North Yorkshire County Council

Business and Environmental Services

Executive Members

21 January 2022

NSIP A66 Northern Trans Pennine - National Highways

Report of the Assistant Director – Growth, Planning and Trading Standards

1.0 Purpose of the report

- 1.1 The purpose of the report is to set out:
 - An overview of the project.
 - The Consenting Regime
 - The County Council's involvement in the project to date
 - The County Council's working relationship with Richmondshire District Council
- 1.2 Also that the BES Executive Member for Access authorises the Corporate Director, BES to authorise the Local Impact Report, the Statement of Common Ground and further representations in response to questions from the Examining Authority on behalf of the County Council in relation to the proposal.

2.0 The Project

- 2.1 National Highways are proposing eight individual schemes along the 50 miles of the A66:
 - 1. M6 junction 40 to Kemplay Bank
 - 2. Penrith to Temple Sowerby
 - 3. Temple Sowerby to Appleby
 - 4. Appleby to Brough
 - 5. Bowes Bypass
 - 6. Cross Lanes to Rokeby
 - 7. Stephen Bank to Carkin Moor
 - 8. A1(M) junction 53 Scotch Corner
- 2.2 There are two schemes in North Yorkshire which form part of a suite of schemes across 50 miles of the A66.
- 2.3 The North Yorkshire schemes are Stephen Bank to Carkin Moor and A1(M) junction 53 Scotch Corner, which are referred to in the project as scheme 9 and scheme 11. There are actually 10 schemes in all as some of the schemes within Cumbria are broken down further for project management purposes. Any one of these schemes by themselves could be considered an NSIP in their own right.
- 2.4 The timescales have been tight throughout the process. The NSIP has been given an 'enhanced status' meaning they have been allowed by PINS to shorten the pre examination process. Whilst their timetable has slipped, the timeframe has still been quicker than normal.

3.0 The project and its need as described by the applicant

3.1 Stephen Bank to Carkin Moor

There are four miles of single carriageway on this section of the A66 in need of improving to dual carriageway to improve safety, ease congestion and provide better access for local communities. While the road is relatively straight, it rises and falls in areas, causing visibility issues and requiring HGVs (HGVs) to accelerate to navigate steep inclines.

- 3.1.1 Multiple access points present serious safety issues where vehicles attempt to join the single lane A66 at high speeds. Additionally, drivers are put in a vulnerable position when attempting to slow down and leave the A66, particularly when turning right.
- 3.1.2 The proposals would see a new dual carriageway section created between Stephen Bank and Carkin Moor Farm. The new dual carriageway will be to the north of the old A66 and the properties at Fox Hall and Mainsgill Farm. The new A66 would then rejoin the old A66 to the east of Mainsgill Farm.
- 3.1.3 Proposals
 - Widen the A66 between Stephen Bank to Carkin Moor to dual carriageway
 - Raise the new A66 as it passes through the cutting next to the Carkin Moor scheduled monument. This will help us better accommodate the retaining walls to the north and south of the new A66 and reduce any impact on the scheduled monument itself
 - Use the old A66 to the south of the new A66 route for local road access and non-motorised users. This will provide access to Dick Scott Lane, Old Dunsa Bank and Mainsgill Farm Shop
 - Provide a new underpass to the north of Dick Scott Lane to allow for access to land north of the new A66
 - Provide an overbridge to link Collier Lane to the old A66. The grade separation at Collier Lane means the new A66 will pass under Collier Lane, reducing the visual impact on the landscape
 - Create a new compact, grade-separated junction to the west of Moor Lane to provide safe and easy access to the old A66, the villages of East Layton, West Layton, Ravensworth and Mainsgill Farm Shop
 - Moor Lane will be realigned to connect to Moor Lane junction, allowing access to the new A66 and the old A66
 - The existing junction from the A66 on to Warrener Lane will be closed and removed. Traffic will join the new A66 via a link road to Moor Lane junction
- 3.2 A1(M) junction 53 Scotch Corner

A1(M) junction 53 Scotch Corner is an existing grade-separated junction on the A1(M) to the south of Darlington. The signalled roundabout junction serves the A1(M), the A66 and the A6055 and provides access to Scotch Corner Motorway Service Area.

3.2.1 The existing layout is considered to have sufficient capacity to accommodate future traffic growth. As such we will only need to provide additional lane widening on the Middleton Tyas Lane approach to the roundabout, with some revisions to the road markings on the roundabout.

- 3.2.3 These minor improvements at the A1(M) junction 53 Scotch Corner would ensure that it meets the future needs of the area for years to come and can cope with the increased capacity of the new A66 once the project has been completed.
- 3.2.4 Proposals
 - To widen the Middleton Tyas Lane approach to the A1(M) junction 53 at Scotch Corner roundabout from one lane to two lanes. This will result in better access to the roundabout at this priority approach
 - Relocate an existing footway, bus stop, signage and lighting columns onto the southern verge of Middleton Tyas Lane to accommodate the additional carriageway lane
 - Add an additional lane within the extents of the northern bridge cross section on the circulatory carriageway with amended lane road markings on either side of the bridge

4.0 The Consenting Regime

- 4.1 The project is a Nationally Significant Infrastructure Project (NSIP) due to its size and nature. The County Council has had recent experience of the NSIP regime through applications at the Drax and Eggborough Power Stations and so Members may be familiar with the process, however, a review is as follows:
- 4.2 The planning application will take the form of a Development Consent Order (DCO), which will be determined by the Secretary of State. So, whilst Richmondshire District Council will remain the relevant planning authority for the discharge of the planning requirements within the DCO, and North Yorkshire County Council is the Highways Authority and will be a consultee, the decision whether to grant permission for the development lies with the Secretary of State.
- 4.3 The Applicant is aiming to submit its application in May 2022. Once submitted an Examiner will be appointed, the County Council will register its interest in the application and the Examiner will ask for our advice on it through written submissions and verbal submission at hearings. The aim is to work with the Applicant over the coming months to have as few areas of disagreement as possible going into the examination and hopefully none by the end of the examination period.
- 4.4 We will do that using familiar methods of mitigation either by requirement in the DCO itself or through section 106 if necessary (at the time of writing this report no section 106 needs have been identified).
- 4.5 The Examination period will last for six months. The Examiner will then make a recommendation to the Secretary of State who will have a further six months to decide. The Applicant aims to have its decision in time for the Energy Capacity Auction in November 2019.

5.0 Joint Working with Richmondshire District Council and the Planning Performance Agreement (PPA)

5.1 The scheme spans different Local Authority areas, some more significantly affected than others. Cumbria and Eden are working together under a joint PPA. Cumbria County Council is the most heavily involved council in the NSIP with six main schemes taking place in their area compared to the two within North Yorkshire, one of which (Scotch Corner) is relatively minor. It includes Durham and then NYCC and Richmondshire District Council.

- 5.2 NYCC and Richmondshire DC are entering into a PPA with the applicant. The main purpose of the PPA will be to secure funding to allow for WSP to act on our behalf supporting the highways authority input. Capacity is low following the natural staff turnover and the County Council does not have the capacity to respond fully to what is essentially a highways scheme.
- 5.3 WSP have also been procured by Cumbria County Council to work on their response and we have been able to use the same team of people which has helped for continuity along the route.
- 5.4 Cumbria County Council have approached the NSIP differently to our previous experience of such schemes in that they have secured funding from the applicant to carry out independent surveys and reports for their own peace of mind, rather than relying on the applicant to carry out the surveys and develop the plans for comment. In some cases it is thought that the applicant would not have carried out the work and therefore Cumbria County Council are forcing the issue and making it part of the application prior to the examination.
- 5.5 There are a number of areas that present an opportunity for joint working with Cumbria County Council which would in turn strengthen the case for mitigation across the routes. The areas WSP have been asked to consider on behalf of the NYCC Highways Authority (and to be funded by the applicant through the PPA) are:
 - 1) Active travel corridors developing an east west link across the A66 linking key settlements/destinations
 - Detrunking developing a principals document setting out what we would/wouldn't accept. What standard we expect the road to be brought up to.
 - 3) Socio economic matters and Accommodation strategy
 - 4) Diversion routes and construction impacts
 - 5) Environmental mitigation
 - 6) Technology to support the resilience of the route e.g. cctv, VMS
 - 7) Signage strategy for the scheme
- 5.6 These areas for joint working have been agreed in principle by the applicant and WSP are developing work programmes for the applicant to agree. Those will include costs.
- 5.7 An officer working group has been established across the authorities and there is scope for a working group at Member and senior manager level which met on 03 November 2021
- 5.8 Throughout the process County Council officers will work with Richmondshire District Council to respond to the application jointly as 'The Local Authorities'. Examples of this will be to submit one Local Impact Report and to agree one Statement of Common Ground with the Applicant.
- 5.9 This approach is favorable to the applicant and the Examining Authority. This is how the County Council has worked with Selby District Council in the past. Together the two Authorities have the necessary technical specialists to respond to the application fully i.e. NYCC will respond as the Highway Authority and on ecology matters amongst others. Richmondshire District Council officers will respond as Local Planning Authority and environmental health matters such as noise and air pollution.
- 5.10 To date NYCC and RDC have attended the briefings together and have already submitted the Local Authorities' repose to the applicants scoping report and statutory consultation.

OFFICIAL - SENSITIVE

5.11 Consideration is being given to a joint local Impact Report and Statement of Common Ground with the other Local Authorities involved in the project. At this point, officers have agreed to work jointly where possible but must remain practical when considering delegation, sign off and overall agreement with the tight timeframes of an examination.

6.0 Statutory Consultation

- 6.1 The statutory consultation recently ran for six weeks ending on 05 November 2021. The County Council submitted a joint response with Richmondshire District Council. The County Council was also able to consider and support the response from Cumbria County Council
- 6.2 A key element of the consultation at the Stephen Bank to Carkin Moor site is the issue raised by the East and West Layton Parish Council. The parish council has expressed concern that access to the new all movements junction via moor lane would have an adverse impact on the area and asked that Moor Lane be closed to traffic. The highways authority provided the following clear response on that matter shown at para 6.3.
- 6.3 'In response to concerns raised by East and West Layton Parish Council about the connection and use of Moor Lane to the new all movements junction, North Yorkshire County Council consider that if Moor Lane were to be closed to traffic, this would force all residents and other road users to use Winston Cross roads to access the A66 and deny users the opportunity to use a far safer all movements interchange as proposed.'
- 6.4 Other technical matters have been raised as part of the consultation response, for example the number and maintenance arrangement of drainage attenuation ponds. There has been nothing raised by the County Council or Richmondshire District Council to suggest that an objection should be raised.
- 6.5 Technical design meetings are ongoing with the County Council covering drainage, structures and non-motorised user specific sessions.
- 6.6 Cumbria County Council and Durham County Council both raised significant design issues, which would lead to objection of the schemes in their area if not rectified. The submission of the application has been delayed until May in order to rectify those issues.

7.0 Delegation

7.1 Leading up to the submission of the application to the examiner there will be significant resource implications for the County Council hence the PPA. Once submitted the examination timetable is set, creating its own time pressure. Officers have found it helpful in the past to have agreement of documents such as the Local Impact Report and the Statement of Common Ground delegated to the Director for Business and Environmental Services.

8.0 Financial Implications

8.1 The completion of the Local Impact Report, the Statement of Common Ground and further representations in response to questions from the Examining Authority on behalf of the County Council, in relation to the proposal, will have no financial implications other than officer time. As set out above, it is intended to enter into the

PPA through which officers' professional costs will be recovered. If the PPA was not entered into, North Yorkshire County Council would still have to supply the relevant advice in terms of NYCC's view of the NSIP development but costs of doing this would not be able to be recovered.

- 8.2 In terms of discharging the requirements of the DCO that relate to the land within the administrative boundary of North Yorkshire, fees will be payable to Richmondshire District Council as the relevant planning authority for the purpose of the DCO. The County Council may also seek to agree appropriate planning obligations, in conjunction with Richmondshire District Council, to address the impacts referred to above, if considered necessary in planning terms.
- 8.3 There are no additional financial implications arising for North Yorkshire County Council.

9.0 Legal Implications

- 9.1 The County Council is a Statutory Consultee and support for the scheme is subject to agreeing the requirements in the DCO and section 106 Agreement if required.
- 9.2 The County Council will have further involvement in its role as Statutory Consultee following submission of the application and during the examinations period, including possible attendance at issue specific, and DCO public hearings.
- 9.3 The DCO and other legal documents will make reference and allow for Local Government Re-organisation in relation to any of the above points where necessary. It is note that Cumbria County Council is currently going through the LGR process as well.

10.0 Equalities

10.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. The initial Equalities Impact Assessment form is attached at Appendix A.

11.0 Environmental Impact Assessment

11.1 The Application is not a County Council Scheme. A full Environmental Statement will be prepared by the applicant and submitted as part of the application. Through the application process Local Authority officers will respond on the scoping report and the Preliminary Environmental Impact Report (PEIR) and finally the full Environmental Statement. Our response to this will form a large part of our response to the application. Initial document attached as Appendix B.

12.0. Recommendations

- 12.1 It is recommended that the contents of this report are noted and
 - a) the County Council supports this NSIP Development Consent Order application in principle, subject to agreement in relation to specific and localised matters of detail;
 - b) the Executive Member for Access authorise the Corporate Director, BES to authorise the Local Impact Report, the Statement of Common Ground and

further representations in response to questions from the Examining Authority on behalf of the County Council in relation to the proposal.

MATT O'NEILL

Assistant Director Growth, Planning and Trading Standards

Author of Report: Michael Reynolds, Senior Policy Officer (Infrastructure)

This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate	Business and Environmental Services			
Service area	Growth, Planning and Trading Standards			
Proposal being screened	A66 Northern Trans Pennine - National Highways			
Officer(s) carrying out screening	Michael Reynolds			
What are you proposing to do?	National Highways are proposing eight individual schemes along the 50 miles of the A66: 1. M6 junction 40 to Kemplay Bank 2. Penrith to Temple Sowerby 3. Temple Sowerby to Appleby 4. Appleby to Brough 5. Bowes Bypass 6. Cross Lanes to Rokeby 7. Stephen Bank to Carkin Moor 8. A1(M) junction 53 Scotch Corner There are two schemes in North Yorkshire which form part of a suite of schemes across 50 miles of the A66. The North Yorkshire schemes are Stephen Bank to Carkin Moor and A1(M) junction 53 Scotch Corner This report: (a) seeks the support in principle of the			
	County Council for the project as a Statutory Consultee (and relevant Highways Authority) and (b) asks Executive Members to authorise the Corporate Director, BES to authorise the Local Impact Report, Statement of Common Ground and further representations by the County Council.			
Why are you proposing this? What are the desired outcomes?	NYCC has a statutory role in the planning work relating to a NSIP. The county has no reason to object to the proposals and therefore is seeking authorisation to express its support in principle. The desired outcome is clarity to the Applicant and to the other parties over the county council's role and position in regard to the application, and to how items of work surrounding the application will be undertaken.			

Does the proposal involve a significant commitment or removal of resources? Please give details.	NYCC resources will be met in part by National Highways under the proposed Planning Performance Agreement.

Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <u>Equality rep</u> for advice if you are in any doubt.

Protected characteristic	Potential for a impact	dverse		Don't know/No info available	
	Yes	No			
Age		Х			
Disability		Х			
Sex		Х			
Race		Х			
Sexual orientation		Х			
Gender reassignment		Х			
Religion or belief		Х			
Pregnancy or maternity		Х			
Marriage or civil partnership		Х			
NYCC additional characteristics		•			
People in rural areas		Х			
People on a low income		Х			
Carer (unpaid family or friend)		Х			
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No				
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No				
Decision (Please tick one option)	EIA not relevant or proportionate:	x	Continue full EIA:	to	

	APPENDIX A
Reason for decision	The report asks for authorisation for technical planning work to be undertaken within a clear context. This will allow the application to be developed further, in order that a planning consent decision can be taken at some point in the future. The technical work will not of itself have any 'on the ground' impact'. Therefore, it is not considered that there will be any impact on any of the people who fall within any of the protected characteristic groups.
Signed (Assistant Director or equivalent)	Matt O'Neill
Date	23/12/2021



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:
Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Title of proposal	A66 Northern Trans Pennine - National Highways
Brief description of proposal	1.1 National Highways are proposing eight individual schemes along the 50 miles of the A66:
	 9. M6 junction 40 to Kemplay Bank 10. Penrith to Temple Sowerby 11. Temple Sowerby to Appleby 12. Appleby to Brough 13. Bowes Bypass 14. Cross Lanes to Rokeby 15. Stephen Bank to Carkin Moor 16. A1(M) junction 53 Scotch Corner

	There are two schemes in North Yorkshire which form part of a suite of schemes across 50 miles of the A66. The North Yorkshire schemes are Stephen Bank to Carkin Moor and A1(M) junction
	53 Scotch Corner, which are referred to in the project as scheme 9 and scheme 11. There are actually 10 schemes in all as some of the schemes within Cumbria are broken down further for the sake of project. Any one of these schemes by themselves could be considered an NSIP in their own right.
Directorate	Business and Environmental Services
Service area	Growth Planning and Trading Standards
Lead officer	Michael Reynolds
Names and roles of other people involved in carrying out the impact assessment	-
Date impact assessment started	21-12-2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal is put forward by National Highways. It is not an NYCC led project.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

Resource implications on the Council will be covered by the proposed Planning Performance Agreement with the Applicant

How will this proposal in the environment? N.B. There may be short negative impact and lon positive impact. Please potential impacts over t of a project and provide explanation.	t term ger term include all he lifetime	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	 Explain why will it have this effect and over what timescale? Where possible/relevant please include: Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	 Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g.	Emissions from travel					
reducing emissions from travel, increasing energy efficiencies etc.	Emissions from constructio n Emissions from					

How will this proposal in the environment? N.B. There may be short negative impact and long positive impact. Please i potential impacts over th of a project and provide explanation.	term ger term nclude all ne lifetime	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	 Explain why will it have this effect and over what timescale? Where possible/relevant please include: Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	mitigate any negative impacts.	APPENDIX B Explain how you plan to improve any positive outcomes as far as possible.
	running of buildings						
	Other						
Minimise waste: Reduce, recycle and compost e.g. use of single use plastic	,						
Reduce water consumption	n						
Minimise pollution (incluc land, water, light and noise							
Ensure resilience to the e climate change e.g. reduct risk, mitigating effects of d summers	ing flood						

						APPENDIX B
How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	ositive impact Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	 Explain why will it have this effect and over what timescale? Where possible/relevant please include: Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Enhance conservation and wildlife						
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape						
Other (please state below)						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This is not a County Council Scheme.

The Application is a Nationally Significant Infrastructure Project (NSIP).

A full Environmental Statement will be submitted as part of the application. Prior to submission the applicant will draft and consult upon the Preliminary Environmental Impact Report. (PEIR)

County Council Officers together with officers from Richmondshire District Council have and will continue to engage with the application in the following environmental areas which will include the completed project and construction impacts:

Ecology and Biodiversity Historic Landscape and Heritage Landscape Minerals and Waste Planning Air Pollution Noise Pollution Light Pollution Land Contamination Impact upon the highway Drainage and water impact Wider climate change impact Socio Economic Impacts

To date the County Council has submitted a joint response to the applicants scoping report and been engaged in technical meetings on some of the above topic areas.

Following assessment of the application when it has been received the County Council officers will seek to impact the application through:

Change of the application itself

Development Consent Order requirements Mitigation through S106 agreement

Sign off section

This climate change impact assessment was completed by:

Name	Michael Reynolds	
Job title	Senior Policy Officer (Infrastructure)	
Service area	Growth Planning and Trading Standards	
Directorate	Business and Environmental Services	
Signature	M Reynolds	
Completion date	21 December 2021	

Authorised by relevant Assistant Director (signature): Matt O'Neill

Date: 07-01-2022