

TR010062 - A66 Northern Trans-Pennine Project

s51 Advice Library

Updated – 29 July 2022

A new approach to the recording of s51 advice is being trialled on the A66 Northern Trans-Pennine Scheme. This document contains the advice that has been provided by the Planning Inspectorate at meetings with the applicant (National Highways) and their consultants and it is published in line with the regulatory requirements. The format used should be considered as transitional at this time as the approach will continue to evolve.

This library is a record of advice we have provided for this project.

There is a statutory duty under [section 51 of the Planning Act 2008](#), to record the advice that is given in relation to an application or potential application and to make this publicly available.

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Topic	Meeting date: 17 September 2020
Design and Delivery	The Inspectorate advised that including a set of design principles within the Design and Access Statement (DAS) would help to address any uncertainty with the design approach adopted for more flexible design elements of the scheme.
Application Documents	The Inspectorate advised that the application documents should contain a consistent set of parameters since this was often a consideration during Acceptance and a focus for Examination Questions.
Environmental	The Inspectorate highlighted various schemes that had included Environmental Statements (ES) with incomplete survey work (due to access permissions) that had adopted a worst-case scenario approach. It was noted that such an approach was possible but could create uncertainty in the assessment assumptions and mitigation.
Environmental	The Inspectorate queried whether the use of a worst-case scenario approach might drive an applicant to provide more mitigation than was actually required, increasing the potential cost of a scheme.
Environmental	The Inspectorate advised the submission of trial-trenching approach in tranches post application was not preferred due to the potential impact on the examination of introducing new material that could alter assessment conclusions following acceptance. It may also raise concerns about the acceptability / completeness of the environmental information at the point of acceptance if there is reference to a need for it to be subsequently supplemented.
Environmental	The Inspectorate advised the ambition for a digital Environmental Statement (ES) should be to reduce the amount of material submitted to Examination, rather than to present the equivalent of a paper-based ES in electronic format.
General	The Inspectorate highlighted the importance of making a digital submission accessible and easy to navigate, including to different parties with different levels of knowledge regarding Environmental Impact Assessment processes.
Scoping	The Inspectorate advised there was no legal mechanism to modify a Scoping Opinion (SO) except for another SO. However, the Inspectorate highlighted that its current SO standard wording anticipates and allows for some evolution of methodological approaches and suggested that where such evolution of approach occurred this should be subject to discussion and, where possible, agreement with the relevant consultation bodies.

Scoping	The Inspectorate advised that there was potential to issue section 51 advice in relation to specific matters that an applicant might raise (in line with its normal processes) and that use of an Environmental Impact Assessment (EIA) evidence plan process could help to secure agreement with consultation bodies and form the basis for Statements of Common Ground (SoCG).
Scoping	The Inspectorate advised that any response to draft scoping material would not have the legal status of that submitted to a formal scoping request, but that it considered it could be beneficial to seek agreement of methodologies with consultation bodies prior to making a formal Scoping Opinion request. Any such efforts should be explained and evidenced in the scoping request.
Scoping	The Inspectorate noted that Regulation 11 of the EIA regulations is triggered by EIA Regulation 8 notification. This usually coincides with the formal Scoping process and consultation under EIA Reg 10, therefore the consultation bodies are notified and consulted on the scoping request (EIA Reg 10) as well as being informed of their statutory duties in the preparation of an ES (EIA Reg 11) concurrently. EIA Regs 8 and 10 can and have been triggered separately (ie EIA Reg 8 notification in advance of scoping request).
Pre-commencement requirements	The Inspectorate noted that post-decision Requirements were standardised for most National Highways projects. The Inspectorate was happy to discuss any potential changes to wording or approach of the Requirements prior to an application being made.
Stakeholder Engagement	The Inspectorate noted that applicants do not have to agree to all local authority comments on the draft Statement of Community Consultation, the requirement is to have regard to any comments made.
Topic	Meeting date: 29 September 2020
Pre-commencement requirements	The Applicant explained that owing to the Project Speed objectives for the scheme they were looking into a strategy which minimised the number and detail sought from pre-commencement requirements. The Inspectorate advised this could present difficulties if the detail of intended pre-commencement requirements was only evolving during the examination. This may also lead to difficulty in examining the security of commitments made as mitigation measures in the Environmental Statement if sufficient detail is not provided where such measures are being relied upon.
Development Consent order	In seeking to retain flexibility by providing less detail in the Order with Requirements that contain less detail on submission, the Inspectorate queried whether there was a risk that stakeholders may find it difficult to understand what could actually be consented through the Order.

General	In considering how some schemes had sought to include flexibility in the application, the Inspectorate highlighted that on some schemes (for example A14 Cambridge to Huntingdon Improvement Scheme) there had been a number of change requests submitted during the Examination. Such requests increase the amount of information and can increase the risk for the scheme. The Inspectorate advised the Applicant to understand this risk, seek to frontload and therefore reduce the likelihood and requirement for changes during examination.
General	The Inspectorate noted that the broad approach taken to defining the A14 scheme's River Ouse crossing had resulted in the crossing taking up considerable examination time and for the Applicant to consider the applicability of the particular issues there to the proposed development so as to prepare the application in light of those issues.
Scoping	In the event that the Applicant undertook to share an informal Scoping Report with stakeholders, the Inspectorate could not provide a formal Scoping Opinion but could consider offering s51 advice in line with the approach offered on other draft document reviews.
Evidence Plan	The Inspectorate noted that other Nationally Significant Infrastructure Projects (such as Triton Knoll Wind Farm) had used an Evidence Plan approach for the Environmental Impact Assessment (EIA). The Inspectorate talked through the principles of an Evidence Plan approach for the Applicant's EIA. The approach would set out the evidence as well as the stakeholder support/ buy-in or issues/ concerns with the evidence to support the EIA.
General	The Inspectorate advised it does not issue standard templates for Statements of Common Ground (SoCG). However, the Inspectorate noted that the coordination and drawing together of the findings from SoCGs had been used to good effect in the Richborough Connection schemes' Examination - through a Statement of Commonality.
Stakeholder Engagement	The Inspectorate advised that it does not traditionally become involved in discussions between an Applicant and the relevant local authorities around Planning Performance Agreements.
Topic	Meeting date: 13 October 2020
Design and Delivery	The Inspectorate questioned why the project had not been split into smaller projects with their own consenting strategies. The Applicant explained that National Highways are approaching it as one project and it was important that it was delivered as one project in relation to East/West connectivity. The Applicant noted that each of the 10 schemes are dependent on each other, and the benefits will only be fully achieved through delivery of the entire length of the project (i.e. the benefits of the project are greater than the sum of its parts).

Design and Delivery	With regard to a Design and Access Statement, the Inspectorate referred to practices in Europe where projects have sought a consistent approach to factors such as signage and sculpture on the road network that helps relate key features to local heritage and tourist attractions.
Consultation	The Inspectorate advised it could be helpful if the consultation material included a coherent narrative for the scheme.
General	The Inspectorate advised there should be clear parameters and there should be consistency in how the scheme is described and justified.
General	The Inspectorate advised that planning to submit further information within the Pre-examination stage could complicate the process; to ensure the Relevant Representations are based on the current application, including any new information, may extend the timeline for that stage. If additional information is required, the preference would be for the Applicant to delay the submission all together or that it is to be provided as early in the Pre-examination stage as possible and avoiding multiple "piecemeal" submissions.
Design and Delivery	The Inspectorate suggested the Applicant's 'red, amber, green' assessment of areas of risk could inform the Scoping process; the Inspectorate could then be alerted to areas where further detail is being developed and how it will impact on the Environmental Statement and other technical work that informs the part of the Order.
Design and Delivery	The Inspectorate advised it would be important to manage design development during Pre-application, with gateways identified for feedback, so that as part of the Order it is clear how change has been managed.
Design and Delivery	The Inspectorate suggested that the Applicant could prepare a document that set out the design development process and identified the practices that will be deployed for those areas of uncertainty around construction, eg archaeology.
Design and Delivery	The Inspectorate recognised that construction of the scheme would pragmatically require some flexibility, all areas of uncertainty on the design may not be addressed during Examination and some will be reserved for post consent through detailed design. Therefore, it is important to clarify what further detail is likely to be brought forward later within Pre-examination and what can be held back so that flexibility is built into the Order.
Design and Delivery	The Inspectorate commented that the boundary and limits of the scheme presented in the Order, and that formed the basis for the EIA, should be informed by constructability and flexibility but that an applicant should have ensured a high level of confidence that these are appropriate and should not be subject to multiple changes post-submission.
Application Documents	The Inspectorate emphasised that there needs to be sufficient detail within the scheme's application documents to be able to consent it.

Scoping	The Inspectorate queried whether pushing a formal Scoping exercise further back into the programme could aid matters being 'Scoped out' before submission on the basis of more complete / advanced baseline data.
Topic	Meeting date: 4 November 2020
Evidence Plan	The Inspectorate advised that it could attend an initial Evidence Plan meeting with the Statutory Environmental Bodies (SEB).
Scoping	The Inspectorate noted that a shared informal Scoping Report should be marked 'for information only' as no formal comments are being requested from the Inspectorate.
Design and Delivery	The Inspectorate queried if providing flexibility and less design detail in the application would lead to a greater likelihood of changes during the examination. The Applicant confirmed that if the boundaries and limits were correct, then the detailed design should be able to emerge within these limits and change to the DCO during the examination should not be necessary.
General	The Applicant provided an indicative timeline of when advice was likely to be sought from the Inspectorate in relation to various topics, structured around the issues identified in the NSIP prospectus. The Inspectorate welcomed the approach. The Inspectorate advised that there would be merit in bringing discussion on the draft Development Consent Order (dDCO) and Case for the Scheme documents earlier in the programme.
Topic	Meeting date: 10 November 2020
Environmental	The Applicant explained the approach to project optimisation and that for some matters not all information would be available on submission. Further evidence, informed by surveys, could be submitted further into the process to substantiate the identified environmental effects or mitigation measures. The Applicant confirmed the ES would adopt a worst-case scenario approach. The Inspectorate flagged its previous advice in relation to submission of information post application and the need to ensure adequacy of the ES for examination at the point of submission.
Environmental	The Inspectorate advised that there may be difficulties encountered in verifying whether any assumptions used were correct and that the Environmental Impact Assessment was reliable if based on a worst-case scenario, once more detailed design and updated survey information was available post-submission.
General	The discussion noted the potential impact on programmes of survey work as a result of the on-going pandemic. The Inspectorate was not aware of any recently submitted applications where missing survey information as a result of COVID related restrictions had been identified.

Environmental	The Inspectorate emphasised the importance of an applicant seeking as much clarity as possible for a scheme in respect of: key design principles; confidence in the boundary; scheme description; and how these have formed the basis of the Environmental Impact Assessment.
Application Documents	The Inspectorate reviewed the Applicant's draft Statement of Common Ground template and advised that it would be beneficial if the document could highlight what changes the stakeholder would like to see to the DCO application. Cross-referencing between section 2 and other parts of the document was advised to reduce duplication.
National Policy Statement	Drawing on experience from other National Highways projects, the Inspectorate observed that a National Policy Statement (NPS) compliance document was helpful in signposting the relevant evidence base within the application documents.
National Policy Statement	The Inspectorate advised it could be useful for the applicant to prepare a first draft of a National Policy Statement compliance document as soon as possible.
Topic	Meeting date: 24 November 2020
General	Where an applicant was proposing to take a specific approach to flexibility, the Inspectorate advised that the Applicant should ensure that all stakeholders are made aware of the proposed strategy for post-submission information/changes from the outset and before an application is submitted. The Inspectorate advised of the value of a clear narrative on the design that forms part of the DCO and how it will evolve during the Examination; if detailed design is to emerge during the Examination, then it should be made as clear and as distinct from the examination process as possible as should the timing of any associated document, e.g. Code of Construction Practice.
General	Any subsequent changes should be grouped around issues or aspects of the DCO and there should be a strong justification for why the changes are non-material. The Inspectorate advised that any such changes should be made at an early a stage as possible.
General	The Inspectorate advised that design uncertainty near residential areas can be a barrier for Affected Parties (APs) understanding the potential level of any impact on their dwellings during construction and operation of a scheme. The approach to consultation and optionality will need to be considered in this regard.
General	The Inspectorate drew on the example of the Manston Airport application that had adopted a worst-case scenario in the Environmental Assessment (EA) for parts of the site where access could not be gained to conduct survey work and therefore there was some uncertainty about the ecological impacts. The discussion noted that uncertainty could be created in respect of whether the level of Compulsory Acquisition (CA) was justified if it were based on mitigation following worst-case scenario assumptions of impacts.

Evidence Plan	The Inspectorate has been invited to observe one of the scheduled Evidence Plan meetings; the Inspectorate requested an outline agenda for the meetings programme.
Environmental	The Inspectorate advised it would be helpful if the Applicant could provide an overview of how it has used GIS to understand potential impacts and identify affected landowners for each design section.
Stakeholder Engagement	The Inspectorate advised it would be helpful to understand more about the Applicant's approach to Statutory Undertaker (SU) engagement and feedback, noting that early engagement can be very beneficial.
General	The Inspectorate requested the following items are part of future agendas: non-motorised users, private means of access, digital Environmental Impact Assessment and approach to DCO plans.
Topic	Meeting date: 8 December 2020
Consultation process	The Applicant queried the Inspectorate's view on the appropriate length of a statutory consultation period. The Inspectorate referenced the MHCLG Guidance which discusses the quality of consultation and showing stakeholder that regard has been had to responses. It is important to have sufficient information as part of the statutory consultation so stakeholders can understand with reference to the Preliminary Environmental Impact Report (PEIR) the potential impacts and mitigation measures of the scheme, particularly given the geographical extent and complexities of the schemes forming the proposed development. It is important for an applicant to explain why alternatives have been rejected and provide justification for the preferred route.
Consultation	The Inspectorate advised the Applicant to look at the s51 advice published following the Lower Thames Crossing application withdrawal with regards to the level of detail provided at the Statutory Consultation phase.
Environmental Impact Assessment	The Inspectorate noted that the statutory roles and functions of some local authorities as waste and highway authorities. Adequate information should be provided within the consultation documents to allow them to conduct their statutory roles and duties appropriately. The Inspectorate advised the Applicant to take responsibility for when it is acting as the relevant highway authority and to work with the other local authorities for elements where they are the lead highway authority. It is important that the Applicant does not attempt to pass the impacts of the scheme to infrastructure providers and other network users.
Environmental Impact Assessment	In applying a worst-case approach to assessment, The Inspectorate advised the Applicant to try to keep the parameters consistent but acknowledged that parameters will vary between different aspects of the scheme and noted lighting columns are often omitted.
Environmental	The Inspectorate advised the Applicant to include justification within the Environmental Statement for any missing data.

General	The Inspectorate welcomed further discussion on how the Applicant proposes to introduce evidence and data post-submission to provide comfort and update where assumptions have been made previously within the ES. In particular if the need for post-submission data is acknowledged, the acceptability of the ES/ completeness of environmental information at the point of submission may be an acceptance risk.
Environmental Impact Assessment	The Inspectorate acknowledged the importance of assessing material and waste handling and advised the Applicant to consider including a theoretical desk exercise.
Environmental Impact Assessment	The Inspectorate advised that an adequate Flood Risk Assessment (FRA) had been a recurring theme for recent Acceptance decisions and emphasised the inclusion of a full FRA at submission; further discussion on flooding was requested at a future meeting including approaches to climate change allowances.
Environmental impact Assessment	The Inspectorate advised that the Design Manual for Roads and Bridges (DMRB) used by National Highways does not override the National Networks National Policy Statement (NNNPS).
Design and Delivery	The Applicant walked the Inspectorate through its approach to assessment of findings from the initial design. The Inspectorate welcomed the discussion and suggested the topic was revisited at future meetings.
Topic	Meeting date: 5 January 2021
Consultation	The Inspectorate advised the Applicant to consider the level of detail it intended to include in its Statement of Community Consultation (SoCC).
Design and Delivery	The Inspectorate queried if there was any intension to improve the existing dual carriageway sections of A66 to current standards and how the route would operate as a whole. The Applicant stated that the commission from Government through the Road Investment Strategy (RIS) was to upgrade the remaining single carriageway sections of the A66.
Application Documents	The Inspectorate advised the Applicant to adopt a document naming convention within the Environmental Statement that aided navigation of the suite and requested document sizes are kept under 100MB, preferably 50MB or under.
Application Documents	The Inspectorate encouraged the Applicant to explicitly set out what was being applied for within the application documents and ensure consistency across the application as a whole.
Application Documents	The Inspectorate advised that the inclusion of a 'Scheme Assessment and Route Selection Report' would be helpful.

Environmental	The Inspectorate noted the Applicant intends to have multiple Habitat Regulations Assessments (HRA) and advised that although other applicants have done this before, it can be more complicated when in-combination affects for the scheme are assessed. The Applicant confirmed it would produce a single document but with multiple sections as there are different impacts/assessments e.g. river and wide open moorland area.
Topic	Meeting date: 19 January 2021
General	The Inspectorate noted the value to having illustrative fly-through videos as part of an applicant's consultation information but emphasised the importance of taking an iterative approach when developing them to ensure they are representative of the works being applied for.
General	The Inspectorate advised it can be helpful when fly-through videos are set against real imagery and include an option to view the site with and without the scheme present and encouraged the Applicant update the fly-through video to account for subsequent changes arising from Consultation.
Design and Delivery	The Inspectorate encouraged clear explanation and justification regarding the status and inclusion of green bridges, noting previous instances on National Highways schemes where their inclusion had been subject to a separate funding structure or delivery mechanism, leading to uncertainty regarding delivery and further questioning at Examination, particularly around reliance on such measures as mitigation on the ES for the proposed development if they are to be delivered by other means.
Design and Delivery	The Applicant discussed the options for early discharge of pre-commencement requirements, noting that LAs, SEBs and some community groups would be consulted on the detailed design. The Inspectorate explained that consulting on detailed design aspects of the scheme during examination may lead to confusion as to what matters are within the examination and what are outside it. It could also lead to increases in volumes of documents being submitted to the examination and may drive the need for change requests and thereby increase the overall complexity of the examination process.
Design and Delivery	The Inspectorate advised that there was a risk of confusion for Interested Parties (IP) if the Applicant conducted consultation on detailed design aspects before the application was given development consent by the Secretary of State (SoS).
Design and Delivery	The Inspectorate differentiated design changes in response to comments received during Examination to consulting on detail design aspects during Examination.
Design and Delivery	The Inspectorate advised design exploration during Examination may warrant SoS consultations at the Decision stage, lengthening the period and delaying the issuing of a Decision.

Development Consent Order	The Inspectorate advised it agreed with the Applicant's approach of having a 'unified code' within the draft DCO and Environmental Management Plan (EMP) to help readability between the documents and to aid understanding of the impacts and proposed mitigation.
Environmental	The Inspectorate advised the Applicant to seek to get the balance of land required for environmental mitigation as accurate as possible for the Statutory Consultation to avoid confusion or criticism if less land is then applied for within the submitted application.
Consultation	The Inspectorate advised the Applicant to clearly state within the Statutory Consultation material how it intends to handle the arrangements for discharge of pre-commencement requirements in this application outside of their normal inclusion in the DCO.
Topic	Meeting date: 2 February 2021
Application documents	The Inspectorate agreed that the Applicant's proposed Red Amber Green (RAG) assessment would be a helpful tool in capturing the considerations and conversations held in respect of the scheme's design evolution. The Inspectorate hoped that the RAG assessment could help to progress more purposeful Statements of Common Ground.
Design and Delivery	The Inspectorate advised that critical design elements of the scheme, such as the size and locations of certain junctions, should seek to be resolved before Statutory Consultation where possible. Meaningful consultation on wide ranges of options / variations may be difficult to achieve and may limit the value of the entire process with the ability of consultees being able to properly understand the proposals.
Design and Delivery	The Inspectorate emphasised that the Examination will be focusing on issues relating to the submitted scheme, not unresolved design issues.
Stakeholder Engagement	The Inspectorate advised the Applicant to include clarity within the consultation material on what is being consulted on and how its assessments have led to outcomes.
Scoping	The Inspectorate advised the Applicant against conducting its formal Scoping exercise at the same time as Statutory Consultation as it may create confusion as to where the respective responses should be sent.
Scoping	The Inspectorate highlighted concern that responses to the formal Scoping exercise may be lengthier and potentially slower to process if they also included comments on the Applicant's PEIR document from Statutory Consultation.
Topic	Meeting Date: 2 March 2021
Design update: Warcop	The Applicant outlined the design evolution in this location. The Inspectorate queried points in relation to a Parish Council preferred route, the effect on the setting of the North Pennines Area of Outstanding Natural Beauty (AONB), the AONB Partnership's considerations and enquired about a general overview of cost differentials between options.

Design update: Trout Beck	The Inspectorate queried whether any design evolution represented a significant departure from the Preferred Route Announcement (PRA). The Applicant noted that if there were to be a significant departure from the PRA then the consultation and engagement implications of that would need to be considered.
Design update: Trout Beck	The Inspectorate advised that if the Applicant intends to conclude that there is a potential for an adverse effect on integrity on the European site /site features, it is important to look at avoidance of potential effects before moving on to look at any mitigation measures.
Consultation	The Inspectorate advised that if the Applicant intends to conduct non-statutory consultation, it would be interested in understanding what information was intended to be presented in the materials.
Environmental	Given work was progressing on some assessments in advance of a Scoping Request being submitted, the discussion noted that scoping is a voluntary process and identified the value and benefits of a scoping process.
Environmental	The Inspectorate advised that if the Applicant was looking to 'scope out' significant parts of the Environmental Assessment, discussion with the Inspectorate before submission is encouraged.
Environmental	The Inspectorate advised the Applicant would need to provide a GIS shapefile with its Regulation 8 letter formally requesting a Scoping Opinion, and provide the information set out in Regulation 8(.3)a: plan, physical characteristic of the project and any demolition works and locations of environmental sensitivity
Topic	Meeting Date: 16 March 2021
General	The Inspectorate provided examples of decided Nationally Significant Infrastructure Projects (NSIPs) that had red line boundaries within or near (AONBs) or National Parks: Hinkley Point C Connection, Southampton to London Pipeline Project, Rampion Offshore Wind Farm and Hornsea 3 Offshore Wind Farm.
General	The Inspectorate advised that if an NSIP application had been decided over five years ago and the documents for that application were no longer available on the website, an Applicant could ask the project's developer directly for the information.
Design update: Trout Beck	The Inspectorate advised the Applicant to highlight uncertainty within the Statutory Consultation documents to make it clear if there would be options within the design at this location that could potentially change.
Design update: Trout Beck	The Inspectorate advised the Applicant to provide justification for the options chosen within the submitted scheme by including engagement with the competent authority and Statutory Environmental Bodies (SEBs) within the narrative.

Design update: Trout Beck	The Inspectorate advised that a robust alternatives assessment would be required where the Applicant's Habitats Regulations Assessment (HRA) concludes that an adverse effect on the integrity of a European Site cannot be excluded.
Consultation	The Applicant explained that a decision would be made following the environmental appraisals of whether options would be taken into the Statutory Consultation. The Inspectorate advised that the Applicant should work to try to reduce the amount/number/types of options taken forward into Statutory Consultation.
Environmental	The Inspectorate agreed it is helpful for an Applicant to include a table setting out how Scoping responses have been addressed in the ES chapter.
Environmental	The Inspectorate advised the Applicant that it was not necessary to include excessive detail on the methodology in the ES, where that detail is set out in the Scoping Report appended to the application and where it relates to industry standard methods. The methodology should instead focus on any departures from standard practice.
Scoping	The Inspectorate advised the Applicant to thoroughly review any "tick-box" / summary tables in its Scoping Report for consistency against the narrative of issues to be 'Scoped out'. Where there is inconsistency or uncertainty in the proposed scope, the Inspectorate is more likely to scope in issues on a precautionary basis.
Environmental	The Inspectorate emphasised the importance of setting out the sequencing of construction activities (such as excavated soil movements) to inform the assessment of effects reported in the ES.
Topic	Meeting Date: 23 March 2021
Design update: Trout Beck	The Inspectorate advised that the Applicant's Preliminary Environmental Information Report (PEIR) should provide the information reasonably required to allow SEBs to develop an informed view of the likely significant effects. The Inspectorate advised that the Applicant could liaise with SEBs on the proposed content of the PEIR to ensure that sufficient information would be provided.
Design update: Trout Beck	The Inspectorate advised the Applicant to clearly explain any gaps in data sets or assessments in the PEIR if certain matters were unable to be included or concluded at that stage and how such gaps would be addressed as part of the full application.
Design update: Trout Beck	The Inspectorate welcomed the inclusion of project visualisations within the Statutory Consultation material to assist understanding of the physical makeup of the site and design options by stakeholders.
Design update: Trout Beck	The Inspectorate noted that options may go forward into the Statutory Consultation material and queried whether they would be presented as equal options or whether the Applicant would indicate a preferred option at that stage. The Inspectorate recommended that the Applicant state its preference.

Topic	Meeting Date: 30 March 2021
Consultation	The Inspectorate advised that providing the SEBs with enough information on the Applicant's approach for assessing the various options on the scheme prior to consultation would improve the value of their responses.
Consultation	The Inspectorate noted that the M20 Junction 10a scheme may have taken options through its Statutory Consultation exercise and into submission. PINS would prefer options not to be taken into DCO Submission
Design update: Warcop	The Inspectorate emphasised the importance of mitigation for impacts on landscape within AONBs and encouraged the Applicant to seek the AONB Partnership's view on the proposed mitigation.
Design update: Warcop	Where options were being consulted on in the Statutory Consultation, the Inspectorate strongly encouraged the Applicant to state in the consultation material its preference at this stage to encourage and/or facilitate more meaningful comments from consultees.
Scoping	The Inspectorate advised that if a precautionary approach is taken to the Red Line Boundary (RLB) provided at Scoping – drawing it wider than it might need to be at that point due to design footprint uncertainty - it might result in additional consultees being identified and potentially consulted unnecessarily on the content of the Scoping Report.
Scoping	The Inspectorate advised the Applicant to include attenuation basins, mitigation land and borrow pits within the RLB at the point of scoping and to be as clear as is possible about any oversizing of the RLB at this stage and where it might be refined as the design evolves prior to final submission.
Scoping	The Inspectorate advised that once a Scoping Request is validated, the Scoping Report is published and therefore any plans within it will be put in the public domain.
Scoping	The Applicant noted that for some elements of the scheme there might not be a clear red line boundary for the purposes of a GIS shapefile for Scoping. The Inspectorate explained that the shapefile would be used to identify consultation bodies. The Inspectorate suggested that where the RLB was defined, it should be included, and for other areas a buffer from the centre line would be acceptable. The Inspectorate observed that it would be preferable to have a buffer that decreased later in the process rather than having an artificially large area identified at this stage.
Scoping	The Applicant queried what approach they should take if offsite mitigation is identified further in the process that was not covered in the Scoping Report and associated RLB. The Inspectorate confirmed that most schemes see design evolution between scoping and formal submission and noted the importance of applying a consistent methodology to any additional features affected. The Inspectorate noted that where a fundamental difference in design occurs there could be justification for a subsequent additional scoping process. The Inspectorate referenced

	statements regarding scoping set out in the Finch ruling.
Scoping	The Inspectorate advised that recent Scoping Opinions have included the following text: The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the Environmental Statement (ES), where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
Topic	Meeting Date: 13 April 2021
Application documents	The Inspectorate advised that there had been PEIRs that were made up of multiple volumes, such as for the M25 Junction 10 scheme, whilst others were separated into numerous technical notes.
Application documents	The Inspectorate noted that digital, online PEIRs were now being prepared, such as on the A417 Missing Link scheme.
Climate Change	The Inspectorate advised that the PA2008 legislation does not specifically refer to / endorse Design Manual for Roads and Bridges (DMRB) document, therefore the Applicant may wish to consider other design standard frameworks to address climate change related issues.
Climate Change	The Inspectorate queried whether the Applicant had considered carbon sequestration for any of the proposed landscaped areas such as certain grasses that capture more carbon. The discussion noted approaches such as re-wetting upland areas that could improve carbon capture.
Topic	Meeting Date: 27 April 2021
Design Update: Kirkby Thore Orange Route	The Inspectorate advised that effects on dairy cattle had been considered during examination of other NSIPS,s including effects on milk yields due to their proximity to dairy herds.
Programme	The Inspectorate acknowledged the Applicant's current programme allowed 3 - 4 months between the close of Statutory Consultation and submission and highlighted that the timeframe was tight.
General	The Inspectorate advised the Applicant to adopt a clear naming convention when naming each document within the application suite, to be able to understand clearly what each document is from its title.
Topic	Meeting Date: 11 May 2021
Biodiversity Net Gain	The Inspectorate is supportive of applicants with ambitions for Biodiversity Net Gain within their applications but noted that there is no statutory requirement to provide this at present. The Inspectorate advises applicants to be clear in their applications what is identified as 'mitigation' and what is 'enhancement'.

Biodiversity Net Gain	The Inspectorate noted that the National Networks National Policy Statement (NNNPS) should be the mechanism to provide for Biodiversity Net Gain, however recognised that there would likely be a transition period if there were amendments to either the Environment Bill or provisions in the forthcoming Planning Bill.
Design Update	The Inspectorate noted that the whole scheme, including options, had been shared with the Design Council. The Inspectorate advised it would be helpful if the application includes the Design Council's comments, potentially within the Consultation Report (with particular reference to specific parts of the scheme e.g. bridge crossings).
Scoping	The Inspectorate advised it is more helpful to the process to have a defined RLB instead of a buffer zone at Scoping but if there are areas of uncertainty, explanations should be included in the narrative of the Scoping Report. The Inspectorate advised if a buffer zone is provided at Scoping, to ensure the RLB is fully contained within the buffer.
Evidence Plan	The Inspectorate advised the Applicant to capture areas of agreed disagreement within the Evidence Plan.
Topic	Meeting Date: 25 May 2021
Statutory Consultation	The Inspectorate advised the Applicant to include the Statutory Consultation period commencement date in the Statement of Community Consultation (SoCC) notice if the notice was published before the consultation period opens.
Statutory Consultation	The Inspectorate queried if and how the Applicant's SoCC would articulate any implications of Project Speed to the statutory consultation process.
Application Documents	The Inspectorate advised the Applicant to ensure all the commitments, including smaller commitments such as email notifications, are adhered to and fully captured in the Consultation Report's (CR) narrative and supported with evidence. If a commitment was not successfully achieved, the CR must clearly explain why.
Topic	Meeting Date: 8 June 2021
Pre-Commencement Requirements	The Inspectorate encouraged the Applicant to undertake early engagement with relevant bodies on the Applicant's proposal to capture obligations that would usually be Pre-Commencement Requirements within a detailed Construction Environmental Management Plan (CEMP).
Pre-Commencement Requirements	The Inspectorate advised that if the CEMP was intended to be the mechanism to certify works, then there would need to be an appropriate level of detail included and considered that this could amount to a large volume of work that might require detailed consideration during the Examination process.

Pre-Commencement Requirements	The Inspectorate advised the Applicant in pursuing an approach where the CEMP replaced a process of seeking approvals pursuant to requirements, the Applicant should seek to assure that as many detailed design contentions had been discussed and/or resolved as early as possible.
Early Works	The Inspectorate observed that distinguishing between early works and later works could increase the complexity of the planning consenting process, noting that the Development Consent Order should be a single consenting process.
Early Works	The Applicant explained that it was looking at suitable consenting routes/strategies in respect of early works; works that could be justified as not being part of the NSIP and which could be progressed through Town and Country Planning Act or Special Development Order routes. The Inspectorate noted the provisions of Special Development Orders (SDO) tended to be for urgent uses and temporary developments and would require secondary legislation and Parliamentary scrutiny.
Early Works	The Inspectorate considered that advanced planting would not necessarily require consenting if the land was in the Applicant's current ownership.
Design Council	The discussion noted the role of a recent Design Council review of proposals and in particular options at Kirkby Thore, Warcop and Rokeby. The Inspectorate advised that it would be helpful if Design Council discussions and outputs could be recorded and reported in the Submission Documents (potentially in the Consultation Report).
Scoping	The Inspectorate advised that the Applicant could continue to hold discussions with organisations involved with the Scoping process as it saw fit, however the Inspectorate did not normally engage in discussions between the applicant and / or consultation bodies during the Scoping period.
Scoping	The Inspectorate advised that during Scoping it sometimes receives responses from consultees stating that they have made their comments direct to the Applicant. This means that there is no information from the consultee on which to base the scoping opinion. The Inspectorate advised that it was helpful for an Applicant to make clear to organisations that they would need to provide the Inspectorate with the relevant information.
Environmental	The Inspectorate advised that the Applicant would not necessarily need to present a standalone Landscape and Ecological Management Plan (LEMP) if it had covered the information requirements elsewhere. However, should an Applicant be looking to get early sign off for a LEMP then it might require an appropriate level of detail that therefore lent itself to a standalone document.
Environmental	The Inspectorate noted that there was a possible overlap between the CEMP and LEMP and their respective status, and advised that it could be helpful to consider an overarching document to explain this

Topic	Meeting Date: 22 June 2021
Biodiversity Net Gain	The Inspectorate advised there is a proposed revision to the Biodiversity Net Gain (BNG) calculator being issued in Summer 2021. The Inspectorate advised the Applicant to be proactive in respect of BNG and to set out its BNG position in advance of potential legislative requirements.
AONB Policy Test Compliance	The Inspectorate advised the Applicant to be clear about the extent of impact/ physical incursion on the AONB within the consultation and application documents.
AONB Policy Test Compliance	The Inspectorate advised the Applicant that methodically working through the criteria of the AONB policy would assist with articulating their approach to compliance.
Topic	Meeting Date: 6 July 2021
Consultation	The Inspectorate advised the Applicant to have regard to acceptance considerations (highlighted on the Lower Thames Crossing scheme) in particular how the application would demonstrate that the Applicant had responded to consultation and how such comments had influenced the scheme evolution.
Environmental	The Inspectorate advised that lime soil improvement practices must be conducted in a controlled manner, due to risk of contamination.
Design update: Rokeby	The Inspectorate advised the Applicant that if no preference on the consulted options is presented there may be a case that a further consultation exercise is warranted, once a decision on the preference is made, to allow comments on their preferred option.
Design update: Rokeby	The Inspectorate advised that the totality of heritage impacts for the whole scheme needs to be considered cumulatively / holistically, for example to look at the totality of the impact on the features of each era (e.g., roman archaeology) on a route wide basis.
Topic	Meeting Date: 20 July 2021
Environmental	The Inspectorate advised the Applicant that in respect of cumulative / holistic heritage impacts, the best source of advice will be its own internal specialists and the Local Authority County Archaeologists. The Inspectorate advised the Applicant to look at how cumulative heritage impacts had been assessed for the A303 Stonehenge scheme, HS2 proposals and the A57 Link Road projects and the recent legal challenges on Stonehenge.
Application Documents	The Inspectorate advised 'The Case for the Scheme' needed to be considered as a whole and not as a collection of the individual schemes that make it up.
Design update: Rokeby	The Inspectorate explained that addressing the range of options and identifying a preferred approach at Statutory Consultation should promote more value in the responses provided which would enable the application to be more informed at submission.

Design update: Kemplay Bank Roundabout	The Inspectorate noted the Applicant's approach of only including the preferred options within its Statutory Consultation material and emphasised the importance of keeping the narrative factual and clearly setting out how the conclusions for choosing the preferred options were drawn.
Pre-Commencement Requirements	The Inspectorate noted that there could be merit in streamlining the pre-approval process and that it was interested in how the mechanism could be worked up in detail but advised that it should seek buy in from SEBs.
Pre-Commencement Requirements	The Inspectorate advised the Applicant will also require the Secretary of State's willingness to vary control; the Applicant will need to seek support from key stakeholders in respect of the proposed approach.
Topic	Meeting Date: 3 August 2021
National Policy Statement	The Inspectorate advised the Applicant to be cognisant of any contextual changes that may arise over the course of application in respect of revisions to the National Networks National Policy Statement (NNNPS). Dependent on the timing of any NPS review, it is likely to be a relevant consideration for an Examining Authority.
Consultation	The Inspectorate queried whether the Applicant was intending on presenting an explanation of the preferred option in the consultation material to give people a reasonable understanding about why the preferred route is the preferred one and the process that led to that conclusion. The Applicant confirmed that this was the intention.
Consultation	The Inspectorate advised that s46 notification comes to the Inspectorate and can be sent via electronic document transfer.
Topic	Meeting Date: 17 August 2021
Climate Change	The Applicant explained that detailed work was being undertaken in respect of understanding carbon emissions and cumulative assessments and recognised the approaches taken on other highways schemes including A303 Stonehenge. The Inspectorate suggested it would be helpful to have an agreed National Highways position to inform all relevant highways schemes.
Consultation	The Applicant explained that local authorities had provided comments on the draft Statement of Community Consultation (SoCC) and that these would be taken into account in preparing and undertaking the statutory consultation.
Pre-Commencement Requirements	The Inspectorate encouraged the Applicant to table future agenda items to explain more of the practical detail of the approach to Pre-Commencement Requirements.
Topic	Meeting Date: 31 August 2021
Environmental	The Inspectorate noted other NSIP schemes that were located near a Registered Park and Garden. The discussion noted A303 Sparkford to Ilchester where impacts on Hazelgrove House had been dealt with through a Heritage Statement setting out the issues. The Inspectorate stressed that these were specific issues with different impacts to those

	being considered on A66.
Scoping	The Inspectorate explained that statements in the Scoping Opinion (SO) sought to ensure that mitigation that was set out and secured in the Development Consent Order (DCO) was consistent with the parameters assessed within the Environment Statement. The Inspectorate commented that often at Examination there can be a gap in what the DCO can permit compared with what has been assessed. The Applicant noted that there would be more detail on specific mitigation if that is to be signed off early and that they are not anticipating there is going to be significant change to the design by the contractors but that the DCO allowed for necessary flexibility.
Scoping	In respect of the assessment for potential major accidents and disasters the Inspectorate confirmed that it was not necessary to update and repeat Appendix 18A (risk assessment) in the Environmental Statement (ES) but that the Applicant should ensure that hazards are identified and considered within appropriate technical chapters.
Scoping	In respect of Ground Investigation, the Inspectorate understood that more information will become available as the ES is being finalised and could potentially be post submission. The Inspectorate advised that as long as there is enough information to inform the assessment of likely significant effects, and provided any information submitted in the examination does not alter the conclusions of the assessment, the ES will not need to be updated.
Scoping	In respect of traffic information, the Inspectorate advised that the information contained in a Transport Chapter and Transport Assessment (TA) can significantly overlap. The Inspectorates supports utilising and updating the TA as the primary source of information.
Consultation	The Inspectorate advised that where options or alternatives are presented in consultation material, the Applicant should be clear to make the public/ consultees aware that this is the final series of proposals and that it is the final opportunity to express an opinion.
Topic	Meeting Date: 14 September 2021
Environmental	In respect of heritage surveys, the Inspectorate questioned what information would be included in the Application documents and what, if any, gaps there might be. If there were gaps, the Inspectorate advised that it would expect agreement with the relevant Local Authorities/heritage specialists around the approach taken by the Applicant. The Inspectorate noted that the later material becomes available, the more complex it can be to understand the scheme impacts.
Topic	Meeting Date: 28 September 2021

Application Documents	The Applicant shared a list of stakeholders with whom it was proposing to work towards Statements of Common Ground (SoCG). The Inspectorate considered that the list contained the expected parties, noting that more stakeholders might be added and queried if this might include the North Pennines AONB. The Inspectorate queried if the Applicant might seek SoCG with any tourism/economic bodies in the relevant areas. The Applicant noted it is reaching out to the Local Economic Partnerships and will consider whether the SoCG route is the most appropriate.
Topic	Meeting Date: 12 October 2021
Early Works	The Inspectorate advised that the Applicant should be clear about the powers required to undertake early archaeological investigation works, particularly where it is proposed not to reinstate excavated material.
Environmental	The Inspectorate advised that initial assessment and development of the research framework for a Heritage Mitigation Strategy could be a key area of work and that it could take be a significant consideration at examination. The Inspectorate noted it could be useful to understand the thinking behind it and how it will develop over the project lifecycle.
Environmental	The Inspectorate advised the Applicant to record the degree to which the initial Habitats Regulation Assessment (HRA) conclusions have been agreed with Natural England, noting that ideally there should be agreement with Natural England on the methodology and findings in terms of any potential adverse effects on integrity.
Environmental	The Inspectorate advised the Applicant to be clear about the evidence base used to assess sites in the HRA and to provide clear cross references from the screening and integrity matrices to the data/evidence supporting the conclusions drawn.
Environmental	The Inspectorate requested that the Environment Bill/Act implications and more specifically how BNG would be dealt with in the dDCO be added to a future agenda.
Topic	Meeting Date: 20 October 2021

<p>Site Visit Itinerary for the day</p>	<p>Scheme one: M6 Junction 40 Initial review of junction 40 improvement works (including impact on the hotel grounds) - undertaken from the road outside the hotel.</p> <p>Scheme two: M6 J40 to Kemplay Bank roundabout Park at retail park. Walking tour of Kemplay Bank roundabout including details of crossing points. Access Police and ambulance area to discuss access and egress for the blue light area.</p> <p>Scheme three: Penrith to Temple Sowerby Park at Llama Karma Kafe. Attend visitor centre. Drive past Center Parcs access road layby to review junction arrangements.</p> <p>Scheme four: Temple Sowerby to Appleby (Kirkby Thore) Park at Kirkby Thore Memorial Hall and walk to access road to British Gypsum to review potential impact on the north of village. Walk from British Gypsum access road to the primary school to review the junction arrangements over Station Road. Walk along Sleastonhow Lane.</p> <p>Scheme five: Temple Sowerby to Appleby (Crackenthorpe) Drive through. Park at Appleby fair site, then drive through village.</p> <p>Scheme six: Appleby to Brough Park near Warcop village and review potential route for preferred route at this location. Park at Heron's Farm to review impact on Brough Hill fair site and potential replacement site on the bivvy field.</p> <p>Scheme seven: Bowes By Pass Drive through the route.</p> <p>Scheme eight: Cross Lanes to Rokeby Cross Lanes Farm Shop to view western extent of Scheme 8 and Cross Lane junction location. Drive and park in St Mary's Church Car Park to view alignment. Drive to Rokeby Park to view area of Rokeby junction proposals.</p> <p>Scheme nine: Stephen Bank to Carkin Moor Drive to and park at Mainsgill Farm shop. View current Moor Lane junction arrangement from Mainsgill Farm shop car park</p> <p>Scheme 11: Scotch Corner Drive around the junction and view the roundabout from the scotch corner service station.</p>
<p>Site Visit</p>	<p>The Inspectorate found the site visit to have been extremely helpful and noted a few matters arising that it might be beneficial to pick up in future meetings relating to the evolution of design options at: Warcop and the relationship to the Parish Council's suggested northern route; Rokeby route preference; Appleby; Kirby Thore to understand more about potential impact on heritage assets in the area; River Eden SAC and the relationship with the River Eden Trust; and further understanding of construction areas around Kemplay Bank.</p>
<p>Topic</p>	<p>Meeting date: 26 October 2021</p>
<p>Pre-Commencement Requirements</p>	<p>The Applicant noted that the consultation stage to discharge requirements can take around 50 days. Part of the Applicant's approach to Pre-Commencement Requirements was to explore whether there was scope for design improvements in the process and timescales involved. The Inspectorate were interested to understand how a proposed approach might work in practice.</p>

Application Documents	The Inspectorate advised that a "Case for the Project" document is often a critical application document and early consideration/ preparation of its contents could usefully inform the preparation of the remaining documentation.
Application Documents	The Inspectorate advised the Applicant to be clear and upfront in the SoCG on matters where they had not reached agreement with parties. Where they had reached agreement, the Inspectorate urged that appropriate evidence was then included within the suite of application documents.
Consultation	The Inspectorate advised the Applicant to give due consideration as to how the scheme has been changed as a result of the consultation and where it has not been changed.
Stakeholder Engagement	The Inspectorate queried whether the Applicant intended to share drafts, or elements, of the Consultation Report with local authorities in advance of submission and suggested this could be viewed as good practice.
Topic	Meeting date: 9 November 2021
Pre-Commencement Requirements	The Inspectorate asked for an update on the approach to Pre-Commencement Requirements and suggested a worked-up example would be helpful to frame any future agenda items.
Consultation	The discussion noted the approach that some applicants chose to take to targeted consultation.
Design update: Warcop	The potential of the scheme to impact on both the AONB and Special Area of Conservation (SAC) due to different design options was discussed, with the Applicant noting that impacts on Functionally Linked Land (associated tributaries with the SAC) would be assessed through a HRA. The Inspectorate advised that understanding the functional link and relationships of tributaries to the integrity of the SAC was important and they understood that the Applicant intends to treat tributaries as if they were part of the SAC. If that resulted in revised and more northerly alignment, sufficient justification would need to be provided in relation to alternatives. The potential to mitigate effects as well as enhancement (e.g. mitigating existing impacts from culverting) would need to factor into these considerations.
Environmental	The Applicant noted that discussions were underway with Natural England regarding which BNG metric the scheme should use (Metric 2.0 or 3.0). The Inspectorate advised that if the Applicant was to continue with Metric 2.0, justification should be included within the submitted application documents.
Topic	Meeting date: 23 November 2021
Programme	The Applicant outlined an amended programme for submission. The Inspectorate queried whether the revised programme would provide sufficient time to complete the required activity. The Applicant stated that the decision on submission date would be informed by considerations of affordability, buildability, consentability and deliverability.

General	In respect of the amended Programme, the Inspectorate advised the Applicant to identify key risks, seek to prioritise them and work to resolve or reduce them as soon as possible before submission.
Topic	Meeting date: 7 December 2021
Pre-Commencement Requirements	The Inspectorate advised the Applicant to be clear on the language used in respect of the approach to Pre-Commencement Requirements, for example the term "commencement" and its commonly used form in the DCO.
Pre-Commencement Requirements	The Inspectorate advised that continuing to consult on detailed design developments during the course of Examination could cause confusion for consultation bodies that were trying to respond to the information before the examination whilst aware of updated information provided separately by the Applicant that was not in front of the examination.
Design update: Warcop	The Inspectorate advised the Applicant to seek reassurance from both Natural England and the Environment Agency on their proposals at Warcop before consultation.
Environmental	The Inspectorate advised the Applicant to seek agreement with Natural England on their nitrogen deposition modelling. The Inspectorate advised that engaging with the detailed habitat survey data can be helpful when looking at deposition on habitats close to the roadside.
Design update: Warcop	In respect of potential alternatives, the Inspectorate queried whether there was support for the Applicant's preferred route from the Environment Agency and Natural England and whether this might be presented as part of any consultation activity.
Consultation	The Inspectorate queried whether the individual elements of the proposed targeted consultation would be carried out simultaneously or whether each might run on its own time period. The Applicant advised they had considered the characteristics of each consultation and determined the programming accordingly.
Topic	Meeting Date: 11 January 2022
Application documents	The Inspectorate was keen to understand the approach being taken in the proposed application document "The Case for the Project ". The Inspectorate advised that there can be real value in preparing the document early in the process and seeking to clearly articulate the project and its strategic needs case. The Inspectorate advised the Applicant to give due consideration to how the schemes that form the overall project relate to the overall approach to the A66 corridor.
Application Documents	The Inspectorate strongly encouraged the Applicant to share thinking on preparation of key documents such as the draft Development Consent Order, the Explanatory Memorandum and the Statement of Reasons.
Other	The discussion noted the potential use of designated funds to deliver some proposals. The Inspectorate advised the Applicant to be absolutely clear which elements of the scheme were to be delivered through the Development Consent Order (DCO) consenting strategy and which sit

	outside of the DCO consenting strategy and would be funded through a specific route. The discussion noted the importance of not creating confusion on how the scheme was to be delivered. The Applicant would look at how other relevant projects had addressed this point.
Topic	Meeting Date: 25 January 2022
Early works	It was noted that the term 'enabling works' had now been adopted by the Applicant in respect of works that could be undertaken in advance of Development Consent. The Inspectorate enquired as to the understanding of 'engineering operations' in respect of any such works and how any likely significant environmental effects would be assessed/addressed.
Pre-Commencement Requirements	The Applicant explained that all requirements which would have traditionally been included within the Development Consent Order would be contained within an Environmental Management Plan (EMP). The Inspectorate advised the Applicant to consider how the powers for the role of such an EMP are provided through the Planning Act 2008. The Inspectorate requested sight of the draft approach or a worked-up or typical requirement example to understand more of the proposed approach.
Pre-Commencement Requirements	The Inspectorate stated that wrapping up pre-commencement requirements in the EMP would potentially require a greater amount of detailed information to be provided in the EMP to satisfy stakeholders that matters would be adequately addressed and mitigated in future. The Inspectorate noted that without full design detail at an Examination stage it may not be clear to stakeholders how and whether the right measures are being addressed by the EMP.
Application documents	The Inspectorate understood that the Applicant was taking a staged approach to the preparation of the Environmental Management Plan and remained interested in observing how the content of that document was evolving to allow it to understand how the approach could work in practice.
Topic	Meeting Date: 8 February 2022
Pre-Commencement Requirements	The potential 'self-approval' process for the 'requirements' of the Environmental Management Plan was discussed. The Applicant explained that the process was not confirmed but suggested that a potential option could be for the current consultants to act as a technical advisor to undertake independent checks as part of the detailed design and operation of the EMP. The Inspectorate queried whether this could lead to a perceived conflict of interest. The Applicant suggested that there would not be a conflict as separate Delivery Infrastructure Partners had been appointed to take on the detailed design.
Pre-Commencement Requirements	The Inspectorate queried whether there was any form of appeal against any 'self-approval' mechanism. The Applicant stated that in the current Development Consent Order decision-making process there was no recourse to appeal; the ability to use Judicial Review remains.

Environmental	The Inspectorate noted the new Joint Nature Conservation Council's air quality guidance and queried whether there were any implications for the Project.
Topic	Meeting Date: 22 February 2022
Environmental	The Inspectorate encouraged the Applicant to seek and document levels of agreement from statutory consultees in respect of submitting additional survey data post submission. This would be particularly helpful for The Inspectorate during the acceptance phase when they would be undertaking checks to determine if the Environmental Statement was adequate.
Environmental	The Inspectorate noted that often an Examining Authority would want to see full and completed trial trenching information on submission of an application (particularly in projects where heritage assets were of significance) or may well ask for such information as early in the process as possible. The Inspectorate advised that the application should incorporate sufficient information to provide a robust assessment of effects at the point of submission, it would help an Examining Authority for the application documents to set out the likely timelines for receipt of supplementary assessment material.
Pre-Commencement Requirements	The Applicant noted that discussions were on-going regarding the design options and structures at Warcop, particularly in respect of flood risk and landscape setting. The Applicant noted that they might seek to retain flexibility for design solutions in this area and that this would be addressed in the Environmental Statement by adopting a 'likely worst case scenario approach'. The Inspectorate advised that taking such an approach can increase uncertainty and were interested to understand how this would be set out in the HRA and the views of the respective SEBs. The Inspectorate advised that whilst work could be undertaken in parallel to explore options post-submission, it would be helpful to be transparent about the discussion to avoid the perception of stepping back from mitigation proposed for a worst-case scenario.
Pre-Commencement Requirements	In answer to the Inspectorate's query regarding the legal basis for the Applicant's proposed approach to containing any pre-commencement requirements in an Environmental Management Plan, the Applicant believed there was nothing in law or policy that provided a barrier to the approach. The Inspectorate was interested to 'plot the path' of a typical requirement/obligation to understand the intent of the approach as well as to understand more of the checks, balances and proportionality of the approach.
Topic	Meeting Date: 8 March 2022
Application Documents	The Inspectorate advised that if the Applicant is anticipating bringing forward additional information and documents in the pre-examination stage, it would be helpful to have a clear summary in the submitted application documents of the information that might be expected and where it would fit with the submitted documentation. The Inspectorate reiterated that the preferred position would be to submit all relevant

	documents at the point of application to avoid confusion for participants in the examination.
Climate Change	The Inspectorate noted the recent published IEMA guidance on greenhouse gasses as well as some of the topics that had been subject to further consultation at decision stage by the Secretary of State for Transport. The Inspectorate encouraged the Applicant to formalise its corporate approach to matters such as carbon but noted that it was important to understand where such an approach might translate to specific matters in respect of an individual scheme.
Environmental	The Inspectorate noted that revised traffic forecasts were due to be issued by the Department for Transport in April/May and asked if the Applicant had anticipated some of the likely issues; the Applicant indicated that it would be looking at if and how the volumes or forecasts had changed.
Application Documents	The Inspectorate noted some queries in respect of an early version of the draft Development Consent Order (DCO). The Inspectorate recognised that the version was still in draft, checking that a definition of 'commence' would be included in a further iteration of the DCO. In respect of a draft article to disapply provisions for SSSIs and permits, the Inspectorate asked if provisions had been agreed with Natural England and the Environment Agency noting that these were important conversations to progress. The Inspectorate was interested in the approach to vertical Limits of Deviation and the process for judging if any affects would be "materially worse" if this fell under a 'self-approval' mechanism.
Application Documents	The Inspectorate enquired how the Environmental Management Plan (EMP) would be secured in the Development Consent Order (by way of an article or requirement). The Applicant explained that there would be articles in the DCO that directed the Applicant to produce an EMP which must be based on the submitted EMP, and for the Applicant to comply with the EMP during the construction of the project. The Inspectorate noted that EMPs are often large documents with lots of commitments that may be difficult to interpret. The Inspectorate advised it may be helpful to provide annotated constraints plans for the contractors.
Application Documents	The Inspectorate asked about the relationship between CMMS and the EMP. The Applicant explained that the CMMS will have high level environmental objectives and the EMP is the mechanism through which the mitigation will be secured. The Inspectorate advised that clear cross-referencing throughout the documents would be helpful.
Application Documents	The Inspectorate advised the Applicant to clarify the position of intended legacy assets and planning required.
Application Documents	The Inspectorate advised the Applicant to have a clear understanding of the approach to skills and resourcing. The Applicant noted that the Case for the Project would cover this topic.
Topic	Meeting Date: 17 March 2022

Application Documents	The Inspectorate queried if the opening sections of the draft Case for the Project document had been drafted relatively early in the process and therefore whether the Applicant might be considering reviewing the document before submission. The Inspectorate encouraged the Applicant to consider, both within this particular document and consistently throughout the application documents, a clear description of the Project.
Application Documents	The Inspectorate noted that in the draft Project Development Overview Report there were references to improvements sought to the A66 route corridor from each of the schemes as well as looking to bring existing parts of the route up to standard e.g., through consistent signage. The Inspectorate advised that the Case for the Project document should articulate clearly the ambition to look at the whole route and explain the integrity of the separate schemes that constituted the project.
Application Documents	The Inspectorate encouraged the Applicant to be clear regarding the respective schemes of the project and whether/how these schemes were Nationally Significant Infrastructure Projects. The Applicant explained that the Case for the Project document would outline the benefits and opportunities of each of the various schemes in respect of matters such as transport, economic growth, social, environment and legacy benefits. This would take the form of a qualitative assessment whilst the Business Case would set out the Benefit to Cost Ratio of the scheme as a whole. The Inspectorate enquired about the role of the Local Economic Partnerships. The Applicant confirmed that this would be addressed in the relevant chapter of the document.
Application Documents	The discussion noted that the Case for the Project document would seek to provide an explanation of the strategic context set by the Road Investment Strategy, present how the project would meet its stated objectives and articulate the relationship of the project to the relevant local plans. The Inspectorate welcomed these topics.
Application Documents	The Inspectorate advised that the Applicant would need to provide robust arguments in respect of the proposed incursion into the AONB at Warcop and Bowes Bypass but noted that the road appeared to have been used as an arbitrary boundary for the AONB rather than reflecting a particular landscape sensitivity in the immediate vicinity of the road.
Topic	Meeting Date: 22 March 2022
Pre-Commencement Requirements	The Inspectorate advised the Applicant to consider use of language in the Environmental Management Plan - for example, 'requirements' has a specific definition and status within the Planning Act 2008.

Pre-Commencement Requirements	Having viewed an early draft of the Environmental Management Plan (EMP), the Inspectorate suggested the Applicant give further consideration to the proposed 'self-approval process'. The Inspectorate noted that the principle for subsequent design detail applications to seek confirmation of compliance with the relevant version EMP was different from a process whereby National Highways sought approval from itself. The Inspectorate suggested that the Applicant give due consideration to the Secretary of State approving the EMP.
Pre-Commencement Requirements	The Inspectorate advised the Applicant to consider how it will give the public access to the decision-making processes.
Topic	Meeting Date: 5 April 2022
Enabling Works	The Applicant explained that all enabling works would be included with the Development Consent Order. The Inspectorate advised that this should be up front in the materials to avoid confusion during an Examination process. The Inspectorate were keen to understand the extent and number of any enabling works and the potential timings to understand whether there might be resourcing pressures placed on stakeholders during an examination phase.
Application Documents	The Inspectorate queried whether the proposed "Project Development Overview Report" document would be a standalone document or presented as part of (as an Annexe to) the Environmental Statement. The Applicant confirmed it would be a standalone document.
Topic	Meeting Date: 21 April 2022
Environmental	With regards to IEMA Guidelines, the Inspectorate advised that it is helpful for Applicants to be clear about their consideration of the whole assessment methodology and to seek to explain if there are areas where the methodology has not been applied.
Environmental	The Inspectorate enquired about the project's proposed approach to Biodiversity Net Gain. The Applicant set out that the Environmental Statement would discuss the required ecological mitigation and that there would be a separate statement that outlined the Applicant's approach to Biodiversity Net Gain. It was agreed that Biodiversity Net Gain is not a legal requirement at this time and therefore any net gain proposals would reflect best practice at this time.
Application Documents	The Inspectorate noted that tracking land interest correspondence and agreements using a geo-database to inform the Compulsory Acquisition Schedule would be helpful.
Topic	Meeting Date: 5 May 2022

Pre-Commencement Requirements	The Applicant explained that at the end of Examination a final version of the first iteration Environmental Management Plan (EMP) would be submitted, which would be a certified document if the Development Consent Order (DCO) was made. The DCO would have a provision in it obliging National Highways to produce a pre-Start of Works second iteration of the EMP, based on the certified first iteration. This second version would be approved by Secretary of State once the DCO had been made. The Inspectorate queried whether this proposal had been discussed with Local Authorities and Statutory Environmental Bodies.
Application Documents	The discussion noted recent correspondence from Friends of the Lake District and on behalf of Transport Action Network in respect of the consultation activity carried out on the Project (both statutory and non-statutory). It was understood that the correspondence had been copied to host authorities (Cumbria County Council and Eden District Council). The Inspectorate advised the Applicant to have a clear record of what the Local Authorities said at the time of any consultation activity in the Consultation Report and to include any explanation or justification that the Applicant believed would be relevant or necessary in the application documents.
Application Documents	The Applicant noted that following a review and update of the Construction Method and Management Statement (CMMS), it would be consolidated into Environmental Statement to avoid duplication and/or repetition. The Inspectorate advised that sufficient information must be included as part of the application documents and all points should be picked up in suitable detail.
Topic	Meeting Date: 17 May 2022
Application Documents	The Inspectorate noted in the draft Habitats Regulations Assessment that there were discrepancies between identified impacts at European sites and advised these should be clarified and the assessment should be consistent. The Applicant noted this and ensured any discrepancies would be addressed and/or explained in the assessment. In respect of the matrices at the end of the document, the Inspectorate noted that just the sites and associated impacts that were taken to appropriate assessment were included but advised that all sites should be included in the relevant matrices. The Inspectorate advised the Applicant to consider if/where cross referencing to other supporting information might be helpful, recognising that the Applicant may wish to keep cross-referencing to a minimum.

Application Documents	The Applicant noted some of the provisions of the draft Development Consent Order articles, including the relocation of Brough Hill Fair, the second iteration of the Environmental Management Plan and one that would secure the design principles, work plans and engineering section drawings which would contain a provision for departure from these permitted by the Secretary of State following consultation. The Inspectorate were keen to understand the proposed structure of the draft Development Consent Order and the evolution of the wording of these provisions alongside the narrative of the Explanatory Memorandum.
Application Documents	The Applicant noted that a separate technical paper in respect of Biodiversity Net Gain may be available to submit before the end of an Acceptance period. The Inspectorate advised against seeking to submit new information during the Acceptance period and noted that there were established mechanisms for doing so should an application proceed to Pre-Examination stage.
Topic	Meeting Date: 31 May 2022
Application Documents	Having reviewed a draft Development Consent Order (DCO) and understanding that the document was still in draft, the Inspectorate queried whether all the relevant planning authorities had been identified for the respective provisions and whether the role of the Secretary of State had been correctly identified for each relevant provision, particularly in respect of the approach to an Environment Management Plan. The Inspectorate queried the internal consistency of the proposed provisions in respect of a replacement site for Brough Hill Fair and encouraged the Applicant to identify a replacement site in order to simplify the proposed transfer of land rights.
Pre-Commencement Requirements	The Inspectorate queried whether references in a draft Development Consent Order to the term "relevant" and detailed design in respect of approved second/third iteration Environmental Management Plan (EMP), referred to the whole authorised development or a part of it. The Inspectorate queried whether, as each scheme is completed, the Environmental Management Plan would be updated. The Applicant confirmed their current intention was that there would be a second iteration EMP for each scheme.

APPENDIX A: ABBREVIATIONS

The table below lists the abbreviations referred to in the s51 Advice Library

APs	Affected Parties
AONB	Area of Outstanding Natural Beauty
BNG	Biodiversity Net Gain
CA	Compulsory Acquisition
CR	Consultation Report
CEMP	Construction Environmental Management Plan
CMMS	Construction Method and Management Statement
DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DMRB	Design Manual for Roads and Bridges
ES	Environmental Statement
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FRA	Flood Risk Assessment
HRA	Habitat Regulations Assessments
LA	Local Authority
LEMP	Landscape and Ecological Management Plan
NSIP	Nationally Significant Infrastructure Project
NPS	National Policy Statement
NNNPS	National Networks National Policy Statement
PEIR	Preliminary Environmental Impact Report
PRA	Preferred Route Announcement
RAG	Red Amber Green
RLB	Red Line Boundary
RIS	Road Investment Strategy
SAC	Special Area of Conservation
SoS	Secretary of State
SDO	Special Development Orders
SEB	Statutory Environmental Bodies
SO	Scoping Opinion
SoCC	Statement of Community Consultation
SoCG	Statements of Common Ground
SSSI	Site of Special Scientific Interest
SU	Statutory Undertaker
TA	Transport Assessment