

A66 Northern Trans-Pennine Project

TR010062

Annex 2: Addendum to the Environmental Statement in relation to the Outline Blanket Bog Compensation and Management Plan

Annex 2 - to the Applicant's Habitats Regulations
Assessment: Information submitted without prejudice to
support a Derogation case

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1 Introduction

1.1 Background

- 1.1.1 The Outline Blanket Bog Compensation and Management Plan (OBCMP) (Annex 1) accompanies the Applicant's Habitats Regulations Assessment: Information submitted without prejudice to support a Derogation case, with respect to delivering compensation in line with Test 3 of the derogation. This document supports the OBCMP in undertaking a review of the compensatory measures against the findings of the ES and ES Addendum (see 1.3.1 below).
- 1.1.2 As described in the Applicant's Position Statement¹, the Applicant remains confident in its conclusions that the Project would not give rise to an adverse effect on the integrity of the North Pennine Moors SAC, as articulated in various submissions to date including the response to the previous SoS Request for Information (RfI). Whilst the Applicant has noted Natural England's (NE) recent submissions in respect of the perceived gaps in the information to date, the Applicant considers that these points have been addressed and commented on previously and that there is no additional information that the Applicant can provide that will conclude these issues to NE's satisfaction.
- 1.1.3 However, in the event that the SoS does not conclude that there will be no adverse impact to site integrity, the Applicant, in consultation with NE, has prepared a clear and robust without prejudice HRA derogation case, should the SoS require it to support his decision making for the Project.

1.2 Outline Blanket Bog Compensation and Management Plan

- 1.2.1 The OBCMP provided as Annex 1 sets out how compensation will be identified, secured, delivered and monitored in line with best practice guidance for blanket bog restoration^{2 3} and, where relevant, NE's Site Improvement Plan that covers the North Pennine Moors SAC⁴, should the SoS deem compensation measures are required.
- 1.2.2 The detail in the OBCMP will be developed into a Detailed Blanket Bog Compensation and Management Plan (DBCMP) which will be subject to a further approval process by the SoS under the provisions of article 53 of the DCO.

1.3 Reasons for this Environmental Appraisal

- 1.3.1 The purpose of this document is to report whether or not the proposed compensation measures, detailed within Table 1 of the OBCMP, could give

¹ Dated 27.10.2023

² Thom, T., Hanlon, A., Lindsay, R., Richards, J., Stoneman, R., and Brooks, S. (2019). Conserving Bogs: The Management Handbook.

³ Nature Scot Forest to Bog Restoration Methods. Available at <https://www.nature.scot/doc/peatland-action-technical-compendium-restoration-8-forest-bog-restoration>

⁴ Natural England (2014) Site Improvement Plan North Pennines Group, available at <http://publications.naturalengland.org.uk/publication/6534899699810304>

rise to any new or different likely significant effects when compared to the findings of both the Environmental Statement (ES) (Document Reference 3.2, APP-044 to APP-059) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2 Environmental Appraisal of the OBCMP

2.1.1 The following section assesses whether or not the potential blanket bog restoration measures, as described within Table 1 of the OBCMP (see Annex 1), could lead to any new or different likely significant effects when compared to those reported within the ES and the ES Addendum.

2.2 Assessment Methodology

2.2.1 Each of the measures included within Table 1 of the OBCMP have been assessed in line with the topic specific methodologies set out in Chapters 5 to 15 of the ES (Application Document 3.2, APP-048 to APP-058). Chapter 4: Environmental Assessment Methodology (Application Document 3.2, APP-047) of the ES outlines the overarching process for the assessment of environmental impacts which provides the context and basis of this appraisal.

2.2.2 This appraisal has been undertaken and reviewed by the EIA technical leads responsible for the individual chapters of the ES. They are each competent experts with the relevant and appropriate experience in their respective technical disciplines.

2.2.3 The appraisal is structured on a topic-by-topic basis. Each topic makes an assessment of whether or not there will be an introduction of any new or different likely significant effects when compared to both the ES (Application Document 3.2, APP-048 to APP-058) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018) as a result of any of the measures described in Table 1.

2.2.4 Where a specific measure from the OBCMP has the potential to alter the findings of the topic assessment, or require different mitigation to that previously identified and secured through the first iteration Environmental Management Plan (EMP) (Rev 5) (Application Document 2.7, REP8-005), it has been reported.

2.2.5 It is acknowledged that the site location of the compensation measures is not yet known. However, there will be no change to the DCO Order limits and any land required to implement the OBCMP will be secured via a separate agreement.

2.2.6 If the site location of the measures affects the findings of the appraisal it has been stated accordingly, and this will be subject to further appraisal as part of the DBCMP.

2.3 Air Quality

2.3.1 It is not anticipated that there will be any notable change in the overall construction approach for the Project, as a result of the implementation of

any of the measures within Table 1 of the OBCMP, that will be of the scale to result in any new or different likely significant effects on construction emissions.

- 2.3.2 The implementation of a number of the measures will require the movement of plant and vehicles to the selected location in order to implement the measures (e.g. machinery required to install grip blocks or dams, construction of bunds to protect bare peat). However, the number of plant and vehicles involved will be very small and not sufficient to lead to a significant increase in emissions for vehicles. The movement of plant and vehicles to and around the selected site could give rise to localised dust, which would be managed via the construction dust mitigation measures outlined in the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005). Therefore, it is not anticipated that this change would result in any new or different likely significant effects as compared to those reported in the Chapter 5 Air Quality (Application Document 3.2, APP-048) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018) in construction.
- 2.3.3 During operation the implementation of some of the measures within the OBCMP could have a minor positive impact upon air quality. Most notably the avoidance of managed rotational burning, avoiding areas of wet peat and any peat cutting practices would reduce local air emissions. However, any such reduction in emissions would be localised and not of a scale that would alter the findings of the ES.
- 2.3.4 Therefore, it is not anticipated that any of the OBCMP measures would result in any new or different likely significant effects as compared to those reported in the Chapter 5 Air Quality (Application Document 3.2, APP-048) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018) in operation.

2.4 Biodiversity

- 2.4.5 All of the measures outlined within the OBCMP are intended to improve the condition of blanket bog, albeit within locations that are yet to be identified. By their very nature the implementation of any or all of the OBCMP measures would result in a positive impact.
- 2.4.6 Blanket bog is a high value habitat in the UK and its restoration is encouraged. During consultation with NE, they have indicated that a compensation area of approximately 10 hectares of blanket bog, based on a compensation ratio of marginally more than 1:1 would be appropriate as the effect is a deterioration in blanket bog condition as opposed to complete loss.
- 2.4.7 The restoration of approximately 10ha of blanket bog is to offset that which is impacted by the Project and so it cannot be classed as an overall beneficial effect when compared to the findings of the ES (Application Document 3.2, APP-049) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

- 2.4.8 The area of blanket bog to be restored under the OBCMP will be within the North Pennine Moor SAC boundary, adjacent to the SAC boundary, or in other areas of blanket bog where restoration would provide maintained or improved overall coherence of the National Site Network.
- 2.4.9 Therefore, any positive impacts are not likely to result in new or different likely significant effects when compared to the findings of the ES (Application Document 3.2, APP-049) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.5 Climate

Greenhouse Gases (GHG)

- 2.5.1 The measures outlined in the OBCMP may beneficially change GHG emissions associated with the bog, most notably the avoidance of managed rotational burning, avoiding areas of wet peat and any peat cutting practices. However, any such change in emissions would be negligible given the size of the restoration area.
- 2.5.2 As set out by DMRB LA 114 and in line with the National Policy Statement for National Networks (NPSNN) (paragraph 5.17), the Project's GHG emissions including any potential changes as a result of the OBCMP measures, will not have a likely significant effect on climate. The measures would, therefore, not result in a change to the ES Chapter 7 Climate (Application Document 3.2, APP-050) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018) conclusions.

Climate Change Resilience (CCR)

- 2.5.3 An assessment of the potential impacts on the Project from anticipated changing climate conditions was undertaken for the ES (ES Chapter 7 Climate (Application Document 3.2, APP-050)). A detailed CCR assessment was not taken forward for the construction period of the Project, with justification provided in paragraph 7.5.27 of ES Chapter 7 Climate (Application Document 3.2, APP-050). This same approach has been followed for this assessment of the OBCMP measures. It was concluded that all CCR impacts during the operational phase are 'not significant' due to effective embedded mitigation measures in the existing Project design or to be delivered through monitoring and maintenance regimes assumed to be in place throughout operation (ES Chapter 7 Climate (Application Document 3.2, APP-050) section 7.10.11 to 7.10.20).
- 2.5.4 The OBCMP includes measures designed to improve the hydrology of the blanket bog, retaining water in peat areas (e.g. grip blocking and protection of bare peat to encourage vegetation growth). This could reduce run off from the area, though given the size of the restoration area involved the effects of this are considered negligible. The measures proposed are not considered to introduce any new climate change risks during construction or operation nor do they require additional mitigation measures to be embedded into the design or the monitoring and maintenance regimes.

2.6 Cultural Heritage

- 2.6.1 The site locations of the OBCMP measures are not currently known and there is the potential for archaeological evidence within existing blanket bog habitats, particularly from the Bronze Age. However, the nature of the measures outlined within the OBCMP are largely land management practices and there is no requirement for significant below ground works. The installation of fence posts (to prevent grazing in selected areas) would require an element of ground intrusion yet it would be minimal in scale and not to a depth that could impact upon any archaeology present. As such there is unlikely to be any new or different likely significant effects as a result of the construction phase when compared to the findings of the ES (Application Document 3.2, APP-051) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).
- 2.6.2 In terms of operation, the measures within the OBCMP are designed to improve the blanket bog habitat, and in a number of cases to improve the hydrology and prevent peat from drying. This will increase the protection for any archaeology that may be buried within the peat. The majority of the measures within the OBCMP will not affect the setting of heritage resources. However, the installation of fencing could potentially fragment the setting of a historical landscape, although it is noted that fencing does already exist in the North Pennine Moors SAC. The location and design of any potential fencing would be agreed with both a landscape and heritage expert to ensure that their placement is in keeping with the existing setting. The details of fencing locations and design, including an appraisal of the effect of fencing on landscape and heritage settings, will be included in the DBCMP. Through agreeing appropriate locations and design of the measures, any new or different likely significant adverse effects should be avoided, when compared to the findings of the ES (Application Document 3.2, APP-051) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.7 Geology and Soils

- 2.7.1 The site locations of the OBCMP measures are not currently known, and any required measures will be agreed with landowners in advance of implementation. As the intention of the OBCMP measures is to restore areas of degraded bog, any measures implemented will not be located on Best and Most Versatile (BMV) agricultural land, as blanket bog is highly unlikely to be classed as BMV, therefore no loss of BMV agricultural land is expected as a result of implementing the measures. Similarly, none of the measures would require any significant ground works and local geology would remain undisturbed during construction and operation.
- 2.7.2 The OBCMP would not prevent the DCO from meeting the mitigation requirements outlined within both the ES Chapter 9 Geology and Soils Section 12.9 (Application Document 3.2, APP-052) and the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005).

2.7.3 As such it is not anticipated that there would be any new or different likely significant effects when compared to those reported within the ES (Application Document 3.2, APP-052) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.8 Landscape and Visual

2.8.1 The site locations of the OBCMP measures are not currently known but it will focus on areas of degraded bog habitat. The scale of the OBCMP measures, both in terms of construction and operation, are negligible in the context of the entire Project and they are largely passive in nature with the focus being on land management practices (e.g. managed grazing practices). As such, any impacts are unlikely to be significant from a landscape and visual perspective.

2.8.2 The measures within the OBCMP will not affect the operational landscape setting. The installation of fencing could potentially fragment the local landscape, although it is noted that the location of such measures is not yet determined and fencing does already exist in the North Pennine Moors SAC. The locations and design of any physical measures such as fencing would be agreed with both a landscape and heritage expert to ensure that their placement is in keeping with the existing setting. The details of fencing locations and design, including an appraisal of the effect of fencing on landscape and heritage settings, will be included in the DBCMP. Through agreeing appropriate site locations and design of the measures any new or different likely significant adverse effects should be avoided, when compared to the findings of the ES (Application Document 3.2, APP-053) and the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.9 Material Assets and Waste

2.9.1 The OBCMP measures are not considered likely to give rise to any new construction or operational material assets and waste impacts or effects. This is due to the nature of the measures being largely land management practices where waste streams are unlikely to be generated and the sterilisation of mineral safeguarding areas is equally unlikely.

2.9.2 Any potential impacts that may arise, as a result of any OBCMP measures, would be managed appropriately through the measures set out in the first iteration EMP (Rev 5) (Application Document 2.7 REP8-005).

2.9.3 Therefore, no new or different likely significant effects are anticipated during construction or operation, when compared to the findings of the ES (Application Document 3.2, APP-054) and the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.10 Noise and Vibration

2.10.1 The measures outlined within the OBCMP are not anticipated to result in any significant changes to the construction impacts arising from the Project in respect of noise and vibration. Similarly, the minor nature of the

measures in construction activity terms is not anticipated to result in significant changes in the method or programme that would result in a change in the outcomes of the assessment of likely significant effects during the construction phase of the Project that are reported in the ES Chapter 12 Noise and Vibration (Application Document 3.2, APP-055) and the ES Addendum (Application Document 8.3, CR1-017 and CR1-018). The measures would not prevent the mitigation requirements outlined within the Noise and Vibration Management Plan (NVMP) (REP8-013) from being implemented, as set out in the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005). The compensation measures would not alter the effectiveness of the environmental commitments contained in these documents. Therefore, it is not anticipated that the implementation of the measures would result in any new or different likely significant effects to those reported in the ES (Application Document 3.2, APP-055) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018) for construction noise and vibration.

2.10.2 The measures would not alter the A66 mainline alignment which is the dominant noise source affecting sensitive receptors in this area. Therefore, the implementation of any measures outlined within the OBCMP would not result in any new or different likely significant effects compared to those reported in the ES Chapter 12 Noise and Vibration (Application Document 3.2, APP-055) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018) for operation.

2.11 Population and Human Health

2.11.1 The site locations of the OBCMP measures are not currently known but it is likely to focus on areas of degraded bog habitat. It is possible that there could be a requirement for Agricultural Land Holdings (ALH) which utilise areas of blanket bog to alter their farming practices. The measures will potentially require changes to the way in which livestock are managed in specific locations, what areas they can graze and when they can graze those areas with rotational low-intensity grazing management promoted. Any such measures may not align with their existing farming practices and business needs of the ALH and the restrictive management practices may result in adverse impacts.

2.11.2 Any impacts and effects would be mitigated through agreeing the targeted locations for OBCMP measures with landowners and compensation would be agreed with the landowner in advance of implementation where required, whether that be the provision of new land or financial compensation.

2.11.3 The mitigation measures outlined within the Section 13.9 of the Population and Human Health chapter (Application Document 3.2, APP-056) will adequately control any potential impacts arising from the implementation of any of the OBCMP measures. The mitigation measures are secured through the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005). None of the measures would alter the operational impacts of the

Project and no additional population and human health receptors would be impacted beyond those reported within the ES.

- 2.11.4 Therefore, the implementation of any measures outlined within the OBCMP would not result in any new or different likely significant effects compared to those reported in the ES (Application Document 3.2, APP-056) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

2.12 Road Drainage and the Water Environment

- 2.12.1 The OBCMP measures would not impact upon any of the road drainage and the water environment receptors. The measures are largely passive above ground interventions, and absent of significant below ground works and there is no pathway through which these could impact receptors. The implementation of the measures is not anticipated to result in any significant changes to the construction impacts arising from the Project including from the method or programme. The mitigation that will be secured within the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005) would also ensure any potential effects are avoided during construction, as such no new or different likely significant effects as a result of any measures proposed in the OBCMP are anticipated.
- 2.12.2 For the operation phase, the OBCMP measures are not anticipated to result in a change to the likely significant effects reported in the ES Chapter 14 Road Drainage and the Water Environment (Application Document 3.2 APP-057). There are no anticipated changes to the DCO drainage design, watercourse crossings, cuttings, greater floodplain impacts, or any other design components that may cause an impact on road drainage and water environment receptors as a result of implementing any of the measures.
- 2.12.3 The measures proposed have the potential to improve water quality through reducing sediment input within the catchment. Peatland restoration can also provide increased water storage within the upper catchment which may result in increased flood resilience at catchment scale. It is anticipated that OBCMP measures have the potential to result in minor beneficial impacts to the receiving water environment. However, this would not result in a change to the likely significant effects reported in the ES (Application Document 3.2, APP-057) or the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).
- 2.12.4 The measures would not impact the effectiveness of, or prevent the DCO from meeting, the mitigation requirements outlined within the ES Chapter 14 Road Drainage and the Water Environment (Application Document 3.2, APP-057) and the first iteration EMP (Rev 5) (Application Document 2.7, REP8-005).

2.13 Cumulative Effects

- 2.13.1 No new or different likely significant effects as a result of the implementation of the OBCMP measures were identified in Section 2.3 to 2.12. As such it is considered that there would be no new or different

cumulative effects when compared to those reported within the ES (Application Document 3.2, APP-048 to APP-058) and the ES Addendum (Application Document 8.3, CR1-017 and CR1-018).

3 Conclusion

- 3.1.1 In conclusion this Environmental Appraisal, undertaken and reviewed by the EIA technical leads responsible for the individual chapters of the ES, has established that the implementation of any of the OBCMP measures would not give rise to any new or different likely significant effects when compared to the findings of both the Environmental Statement (ES) (Application Document 3.2, APP-048 to APP-058) and the subsequent ES Addendum (Application Document 8.3, CR1-017 and CR1-018).
- 3.1.2 The appraisal has been carried out based on the nature of the measures set out in Table 1 of Annex 1 (Habitats Regulations Assessment North Pennine Moors SAC Outline Blanket Bog Management and Compensation Plan), and consideration of a broad range of potential receptors. Where an impact could be location specific (such as landscape or heritage effects arising from newly installed fencing) this has been identified. The DBCMP will include an update of this appraisal, specific to the site location(s) selected for the implementation of the compensation measure(s), to demonstrate that the compensation scheme will not give rise to any new or different likely significant effects.