

# **A66 Northern Trans-Pennine Project**

**TR010062**

## **4.5 Statement of Commonality for Statements of Common Ground (Rev 5)**

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

**Planning Act 2008**

**Infrastructure Planning (Applications: Prescribed Forms and  
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A66 Northern Trans-Pennine Project  
Development Consent Order 202X

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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. Where SoCGs have been finalised and jointly signed by the interested parties this is noted in Part 4 of this document.
- 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 Project. This statement has been updated to reflect the further engagement that has taken place with the consultees that the Applicant has been liaising with throughout the course of the DCO Examination
- 1.1.4. This Statement provides a current position on the commonality on specific points within SoCGs as of Deadline 9.

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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 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 the 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
<b>Local Authorities</b>
WESTMORLAND AND FURNESS COUNCIL (PREVIOUS VERSIONS OF THIS SoCG REFER TO CUMBRIA COUNTY COUNCIL AND EDEN DISTRICT COUNCIL) DURHAM COUNTY COUNCIL NORTH YORKSHIRE COUNCIL (PREVIOUS VERSIONS OF THIS SoCG REFER TO NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL)
<b>Landowners</b>
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE
<b>Prescribed Consultees</b>
HISTORIC ENGLAND NATURAL ENGLAND ENVIRONMENT AGENCY
<b>Non-Statutory Consultees</b>
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP SPORT ENGLAND
<b>Community Groups</b>
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:
- Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
  - 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.
  - Final Unsigned SoCG - The SoCG has been drafted by the Applicant and it has been shared with the other party for further comment. There remain matters under discussion that the Applicant and the other party will continue to engage on post-Examination.

Table 4-1 – Current Position of SoCG

Document Reference	Party	Position at 26 May 2023	When Final SoCGs are Expected
<b>Local Authorities</b>			
TR010062/APP/4.6	WESTMORLAND AND FURNESS COUNCIL	Final Signed SoCG with matters outstanding submitted at Deadline 9	Deadline 9
TR010062/APP/4.6	DURHAM COUNTY COUNCIL	Final Signed SoCG with matters outstanding submitted at Deadline 8.	Deadline 8
TR010062/APP/4.6	NORTH YORKSHIRE COUNCIL	Final Signed SoCG all matters agreed at Deadline 8.	Deadline 8
<b>Landowners</b>			
TR010062/APP/4.6	DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	Final Signed SoCG all matters agreed submitted at Deadline 6.	Deadline 6
<b>Prescribed Consultees</b>			
TR010062/APP/4.6	HISTORIC ENGLAND	Final Signed SoCG with matters outstanding submitted at Deadline 8.	Deadline 8
TR010062/APP/4.6	NATURAL ENGLAND	Final Signed SoCG with matters outstanding submitted at Deadline 9	Deadline 9
TR010062/APP/4.6	ENVIRONMENT AGENCY	Final Signed SoCG all matters agreed submitted at Deadline 9	Deadline 9

Document Reference	Party	Position at 26 May 2023	When Final SoCGs are Expected
<b>Non-Statutory Consultees &amp; Community Groups</b>			
TR010062/APP/4.6	NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	Final Signed SoCG all matters agreed submitted at Deadline 8.	Deadline 8
TR010062/APP/4.6	GYPSY AND TRAVELLER COMMUNITY	Final SoCG has been shared with the other party and remains unsigned, with matters under discussion to continue post-Examination.	Deadline 9
TR010062/APP/4.6	SPORT ENGLAND	Final Signed SoCG all matters agreed submitted at Deadline 8.	Deadline 8



## 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 May 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 Assets	Biodiversity/Ecology	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
WESTMORLAND AND FURNESS COUNCIL	Red	Green	Green	Red	Red	Red	Red	Green	Green	Green	Red	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green
DURHAM COUNTY COUNCIL	Green	Green	Green	Green	Green	Green	White	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
NORTH YORKSHIRE COUNTY COUNCIL AND RICHMONDSHIRE DISTRICT COUNCIL	Green	Green	Green	White	Green	Green	White	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
DEFENCE INFRASTRUCTURE ORGANISATION FOR MINISTRY OF DEFENCE	Green	White	Green	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White
HISTORIC ENGLAND	Red	Red	Green	White	White	White	White	Green	Green	Green	White	White	White	White	White	White	White	White	White	White	Green
NATURAL ENGLAND	Green	Green	Green	White	White	White	White	Green	Green	Green	Yellow	Yellow	Green	Yellow	Green	Green	Green	Green	Green	Green	Green
ENVIRONMENT AGENCY	Green	Green	Green	White	White	White	White	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
NORTH PENNINES AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP	Green	Green	Green	White	White	White	White	Green	Green	White	White	White	White	White	Green	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	Green	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White

## **6. Position as 26 May 2023**

6.1.1. This section provides a summary of the SoCG position between the Applicant and each interested party as of 26 May 2023 (Deadline 9). The individual SoCGs should be referred to for further detail on specific matters.

### **6.2. Westmorland and Furness Council**

- 6.2.1. Westmorland and Furness Council (W&FC) are supportive of the principle of upgrading the A66 with improvements to existing junctions and the dualling of the remaining single carriageway. Traffic modelling issues are resolved and agreed between the parties.
- 6.2.2. W&FC 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 Council wishes 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.
- 6.2.3. W&FC 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 Council. Discussions on the de-trunking agreement are well advanced and continuing between National Highways and the Council. There are unresolved issues relating to the proposed Crackenthorpe retaining wall. Agreement has not been reached relating to a small number of commercial values and rates, which are subject to further engagement with each party's respective supply chain.
- 6.2.4. W&FC have concerns related to Skirsgill Depot and that the private means of access to be constructed to access the proposed compound (currently employment land) will impact the Council's ability to access the operational highways depot, as well as the proposed maintenance of the access following its construction.
- 6.2.5. W&FC 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. W&FC would wish to see an east-west continuous route. National Highways have noted that this would include sections of the A66 outside of the scope of A66 NTP and have encouraged opportunities for designated funds.
- 6.2.6. W&FC have concerns that the DCO does not include provision for the closure of Main Street in Kirkby Thore, where it does not have any functional purpose as a public highway. National Highways have identified that this portion of Main Street referenced provides access to three parcels of land, and will continue to work with W&FC, as the respective landowners to find a suitable solution.
- 6.2.7. W&FC remains concerned about the current protective provisions under Part 7, Schedule 9 in relation to interference with ordinary watercourses

and the short timescales for responses and the associated fees which W&FC consider inadequate.

- 6.2.8. Environmental matters have been resolved, with the exception of the following:
- A difference in opinion regarding red squirrel mitigation which is set out in further detail within the SoCG.
  - A further request for noise updates (details not yet specified). National Highways consider the approach to noise mitigation to be appropriate for the project as detailed in the SoCG.
  - The approach to Biodiversity Net Gain (BNG). W&FC would wish to see a minimum 10% BNG. National Highways have committed to no net loss for the project.
- 6.2.9. A final SoCG is submitted at Deadline 9 and both parties will continue discussions related to not agreed items.

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

- 6.3.1. Durham County Council (DCC) 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). DCC 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. Since Deadline 5 discussions have progressed to resolve matters on air quality which are now agreed and reported in detail in the SoCG. Further dialogue has also continued in relation to de-trunking agreements and detailed design. All environmental matters are agreed.
- 6.3.3. An issue relating to Biodiversity Net Gain is not agreed. Durham County Council would wish National Highways to provide BNG, whilst the Project is seeking to achieve No Net Loss of Biodiversity.
- 6.3.4. Diversion routes are not agreed. Dialogue on diversion routes will continue post Examination closure and be facilitated through the Traffic Management Forum, which has been established by the Delivery Integration Partners (DIPs).

### **6.4. North Yorkshire Council**

- 6.4.1. North Yorkshire Council (NYC) is supportive of the proposed routes for Scheme 9 (Stephen Bank to Carkin Moore) and Scheme 11 (Scotch Corner). Discussions have progressed since Deadline 5 on landscape matters, the Environmental Management Plan and de-trunking to progress the separate de-trunking agreement. There are no outstanding matters not agreed between NYC and National Highways.

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

- 6.5.1. Discussions are continuing with the DIO on replacement locations for the bivouac, football pitch and pavilion, fuel filling station and associated buildings, which have been agreed in principle. Dialogue is continuing regarding the land transfer process and there are no outstanding matters not agreed within the scope of the DCO. It is understood that ministerial approval to the inclusion of the MOD land in the DCO has been obtained shortly before Deadline 8 and the Crown Consent Letter will be issued imminently by the DIO to National Highways.
- 6.5.2. The Statement of Common Ground was signed between both parties and submitted at Deadline 6.

## **6.6. Historic England**

- 6.6.1. Historic England has expressed some residual concerns with the EMP process as set out within the SoCG between the parties. National Highways has sought to make amendments to the EMP where considered appropriate. Since Deadline 5, matters have been agreed in relation to construction compound impacts, consideration of potential impacts on the Lake District World Heritage Site (WHS) (agreed no impacts on the WHS) and further agreement on the Project design. Various aspects of the EMP have also been agreed.

## **6.7. Natural England**

- 6.7.1. Natural England have highlighted issues and areas where further agreement is needed in relation to the Applicant's conclusion that the Project would not give rise to an adverse effect on the integrity of the North Pennines SAC. To this end, to assist the ExA, the parties have agreed a short form joint position statement which is appended to the Applicant's Response to Rule 17 Request (Document Reference 7.50) submitted at Deadline 9. Amongst other things, it demonstrates a clear commitment from both parties to actively engage on this outstanding point during the recommendation period and provide a joint update to the Secretary of State at the beginning of the three month decision period.
- 6.7.2. Natural England have expressed some residual concerns regarding the monitoring of effluent from drainage ponds.
- 6.7.3. Since Deadline 8 matters have been agreed in relation to Special Protection Area (SPA) birds.
- 6.7.4. A final signed SoCG has been submitted at Deadline 9 and both parties will continue discussions related to under discussion items.

## **6.8. Environment Agency**

- 6.8.1. An agreed final signed SoCG has been submitted at Deadline 9.
- 6.8.2. Since Deadline 8, matters have been agreed in relation to hydraulic modelling (baseline and "with scheme") for Scheme 06, the Environment

Agency's protective provisions, the principle of a control mechanism with regards hydraulic modelling and the wording of a control mechanism as outlined in the joint position statement which is appended to the Applicant's Response to Rule 17 Request (Document Reference 7.50) submitted at Deadline 9.

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

6.9.1. The North Pennines Area of Outstanding Natural Beauty Partnership Team have confirmed no matters remain outstanding and all matters are agreed.

## **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 retain their view that the proposed site, which is currently used by the MOD as a bivouac site and is adjacent to the current site, is not suitable.

6.10.3. A final SoCG has been submitted at Deadline 9 but remains unsigned due to the not agreed items. Both parties will continue discussions related to under discussion items post-Examination.

## **6.11. Sport England**

6.11.1. All Issues relating to Kirkby Thore Primary School, Wetheriggs Country Park in Penrith, Ullswater Community College and the MOD Playing Field at Warcop have been agreed. Sport England have confirmed no matters remain outstanding and all matters are agreed.