Ground

- 2.1.1. To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2. Each SoCG has the following structure:
  - a. Section 1: provides an introduction to the SoCG and a description of its purpose.
  - b. Section 2: states the engagement that has occurred between the Applicant and other Party.
  - c. Section 3: sets out any issues that have arisen, reporting on the status of each issue from the Applicant's perspective, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.

### 3. List of statements of common ground

- 3.1.1. The parties which the Applicant has prepared SoCG with are listed in Table 3-1 below.
- 3.1.2. Further detail about the current position of each SoCG can be found at Chapter 4, Table 4-1 of this Statement.

Table 3-1 - List of SoCGs under preparation

Stakeholders
Local Authorities
CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL DURHAM COUNTY COUNCIL NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL
Landowners
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE
Prescribed Consultees
HISTORIC ENGLAND NATURAL ENGLAND ENVIRONMENT AGENCY
Non-Statutory Consultees
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP SPORT ENGLAND
Community Groups
GYPSY AND TRAVELLER COMMUNITY

## 4. Summary of current position

- 4.1.1. This section provides the current position of each SoCG.
- 4.1.2. Table 4-1 provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:
- a. Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
  - b. Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
  - c. SoCG in draft – The SoCG has been drafted by the Applicant and it has been shared with the other party for further comment. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.

Table 4-1 – Current Position of SoCG

Document Reference	Party	Position at 24 January 2023
<b>Local Authorities</b>		
TR010062/APP/4.6	CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL	SoCG in draft
TR010062/APP/4.6	DURHAM COUNTY COUNCIL	SoCG in draft
TR010062/APP/4.6	NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL	SoCG in draft
<b>Landowners</b>		
TR010062/APP/4.6	DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	SoCG in draft
<b>Prescribed Consultees</b>		
TR010062/APP/4.6	HISTORIC ENGLAND	SoCG in draft
TR010062/APP/4.6	NATURAL ENGLAND	SoCG in draft
TR010062/APP/4.6	ENVIRONMENT AGENCY	SoCG in draft
<b>Non-Statutory Consultees &amp; Community Groups</b>		
TR010062/APP/4.6	NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	SoCG in draft
TR010062/APP/4.6	GYPSY AND TRAVELLER COMMUNITY	SoCG in draft
TR010062/APP/4.6	SPORT ENGLAND	SoCG in draft

## 5. Commonality

- 5.1.1. This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.
- 5.1.2. The table is presented to show topics covered within the various SoCGs and how these are relevant to each other party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area.
	Matters subject to further discussion
	There is general disagreement between the parties within this general topic area.
	General topic area not applicable

- 5.1.3. Where a matter is not relevant to the other party, it is not included within the SoCGs and therefore not covered in Table 5-1 and shown as a blank.



Table 5-1 – Table of Commonality at June 2022

Party																					
	Draft DCO	Draft Environmental Management Plan	Design and Engineering	Public Open Space	De-trunking of existing assets	Provision for walking, cycling, horse riding	Impact on Appleby and Brough Hill Fair	Planning Policy	Landscape & Visual Effects	Heritage	Biodiversity	Habitats Regulations Assessment	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and human health	Material Assets and Waste	Cumulative effects	Climate
CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
DURHAM COUNTY COUNCIL	Green	Green	Green	Green	Yellow	Yellow	White	Green	Yellow	Yellow	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green
NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL	Green	Green	Yellow	White	Green	Green	White	Green	Green	Green	Green	Green	Yellow	Green	Green	Green	Green	Green	Green	Green	Green
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	Green	White	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White
HISTORIC ENGLAND	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	Yellow	White	White	White	White	White	White	White	White	White	Yellow	Green
NATURAL ENGLAND	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Green	Yellow	Yellow	Yellow
ENVIRONMENT AGENCY	Yellow	Yellow	Yellow	White	White	White	White	Green	Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow	Green
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	Yellow	Yellow	Yellow	White	White	White	White	Yellow	Yellow	White	White	White	White	White	Yellow	White	White	White	White	White	White
GYPSY AND TRAVELLER COMMUNITY	White	White	White	White	White	White	Red	White	White	White	White	White	White	White	White	White	White	White	White	White	White
SPORT ENGLAND	White	White	White	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White

## **6. Position as at January 2023**

6.1.1. This section provides a summary of the SoCG position between the Applicant and each interested party as of 24 January 2023 (Deadline 3). This section will be updated at each deadline during the DCO process and examination stage when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

### **6.2. Cumbria County Council and Eden District Council Joint SoCG**

- 6.2.1. Cumbria County Council (CCC) and Eden District Council (EDC) are supportive of the principle of upgrading the A66 with improvements to existing junctions and the dualling of the remaining single carriageway. However, they retain their position that further works to plans and strategies are needed before they can state whether they support or oppose the project.
- 6.2.2. CCC and EDC have raised concerns on the impact upon Appleby Fair in regard to the impact from transport movements to and from the Fair site by the participants upon the local highways network. The Councils wish to see National Highways improve the de-trunked sections of the roads to provide more stopping spaces either through provision of funding or during the construction of the project. Discussions are planned with CCC and EDC to address concerns with a view to reaching agreement.
- 6.2.3. CCC and EDC wish to see that de-trunked sections that are turned over to the ownership of the Highways Authority will be of a standard acceptable to the Councils. CCC have provided a de-trunking principles document to National Highways with their list of requirements. Discussions are continuing between National Highways and the Host Local Authorities in relation to de-trunking proposals for the Project.
- 6.2.4. CCC and EDC have concerns that the project does not currently provide sufficient plans that allow for active travel for non-motorised users (Walkers, Cyclists and Horse Riders) that would align with DfT policies. The Councils have indicated locations, including (but not exclusive to) J40 and Kemplay Bank, where they believe further action is required by National Highways for the plans to be policy compliant. Discussions are planned with CCC and EDC to address concerns with a view to reaching agreement.
- 6.2.5. CCC and EDC also have concerns regarding the majority of environmental mitigation proposals, including landscape, acoustic, socio economic, biodiversity net gain and drainage. Concerns also remain regarding the impact of construction on local communities, parking provisions and traffic volumes. Discussions are planned with CCC and EDC to address concerns with a view to reaching agreement.

### **6.3. Durham County Council**

- 1.1.1. Durham County Council are supportive of the proposed route for Scheme 7 (Bowes Bypass), however have expressed a preference for an alternative option for Scheme 8 (Cross Lanes to Rokeby). Durham County Council recognise that a case could be made for the submitted Scheme 8 based on traffic and cultural heritage factors. The issues relating to the traffic, cultural heritage impact, and the assessment of policy and legislation related to these issues for the Cross Lanes to Rokeby Scheme have also been agreed.
- 6.3.1. There have been issues related to the Scheme's traffic modelling and the impact associated with Barnard Castle, however an earlier error in the data provided has been corrected and a position in respect of traffic modelling has been agreed.
- 6.3.2. The majority of environmental matters are either agreed or under discussion.
- 6.3.3. Issues related to Minerals and Waste, Social Impacts and Landscape and Visual are under discussion. Discussions are to be held to address concerns with a view to reaching agreement.

### **6.4. North Yorkshire County Council and Richmondshire District Council Joint SoCG**

- 6.4.1. North Yorkshire County Council and Richmondshire District Council are supportive of the proposed route for Scheme 9 (Stephen Bank to Carkin Moore) and Scheme 11 (Scotch Corner).
- 6.4.2. Matters relating to the design and engineering of the scheme and construction traffic and impacts to local residents remain under discussion.

### **6.5. Defence Infrastructure Organisation (DIO)**

- 1.1.2. Discussions are progressing with the DIO in relation to the impact of Scheme 6 (Appleby to Brough) on the Warcop training camp and Ministry of Defence (MoD) facilities. Replacement locations for the bivouac, football pitch and pavilion, fuel filling station and associated buildings have been agreed in principle. Dialogue is continuing regarding the land transfer process and the location of environmental mitigation to the north of the A66.

### **6.6. Historic England**

- 6.6.1. Historic England, during their engagement with National Highways, have highlighted areas of concern over the plans for the impacts of built heritage and undiscovered archaeology along the route. The areas where further agreement is required include:
  - Impact and Assessment of potential impacts to construction compounds

- Engineering design and impact of M6 Junction 40 to Kemplay Bank, Penrith to Temple Sowerby, Appleby to Brough, Cross Lanes to Rokeby, and Stephen Bank to Carkin Moor.
- Proposed monitoring arrangements for cultural heritage resources
- Issues related with the content and proposed implementation of the outline Environmental Management Plan.

## **6.7. Natural England**

6.7.1. Natural England have highlighted issues and areas where further agreement is needed. The areas where further agreement is required include:

- The impact to protected sites and species directly by the scheme.
- The use of DMRB LA105 within the Air Quality Assessment methodology. It is understood that discussions are continuing between Natural England and National Highways on the approach to air quality.
- Issues related with the content and proposed implementation of the outline Environmental Management Plan
- Habitat Loss and Fragmentation
- The mitigation measures and their implementation to offset construction related impacts.

## **6.8. Environment Agency**

6.8.1. The Environment Agency have highlighted issues and areas where further agreement is needed. The areas where further agreement is required include:

- A number of issues related with the content and proposed implementation of the outline Environmental Management Plan, including proposed mitigation across all areas of the scheme
- The impact to the River Eden SAC and other waterbodies, the impact to water quality and the impact to aquatic species during construction and operation of the scheme

## **6.9. North Pennines Area of Outstanding Natural Beauty**

6.9.1. The North Pennine Area of Outstanding Natural Beauty (NP AONB) recognises the need for a section of the route to encroach upon land designated as AONB. However, it is agreed that by allowing this encroachment the overall impact on the setting and views from and of the AONB are less than that of alternative routes that would be south of the designated area. However, the NP AONB in agreement of this principle note that there should be efforts to reduce noise, light and visual impacts.

6.9.2. The NP AONB have noted their expectation of Biodiversity Net Gain (BNG) to be provided by National Highways. They note that any works to the A66

provide opportunities for creating new water bodies and other works benefitting local biodiversity.

- 6.9.3. There have been no further updates to the AONB SoCG since submission in July 2022 and it is noted that the AONB Partnership team did not produce separate representations but provided input into the Durham County Council representations.

## **6.10. Gypsy and Traveller Community**

- 6.10.1. The proposed route of the development passes through the site of the Brough Hill Fair. In 1330 the town of Brough was granted a charter for, inter alia, an annual four-day fair which remains the Brough Hill Romany Fair held at the end of September. The status of the annual fair is protected not only by the charter but by an entry on the title at the Land Registry.
- 6.10.2. The Gypsy community deem the proposed site on the MoD's bivvy site (next door to the current site) is not suitable. The site is considered too close to A66, too small and there are concerns that the field has been used for cattle and they consider it is rutted and uneven. There are concerns regarding the safety of horses on the site and security of site.

## **1.2. Sport England**

- 1.2.1. National Highways are seeking to establish a SoCG with Sport England to discuss outstanding matters. These relation to the following:
- Wetheriggs Community Park – the potential requirement for replacement Public Open Space to be laid out for playing field provision.
  - Ullswater Rugby Pitches at Kemplay Bank – the potential requirement for catch netting and integration of the replacement Public Open Space.
  - Kirkby Thore Primary School – it was established there will be no operation impact on the school playing field;
  - Warcop replacement playing field – the replacement facility will be of improved quality and an agronomist survey is required to inform the final design.