

ANNEX 4

A66 NORTHERN TRANS-PENNINE PROJECT (THE PROJECT)

**NATURAL ENGLAND'S PREFERRED APPROACH TO THE PROPOSED
SECURING MECHANISM FOR COMPENSATION MEASURES IN THE DRAFT
DCO**

Environmental Management Plans

53.—(1) The undertaker must not commence any part of the authorised development until a second iteration EMP for that part has been submitted to and approved in writing by the Secretary of State.

(2) Each part of the authorised development must be constructed in accordance with the relevant second iteration EMP applying to that part.

(3) Each part of the authorised development must be operated and maintained in accordance with the relevant third iteration EMP applying to that part.

(4) A second iteration EMP must—

(a) be substantially in accordance with the first iteration EMP insofar as it relates to the relevant part of the authorised development, unless the Secretary of State is satisfied that any part of the second iteration EMP that is not substantially in accordance with the first iteration EMP would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement; and

(b) be prepared in accordance with the consultation and determination provisions.

(5) Without prejudice to the power conferred on the undertaker to amend a second iteration EMP in accordance with paragraph (6), the undertaker may request the Secretary of State's approval in writing of amendments to all or any part of a second iteration EMP and paragraph (4) applies to the approval of any such amendments.

(6) Subject to paragraphs (7), (8) and (9) following the Secretary of State's approval of a second iteration EMP under paragraph (1), the undertaker may determine to amend that second iteration EMP, or any part of it.

(7) The undertaker may only determine to amend a second iteration EMP or any part of it under paragraph (6) if—

(a) the undertaker is satisfied that those amendments—

(i) are substantially in accordance with the relevant second iteration EMP that has been approved by the Secretary of State under paragraph (1) or paragraph (5), as the case may be; and

(ii) would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement; and

(b) the undertaker has completed the consultation and determination provisions contained in the first iteration EMP in relation to the proposed amendments.

(8) The undertaker must not determine to amend a second iteration EMP (or any part of it) under paragraph (6) unless—

(a) the undertaker has sent to the Secretary of State—

(i) a copy of the submission;

(ii) a copy of the summary report; and

(iii) a statement of the determination the undertaker proposes to make; and

(b) either—

(i) a period of 14 days has elapsed beginning with the date the Secretary of State received the information referred to in sub-paragraph (a) without the Secretary of State notifying the undertaker in accordance with sub-paragraph (ii) below or giving the undertaker a direction in accordance with paragraph (9) below (in relation to which the Secretary of State may notify the undertaker in writing, before the period of 14 days has elapsed, that the Secretary of State requires longer than this period to notify the undertaker in accordance with sub-paragraph (ii) below or to give the undertaker a direction in accordance with paragraph (9) below, specifying the longer period required, in which case that longer period will apply for the purposes of this paragraph); or

(ii) the Secretary of State has notified the undertaker in writing that the Secretary of State is content for the undertaker to make the proposed determination.

(9) In relation to any determination proposed to be made by the undertaker to amend a second iteration EMP (or any part of it) under paragraph (6), the Secretary of State may direct that—

- (a) the undertaker must not make the proposed determination; and
- (b) the proposed determination is instead to be made by the Secretary of State as though it were in response to a request for the Secretary of State's approval of amendments to all or any part of the second iteration EMP made by the undertaker under paragraph (5).

(10) On completion of the construction of each part of the authorised development the undertaker must prepare, and determine whether to approve in accordance with the consultation and determination provisions, a third iteration EMP for that part, which must substantially accord with the measures relevant to the operation and maintenance of the authorised development contained in the relevant second iteration EMP approved (either initially, or as subsequently amended) for that part in accordance with the provisions of this article and the undertaker may at any time subsequently determine to approve amendments to a previously approved third iteration EMP in accordance with the provisions of this paragraph.

(11) No part of the mainline A66 is to be commenced until a detailed blanket bog compensation and maintenance plan, prepared in accordance with the outline blanket bog compensation and maintenance plan, has been submitted to and approved in writing by the Secretary of State, following consultation with Natural England.

(12) The mainline A66 must not be completed and opened for public use until the approved detailed blanket bog compensation and maintenance plan has been implemented to the Secretary of State's satisfaction following consultation with Natural England.

(13) Following implementation of the approved detailed blanket bog compensation and maintenance plan to the Secretary of State's satisfaction the undertaker must maintain the restored blanket bog in accordance with the approved detailed blanket bog compensation and maintenance plan.

(14) The consultations referred to in paragraphs (11) and (12) are to be carried out in accordance with the procedures contained in paragraphs 1.4.17 to 1.4.34 and paragraphs 1.4.38 to 1.4.40 of the first iteration EMP, except that the functions of the "Principal Contractor" or "PC" may be performed by the undertaker.

(15) ~~(10)~~ If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with the provisions of this article, those steps may be taken into account for the purposes of determining compliance with this article if they would have been valid steps for that purpose had they been taken after this Order came into force.

(16) ~~(11)~~ In this article—

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and mitigation works, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“the consultation and determination provisions” means the provisions contained in paragraphs 1.4.9 to 1.4.52 of the first iteration EMP that set out the matters on which consultation is required and the procedures that apply to the conduct of that consultation and which require the undertaker to maintain functional separation when making determinations under this article;

“the first iteration EMP” means the document certified by the Secretary of State under article 49 (certification of plans, etc.) as being the first iteration EMP (Environmental Management Plan) for the purposes of this Order;

“the mainline A66” means the A66 carriageway to be constructed or improved as part of Work Nos. 0102-1, 03-1, 0405-1, 0405-2, 06-1, 07-1, 08-1, 09-1 and 11-1;

“the outline blanket bog compensation and maintenance plan” means the document listed in Schedule 10 certified by the Secretary of State under article 49 as the outline blanket bog compensation and maintenance plan for the purposes of this Order;

“the second iteration EMP” means, in relation to any part of the authorised development, the development of the first iteration EMP in its application to that part of the authorised development, following the grant of development consent and in advance of its construction, as approved or subsequently amended in accordance with this article;

“submission” has the meaning given to it in paragraph 1.4.17 of the first iteration EMP;

“summary report” has the meaning given to it in paragraph 1.4.17 of the first iteration EMP; and

“the third iteration EMP” means, in relation to any part of the authorised development, the development of the second iteration EMP in its application to that part of the authorised development, to support its future management and operation following completion of its construction, as approved or subsequently amended in accordance with this article.

Detailed design

54.—(1) Subject to article 7 (limits of deviation) and the provisions of this article, the authorised development must be designed in detail and carried out so that it is substantially in accordance with—

- (a) the design principles;
- (b) the works plans; and
- (c) the engineering section drawings: plan and profiles and the engineering section drawings: cross sections.

(2) The Secretary of State may approve a detailed design that departs from paragraph (1), following consultation with the relevant planning authority, the Environment Agency, Historic England and Natural England (on matters related to their statutory functions), provided that the Secretary of State is satisfied that any amendments to the design principles, the works plans, the engineering section drawings: plan and profiles and the engineering section drawings: cross sections would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) Where amended details are approved by the Secretary of State under paragraph (2), those details are deemed to be substituted for the corresponding design principles, works plans, engineering section drawings: plan and profiles and engineering section drawings: cross sections as the case may be and the undertaker must make those amended details available in electronic form for inspection by members of the public.

Time limit for when development must begin

55.—(1) The authorised development must not begin later than the expiration of 5 years beginning with the date on which this Order comes into force.

(2) Section 155 (when development begins) of the 2008 Act applies to this article.

Signed by the authority of the Secretary of State for Transport

Address
Date

Name
Title
Department for Transport

SCHEDULE 10

Article 49

DOCUMENTS TO BE CERTIFIED

(1) <i>Document</i>	(2) <i>Description</i>	(3) <i>Reference</i>	(4) <i>Date submitted</i>
Book of reference	Book of Reference – Volume One: Scheme 0102: M6 Junction 40 to Kemplay Bank	5.7 (Rev P04)	16/5/2023
	Book of Reference – Volume Two: Scheme 03: Penrith to Temple Sowerby	5.7 (Rev 2)	16/5/2023
	Book of Reference – Volume Three: Scheme 0405: Temple Sowerby to Appleby	5.7 (Rev 2)	16/5/2023
	Book of Reference – Volume Four: Scheme 06: Appleby to Brough	5.7 (Rev P06)	16/5/2023
	Book of Reference – Volume Five: Scheme 07: Bowes Bypass	5.7 (Rev 2)	16/5/2023
	Book of Reference – Volume Six: Scheme 08: Cross Lanes to Rokeby	5.7 (Rev 2)	16/5/2023
	Book of Reference – Volume Seven: Scheme 09: Stephen Bank to Carkin Moor	5.7 (Rev 2)	16/5/2023
	Book of Reference – Volume Eight: Scheme 11: A1(M) Junction 53 Scotch Corner	5.7 (Rev 2)	16/5/2023
Classification of roads plans	Classification of Roads Plan Scheme 0102: M6 Junction 4 to Kemplay Bank	5.20	21/6/2022
	Classification of Roads Plan Scheme 03: Penrith to Temple Sowerby	5.20	21/6/2022
	Classification of Roads Plan Scheme 0405: Temple Sowerby to Appleby	5.20	21/6/2022
	Classification of Roads Plan Scheme 06: Appleby to Brough	5.20 (Rev 3)	16/5/2023
	Classification of Roads Plan Scheme 07: Bowes Bypass	5.20 (Rev 2)	9/5/2023
	Classification of Roads Plan Scheme 08: Cross Lanes to Rokeby	5.20	21/6/2022
	Classification of Roads Plan Scheme 09: Stephen Bank to Carkin Moor	5.20	21/6/2022
Crown land plans	Crown Land Plans Scheme 06: Appleby to Brough	5.14 (Rev 4)	26/5/2023
	Crown Land Plans Scheme 07: Bowes Bypass	5.14	21/6/2022
Design principles	Project Design Principles	5.11 (Rev 5)	16/5/2023
De-trunking plans	De-Trunking Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.21	21/6/2022
	De-Trunking Plans Scheme 03: Penrith to Temple Sowerby	5.21 (Rev 2)	9/5/2023
	De-Trunking Plans Scheme 0405: Temple Sowerby to Appleby	5.21	21/6/2022
	De-Trunking Plans Scheme 06: Appleby to Brough	5.21 (Rev 2)	9/5/2023
	De-Trunking Plans Scheme 07: Bowes Bypass	5.21 (Rev 2)	9/5/2023

	De-Trunking Plans Scheme 08: Cross Lanes to Rokeby	5.21	21/6/2022
	De-Trunking Plans Scheme 09: Stephen Bank to Carkin Moor	5.21 (Rev 2)	9/5/2023
Engineering section drawings: cross sections	Engineering Section Drawings: Cross Sections Scheme 0102: M6 Junction 40 to Kemplay Bank	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 03: Penrith to Temple Sowerby	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 0405: Temple Sowerby to Appleby	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 06: Appleby to Brough	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 07: Bowes Bypass	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 08: Cross Lanes to Rokeby	5.18	21/6/2022
	Engineering Section Drawings: Cross Sections Scheme 09: Stephen Bank to Carkin Moor	5.18 (Rev 2)	9/5/2023
	Engineering Section Drawings: Cross Sections Scheme 11: A1(M) Junction 53 Scotch Corner	5.18	21/6/2022
Engineering section drawings: plan and profiles	Engineering Section Drawings: Plan and Profiles Scheme 0102: M6 Junction 40 to Kemplay Bank	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 03: Penrith to Temple Sowerby	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 0405: Temple Sowerby to Appleby	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 06: Appleby to Brough	5.17 (Rev 3)	16/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 07: Bowes Bypass	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 08: Cross Lanes to Rokeby	5.17	21/6/2022
	Engineering Section Drawings: Plan and Profiles Scheme 09: Stephen Bank to Carkin Moor	5.17 (Rev 2)	9/5/2023
	Engineering Section Drawings: Plan and Profiles Scheme 11: A1(M) Junction 53 Scotch Corner	5.17	21/6/2022
Environmental management plan	Environmental Management Plan	2.7 (Rev 5)	16/5/2023
	Environmental Management Plan Annex A Constraints Plan	2.7	21/6/2022
	Environmental Management Plan Annex B1 Outline Landscape and Ecology Management Plan	2.7 (Rev 4)	16/5/2023
	Environmental Management Plan Annex B2 Outline Site Waste Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B3 Outline Heritage Mitigation Strategy	2.7 (Rev 5)	16/5/2023
	Environmental Management Plan Annex B4 Air Quality and Dust Management Plan	2.7 (Rev 3)	16/5/2023

	Environmental Management Plan Annex B5 Noise and Vibration Management Plan	2.7 (Rev 3)	16/5/2023
	Environmental Management Plan Annex B6 Public Rights of Way Management Plan	2.7	21/6/2022
	Environmental Management Plan Annex B7 Ground and Surface Water Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B8 Materials Management Plan	2.7	21/6/2022
	Environmental Management Plan Annex B9 Soil Management Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B10 Construction Worker Travel and Accommodation Plan	2.7	21/6/2022
	Environmental Management Plan Annex B11 Community Engagement Plan	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex B12 Skills and Employment Strategy	2.7	21/6/2022
	Environmental Management Plan Annex B13 Construction Traffic Management Plan	2.7 (Rev 2)	16/5/2023
	Environmental Management Plan Annex B14 Site Establishment Plan	2.7	21/6/2022
	Environmental Management Plan Annex B15 Invasive Non-Native Species (INNS)	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C1 Working in and Near SAC Method Statement	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C2 Working in Watercourses Method Statement	2.7 (Rev 2)	24/1/2023
	Environmental Management Plan Annex C3 Scheduled Monuments Method Statement	2.7 (Rev 4)	16/5/2023
	Environmental Management Plan Annex C4 Piling Method Statement	2.7	21/6/2022
	Environmental Management Plan Annex D Emergency Procedures	2.7 (Rev 2)	24/1/2023
Environmental statement	Environmental Statement Non-Technical Summary	3.1	21/6/2022
	Environmental Statement Volume 1 (Main Report) - Chapters 1 to 15	3.2	21/6/2022
	Environmental Statement Volume 1 (Main Report) - Chapter 16	3.2 (Rev 2)	6/9/2022
	Environmental Statement Volume 2 (Figures) – Figures 1.1, 2.3, 8.9.1, 10.8, 11.1, 12.2, 12.5 and 12.9	3.3	21/6/2022
	Environmental Statement Volume 2 (Figures) – Figure 10.9	3.3 (Rev 2)	14/2/2023
	Environmental Statement Volume 2 (Figures) – Figures 2.1 to 2.2, 2.4 to 8.8.2, 8.9.2 to 10.7, 12.1, 12.3 to 12.4, 12.6 to 12.8 and 13.1 to 15.2	3.3 (Rev 2)	9/5/2023
	Environmental Statement Volume 3 (Appendices) – Appendices 1.1 to 5.3, 6.1 to 8.9, 9.1 to 9.4 and 10.1 to 10.5	3.4	21/6/2022
	Environmental Statement Volume 3 (Appendices) – Appendix 9.5 and 13.2	3.4 (Rev 2)	24/1/2023
	Environmental Statement Volume 3 (Appendices) 5.4, 8.10 and 10.6	3.4 (Rev 2)	14/2/2023

	Errata Report	6.1 (Rev 3)	16/5/2023
Land plans	Land Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.13 (Rev 3)	9/5/2023
	Land Plans Scheme 03: Penrith to Temple Sowerby	5.13	21/6/2022
	Land Plans Scheme 0405: Temple Sowerby to Appleby	5.13 (Rev 2)	2/9/2022
	Land Plans Scheme 06: Appleby to Brough	5.13 (Rev 3)	26/5/2023
	Land Plans Scheme 07: Bowes Bypass	5.13 (Rev 2)	16/5/2023
	Land Plans Scheme 08: Cross Lanes to Rokeby	5.13	21/6/2022
	Land Plans Scheme 09: Stephen Bank to Carkin Moor	5.13 (Rev 2)	16/5/2023
	Land Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.13	21/6/2022
Outline blanket bog compensation and maintenance plan	Habitats Regulation Assessment North Pennine Moors SAC Outline Blanket Bog Management and Compensation Plan	=	27/10/2023
Rights of way and access plans	Rights of Way and Access Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.19	21/6/2022
	Rights of Way and Access Plans Scheme 03: Penrith to Temple Sowerby	5.19 (Rev 3)	16/5/2023
	Rights of Way and Access Plans Scheme 0405: Temple Sowerby to Appleby	5.19	21/6/2022
	Rights of Way and Access Plans Scheme 06: Appleby to Brough	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 07: Bowes Bypass	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 08: Cross Lanes to Rokeby	5.19	21/6/2022
	Rights of Way and Access Plans Scheme 09: Stephen Bank to Carkin Moor	5.19 (Rev 2)	9/5/2023
	Rights of Way and Access Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.19	21/6/2022
Special category land plans	Special Category Land Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.15 (Rev 2)	9/5/202
	Special Category Land Plans Scheme 0405: Temple Sowerby to Appleby	5.15	21/6/2022
	Special Category Land Plans Scheme 06: Appleby to Brough	5.15 (Rev 2)	9/5/2023
	Special Category Land Plans Scheme 07: Bowes Bypass	5.15	21/6/2022
Traffic regulation measures (clearways and prohibitions) plans	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.22	21/6/2022
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 03: Penrith to Temple Sowerby	5.22 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 0405: Temple Sowerby to Appleby	5.22	21/6/2022
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 06: Appleby to Brough	5.22 (Rev 2)	9/5/2023

	Prohibitions) Plans Scheme 06: Appleby to Brough		
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 07: Bowes Bypass	5.22 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 08: Cross Lanes to Rokeby	5.22	21/6/2022
	Traffic Regulation Measures (Clearways and Prohibitions) Plans Scheme 09: Stephen Bank to Carkin Moor	5.22 (Rev 2)	9/5/2023
Traffic regulation measures (speed limits) plans	Traffic Regulation Measures (Speed Limits) Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 03: Penrith to Temple Sowerby	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 0405: Temple Sowerby to Appleby	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 06: Appleby to Brough	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 07: Bowes Bypass	5.23 (Rev 2)	9/5/2023
	Traffic Regulation Measures (Speed Limits) Plans Scheme 08: Cross Lanes to Rokeby	5.23	21/6/2022
	Traffic Regulation Measures (Speed Limits) Plans Scheme 09: Stephen Bank to Carkin Moor	5.23 (Rev 2)	9/5/2023
Tree preservation order trees location plan	Tree Preservation Order Trees Location Plan Scheme 0102: M6 Junction 40 to Kemplay Bank	5.24	21/6/2022
	Tree Preservation Order Trees Location Plan Scheme 06: Appleby to Brough	5.24 (Rev 2)	9/5/2023
	Tree Preservation Order Trees Location Plan Scheme 09: Stephen Bank to Carkin Moor	5.24 (Rev 2)	9/5/2023
Works plans	Works Plans Scheme 0102: M6 Junction 40 to Kemplay Bank	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 03: Penrith to Temple Sowerby	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 0405: Temple Sowerby to Appleby	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 06: Appleby to Brough	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 07: Bowes Bypass	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 08: Cross Lanes to Rokeby	5.16	21/6/2022
	Works Plans Scheme 09: Stephen Bank to Carkin Moor	5.16 (Rev 2)	9/5/2023
	Works Plans Scheme 11: A1(M) Junction 53 Scotch Corner	5.16	21/6/2022