



# Department for Transport

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To: The Applicant

Date: 15 September 2023

Dear Sir/Madam

## **PLANNING ACT 2008 AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

Application by National Highways (“the Applicant”) for an Order granting Development Consent for the proposed A66 Northern Trans-Pennine Project.

### **CONSULTATION SEEKING COMMENTS FROM THE APPLICANT REQUEST FOR INFORMATION**

Following the completion of the Examination on 29 May 2023, the Examining Authority (“ExA”) submitted to the Secretary of State on 7 August 2023 a report and recommendation in respect of its findings and conclusions on the above application. In accordance with section 107 of the Planning Act 2008, the Secretary of State must make his decision on the application by 7 November 2023.

### **NORTH PENNINE MOORS SPECIAL AREA OF CONSERVATION (‘SAC’).**

1. The Secretary of State notes in the Applicant’s response of [25 August 2023](#) that a Blanket Bog Land Management Plan (‘BMP’) is proposed. While the proposed status of the BMP is unclear, it is noted that the Applicant does not consider this to be mitigation to directly address the impacts of the Scheme on the North Pennine Moors SAC.
2. The Secretary of State notes from the response of [8 September 2023](#) from Natural England as the Government’s Nature conservation advisors that they consider that:

- insufficient information been provided regarding the air quality impact from the Scheme on the blanket bog and the surrounding mosaic habitat in the North Pennine Moors SAC;
  - the measures in the proposed BMP while welcomed, would not prevent the impacts from the Scheme and is therefore not mitigation; and
  - that the status of the BMP appears to be more compensatory rather than mitigation.
3. The Secretary of State is minded to agree with Natural England that the BMP is not a mitigation measure and that he further considers that it does not enable a conclusion beyond reasonable scientific doubt of no Adverse Effect on Integrity on the North Pennine Moors SAC to be reached. **The Secretary of State therefore requests that the Applicant provides:**
- **information to address the gaps in information set out by Natural England;**
  - **in anticipation that appropriate mitigation measures cannot be agreed and secured, and it continues not to be possible to reach a conclusion beyond reasonable scientific doubt of No Adverse Effect on Integrity in relation to North Pennine Moors SAC, information to support the case for derogation and the provision of details of compensation measures that are agreed with Natural England. The Secretary of State notes the Applicant's response of 25 August 2023 to the Secretary of State's consultation letter of 11 August, which also requested information on the case for derogation, but he would emphasise that he considers this information is necessary.**
  - **draft provisions for the Development Consent Order in order to secure such agreed compensation measures.**

## **PARTICULATE MATTER**

4. The Secretary of State draws the attention of the **Applicant** to Dr. Boswell's response of [8 September 2023](#) and in particular to section 6 titled 'Particulate Matter'. The Secretary of State requests the **Applicant** to confirm if an update is required to chapter 5 of the Environmental Statement submitted in support of the Application, and if updated information is required, the **Applicant** is requested to submit that information.

## **SIDE AGREEMENTS**

5. The Secretary of State notes from the Applicant's response of [7 September 2023](#) that the Applicant is seeking completion of the side agreement with

Dr Richard Leeming and Lady Elizabeth Mary Cecilia Leeming by 15 September 2023. **The Applicant is requested to provide an update as to whether this side agreement and the outstanding side agreements with North Yorkshire Council, Westmorland and Furness Council and Durham County Council have now been completed.**

#### **DEADLINE FOR RESPONSES**

Responses to the requested information should be submitted by email only to [A66Dualling@planninginspectorate.gov.uk](mailto:A66Dualling@planninginspectorate.gov.uk) by 23.59 on 22 September 2023.

Responses will be published on the A66 Northern Trans-Pennine project page of the National Infrastructure Planning website as soon as possible after 22 September 2023:

[A66 Northern Trans-Pennine Project | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/a66-northern-trans-pennine-project)

This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the proposed A66 Northern Trans-Pennine Project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,

Transport Infrastructure Planning Unit