



Department for Transport

Department for Transport
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7 January 2026

National Highways
9th Floor
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M1 2WD

Dear [REDACTED],

PLANNING ACT 2008

A66 NORTHERN TRANS-PENNINE DEVELOPMENT CONSENT ORDER - ARTICLE 53 POST CONSENT DETERMINATION

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to the second iteration Environmental Management Plan ("EMP") 2.2 applications by National Highways Limited ("the Applicant") made on 17 April 2025 for EMP 2.2c seeking consent to approve as provided within article 53 of the A66 Northern Trans Pennine Project Development Consent Order 2024 ("the authorised development").
2. This decision was delegated by the Secretary of State to the Minister of State, Lord Hendy of Richmond Hill. While this decision has not been taken by the Secretary of State, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Minister of State acting on behalf of the Secretary of State.
3. Article 53(1) of the DCO provides that the undertaker must not commence any part of the authorised development until a second iteration EMP for that part, accompanied by a summary report, has been submitted to and approved in writing by the Secretary of State. Article 53(2) also provides that the Secretary of State must consult the relevant statutory consultees, local authorities and highway authorities on the submitted second iteration EMP.
4. The authorised development allows for the construction and operation of works to improve the A66 between the M6 Junction 40 at Penrith and the A1(M) Junction 53 at Scotch Corner. The decision letter (available on the Planning Inspectorate's website) of 7 March 2024 sets out the reasons and considerations on which the decision to grant the Development Consent Order ("DCO") is based.

5. Article 53(12) sets out that the mainline A66 must not be completed and opened for public use until a detailed blanket bog compensation and maintenance plan approved by the Secretary of State following consultation with Natural England has been implemented to the satisfaction of the Secretary of State following consultation with Natural England. The Secretary of State also notes that, article 54(5) requires that no part of the authorised development comprised in Scheme 06 is to commence until a detailed floodplain compensation scheme for that part has been submitted to and approved by the Secretary of State following consultation with the relevant planning authority and the Environment Agency.
6. As set in your email dated 17 April 2025 for EMP 2.2c seeking to submit EMP 2.2 in accordance with article 53 of the DCO, which requires a second iteration of the EMP to be submitted for approval by the Secretary of State before construction begins. Three second iteration EMPs will be submitted to the Secretary of State, covering three phases of work. Under the previous Government, the A66 dualling was identified as a 'Project Speed Path Finder' in a bid to speed up the delivery of infrastructure projects. As a result, post consent approval of the EMP has been split into three phases of work to enable construction of the scheme to begin in a timely manner. This decision letter relates to EMP 2.2 (Phase 2 works). Phase 2 comprises the environmental controls required for the following initial works on Schemes 3b, 4 and 5 2.2c:
 - Works to construct the main carriageway alignment, including and excavation/cuttings
 - Bulk earthwork movements for the construction of large embankments for the main carriageway
 - Installation of structures (bridge abutments, viaducts and bridge decks)
 - Installation of permanent operational drainage systems (including permanent ponds and drainage outfalls)
 - Installation of drainage and culverts
 - Pavement/asphalt installation

Summary of Secretary of State's Decision

7. The Secretary of State has decided under article 53(1) of the DCO to approve the EMP 2.2c. Based on the available information submitted and the responses on it from Consultees, the Secretary of State, in accordance with article 53 of the DCO, considers that the information submitted is sufficient to inform her about the works and measures required to cover works under Phase 2, as outlined above.

Consultation

8. In reaching a decision, the Secretary of State, under article 53(2), has consulted the bodies listed below and considered their responses:
 - Environment Agency ("EA")
 - Natural England

- Historic England
- Westmorland and Furness Council (“WFC”)
- North Yorkshire Council
- Durham County Council

Pre-application consultation carried out by National Highways

9. Responses were received from all of the consultees of the consultation undertaken by National Highways (sections 3.3 to 3.6 of the A66 NTP Consultation Summary Report). Copies of the consultation responses are included with this letter. Consultation carried out by the Secretary of State
10. The Secretary of State carried out a formal consultation on EMP 2.2c as required under article 53(2) of the DCO
11. The Secretary of State has considered the representations received in response to the consultation letter issued on 28 April 2025. On the 4 December 2025 the Secretary of State sought a further update from the Applicant regarding outstanding issues highlighted by WFC. No further consultations were required of the other consultees.

Consultation responses

12. On 28 May 2025 the EA confirmed most of their comments previously provided to National Highways have been actioned or resolved to their satisfaction and confirmed that the small number of matters that remained outstanding after the pre-application consultation that related to confirmation that wording in the documents had been amended or updated have been resolved based on the submitted documents. Where the small number of matters cannot be addressed until more detail design is available the EA is satisfied that the additional information that EA has asked for has been captured in the Commitments Register together with the proposed process allowing for it to review and comment on that detail. EA stated it is satisfied with the information submitted to the Secretary of State to cover the phase of work covered by EMP 2.2c, subject to the submission of the additional detail captured in the Commitments Register prior to the commencement of the relevant works.
13. EA also highlighted that in relation to works proposed for this phase of development, Environment Agency Protective Provisions as secured under Schedule 9 Part 5 of the Development Consent Order are applicable, and their prior written consent will be required for any “specified works” as identified in the order.
14. WFC highlighted in their response dated 23 May 2025, they Council were satisfied with the information submitted. WFC confirmed that they had reviewed the information shared and added final comments to the comments log in respect of any comments that were still open. The comments were in relation to Exceptions to applying PAS 2080 carbon reduction hierarchy, Governance flow diagram and water - Vehicle crossing.

15. On 4 December 2025 the Secretary of State sought further information from National Highways on matters outstanding with WFC. On the 12 December 2025 NH confirmed that some of the outstanding matters on the EMP comments registers had been closed since National Highways issued the Secretary of State submissions, and other matters are not classed as commitments as they are covered in the Register of Environmental Actions and Commitments. National Highways further explained that some of the outstanding issues cannot be closed out without procuring sub-contractors to progress the final details and this cannot be done until National Highways have issued a Notice to Proceed. WFC responded on 11 December acknowledging that not all matters requiring environmental controls and mitigation can be detailed in the environment management plans at this stage due to the need for National Highways and their delivery partners to carry out further design work, which will then inform the specific environmental management and mitigation required. WFC set out that it was essential that they are consulted by NH and given an opportunity to comment on and agree outstanding matters prior to the start of works on the relevant part of the construction. WFC understood that the commitments register will be used to inform ongoing engagement to ensure that all remaining matters are closed out to its satisfaction; WFC is comfortable with that approach. The Secretary of State noted this response and is content that plans for the future engagement between the parties is sufficient to ensure that all outstanding matters are resolved.

16. No other consultees raised any issues for consideration. The Secretary of State is content that no amendments to the submitted EMP 2.2b were required as a result of the consultation process.
17. Natural England in its response dated 28 May 2025 welcomes the production of Scheme 3b, 4 and 5's Phase 2 Environmental Management Plan 2.2c and had no further comments to make on the EMP documents provided for these schemes. It noted the production of the Commitments Register and welcomed the commitment register approval process and will assess the detailed information in Table 1-1 of the register when it becomes available.
18. Historic England in its response dated 28 May 2025 confirmed that the documents represent the agreed discussions and consultation conducted by National Highways prior to submission to the Secretary of State. It confirmed that all their concerns raised during the consultation were addressed and are reflected in the submission.
19. No other consultees raised any issues for consideration. The Secretary of State is content that no amendments to the submitted EMP 2.2c were required as a result of the consultation process.

The Secretary of State's overall conclusion and decision

20. The Secretary of State is satisfied that the EMPs have satisfied the relevant provisions in article 53 of the DCO for the A66 Northern Trans-Pennine and approves the EMP 2.2c in relation to Phase 2 works.

21. The Secretary of State has considered the consultation responses received in relation to the EMP from the relevant statutory bodies and considers that the EMP sufficiently mitigates the impacts identified within the ES and has been prepared in line with the consultation and determination provisions under article 53(6)(c) of the DCO.

Modifications

22. No modifications to the EMP 2.2c were undertaken during the consultation and approval process.
23. Copies of this letter are being sent to those organisations which were consulted on the request, as listed at the beginning of this letter. The Secretary of State would remind the Applicant of the obligations under article 53(10), of the need to establish and maintain in electronic form suitable for inspection by members of the public a register of amendments to the approved second iteration EMP. The second iteration EMP for the phase two works will be published on the project's website: [About the project - National Highways](#)

Yours sincerely,

A black rectangular redaction box covering a signature.