

## A66 NORTHERN TRANS-PENNINE PROJECT (THE PROJECT)

### JOINT POSITION STATEMENT BETWEEN THE APPLICANT AND NATURAL ENGLAND

#### HABITATS REGULATION ASSESSMENT AND NORTH PENNINES MOOR SAC

#### 1. INTRODUCTION

- 1.1 This document responds to a request for information from the Examining Authority (**ExA**) under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) dated 19 May 2023 (**the R17**).
- 1.2 In the R17, the ExA requested an agreed position between the Applicant and Natural England (**NE**) in respect of the conclusions of the Applicant's *Habitat Regulations Assessment (HRA) Stage 2 Statement to Inform Appropriate Assessment [APP-235] (the SIAA)* at North Pennines Moor SAC. This document is therefore intended to provide the ExA with a clear understanding of the position of both parties in respect of this matter at the close of Examination.
- 1.3 This document has been agreed by both the Applicant and Natural England and has been submitted into the Examination by both parties at Deadline 9.

#### 2. POSITION OF THE PARTIES

- 2.1 The Applicant and Natural England have collaborated positively throughout the Examination with a view to reaching agreement on all matters relating to the SIAA. The **parties agree** that all matters relating to the SIAA are agreed<sup>1</sup>, **with the exception** of the assessment and conclusions of the SIAA in relation to the potential impacts of the Project on the North Pennines Moors SAC.
- 2.2 For the reasons set out in various submissions, including its overarching response to the R17 submitted at this Deadline 9 and the HRA supplementary note also submitted at this Deadline 9, **National Highways remains confident in the conclusions contained in the SIAA** that the Project would not have an adverse effect on the integrity of the North Pennines SAC.
- 2.3 For all of the reasons set out in, for example, its PADSS [REP7-180], its comments on the RIES [REP7-181] and its response to the R17 submitted at this Deadline 9 **NE cannot at this stage confirm that it agrees with the assessment and conclusions of the SIAA** that the Project would not have an adverse effect on the integrity of the North Pennines Moors SAC.
- 2.4 NE are currently reviewing the HRA Supplementary Note, received on Tuesday 23<sup>rd</sup> May 2023. Whilst this is still under review, NE is concerned that an adverse effect on the integrity of the North Pennines Moors SAC cannot be discounted and mitigation measures may be necessary.
- 2.5 Notwithstanding the disagreement existing at this stage, both parties are committed to continuing meaningful engagement on the issue of the assessment and conclusions of the SIAA in relation to the North Pennines Moors SAC with a view to reaching agreement on them. Given this, **the parties agree:**
  - 2.5.1 to put in place regular meetings (commencing as soon as reasonably practicable after the close of the Examination) for the duration of the ExA's three month recommendation period to discuss the SIAA's assessment and conclusions in relation to the North Pennines Moors SAC; and

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<sup>1</sup> This is evidenced in the Statement of Common Ground between the parties.

2.5.2 to jointly report to the Secretary of State, as soon as possible after the ExA's recommendation period has ended or earlier, on progress between the parties on reaching agreement on the issue of the assessment and conclusions of the SIAA in relation to the North Pennines Moors SAC.

2.6 The parties have reviewed the ExA's proposed drafting contained in Annex A of the R17 in relation to an air quality mitigation scheme. Whilst acknowledging the aim of the ExA in suggesting this wording, the **parties agree** that the drafting as suggested would not be effective or appropriate in the proposed form. This is because whilst discussions are on-going, the need for and/or nature of any mitigation cannot be determined.

2.7 Given this, **the parties agree** that as part of the update provided to the Secretary of State referenced in paragraph 2.5.2 above, the parties will provide (if considered necessary following the continued engagement) proposed drafting for a control mechanism to aid the Secretary of State in their determination.

**26 May 2023**