



Department
for Transport

Great Minster House
33 Horseferry Road
London, SW1P 4DR

Telephone: 0300 330 3000
Email: www.gov.uk/dft
Web: transportinfrastructure@dft.gov.uk

To: The Applicant,
Natural England and
Westmorland and
Furness Council

Date: 7 December 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, NATURAL ENGLAND, AND WESTMORLAND AND FURNESS COUNCIL

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.

The statutory deadline by which the Secretary of State must make his decision on the application is 7 March 2024.

REQUEST FOR INFORMATION

Brough Hill Fair

1. The Secretary of State notes the submission dated 6 November 2023 on the proposed relocation of Brough Hill Fair submitted by [Michael Hargreaves Planning](#) on

behalf of the Brough Hill Fair Community Association. The Secretary of State invites **the Applicant** to provide any comments on this submission.

North Pennines Moors Special Area of Conservation ('SAC')

2. The Secretary of State notes the concern raised by [Transport Action Network](#) dated 29 November 2023 that the blanket bog in the North Pennines Moors SAC is a priority habitat. These concerns were supported by others including [Anne Robinson](#), [Dr Andrew Boswell](#) and [Friends of the Lake District](#).

The information provided in the [walkover survey](#) in Section 3 of the Applicant's HRA Second Supplementary Note – North Pennine Moors SAC/SPA Appendix A (dated 25 August 2023) indicates that the area of bog affected is degraded and not actively forming new peat. As the affected area of blanket bog is degraded, the Secretary of State notes that it is therefore not a priority habitat under regulation 64(2) of the Conservation of Habitats and Species Regulations 2017 (as amended). The Secretary of State invites **Natural England** to confirm whether they agree and if not, provide reasoning for this.

Amendments to Article 36 (relocation of Brough Hill Fair)

3. While the Secretary of State notes the responses to paragraph 6 of his consultation letter dated [8 November 2023](#) which he will fully consider before making his final decision, with regard to article 36(1), the proposal in the Applicant's [draft Order](#) dated 26 May 2023 and submitted to the Planning Inspectorate at Deadline 9 is that the Secretary of State should approve a scheme prepared by the Applicant for the relocation of Brough Hill Fair and its implementation. The Secretary of State is concerned that he may not be best placed to approve a scheme prepared by the Applicant under article 36(1)(a) and in particular certify the approved scheme has been satisfactorily implemented by or on behalf of the undertaker under article 36(1)(b). He believes that the relevant planning authority may be more appropriate to take on this responsibility. Without prejudice to the Secretary of State's final decision, the Secretary of State invites comments from the **Applicant** and **Westmorland and Furness Council** regarding the proposed amendments to article 36(1).

Induced Heavy Goods Vehicles Traffic ('HGV')

4. The Secretary of State notes the submissions made by [Dr Andrew Boswell](#), [Transport Action Network](#) and others regarding the Applicant's perceived failure to assess induced HGV traffic for the Proposed Development. The Secretary of State invites **the Applicant** to provide any comments on these submissions.

The Levelling Up and Regeneration Act 2023

5. The Secretary of State notes the submissions made by various parties including the [Friends of the Lake District](#), [Transport Action Network](#), [Anne Robinson](#) and others regarding the impact of section 245 of the Levelling-up and Regeneration Act 2023 which will come into force on the 26 December 2023. The Secretary of State invites **the Applicant** to provide comments on its application to this matter in the first instance.

DEADLINE FOR RESPONSES

Responses to the requested information should be submitted by email only to A66Dualling@planninginspectorate.gov.uk by 23.59 on **21 December 2023**.

Responses will be published on the A66 Northern Trans-Pennine project page of the National Infrastructure Planning website as soon as possible after 21 December 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