

A66 Northern Trans-Pennine Project

TR010062

4.5 Statement of Commonality for Statements of Common Ground (Rev 3)

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A66 Northern Trans-Pennine Project
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**4.5 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 March 2023. It reflects the SoCGs as submitted at Deadline 3, updated with further discussions which have occurred between Deadline 3 and Deadline 5 and responds to responses to written questions provided at Deadline 4 by parties to the SoCGs.
- 1.1.5. The structure of the SoCGs submitted at Deadline 5 has been further refined to those versions submitted at Deadline 3. This is to provide a clearer focus on the issues that are agreed and under discussion, with details of historic discussions provided as appendix. This structure has been shared and agreed with the Interested Parties concerned.
- 1.1.6. The Applicant will submit final SoCGs and an updated Statement of Commonality at Deadline 8.

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 a 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 14 March 2023
Local Authorities		
TR010062/APP/4.6	CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL	SoCG in draft – feedback received 7 March 2023 and incorporated into Deadline 5 version.
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
Landowners		
TR010062/APP/4.6	DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	SoCG in draft – feedback received 9 March 2023 and incorporated into Deadline 5 version.
Prescribed Consultees		
TR010062/APP/4.6	HISTORIC ENGLAND	SoCG in draft – feedback received 7 March 2023 and incorporated into Deadline 5 version.
TR010062/APP/4.6	NATURAL ENGLAND	SoCG in draft – feedback received 7 March 2023 and incorporated into Deadline 5 version.
TR010062/APP/4.6	ENVIRONMENT AGENCY	SoCG in draft – feedback received 7 March 2023 and

		incorporated into Deadline 5 version.
Non-Statutory Consultees & Community Groups		
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. These are presented in tabular format grouped into broad topics. Within each topic area, where matters are shown as subject to discussion, there may be specific items within the topic which are either agreed or disagreed. Equally, topics shown as agreed or disagreed may have specific items not yet agreed but under discussion with an intent to reach agreement. Please refer to the specific Statements of Common Ground for further information.
- 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 March 2023

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 ¹																					
DURHAM COUNTY COUNCIL																					
NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL																					
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE																					
HISTORIC ENGLAND																					
NATURAL ENGLAND																					
ENVIRONMENT AGENCY																					
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP																					
GYPSY AND TRAVELLER COMMUNITY																					
SPORT ENGLAND																					

¹ As confirmed by CCC and EDC at Issue Specific Hearing 3, a list of outstanding points from their point of view is due to be shared with National Highways imminently – this has not yet been received as at Deadline 5. It is hoped that on receipt of this, a number of items currently listed as under discussion can be progressed to agreed, but this will be confirmed in due course. This may take the form of an interim update prior to Deadline 8.

6. Position as at 14 March 2023

6.1.1. This section provides a summary of the SoCG position between the Applicant and each interested party as of 14 March 2023 (Deadline 5). 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. Further clarification is awaited from CCC and EDC as to what further information, if any, they would require to be comfortable with the current proposed approach.
- 6.2.2. CCC and EDC have raised concerns on the impact upon Appleby Horse 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 ongoing with CCC and EDC and future meetings are planned to address concerns with a view to reaching agreement before the end of the examination.
- 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 well advanced and 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 have been held and future sessions are planned with CCC and EDC to address concerns with a view to reaching agreement before the end of the examination.
- 6.2.5. CCC and EDC 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 have been held and future meetings are planned

with CCC and EDC to address concerns, including on traffic modelling, with a view to reaching agreement. Further clarification is awaited from CCC and EDC as to what further information, if any, they would require to be comfortable with the current proposed approach.

6.3. Durham County Council

- 6.3.1. 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 been agreed.
- 6.3.2. There have been issues relating to the Projects 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.
- 6.3.3. The majority of environmental matters are agreed. There are outstanding issues relating to construction traffic for the air quality assessment, which have been discussed between the Applicant and Durham County Council. Further discussions are planned with a view of seeking agreement before the end of the examination.
- 6.3.4. An issue relating to Biodiversity Net Gain is under discussion. Discussions are to be held to address this concern with a view to reaching agreement before the end of the examination.

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 landscape design and engineering of Scheme 9, construction traffic and impacts to local residents remain under discussion, however meetings took place on 9 March 2023 to discuss these concerns, which principally focus on the assurance that design commitments and measures will be secured in the DCO and carried through into detailed design. Further meetings are planned with a view to seeking agreement before the end of the examination.
- 6.4.3. Matters relating to de-trunking and diversion routes also remain under discussion. Discussions are well advanced between National Highways and the Host Local Authorities in relation to de-trunking proposals for the Project.

6.5. Defence Infrastructure Organisation (DIO)

- 6.5.1. 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 have highlighted areas of concern over the impacts on built heritage and undiscovered archaeology along the route. The areas where further agreement is required include:
- Impact and assessment of potential impacts from construction compounds.
 - Engineering design and impact of M6 Junction 40 to Kemplay Bank, Penrith to Temple Sowerby, Appleby to Brough, 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.

Further meetings are being scheduled with a view to seeking agreement on outstanding matters before the end of the examination.

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 (including comments on the content and level of details within the Habitat Regulations Assessment) and species.
 - 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:
- Certain issues related with the content and proposed implementation of the outline Environmental Management Plan, including proposed mitigation across all areas of the Project.
 - 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 Project.
 - Issues related to flood risk and outline drainage design.

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 10% 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. It is noted that the AONB Partnership team did not submit separate representations into the DCO Examination but provided input into the Durham County Council representations.

6.10. Gypsy and Traveller Community

- 6.10.1. The proposed route 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 Fair held at the end of September.
- 6.10.2. The Gypsy community deem the proposed site, which is currently used by the MoD as a bivouac site and is adjacent to the current site, is not suitable. The site is considered too close to the A66, too small, rutted and uneven and there are concerns that the field has been used for cattle.. There are also concerns regarding the safety of horses and children on the site and security of the site.

6.11. Sport England

- 6.11.1. The SoCG with Sport England was prepared and submitted on 24 January (Deadline 3). Since that time there have been ongoing discussions to resolve issues. Issues relating to Kirkby Thore Primary School, Wetheriggs Country Park in Penrith and the MOD Playing Field at Warcop have been agreed.
- 6.11.2. An issue relating to the Ullswater Rugby Pitches at Kemplay Bank and the potential requirement for catch netting and integration of the replacement Public Open Space, remains under discussion, whilst responses to the consultation of the proposed changes within the vicinity of the rugby pitches are being reviewed.