

COUNTY COUNCIL LOCAL COMMITTEE FOR EDEN

Meeting date: 30 September 2021

From: Angela Jones – Executive Director – Economy & Infrastructure

CUMBRIA COUNTY COUNCIL'S RESPONSE TO NATIONAL HIGHWAYS' STATUTORY CONSULTATION (PRE-DCO SUBMISSION) A66 NORTHERN TRANS PENNINE PROJECT

1.0 EXECUTIVE SUMMARY

- 1.1 National Highways' (NH) (formerly Highways England) A66 Northern Trans-Pennine Project (A66 NTP) project involves the improvement of the A66 between J40 of the M6 at Penrith and J53 of the A1(M) at Scotch Corner, which is around 49.5 miles. The aim is to have the entire route as a dual carriageway, which at present still has more than 18 miles of single carriageway sections.
- 1.2 This project is a Nationally Significant Infrastructure Project (NSIP) which will be considered through the Development Consent Order (DCO) regime as prescribed by the 2008 Planning Act. The Examining Authority, appointed by the Planning Inspectorate (PINS) will examine the DCO and the decision will be taken by the Secretary for State. Whilst Cumbria County Council (the Council) is not the determining authority, it is a host authority and consultee for the project and as such has a specific role under the DCO regime.
- 1.3 NH is carrying out a public consultation on the A66 NTP from 24th September to 6th November 2021. This is a statutory consultation with the public and local authorities and is the main opportunity to comment on the A66 NTP project before the DCO application is submitted to the Examining Authority. Submission of the DCO is currently scheduled for Spring 2022.
- 1.4 The Council's Cabinet will consider the draft summary response to the consultation on 21st October 2021 and will be recommended to delegate authority to the Executive Director, in consultation with the Leader of the Council, Deputy Leader and portfolio holders for Highways and Transport, and Environment, to agree the full technical response prior to submission. This report provides Eden Local Committee with some background to the scheme and to invite members of Eden Local Committee to raise comments to inform the Council's response. An extract of the minutes from this Eden Local Committee will be included within the Cabinet Report.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 The Council is seeking to influence NH's A66 NTP project to ensure that the best possible outcome for Cumbria is achieved, such as improved junction safety and legibility, improved infrastructure for non-motorised users and HGV drivers, smarter technology to bolster resilience, whilst ensuring there is no loss of connectivity for local communities and businesses. If delivered successfully (and with the issues addressed and appropriate mitigation measures in place), the A66 NTP project will positively contribute to the delivery of the Council Plan's (2018-2022) stated outcomes; People in Cumbria are Healthy and Safe, Places in Cumbria are well connected and thriving, and the Economy in Cumbria is growing and benefits everyone.
- 2.2 Maintaining and improving road infrastructure is important to enhance road safety and to enable people to access work, learning and business opportunities to fulfil their ambitions.
- 2.3 The Council has advised NH that a Health Impact Assessment needs to be prepared. Any adverse impacts of the A66 NTP project which are identified should be subject to mitigation measures which the Council will address through the DCO process.

3.0 RECOMMENDATION

- 3.1 Eden Local Committee notes the summary of issues outlined at paragraph 4.7 of this report and provides further comments to inform the Council's response, which will be considered by Cabinet on 21st October 2021.

4.0 BACKGROUND

- 4.1 The A66 NTP project covers the length of the A66 between M6 Junction 40 at Penrith and A1(M) Junction 53 at Scotch Corner. The A66 NTP project seeks to improve journey times on the A66 by dualling the remaining 18 miles of single carriageway sections on the A66.
- 4.2 As a NSIP, the A66 NTP project needs consent from the Secretary of State in a DCO. A DCO is a composite consent that avoids the requirement for several different consents for a single project. It authorises the carrying out of the development and deals with matter ancillary to the development including provisions dealing with compulsory acquisition of land and interests in land, de-trunking of the strategic highway and transfer to the local highway authority and other highways works such as side road orders, road classification, access, stopping up of public rights of way. Other provisions such as those dealing with minerals, scheduled monument consent and listed building consent, may also be included in the DCO.
- 4.3 The Council is a consultee in the DCO process and is classified as a 'host authority'. It has an important role in the process in providing a local perspective and influencing the preparation of the DCO.
- 4.4 The Council has engaged with NH through the course of the pre-application stage of the DCO process. The Council has sought to ensure that NH

considers the likely impacts of the A66 NTP and develops solutions for mitigation.

4.5 The A66 NTP project (the subject of this consultation) includes the following elements

- Upgrading of the A66 between M6 J40 Penrith and A1(M) J53 at Scotch Corner to dual carriageway standard over its entire length; and
- Junction upgrades at the M6 J40 Penrith, Kemplay Bank roundabout and at A1(M) J53 at Scotch Corner.

4.6 NH is carrying out a public consultation on the A66 NTP from 24 September 2021 to 6 November 2021. This is a statutory consultation with designated local authorities and the public under sections 42 and 47 of the Planning Act 2008 and is the main opportunity to comment on the A66 NTP project before the DCO application is submitted to the Examining Authority. Submission of the DCO is currently scheduled for Spring 2022.

4.7 Whilst the scheme will bring significant improvements in connectivity, within and to the county, together with the associated economic benefits, there will be a number of impacts associated with the investment that will need to be mitigated. These will include but not be limited to:

- Cycling, walking and equestrian connectivity should be delivered as part of the scheme in line with national and local policy guidance, and there is potential to utilise parts of the “old A66” to form part of a new east-west walking and cycling network
- There should be no loss of North-South connectivity (severance) as a result of the Scheme.
- The condition of proposed de-trunked sections of the A66 needs to be provided at an acceptable standard to CCC prior to adoption. CCC will engage with NH and the adjoining host authorities to develop a de-trunking principles document.
- There are concerns that the existing J40 capacity issues will not be addressed by the Project.
- The proposed junction arrangement and accessibility at Kemplay Bank is important for the blue light services. Alongside this, NH will need to consider how the speed limit (50mph) along this section of Kemplay Bank can be enforced and how cycling and walking connectivity can be improved.
- Vertical alignment at the proposed Skirsgill depot access would need to be investigated to determine suitability for future use (particularly HGVs).
- NH needs to explore opportunities for partnership working at Warcop to manage local drainage/flooding issues.
- There are opportunities to utilise digital technology across the A66 to improve the resilience of the route, specifically in relation to adverse weather/flooding and accident alerts.
- There are opportunities for further environmental mitigation to be provided across the scheme, with betterments focused on supporting decarbonisation and ecological diversity.

- Further work is required by NH to fully understand the impacts on communities and the local network during construction. In particular, the suitability of diversion routes, rat running and the need for closures of the A66.
- The scheme should not negatively impact on Appleby fair, and should encourage further improvements on the local network to discourage the use of the A66 by the travelling community.
- There is a need to understand the potential impacts on traffic flows and parking in Penrith as a result of the scheme (including during construction), and appropriate mitigation will need to be explored.
- NH should seek to maximise the economic benefits resulting from the scheme, including using the local supply chain, jobs/apprenticeship opportunities, using the local Higher Education institutions to deliver courses and identifying opportunities to derive legacy benefits and social value.
- The construction works should aim to be delivered as carbon neutral.
- There is a need to develop an accommodation strategy principles document to ensure that the workforce accommodation is suitable and can result in legacy benefits.

4.8 The various stages for Council's responses to the DCO process are outlined below:

DCO Stage	Timescales	Response/ Deliverables
Pre- Application	Sept - Oct 21	Section 42 Statutory Consultation including the Preliminary Environmental Information Report and Local Traffic Report
Acceptance & Pre-examination	Anticipated Mar– Jun 22	Adequacy of Consultation; Relevant Representations; Statement of Common Ground; Local Impact Report; Draft S106
Examination	Anticipated Jun 22- Dec 22	Responding to Representations; Attendance at Hearings

4.9 Following submission of the DCO, PINS will have 28 days to confirm their acceptance of the application. Within this period, the Council will have 14 days to submit comments on the Adequacy of Consultation. Once the application had been accepted, the Council will be asked to submit relevant representation within the next 28 days. To inform the Examination, the Council will also be invited to submit a Local Impact Report (LIR). The LIR sets out the Council's view on how the A66 NTP will affect the local area and its principal purpose is to highlight the potential impacts of the proposal with the benefit of local knowledge. The Council will submit written representation to the Examining Authority and participate in oral examination hearings, when invited to do so.

4.10 The above are NH's anticipated dates and the programme for receipt of the aforementioned documents has not been confirmed. There is delegated authority for the Executive Director, in consultation with the Leader, Deputy

Leader and relevant portfolio members, to agree responses to the above documents, prior to submission.

5 OPTIONS CONSIDERED AND RISKS IDENTIFIED

Option (a)

- 5.1 Do Nothing. The Council could choose not to respond to NH's consultation, however, it would not be fulfilling its obligation as a consultee. In addition, the Council would miss the opportunity to influence the development of the A66 NTP project and secure the best outcome for Cumbria.

Option (b)

- 5.2 Respond to the consultation. This ensures that the Council fulfils its responsibilities as a consultee and will maximise the opportunity to influence the project.

Risks

- 5.3 The main risks for this project are:
- Lack of staff resources to respond appropriately to the public consultation – The scale of the A66 NTP project and volume of consultation documents provides limited time for officers to review and provide a formal response to NH. This has been mitigated against by the Council entering into a Planning Performance Agreement (PPA) with NH, which has ensured that the Council is adequately resourced and can respond effectively to the consultation with the support of consultants, WSP.
 - Inability to secure appropriate mitigation for the impacts of this project – This is being mitigated through use of external support funded through the PPA to ensure NH proposals can be properly assessed and mitigation identified and considered by NH and the Examining Authority.

6. RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 There are no financial implications for the Local Committee arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 In responding to the consultation, the Council would be exercising its statutory right to do so under the Planning Act 2008.

8. CONCLUSION

- 8.1 The A66 NTP project seeks to improve journey times on the A66 by dualling the remaining 18 miles of single carriageway sections on the A66. The County Council is a consultee in the DCO process and is classified as a 'host authority' and has an important role in the process in providing a local perspective and influencing the preparation of the DCO.

- 8.2 Paragraph 4.7 of this report provides a summary of the Council's draft response. It is recommended that Eden Local Committee notes the content of paragraph 4.7 and provides further comments to inform the County Council's response.

Angela Jones
Executive Director – Economy & Infrastructure

21 September 2021

APPENDICES

No Appendices

Electoral Division(s):

- Penrith Rural
- Penrith West
- Penrith East
- Alston And East Fellside
- Eden Lakes
- Appleby
- Kirkby Stephen

Executive Decision	<input type="checkbox"/> Yes
Key Decision	<input type="checkbox"/> Yes
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/> Yes
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/> No
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/> No
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="checkbox"/> No
Has an environmental or sustainability impact assessment been undertaken?	<input type="checkbox"/> No
Has an equality impact assessment been undertaken?	<input type="checkbox"/> No

N.B. If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and necessary approvals have been obtained.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

No previous relevant decisions

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny

BACKGROUND PAPERS

No background papers.

REPORT AUTHOR

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